City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Meeting Agenda

Planning Commission

Monday, January 11, 2016 | **7:00 PM** | **Commission Chambers**

1. Call to Order

2. Public Comments

3. Public Hearing

3a. PC 15-251 Re-adoption of the Beavercreek Road Concept Plan (Planning File LE 15-03)

Sponsors: Community Development Director Tony Konkol

Attachments: Commission Report
Issues Matrix
Revised Findings for PC Jan 11.pdf
Paul Edgar Comments.pdf
ODOT Comments 12.28.2015.pdf
SFWB Letter 12.28.2015.pdf
Kosinski 12.14.2015 .pdf
All Comments and Exhibits from November 23 2015 .pdf
BRCP Summary Memo Nov 20.pdf

3b. PC 15-247 ZC 15-04: Zone Change, PZ 15-02: Amendment to the Comprehensive Plan and CP 15-02: Master Plan Amendment

Sponsors: Planner Laura Terway

Attachments: Commission Report
Revised Staff Report ZC 15-04, PZ 15-02 and CP 15-02 Staff Report
Exhibit 1: Vicinity Map
Exhibit 2: Application
Exhibit 2: Proposed Master Plan
Exhibit 2: Site Plan
Exhibit 2: Vicinity Map
Exhibit 2: Tax Lots
Exhibit 2: Natural Resources and Topography
Exhibit 2: Lighting Plan
Exhibit 2: Circulation, Access and Parking
Exhibit 2: Landscape Area

Exhibit 2: Signed Land Use Application Form Final

Exhibit 2: Vicinity Map_Final_8.5x11 B&W

Exhibit 2: Appendix A 2012 Master Plan Transportation Impact Analysis

Exhibit 2: Appendix B 2012 Civil Engineering Narratives

Exhibit 2: Appendix C 2015 Transportation Impact Analysis for Zone Change

Exhibit 2: Appendix D 2012 Notice of Decision and Conditions of Approval

Exhibit 2: Appendix E Photos of Existing Conditions

Exhibit 2: Appendix F Neighborhood Meeting Documentation

Exhibit 2: Appendix G Pre-Application Notes

Exhibit 2: Additional Information Submitted by the Applicant

Exhibit 2: Tax Lot 32E32AA - 400

Exhibit 2: Tax Lot 22E32AB - 16

Exhibit 2: Tax Lot 22E32AC - 101,201 & 7200

Exhibit 2: Supplemental Findings for Statewide Planning Goals

Exhibit 3: Comments from John Replinger of Replinger and Associates, City Consultant

Exhibit 4: Comments from Wes Rodgers, Director of Operations at the Oregon City School District

Exhibit 5: Comments from Alex Bursheim, Early Head Start Family Coach for the Clackamas County Children's Commission

Exhibit 6: Comments from Craig and Tiffany Gillespie

Exhibit 7: Comments from Grant O'Connell with TriMet

Exhibit 8: Comments from Mike Roberts, Building Official for the City of Oregon City

Exhibit 9: Staff Report for Master Plan file CP 11-01 with Excerpt Exhibits

Exhibit 10. Information submitted at the November 9, 2015 Planning Commission Hearing

Exhibit 10. Video of the November 9, 2015 Planning Commission Hearing

Exhibit 11. Housing Technical Report (2002)

3c. PC 15-248 ZC 15-03: Zone Change and PZ 15-01: Comprehensive Plan Amendment

Sponsors: Planner Laura Terway

Attachments: Commission Report

Revised ZC 15-03 and PZ 15-01 Staff Report

Exhibit 1: Vicinity Map

Exhibit 2: Application Form

Exhibit 2: Applicants Narrative

Exhibit 2: Supplemental Narrative

Exhibit 2: Additional Information from the Applicant

Exhibit 2: Rezoning Area

Exhibit 2: Lot Concept Plan

Exhibit 2: Example Structures on a Lot

Exhibit 2: Present Comprehensive Plan Designations

Exhibit 2: Present Zoning

Exhibit 2: TPR Analysis

Exhibit 2: Trip Cap Analysis

Exhibit 2: Trip Cap Memorandum

Exhibit 2: Neighborhood Meeting

Exhibit 2: Geologic Hazards Memorandum

Exhibit 2: Property Trios

Exhibit 2: Information which has Since been Revised

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

4. Communications

5. Adjournment

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

- *Complete a Comment Card prior to the meeting and submit it to the staff member.*
- *When the Chair calls your name, proceed to the speaker table and state your name and city of residence into the microphone.*
- *Each speaker is given 3 minutes to speak. To assist in tracking your speaking time, refer to the timer at the dais.*
- *As a general practice, Oregon City Officers do not engage in discussion with those making comments.*

Agenda Posted at City Hall, Pioneer Community Center, Library, and City Web site(oregon-city.legistar.com).
Video Streaming & Broadcasts: The meeting is streamed live on Oregon City's Web site at www.orcity.org and is available on demand following the meeting.
ADA: City Hall is wheelchair accessible with entry ramps and handicapped parking located on the east side of the building. Hearing devices may be requested from the City staff member prior to the meeting. Disabled individuals requiring other assistance must make their request known 48 hours preceding the

meeting by contacting the City Recorder's Office at 503-657-0891.

City of Oregon City

625 Center Street
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Staff Report

File Number: PC 15-251

Agenda Date: 1/11/2016

Status: Agenda Ready

To: Planning Commission

Agenda #: 3a.

From: Community Development Director Tony Konkol

File Type: Planning Item

SUBJECT:
Re-adoption of the Beavercreek Road Concept Plan (Planning File LE 15-03)

RECOMMENDED ACTION (Motion):
Staff recommends that the Planning Commission approve the Beavercreek Road Concept Plan - Planning File LE-15-03 - based on the revised record and findings, and forward their recommendation to the City Commission.

BACKGROUND:
This hearing was continued from December 14, 2015.

Staff has prepared an issues matrix and revised findings which respond to public testimony and requests for information from the Planning Commission hearing on November 23, 2015. The exhibits entered into the record at the November 23 hearing are attached.

Additionally, a letter is attached from Oregon Department of Transportation which does not object to the plan adoption. Staff will explain the letter in further detail at the hearing.

Letters from South Fork Water Board regarding water avaialbility and from Clackamas County planning staff regarding historic resources are also attached and entered into the record.

The City Commission remanded the Beavercreek Road Concept Plan to the Planning Commission with direction to re-open the record for the limited purpose of addressing the protection of the Title 4 lands, inserting the recently implemented transportation system plan and public utility plans, identifying transportation improvements and addressing police and fire services.

Please see attached recommended findings for adoption of the Beavercreek Road Concept Plan. Additionally, please find attached a Summary Memo from the City Attorney, the concept plan, title 4 maps, staff's latest powerpoint presentation to the Planning Commission, and letters from Clackamas Fire District #1, Oregon City Police Department and Oregon City School District. The complete record is available by contacting the Planning Division.

The Beavercreek Road Concept Plan was adopted by the City Commission in September, 2007 and was subsequently appealed to the Land Use Board of Appeals and remanded to the City in August, 2008. In December of 2010 the Metro Council adopted Ordinance 10-1244B,

which reduced the amount of land designated for industrial use in the Title 4 Employment and Industrial Areas Map to conform to the City's Beavercreek Road Concept Plan, reflecting the determination that the region had sufficient employment capacity for the next 20 years. Due to various other legal challenges involving the regional UGB expansions, re-adoption of the plan was further delayed until 2015.

While the appeals process was on-going, several legislative updates to the City's public facilities plans, including sewer, stormwater, water and transportation system plans were adopted which refine much of the public facilities planning for the area within the Beavercreek Road Concept Plan. A summary of this information along with updated cost estimates for public facilities is included in the recommended findings.

The Concept Plan was created with the assistance of a 15-member Citizen Advisory Committee and 9-member Technical Advisory Committee. The recommended plan was reviewed during several public hearings before the Planning Commission and City Commission prior to final adoption in September, 2007.

To provide public information on the proposed plan re-adoption, planning staff has held work sessions with the Planning Commission and City Commission, and presented the plan to the Transportation Advisory Committee, Natural Resources Committee, Parks and Recreation Advisory Committee, Citizen Involvement Committee, Caufield Neighborhood Association and the Hamlet of Beavercreek.

The project website, which includes a link to the complete LUBA appeal record, is at <http://www.orcity.org/planning/landusecase/le-15-0003-re-adoption-beavercreek-road-concept-plan.>

City of Oregon City

625 Center Street
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Staff Report

File Number: PC 15-229

Agenda Date: 11/23/2015

Status: Agenda Ready

To: Planning Commission

Agenda #: 2a.

From: Community Development Director Tony Konkol

File Type: Planning Item

SUBJECT:
File LE-15-0003: Re-adoption of the Beavercreek Road Concept Plan.

RECOMMENDED ACTION (Motion):
Staff recommends that the Planning Commission provide approval of the Beavercreek Road Concept Plan, file LE-15-0003. Should the Planning Commission determine that additional information is required from staff, the Planning Commission should leave the public hearing open and continue the hearing to the December 14, 2015 Planning Commission date.

BACKGROUND:
Please see attached recommended findings for adoption of the Beavercreek Road Concept Plan. Additionally, please find attached the concept plan, title 4 maps, staff's latest powerpoint presentation to the City Commission, and letters from Clackamas Fire District #1, Oregon City Police Department and Oregon City School District.

This is the first evidentiary public hearing.

The Beavercreek Road Concept Plan was adopted by the City Commission in September, 2007 and was subsequently appealed to the Land Use Board of Appeals and remanded to the City in August, 2008. In December of 2010 the Metro Council adopted Ordinance 10-1244B, which reduced the amount of land designated for industrial use in the Title 4 Employment and Industrial Areas Map to conform to the City's Beavercreek Road Concept Plan, reflecting the determination that the region had sufficient employment capacity for the next 20 years. Due to various other legal challenges involving the regional UGB expansions, re-adoption of the plan was further delayed until 2015.

While the appeals process was on-going, several legislative updates to the City's public facilities plans, including sewer, stormwater, water and transportation system plans were adopted which refine much of the public facilities planning for the area within the Beavercreek Road Concept Plan. A summary of this information along with updated cost estimates for public facilities is included in the recommended findings.

The Concept Plan was created with the assistance of a 15-member Citizen Advisory Committee and 9-member Technical Advisory Committee. The recommended plan was reviewed during several public hearings before the Planning Commission and City Commission prior to final adoption in September, 2007.

The City applied for an extension to complete the Title 11 planning requirements for the concept plan area, which was approved by Metro and extended to June 30, 2014. The LUBA appeal raised numerous issues, including an inconsistency between the concept plan and Metro's Title 4 map, inadequate protection of industrial lands, deficiencies in the transportation infrastructure and other service inadequacies. After reviewing the issues raised, staff recommended that the City Commission remand the concept plan to the Planning Commission and re-open the record for the limited purpose of addressing the protection of the Title 4 lands, inserting the recently implemented transportation system plan and capital improvement plan identifying transportation improvements and addressing police and fire services.

To provide public information on the proposed plan re-adoption, planning staff has held worksessions with the Planning Commission and City Commission, and presented the plan to the Transportation Advisory Committee, Natural Resources Committeem, Parks and Recreation Advisory Committee, Citizen Involvement Committeee, Caufield Neighborhood Association and the Hamlet of Beavercreek.

A copy of the draft plan, Metro Title 4 map decision, and the powerpoint presentation for the November 10, 2015 City Commission worksession are attached for reference. The project website, which includes a link to the complete LUBA appeal record, is <http://www.orcity.org/planning/landusecase/le-15-0003-re-adoption-beavercreek-road-concept-plan.>

Planning Commission Issues Addressed - Public Hearing for Adoption of Beavercreek Road Concept Plan - L 15-03

This matrix responds to issues raised at the November 23, 2015 Planning Commission Hearing. For video go to http://oregon-city.granicus.com/MediaPlayer.php?view_id=2&clip_id=1541 – BRCP is first item on agenda.

Issue	Specific Concerns	Finding Page Ref#.	Response	Recommendation	Issue Addressed?
Citizen Concerns					
Job Creation	• Cottage Industries – Reconsideration of Greater Cottage Manufacturing in residential zones • Live / Work • Home Occupations	Page 11	• Adoption of the BRCP does not preclude the provision of cottage manufacturing or a greater variety of home occupations.	• Recommendation can be included as part of implementing zoning.	
Goal 1 – Citizen Involvement	• CIC not representative of citizens • 2 seats on CAC were unfilled by citizens, instead "filled by developers and officials". • Goal 1 violation since over 10 years ago. • Claim of "Strong Public Opposition to Plan".	Pages 4, 8 and 13	• CAC membership Roster indicates several county residents including Elizabeth Graser-Lindsey and Bob Nelson from outside the concept plan area • The record indicates good CAC audience participation from county and city residents • CAC meeting summaries show strong input from county residents – these meeting summaries are in the record. • A wide group of stakeholders included: o Property owners within the study area. o Oregon City High School and Clackamas Community College. o Neighbors, including those in the Caufield Neighborhood Association, Beavercreek Community Planning Organization (CPO), and other adjacent areas. o Service providers such as fire district, TriMet, utilities, school district, and parks district. • Outreach and response from citizen groups regarding the plan re-adoption has been largely positive and supportive	• Continue to seek public input and provide public outreach post-adoption to address implementation of the plan regarding zoning, alternative mobility targets, green building and other core values identified by the CAC during the plan process. • Refer back to these issues during subsequent land use processes, including annexation, zoning, and development review.	
Need for Additional Industrial Land	• Oregon City needs additional industrial lands	Pages 9, 10, 18, 31-32.	• Metro Ord. 10-1244B, Uba staff report dated Ord. No. 10-1244B, explains that the 2009 Urban Growth Report found "there is adequate capacity inside the current UGB…to accommodate general employment and industrial job growth even at the high end of the employment forecast range." This report also notes a shortage of residential capacity and increasing the residential capacity within Beavercreek responds to that concern. • Market analysis done by EcoNorthwest included an inventory of available industrial and employment lands and concludes that it is not unreasonable to expect 150 acres of industrial and business park development to build out within the BRCP over a 20-year period. (Rec. 1781)	• Acknowledge Metro's revised findings regarding Title 4 lands. • Recommendation can be included as part of implementing zoning to preserve and reserve Title 4 Industrial lands	
213 / Beavercreek Congestion	• Grade Separated Interchange per ORDINANCE 92-1002 • Memorandum of Understanding	NA	• This project was taken out of TSP with subsequent updates. • TSP updated 2013 acknowledges congestion resulting from BRCP development. 2013 TSP replaced and superseded all plans for grade separated interchange. Funding roadways identified in the 2013 TSP and the BRCP will be accomplished through new development and reimbursement districts as well as through SDCs. • Alternative mobility measures, setting new standards for congestion, will be adopted before any zone changes that would allow trip generation to exceed that permitted under current zoning.	• Develop the refinement plan as discussed in the TSP and work with ODOT to draft and adopt Alternative Mobility Targets.	

OAR's regarding Air and Water Quality should apply with Statewide planning Goal 6	• City needs to address OAR 660-015-0000 (6) • Waste and Process Discharges • North Plains LUBA appeal	Page 23-24 (Stormwater) Page 24 (Solid Waste)	• All development within the BRCP will be required to comply with the City's recently amended Storm Water and Low Impact Development Storm Water Standards and these standards have been deemed to comply with the DEQ NPDES and Clean Water Act requirements. All stormwater discharge from this site will meet applicable federal and state standards. See OCMC Chapter 17.97. Goal 6 is satisfied where there is a reasonable expectation that uses will be able to comply with state and federal environmental regulations. Further, no state or federal standard directly regulates air quality in the Beavercreek area.	• None. Acknowledged land use regulations and public works standards are in place and on-going.	
Landslide risk and Goal 7	• Oregon City should lobby state and federal government to provide landslide insurance. • The city should regulate slopes at 15% or greater rather than slopes greater than 25%. • Amend TSP to remove Holly Lane	Pages 16-17	• The City has no control over insurance coverage issues and no statewide planning goal, comprehensive plan policy or local code provisions that requires consideration of insurance issues. • Amendments to OCMC 17.44 to regulate steep slopes differently or to exclude projects from the City's TSP are beyond the scope of BRCP re-adoption decision.	• None. Policies are in place and on-going.	
Water Shortages During Drought	• Water Supply Pressure • CRW district serving area violates WMP • CRW letter to Clackamas Board of Commissioners	Pages 22-23	• See attached letter from SFWB regarding water supply • Adequate water facilities and services can be made available concurrent with development. • Water facilities shall supply adequate water pressure in compliance with Oregon City's Water Distribution System Design Standards for fire flow protection and domestic water service. • CRW / Oregon City have joint service agreements to serve certain areas within the city, this does not violate WMP. As development occurs in these areas, the City's water distribution system is extended and CRW withdraws from serving these areas and transfers service to the City. • Water service to the development shall be from the City of Oregon City's water distribution system from a proposed new City pipeline in Beavercreek Road.	• The City will continue to work with CRW and SFWB to encourage water conservation methods by water users in accordance with regionally adopted Water Management Conservation Plans: See – also • http://www.orcity.org/publicworks/public-education-and-oregon-citys-water-quality-program • http://www.crwater.com/conservation/ • http://www.sfwb.org/index.php/conservation	
Reservoir Costs	• Funding mechanism for water reservoirs have not been identified	Page 22	• Funding improvements, including reservoirs, have been identified in the water master plan necessary to serve Beavercreek including SDCs, development funded improvements and reimbursement districts. • Continue to explore funding alternatives as development proposals come forward and become further refined • Continue to plan and budget for construction of WMP capital improvements, including the capital improvements listed for future BRCP development utilizing funding mechanisms identified for development such as SDCs.	• None. Policies are in place and on-going.	
Sewer System Capacity and Connections	• Cross-Basin Connections • Sewer – Bolted Down Manholes – Claims of "Frequent Sewer Backups" • "No funding to fix sewer" • Cross-Basin connection violates WMP	Page 20	• *SSMP, Appendix I: Glen Oak Road Analysis, Section 4:* Conclusion and Recommendations, provides for an overall recommendation to convey flows from the Beavercreek Road Concept Plan Area through a new sewer extension constructed in Beavercreek Road. This analysis also provides routing scenarios to convey a portion of the BRCP area flows to another basin as an interim alternative until the new Beavercreek Road sewer is constructed. Therefore the cross-basin connection previously approved does not violate the SSMP and that decision is not before the City.	• None. Policies are in place and on-going.	

BEFORE THE CITY COMMISSION

In the Matter of	)	
Adoption of the	)	Findings of Fact
Beavercreek Road Concept Plan	)	
ON REMAND	)	
File No. LE-15-0003	)	

I. INTRODUCTION

This matter comes before the City Commission (Commission) of Oregon City to approve the Beavercreek Road Concept Plan on remand.

After a review of the facts, including the Metro Ordinance 10-1244B and the City's recently adopted transportation and utility master plans, the City Commission finds that the applicable decision-making criteria are satisfied. Therefore, the City Commission APPROVES the above-referenced plan amendments. Unless otherwise provided for, these plan amendments shall take effect on Jan 1, 2017 or upon adoption of zoning regulations implementing these plan amendments, whichever comes first.

The Commission summarized the benefits of this plan in 2008 as follows:

The Beavercreek Road Concept Plan (BRCP) is a guide to the creation of a complete and sustainable community in southeast Oregon City.[1] The concept plan includes 453-acres located along the east side of Beavercreek Road from Old Acres Lane, north to Thayer Road. The majority of the site (245 acres) was added to the UGB in December of 2002 and an additional 63 acres were added in 2004. The remaining acreage was in the UGB and/or Oregon City limits prior to 2002. During the update of the Oregon City Comprehensive Plan in 2003, Policy 2.6.8 was adopted acknowledging the jobs-related importance of the site to Oregon City and the region, while also allowing flexibility in the project area's land use. Comprehensive Plan policy 2.6.8 states:

> *Require lands east of Clackamas Community College that are designated as Future Urban Holding to be the subject of concept plans, which is approved as an amendment to the Comprehensive Plan, would guide zoning designations. The majority of these lands should be designated in a manner that encouraged family-wage jobs in order to generate new jobs and move towards meeting the City's employment goals.*

The BRCP furthers this end by creating an area where residents can work, as well as live by providing a diverse mix of uses (an employment campus north of Loder Road, mixed use districts along Beavercreek Road, and two mixed use neighborhoods) all woven together by open space, trails, a network of green streets and sustainable development practices - all attributes necessary to provide a successful family-wage employment area. Transit-oriented land uses will be strategically located to increase the feasibility of transit service in the future. Specifically, the

[1] Please see bottom of page 8 for further explanation and also LUBA Record No. 2008-170, PP 1837-1862. The overall vision for the concept plan is to create "A Complete and Sustainable Community". The Citizen Advisory Committee - Sustainability Focus Group utilized the definition of sustainability originally developed by the United Nations Brundtland Commission: "A sustainable society meets that needs of the present without sacrificing the ability of future generations to meet their own needs".

Mixed Employment Village, Main Street and Mixed Use Neighborhoods will be walkable and transit supportive through their proximity to Beavercreek Road, CCC and the High School. The plan has been carefully crafted to create a multi-use community with a mix of transit-oriented land uses that has synergistic relationships with Clackamas Community College, Oregon City High School and adjacent neighborhoods.

II. FACTS

A. Concept Plan History

In September, 2008, the Oregon City Commission adopted Ordinance No. 07-1008 adopting the Beavercreek Concept Plan (BRCP) and its ancillary documents to the Oregon City Comprehensive Plan. The decision was subsequently appealed to the Land Use Board of Appeals (LUBA), LUBA No. 2008-170. Although a wide-ranging series of arguments were presented before LUBA, they largely focused on whether the BRCP was consistent with Metro Code provisions relating to the designation of significant industrial lands, whether the Metro Code and comprehensive plan policies relating to utility and facility adequacy were satisfied, and lack of adequate citizen participation in the process. In August, 2009, LUBA found that the BRCP designation of approximately 74 acres out of the total 308 acres that were designated by the Metro Code for an Industrial design type uses required remand. LUBA did not respond to any of the other arguments.

In December 2010, Metro adopted Ordinance No. 10-1244B that, in addition to expanding the urban growth boundary in portions of Washington County, it amended the Title 4 Industrial and Other Employment Areas Map to show changes to design-type designations to conform to new comprehensive plan designations by cities and to needs identified in the 2009 Urban Growth Report. See Attachment 3, Gerry Uba staff report. Metro's decision was acknowledged by the Land Conservation and Development Commission in LCDC Approval Order 12-UGB-001826. The decision was then appealed to the Oregon Court of Appeals by the same petitioner who challenged adoption of the BRCP as well as others who opposed the UGB expansion. Resolution of the case was stayed pending resolution of the case considering Metro-area urban and rural reserves entitled *Barkers Five v. LCDC.* In February, 2014, the court remanded LCDC's decision in the *Barkers Five* case. The legislature responded by enacting House Bill (HB) 4078 (2014) (Or Laws 2014, ch 92), making numerous amendments to ORS chapter 197 and validating Metro's adoption of Ordinance No. 10-1244B. In August 2014, the Oregon Court of Appeals dismissed all challenges relating to Ordinance No. 10-1244B, finding that the amendment to state law established the UGB for Clackamas County as well and therefore, all of the challenges were moot.

B. BRCP Acreage at a Glance

The following table illustrates the estimated gross and net acreage within the BRCP area for the respective land use areas in the BRCP, organized by UGB expansion date. These acreages are based on a GIS analysis of the adopted hybrid plan using polygons, and should be considered approximate.

	Pre 2002 UGB		**2002 UGB**		**2004 UGB**		
BRCP Land Use Designations	Gross Acres	Net Acres	Gross Acres	Net Acres	Gross Acres	Net Acres	Total Acres
North Employment Campus (Industrial)	51.43	39.36	121.81	75.14			173.24
Mixed Employment Village	11.88	11.88	14.45	14.39			26.33
Mixed Used Neighborhood (East + West)	49.46	46.68	21.64	21.28	30.79	30.79	101.89
Resource and Natural Areas (Low Imp + Natural)	1.04	1.04	57.29	15.18	29.17	17.66	87.50
Main Street	7.00	7.00	3.18	3.12			10.18
Right of Way	29.26	25.96	24.84	20.09	4.18	4.18	58.40
BRCP Total Acres	**150.08**	131.92	**243.21**	149.21	**64.13**	52.63	**457.54**
Metro Title 4 Industrial Land	59.74	46.05	160.67	77.80			**220.41**

The majority of the site (approximately 245 acres) was added to the UGB in December of 2002 and an additional approximately 63 acres were added in 2004. The remaining acreage was in the UGB and/or Oregon City limits prior to 2002. The 220.41 acres of Title 4 industrial land is estimated to yield approximately 123 acres.

III. The Process and Applicable Approval Standards

The City of Oregon City proposes to re-adopt the BRCP without any amendment. New BRCP comprehensive plan map designations and development code and zone changes are not proposed at this time. The BRCP policies will not go into effect until the new BRCP comprehensive plan and zoning designations apply to specific parcels.

State law and the Oregon City Municipal Code do not specifically address the applicable procedures on remand, leaving the City Commission with considerable discretion. The City's only obligation is to address the issues on remand from LUBA. Given that LUBA did not respond to all of the issues and that the City has implemented a number of relevant utility master

plans since 2009, it makes sense to re-open the record only for the purposes raised in the arguments presented by the petitioner in the LUBA appeal. These issues can be summarized as Metro Code Title 4 requirements and public utility and service infrastructure planning requirements as discussed in greater detail below. All written and oral testimony that does not relate to these limited purposes as preserved in the LUBA case, will be rejected and not considered by the City during its review.

As for the applicable approval criteria, as a legislative decision, the fixed goal post rule, ORS 227.178(3)(a), does not apply and as a result, these findings respond to the Metro Code Title 4 and Title 11 provisions currently in place.

Adoption of the BRCP is subject to all of the applicable Statewide Planning Goals including Goal 12 – Transportation, and the State Transportation Planning Rule (OAR 660-012-0060) or TPR. Please see findings starting on Page 24 for compliance with Goal 12. In order to meet the requirements of this regulation, needed improvements and funding mechanisms have been identified for properties within the Concept Plan area that will mitigate impacts of the amendment in a manner that avoids further degradation to the performance of the transportation facilities. TPR compliance also identifies the need for the City to develop a refinement plan to draft alternative mobility targets for regional ODOT facilities that are affected by new development within the city. The proposed transportation infrastructure improvements, financing and funding estimates, identified in the Plan, along with future amendments to the Transportation System Plan and Capital Improvement Plan provide adequate basis to limit development until compliance with the Transportation Planning Rule is shown.

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

IV. Public Involvement and Public Comment

The Concept Plan was developed by a 15-member Citizen Advisory Committee (CAC) and 9-member Technical Advisory Committee (TAC). The committees met twelve times between June 2006 and July 2007. There was broad support on the CAC for the hybrid plan. In addition to the committee meetings, the public involvement process included a study area tour for CAC and TAC members, two public open houses, market focus group, sustainability focus group, employment lands coordination with Metro, Community Design Workshop, a project website, project posters, informational sign, email notice and extensive mailings to property owners and interested parties prior to each meeting and public event. Notice of the public hearing for the proposal was published in the newspaper and mailed to all Oregon City property owners on June 22, 2007, in accordance with the requirements of Measure 56. The Planning Commission took public testimony at three hearings on September 24, 2007, October 22, 2007, and November 12, 2007. In addition to reviewing all of the evidence in the record, the City Commission also took public testimony at its hearings on January 16, 2008, March 5, 2008, March 19, 2008 and April 16, 2008.

For the re-adoption, planning staff held additional meetings to provide information and receive input on the Plan process:

Planning Commission Work Session	09/28/2015

Citizen Involvement Committee	10/05/2015
Natural Resources Committee	10/14/2015
Transportation Advisory Committee	10/20/2015
Parks & Recreation Advisory Committee	10/22/2015
Caufield Neighborhood Association	10/27/2015
Hamlet of Beavercreek	10/28/2015
City Commission Work Session	11/10/2015
Planning Commission Hearing #1	11/23/2015
City Commission Hearing #1	12/02/2015

V. DECISION-MAKING CRITERIA:

A. Comprehensive Plan Criteria

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

Comprehensive Plan Maintenance and Implementation - Regular Review and Update.

Section 2 – Land Use of the 2004 Oregon City Comprehensive Plan indicates that the regular review and updated of the Comprehensive Plan should consider the following:

1. *Plan implementation process.*
2. *Adequacy of the Plan to guide land use actions, including an examination of trends.*
3. *Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.*
4. *Addition of updated factual information including that made available to the City of regional, state and federal governmental agencies.*

B. Statewide Planning Goals

Compliance with the Statewide Planning Goals is a specific requirement for changes to the Comprehensive Plan or Comprehensive Plan map. For the BRCP to be approved by DLCD it must comply with applicable statewide planning goals. The analysis below is provided for the City and the public to understand how the proposed update complies with Statewide Planning Goals.

C. Metro Title 11.

Concept Plans are regulated by Title 11 in Metro's Urban Growth Management Functional Plan. Title 11 and Concept Plans are intended to lay a foundation for urbanization of areas added to the region's Urban Growth Boundary (UGB) in a way that reasonably provides public facilities and services, offers transportation and housing choices, supports economic development, and protects natural resources. The following land use elements of Metro's Title 11 regulations governing concept planning within Metro's jurisdiction, "3.07.1120 Urban Growth Boundary Amendment Urban Reserve Plan Requirements" which generally include the following:

A. Annexation;

B. Housing density;
C. Variety of housing types;
D. Housing affordability;
E. Commercial/Industrial development;
F. Transportation;
G. Mapping;
H. Public Facilities and Services;
I. Schools;
J. Urban Growth Diagram; and
K. Plan Amendments.

IV. ANALYSIS AND FINDINGS

A. Comprehensive Plan Criteria

Comprehensive Plan Maintenance and Implementation - Regular Review and Update.

Another method of Plan maintenance and updating is a continuous technical review of the Plan by the Planning staff. This review and any subsequent recommendations for Plan updating should be presented to the Neighborhood Associations, Planning Commission and City Commission for input and discussion in the same manner as requested Plan changes. The continuous review should consider:

1. *Plan implementation process;*

Analysis: The main reason for amending the Comprehensive Plan is to adopt and implement the new BRCP in response to Metro Title 11 Requirements, and to guide appropriate comprehensive plan designations and zoning for the area. The concept planning process was initiated in order to ensure the appropriate mix of uses in the concept plan area, and so that public facilities and services can be planned to serve future development within the study area.

Completion of the concept plan and amendment of the Comprehensive Plan complies with the City's Comprehensive Plan Goal 14.3 - Orderly Provision of Services to Growth Areas, which provides that the City plan for public services to lands within the Urban Growth Boundary through adoption of a concept plan and related Capital Improvement Program, as amendments to the Comprehensive Plan. The BRCP and regulations are in compliance with Metro's Functional Plan and the amendments to the comprehensive plan must be adopted through DLCD's post-acknowledgement process.

The City finds this criterion is satisfied.

2. *Adequacy of the Plan to guide land use actions, including an examination of trends.*

Analysis: The Existing Conditions report of the Concept Plan includes detailed market, infrastructure, transportation system, natural resources, demographics and industrial lands analyses in order to determine trends to guide future land use actions. The results of this analysis need to be incorporated into the Comprehensive Plan. The plan provides a thorough explanation of the existing conditions pertaining to this analysis and provides recommendations and preliminary cost estimates for improvements that will be necessary in order for the concept plan

to be carried out. These cost estimates have subsequently been updated in the city's public infrastructure and transportation planning as follows:
Transportation System Plan (2013)
Sewer Master Plan (2014)
Water Master Plan (2010)
Stormwater and Erosion Control Manual and Design Standards (2015)

The Comprehensive Plan amendments are necessary in order for land use actions to be carried out within the concept plan area subsequent to the annexation of property. Adoption of the concept plan does not rezone property within the planning area until said property is annexed into the City and the implementing zoning regulations are in place. Comprehensive Plan map designations, relevant code amendments, and text and maps are required when these events take place. Likewise, the amendments to the ancillary documents and plans assure that the necessary improvements in the concept plan may be incorporated into the appropriate ancillary plan, as well as be included in the City's Capital Improvement Program and Transportation System Plan.

The Concept Plan provides a comprehensive and cohesive guide to future development in three parts:

1) Framework plan maps, goals and policies – These elements are adopted as part of the Oregon City Comprehensive Plan. Compliance with the Plan is required for all land use permits and development beyond that allowed by existing land use regulation. The framework plan is comprised of generalized maps and policies that integrate land use, transportation, open space and green infrastructure. The framework maps and policies are supported by detailed code and requirements for master planning and design review. This approach sets a broad framework and intent on the figures and text in the Plan that ensures that the vision, goals and standards are required in all land use decisions, provides flexibility in site specific design and implementation and allows for phased development over a longer period of time.

2) Ancillary report materials – The descriptive text, graphics and technical appendix of this report are adopted as an "ancillary document" to the Comprehensive Plan, which provides "operational guidance to city departments in planning and carrying out city services" (Oregon City Comprehensive Plan, page 4). These documents include information for updating the City's utility master plans and Transportation System Plan.

3) Development code amendments – Revisions to the development code are being prepared as part of the Concept Plan. Once final, it will be adopted as part of the Oregon City Municipal Code. Compliance with these amended provisions will be required for all land use permits and development.

The opportunities and constraints, market, infrastructure, natural resources and buildable lands analysis provided in the BRCP provide an adequate factual basis for determining trends within the study area. Following adoption of the BRCP, amendments to the Zoning Code, Comprehensive

Plan and Ancillary Documents will provided an adequate basis for making future land use decision and can be found in compliance with this criterion.

The City finds this criterion is satisfied.

3. *Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.*

Analysis: Citizen input was critical to ensure that the community's desires and attitudes would be reflected in the Concept Plan. A public involvement program was developed and conducted from June 2006 through July 2007. A 15-member Citizen Advisory Committee (CAC) and 9-member Technical Advisory Committee (TAC) developed the concept plan. The purpose of the CAC was to serve as the forum for stakeholder representatives to work with each other and act as an advisory body to the Consulting Team, City Staff, Planning Commission, and City Commission regarding the Concept Plan. The CAC comprised city residents, representatives of neighborhood associations, residents of the Hamlet of Beavercreek, local businesses, the development community, property owners within the study area, the school district, Clackamas Community College, Transportation Advisory Committee, environmental interests, and the Planning Commission.

The CAC created several alternatives and finally chose a hybrid the included about 127 net acres of North Employment Campus, which is consistent with Metro's intent and similar to Oregon City's existing Campus Industrial designation, about 29 acres of Mixed Employment Village and Main Street, which allows a variety of uses in a village-oriented transit hub and mixed use neighborhoods to the south that also provide jobs tailored to the neighborhood setting.

The TAC included representatives from Metro, Clackamas County, ODOT, Tri-Met, DLCD, and City Planning Staff. Twelve meetings were held over the 13 months and there were two open houses, a market and sustainability focus group and a design workshop that were intended to provide information to citizens and to solicit their input.

For the 2015 re-adoption process, planning staff held additional meetings to provide information and receive input on the BRCP process with the following groups:

Planning Commission Work Session	09/28/2015
Citizen Involvement Committee	10/05/2015
Natural Resources Committee	10/14/2015
Transportation Advisory Committee	10/20/2015
Parks & Recreation Advisory Committee	10/22/2015
Caufield Neighborhood Association	10/27/2015
Hamlet of Beavercreek	10/28/2015
City Commission Work Session	11/10/2015

The overall vision for the concept plan is to create "A Complete and Sustainable Community", and the CAC utilized the definition of sustainability originally developed by the United Nations Brundtland Commission:

"A sustainable society meets that needs of the present without sacrificing the ability of future generations to meet their own needs".

Based on public input, the committee created 10 Project Goals and 10 Principles of Sustainable Community Design that were used in the visioning and development of the concept plan. The Goals and Principles are on pages 7 and 8 of the Concept Plan. Utilizing these Goals and Principles, the committee created several alternative plans that were reviewed and combined into one preferred alternative plan, which is identified as the BRCP. The Plan has land use and transportation connections that support future transit, trails and greenspaces have been crafted to provide direct and convenient internal pedestrian connections and link to the broader regional network, lower densities near the edges and buffer treatments have been incorporated and a street network that provides for internal circulation. In accordance with the TSP and RTP, the access management approach envisioned in the plan will minimize impacts and access points on the Beavercreek Road corridor, and provides for parallel future connections to the north and south..

The BRCP meets the needs of Oregon City for providing employment lands, which are greatly needed. The Plan provides 156 net acres of employment lands in two forms: 127 net acres of tech flex campus industrial (Title 4) land and 29 acres of more vertical mixed use village and main street employment. The employment land is incorporated into a sustainable, complete community that includes jobs, varied housing types, green streets, open spaces, trails, mixed uses, focal points for activity, linkages to logical streets and activity centers (Clackamas Community College and Oregon City High School) and access to nature. Once the plan has been adopted and acknowledged, the City will develop and apply appropriate zoning designations to implement the concept plan areas. The concept plan is a reflection of the needs, desires, and attitudes of the Citizen Advisory Committee and represents the conditions, vision, direction and improvements that are necessary to accommodate the changing demographics and economics of the community.

The adoption of Metro Ordinance 10-1244B by the Metro Council of the amended Title 4 map for the Beavercreek Road area reflect updated economic conditions and employment land needs for the region and city. Based on the citizen outreach and input received during the Plan development process and throughout the re-adoption process, the BRCP document still reflects community needs, desires, attitudes and conditions including changing demographic patterns and economics.

The City finds this criterion is satisfied.

4. *Addition of updated factual information including that made available to the City by regional, state and federal governmental agencies.*

Analysis: The proposed changes respond to needs revealed by the Buildable Lands Inventory for the concept plan and where updated and affirmed in 2010 through Metro's adoption of Ordinance No. 10-1244B. These needs are documented in the technical appendix on housing and economic development, as well as in the background discussions in each of the Comprehensive Plan elements. Participation on the TAC by representatives of Metro and the State Department of Land Conservation and Development informed the Regulatory Framework which the Concept Plan must comply with, including the primary elements: Governance, Housing, Transportation and protection of Natural Resources. For example, policies support the provision of a variety of housing types and income levels, creation of mixed use zones to encourage more employment and housing, and the designation of Metro Design Types (Industrial and Employment). Metro data and

the City's own GIS data was utilized to develop a variety of maps, notably the habitat conservation areas, steep slopes areas, urban growth potential, transportation (street system, transit, functional classification, street sizing, bicycle and pedestrian needs, trails), water, stormwater and sewer system maps. Policies in the Concept Plan support Metro and DLCD requirements and factual information is reflected in the BRCP.

The City finds this criterion is satisfied.

Oregon City Comprehensive Plan Goal 2.6 - Industrial Land Development
Ensure an adequate supply of land for major industrial employers with family-wage jobs.

Adoption of the BRCP will ensure an adequate land supply for major industrial employers, consistent with regional employment land goals adopted by Metro. Goal 2.6 is further implemented by the following Policies 2.6.1 through 2.6.8:

Policy 2.6.1
Work with Metro to ensure that there is enough land available within the Urban Growth Boundary to meet the need for industrial and/or commercial development. If there is not enough, identify areas outside the boundary that may be appropriate to annex. The selection of these areas will be based on market factors, protection of environmentally sensitive areas, compatibility with adjoining and nearby uses, public facilities and infrastructure, proximity to expressways and transit, site requirements of specific types of industries, and the desires of the property owners.

Analysis: Metro has determined that the proposed plan provides an adequate amount of Title 4 employment land within the UGB. Reflecting changes in employment needs and demands between the Metro 2002 Urban Growth Report (UGR) –Employment, and the 2009 UGR - Employment, Metro's 2009 assessment found there is adequate capacity inside the current UGB to accommodate the next 20 years of general employment and general industrial job growth even at the high end of the employment forecast range. The subsequently adopted change to the Title 4 Employment and Industrial Areas map conformed the map to the updated information about employment needs in the 2009 UGR (Employment). This change also responded to the identification of a need for residential capacity in the 2009 UGR (Residential) by increasing the residential capacity of the Beavercreek planning area by 36 dwelling units above the level expected at the time the Metro Council added the areas to the UGB. Metro adopted the revised Title 4 map with passage of Ordinance 10-1244B, Exhibit D, on December 6, 2010. According to this map, which is consistent with the hybrid plan, the 151 gross acres on the revised map will supply approximately 121 net acres of employment land.

The City finds this criterion is satisfied.

Policy 2.6.2
Ensure that land zoned or planned for industrial use is used for industrial purposes, and that exceptions are allowed only where some other use supports industrial development. New non-industrial uses should especially be restricted in already developed, active industrial sites.

Analysis: zoning will be developed to implement the BRCP and Metro Title 4. This zoning will be applied to the employment lands within the UGB following annexation of lands to restrict non-

industrial uses within the area identified as NEC North Employment Campus and ensure that land is reserved and preserved for industrial use. Existing CI-Campus Industrial zoned land within the BRCP area specifically limits non-industrial land uses to support industrial land supply. It is anticipated that zoning similar to the CI zone district will be applied to newly annexed employment land that currently does not have city zoning.

The City finds this criterion is satisfied.

Policy 2.6.3
Protect the city's supply of undeveloped and underdeveloped land zoned for industrial uses by limiting non-industrial community uses, such as schools, parks, and churches on such properties and by limiting larger commercial uses within those areas.

Analysis: As stated above, the zoning of the property in the North Employment Campus will be the same as or similar to the current CI – Campus Industrial zone. Commercial uses within the northern employment campus would be limited to some upper limit, similar to the CI zone, which currently restricts retail sales and services to no more than ten percent of the net developable portion of all contiguous industrial lands. Clackamas Community College and Oregon City School District do not anticipate the need for additional land within the BRCP area. Religious land uses are not listed as a permitted use in the CI zone, but could be permitted as conditional uses on mixed-use lands in the southern part of the BRCP area. Taken together, these requirements will protect the city's supply of undeveloped and underdeveloped land zoned for industrial uses.

The City finds this criterion is satisfied.

Policy 2.6.4
Protect existing and planned undeveloped and underdeveloped industrial lands from incompatible land uses, and minimize deterrents to desired industrial development.

Policy 2.6.5
Ensure that land-use patterns create opportunities for citizens to live closer to their workplace.

Analysis: An important focus of the BRCP is to create a live-work balance by providing employment opportunities in a mixed use community, with strong multi-modal transportation connections both within the BRCP area and externally to the existing commercial, employment and education centers nearby such as the two nearby shopping centers (Trail's End / Haggen Market and Berry Hill Shopping Center), Clackamas Community College and Oregon City High School. Additionally, live-work units and home occupations with cottage industries are supported by the mixed use approach. The proposed land use mix, combined with the improved transportation network, will guide the future development of the area in a manner that supports this policy.

The City finds this criterion is satisfied.

Policy 2.6.6
Identify industrial uses that could partner with Clackamas Community College as training centers and future employers of students graduating from CCC.

Analysis: Adoption of the BRCP is the first step towards attaining this policy. The Plan includes policies for strong programmatic connections to Oregon City High School and Clackamas Community College. The City is already working with the State and the County to develop enterprise zones within the CI-zoned lands within and adjacent to the BRCP area. The enterprise zones encompass industrial areas along Beavercreek Road, the Red Soils area and north of Highway 213 - an area approximately 1.2 square miles. The City partnered with Metro and Clackamas County on the Strategically Significant Employment Lands Project to study these lands and determine their readiness for development and marketability. One of the criteria for qualifying projects within the enterprise areas is to partner with local job training providers such as Clackamas Community College. Further city action to implement Policy 2.6.6, following plan adoption, could include the development of a Memorandum of Understanding with CCC to support and foster job training partnerships and other employment programs.

The City finds this criterion is satisfied.

Policy 2.6.7
Establish priorities to ensure that adequate public facilities are available to support the desired industrial development.

Analysis: Please see findings for compliance with Statewide Planning Goal 11 – Public Facilities and Services in Section B below.

Policy 2.6.8
Require lands east of Clackamas Community College that are designated as Future Urban Holding to be the subject of concept plans, which if approved as an amendment to the Comprehensive Plan, would guide zoning designations. The majority of these lands should be designated in a manner that encourages family-wage jobs in order to generate new jobs and move towards meeting the city's employment goals.

Analysis: Adoption of the BRCP will achieve this policy. The final draft hybrid plan was analyzed by the firm ECONorthwest, indicating the potential for substantial job creation within the concept plan area. The ECONorthwest findings were further confirmed by Metro in its 2009 Urban Growth Report (Employment) that "there is adequate capacity inside the current UGB to accommodate the next 20 years of general employment and general industrial job growth even at the high end of the employment forecast range." Ord. 1244B, Attachment 3, p.3. The North Employment Campus is to provide for the needed family wage employment that strengthens and diversifies the economy and will be compliant with Metro's Title 4 regulations. The NEC allows a mix of clean industries, offices serving industrial needs, light industrial uses, research and development and large[2] corporate headquarters. The uses permitted are intended to improve the region's economic climate, promote sustainable and traded sector businesses, and protect the supply of site for employment by limiting incompatible uses. Also, portions of the BRCP area are designated enterprise zones to incentivize development (See http://www.orcity.org/economicdevelopment/enterprise-zone).

The City finds this criterion is satisfied.

[2] "Large" employers are generally considered to have 50 employees or more.

B. Compliance with Statewide Planning Goals

Compliance with the Statewide Planning Goals is a specific requirement for changes to the Comprehensive Plan or Comprehensive Plan map. For the BRCP to be approved by DLCD it must comply with statewide planning goals. The analysis below is provided for the Planning Commission and the public to understand how the proposed update complies with Statewide Planning Goals.

Goal 1 Citizen Involvement

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

Analysis: A brief summary of the public involvement program for the CAC/TAC and the general public was provided above. In accordance with this goal, the public involvement program involved affected Neighborhood Associations and groups, utilized community education measures to enhance participation (open houses, focus groups, design workshop, website, open access to planners at City Hall, timely provision of draft material mailed to the CAC/TAC in advance of meetings and on the web, mailings), and provided timely and accurate information to individuals, groups, communities and neighborhoods. After the CAC/TAC recommended a draft plan language, the Planning Commission and City Commission held a number of work sessions and public hearings where public testimony was considered. At all times the draft plan was available for review by the public. This open process encouraged participation by any interested citizen and all evidence submitted into the written record was considered. Finally, planning staff met with several advisory groups and the Hamlet of Beavercreek, and held two work sessions in October – November 2015 to update people on the re-adoption process (See Page 4 for details).

The City finds this Goal is satisfied.

Goal 2 Land Use Planning

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

Analysis: The Draft Concept Plan includes identification of facts, issues, and problems in the "Background" discussion for each element. Updated and market relevant documentation in the technical report provided the basis for the Land Use, Parks, Transportation, Water, Stormwater, Sanitary Sewer and Natural Resources elements, helping assure the proper factual basis for decisions in updating the maps, goals, policies and implementation measures. Inventories, such as for economic development, employment and natural resources, have been provided in the technical appendices to the BRCP. Based on this information, the Commission finds that this plan amendment is coordinated, as defined by state law. It has been reviewed and coordinated with the plans of other governmental units. It contains adequate implementation measures to ensure that upon taking effect (when the implementing zoning is subsequently adopted) sufficient means will carry out the BRCP. Although Goal 2 also implements periodic review, the amendments are not triggered as a result of periodic review. Finally, after a number of public hearings where alternative courses of action were considered, the Commission finds that the proposed plan amendments are

consistent with public policy taking into account social, economic, energy and environmental needs.

The City finds this Goal is satisfied.

Goal 3 Agricultural Lands and Goal 4 Forest Lands

Analysis: By definition, Oregon City does not have rural resource lands such as for agricultural or forest use within its city limits or UGB and therefore those goals are not applicable.

The City finds these Goals are not applicable.

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

To protect natural resources and conserve scenic and historic areas and open spaces.

Analysis: Goal 5 resources are addressed in detail in the Natural Resource Inventory which was part of the existing conditions analysis required by Metro Title 11. A detailed review of the Goal 5 resources within the study area, including wetlands, streams, riparian area, wildlife habitat and other resources, was conducted. The inventory consisted of two parts:

1) An examination of existing resource information for the Plan area; and

2) A field study to verify the location and evaluate resource habitat quality.

The first phase of the inventory included review of existing documents, such as Metro Goal 5 Inventory Maps, National Wetland Inventory maps, Natural Resource Conservation Service Soils Survey of Clackamas County, Stream Net fisheries data and other sources. Phase two consisted of a field verification of the BRCP area by a team of biologists. The team visited each of the previously mapped natural resource areas to confirm the location, size and quality. The natural areas determined to be of high resource value were distinguished from natural areas of lesser resource value and the lower quality natural areas were given a designation of enhancement potential in order to identity both the highest quality natural resource and provide a determination of the feasibility of enhancement.

The Natural Resources Inventory that was conducted as part of the existing conditions analysis for the BRCP consisted of examination of existing resource information for the area and a field study. This inventory is already part of the record. The inventory identified and summarized 19 natural areas within the BRCP area and were assigned values for their condition and enhancement potential. Of those 19 areas, the majority were consistent with Metro's Goal 5 mapping. The city's initial GIS analysis of the NROD areas for the entire UGB was done in 2008. The Natural Resource Overlay District was adopted in 2008 and replaced the old Water Resources Overlay District with a combined overlay district, which regulates both Metro Title 13 habitat and Metro Title 3 water resources. In particular Trimble Creek is an identified Goal 5 resource that runs from south to north through the site crossing Loder Road. The concept plan envisions this protected resource being combined within a linear park feature.

No inventoried historic resources were documented within the Plan boundaries at the time of concept planning. Staff confirmed this through communication with Clackamas County historic landmarks planning staff[3]. If property owners seek designation for any eligible historic resources, or if an inventory reveals eligible landmarks in the future, those landmarks could potentially be protected and included in the City's inventory and regulated under Chapter 17.40 of the Oregon City Municipal Code, when properties are annexed to the City.

The BRCP will protect Goal 5 natural resource areas by guiding the designation of Natural Resource Overlay District areas and the restriction of development in those areas pursuant to OCMC 17.49. The code requires that further on-site analysis be conducted to determine the current extent of the protected resources which initially was done with the concept plan. More detailed, site specific delineations of the resources and the required associated vegetated corridors is required prior to development, along with impact analysis and mitigation for impacts. These existing restrictions will adequately protect natural resource areas and to the extent necessary serve as a natural resource protection plan.

The Beavercreek Road Open Space Framework plan provides a network of green spaces that are intended to provide a system of connected parks, opens spaces and natural areas, provide access to nature, preserve existing natural resources and provide green spaces near the system of trails and pedestrian connections. The power line corridors comprise approximately 52 acres of land north of Loder Road and have been utilized to provide publicly accessible opens space, trails and links to the broader open space network. The standard of 16-acres per 1,000 population was amended to a standard of 6 to 10 acres per 1,000 population as discussed at the Planning Commission. The extent and location of the park is conceptual, flexible and the costs associated with acquisition and development will need to be determined through more detailed parks master planning processes, similar to the Glen Oak Road park site and the Hazel Grove parks site master planning that was conducted in 2014. The parks master planning process will refine the locations and costs of parks infrastructure. Existing parks SDCs do not reflect the cost of providing parks in this area, and will require further study to account for the amount of parks acreage envisioned in the concept plan but they may be updated or lands could be obtained by private developers as development occurs. A park is proposed to extend through the central and southern areas of the BRCP. The location and linearity of the park was first indicated by Metro's Goal 5 mapping. This open space feature is intended as a continuous green space that links the districts and neighborhoods south of Loder Road.

The open space plan envisions establishing a publicly accessible resource area as the eastern edge of the community that is free from development, and accessible by low impact trails, known as the East Ridge. This vantage point is located at 490' elevation with views to the east into the Trimble Creek area (See pages 22-23). The plan provides very specific measures to preserve the East Ridge open space and conservation area.

The code will allow flexibility in the width, shape and acreage of the open space, provided there remains a clearly identifiable and continuous open space. The buildable lands identified 292 acres of Tier A or 'unconstrained' lands, 28 acres of Tier B or "Low Impact Development Allowed with Review" and 131 acres of Tier C or "Constrained". The Low Impact area was later evaluated and recommended for conservation under an Environmentally Sensitive and Resource Area

[3] Email communication with Linda Preisz, Clackamas County Sr. Planner, December 28, 2016.

designation on the BRCP. New development will be required to comply with the City's Natural Resources Overlay District in compliance with this goal.

The Parks and Recreation Advisory Committee (PRAC) met on October 22, 2015 to hear staff's presentation on the re-adoption process. The PRAC voted unanimously to supports the parks, open space and recreation elements of the Beavercreek Concept Plan.

Concept Plan goals and policies for preserving open space and tree cover, protecting scenic views, preserving and conserving view sheds, cultural, historic and natural resources and water quality have been provided.

The City finds this Goal is satisfied.

Goal 6 Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

Analysis: Existing Comprehensive Plan policies that apply to the concept plan require development practices to comply with regional, state, and federal standards for air and water quality, to protect water quality from erosion and sediment, to minimize the effects of noise, and to protect mineral resources.

These goals and policies are implemented through the City's grading and erosion control ordinances, water quality resource protection regulations, development standards, and nuisance laws. DEQ regulates air quality but Oregon City's TSP recognizes the link between air quality and transportation (through vehicle emissions) and works to reduce impacts from single-occupancy vehicles. The TSP and Capital Improvements Fund will be updated to reflect transportation improvements recommended in the BRCP.

The City finds this Goal is satisfied.

Goal 7 Areas Subject to Natural Disasters and Hazards

To protect life and property from natural disasters and hazards.

Analysis: The Commission finds that the area does contain steep slopes. The east ridge of the concept plan area was identified as an area of steeper slopes that could be at risk for landslides and slumping. In order to address this, the BRCP calls for establishing a protected open space area along the west side of Thimble Creek and designating the area between the edge of that open space and the 490-foot elevation to the west, along the east ridge, as a conservation area within which a number of restrictions where development restrictions apply, including protecting a minimum of 50% of the conservation area, and building height and impact restrictions. The plan also requires a "window" of at least 700 feet of continuous area along the ridge to be publicly accessible.

According to the City Commission meeting minutes of September 3, 2008, the approximate elevation of 490 feet (MSL) is important in the southern half of the concept plan area relative to gravity sewer service. Existing storm water discharge points below the 490 foot level in this area

may also need to be improved with future development to assure that storm water quality and quantity control standards are met. Roadways and development constructed above 490 feet will most likely allow for gravity sewer service. If land uses requiring sanitary sewer service (or roadways with sewer underneath) are located lower than 490 feet, individual pump stations and pressurized services may be required.

Any development in this area will also be subject to the City's natural resources and geologic hazard overlay district review requirements when development is proposed[4]. As a practical matter land uses such as homes and habitable structures could not practicably meet the standards of the city's Geological Hazard Overlay District and Natural Resources Overlay District, which restricts development within known landslide areas and steep slopes, and within 50 to 200 feet of streams and stream tributaries and wetlands. Low impact recreational uses, such as trails, foot bridges and related uses, as well as storm water discharge facilities, may be permitted within the Natural Resources Overlay District (OCMC 17.49) and Geologic Overlay District (OCMC 17.44), subject to these specific code review criteria as well as Public Works engineering standards. Specifically, the geologic hazard code prohibits development other than roads, utilities, public facilities and geotechnical remediation in areas that exceed 35% slope, and constrains the density and impact of all development within all areas greater than 25% slope or which have landslide activity. In all cases, where develop may be permitted within the overlay district, it must meet stringent geologic and geotechnical construction standards.
The City's Natural Resources Overlay District and Geologic Hazards Overlay District are already mapped to the extent of the Urban Growth Boundary in this area and would be in effect upon annexation.

No other natural disaster or hazard areas have been identified and the City finds there are none.

The City finds this Goal is satisfied.

Goal 8 Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors, and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Analysis: The concept plan provides for an interconnected series of trails, parks and open spaces areas throughout the study area to implement this Goal. Specific plan policies related to this Goal include amending the parks and recreation, open space and trail master plans to be consistent with the concept plan, implementation of a hierarchy of connections (roads and trails of various types), create two scenic view points that are small public parks along the East Ridge, open space, and extensive trail systems that provide pedestrian and bicycle connectivity throughout the site and to adjoining trial systems. Additionally the concept plan recognizes the opportunity for acquisition and/or dedication of sensitive areas for open space and habitat by private landowners.

The City finds this Goal is satisfied.

[4] Please see OCMC 17.44 – Geologic Hazards & OCMC 17.49 Natural Resource Overlay District for more details regarding the type, scale and standards for development and structures that may be permitted within these areas.

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.

Analysis: As part of the concept plan process, Oregon City worked with a consultant to inventory and evaluate the local and regional market conditions within and adjacent to the concept planning area. This report details patterns in the community, the profile of local employment, the supply of industrial, commercial and office land, and potential for industrial and commercial development within the area. Metro's employment land needs analysis reports that about 9,300 net acres of industrial land is needed between 2002 and 2022, of which, approximately 6,300 net acres must be vacant and that the region has a shortage of large and small industrial lots. The EcoNorthwest market analysis (LUBA record pp. 1781) identified the advantages and disadvantages of industrial development within the study area and concluded that under the right market conditions it is not unreasonable to expect 150 acres of industrial and business park development to build out on the site over a 20-year period.

Metro's adoption of Ord. 1244B updated the EcoNorthwest analysis, concluding that the proposed plan provides an adequate amount of Title 4 employment land within the UGB, through 2029. Reflecting changes in employment needs and demands between the Metro 2002 Urban Growth Report (UGR) –Employment, and the 2009 UGR - Employment, Metro's 2009 assessment found there is adequate capacity inside the current UGB to accommodate the next 20 years of general employment and general industrial job growth even at the high end of the employment forecast range. The subsequently adopted change to the Title 4 Employment and Industrial Areas map conformed the map to the updated information about employment needs in the 2009 UGR (Employment). According to this map, which is consistent with the hybrid plan, the 151 gross acres on the revised map will supply approximately 121 net acres of employment land.

A key issue for the committee was how much employment, what type and where. The Oregon City Comprehensive Plan requires that a majority of the lands be designated in a manner that encourages family-wage jobs in order to generate new jobs and move towards meeting the City's employment goals.

Metro brought 245 gross acres in the UGB in 2002 and an additional 63 acres were added in 2004. The remaining acreage was in the UGB and/or Oregon City limits prior to 2002. These areas (308 gross acres) are designated as the Industrial Design Type on Metro's 2040 Growth Concept Map. Given the expected net acreage once non-buildable areas such as power lines, natural areas, were removed from the buildable lands inventory, Metro intended 120 net acres of the concept plan area would be used for employment uses. Metro noted that it was important to fulfill the original intent for providing industrial lands and that there was flexibility for the local process to evaluate creative ways to meet the intent. See Metro's vacant lands methodology. This approach was blessed by David Bragdon, Metro Council President, in a letter dated May 14, 2007 as well as Metro planner Ray Valone in a letter dated March 19. 2008.

The CAC created several alternatives and finally chose a hybrid the included about 127 net acres of North Employment Campus (NEC), which is consistent with Metro's intent and similar to

Oregon City's existing Campus Industrial designation, about 29 acres of Mixed Employment Village and Main Street, which allows a variety of uses in a village-oriented transit hub and mixed use neighborhoods to the south that also provide jobs tailored to the neighborhood setting.

The North Employment Campus is to provide for the needed family wage employment that strengthens and diversifies the economy and will be compliant with Metro's Title 4 regulations. The NEC allows a mix of clean industries, offices serving industrial needs, light industrial uses, research and development and large corporate headquarters. The uses permitted are intended to improve the region's economic climate, promote sustainable and traded sector businesses, and protect the supply of site for employment by limiting incompatible uses.

The concept plan provides land for an identified need within the region and state, and provides for a mix of other uses that will contribute to the economic welfare of the city, state and the citizens.

The City finds this Goal is satisfied.

Goal 10 Housing

To provide for the housing needs of citizens of the state.

Analysis: The concept plan recommends and provides for a mix of residential areas that allow and/or require different densities and housing types, including low, medium and high densities, single-family homes on a range of lot sizes, townhouses, duplexes, multi-family units and mixed commercial/residential uses. The West Mixed Use Neighborhood will be a walkable, transit-oriented neighborhood with an overall average or residential uses not to exceed 22 dwelling units per acre. The East Mixed Use Neighborhood will be a walkable and tree lined neighborhood with a variety of housing types that will not exceed densities permitted in the R-5 zone (8.7 units per acre).

The concept plan provides for housing affordable to a range of incomes and will utilize sustainable building designs and green development practices. As noted above, the concept plan provides or allows for a range of housing types and densities, including those that are most likely to be affordable to households or families with lower incomes, including single-family homes on small lots, townhouses, duplexes and multi-family units. The Plan also identifies strategies for distributing less expensive housing units among different areas rather than concentrating them all in one place, specifically calling for a variety of densities within the East Mixed Use Neighborhood that move from higher densities to lower densities from north to south across the site.

The adoption of Ordinance 1244B also responded to the identification of a need for residential capacity in the 2009 UGR (Residential) by increasing the residential capacity of the Beavercreek planning area by 36 dwelling units above the level expected at the time the Metro Council added the areas to the UGB.

The City finds this Goal is satisfied.

Goal 11 Public Facilities and Services

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.

Analysis: This goal applies to urban areas within the city limits of Oregon City and to urbanizable areas within the city's UGB. "Urban Facilities and Services" means appropriate types and levels of, at a minimum, the following: police protection; sanitary sewer facilities; storm drainage facilities; water, planning, zoning and subdivision control; health services; recreation facilities and services; energy and communication services; solid waste; and community governmental services.

Since the BRCP was first adopted, the City has updated a number of its utility master plans. As will be discussed in greater detail below, each of these plans included providing service to BRCP properties at the uses and densities authorized by the BRCP. These plans establish utility services necessary to serve the proposed BRCP area and provide for future utility services without compromising existing customer service. Upon adoption, these various master plans were incorporated as part of the City's Comprehensive Plan and as a result, control future utility extensions throughout the City.

Sanitary Sewer Infrastructure Planning

The BRCP plans for a sanitary sewer system that primarily consists of a gravity sewer collection system with a trunk sewer in Beavercreek Road, a network of trunk sewers within the BRCP area, and a sanitary sewer lift station for a section of the northern half of the concept plan area. The BRCP estimated the total cost of $4.4 million for capital improvements within the study area and an additional $2.3 million of programmed capital improvement projects needed to extend the existing sanitary sewer collection system to the concept plan area. The cost estimates were based on year 2003 dollars.

In October 2014, the City adopted an update to the Oregon City Sanitary Sewer Master Plan (SSMP), an ancillary document to the City's adopted Comprehensive Plan consistent with federal requirements, state statutes, and the Statewide Planning Goals. The SSMP identifies build out capacity concerns, recommends future capital improvements, and develops a capital improvement program (CIP) to meet future needs.

The SSMP also identifies and recommends in more detail the future capital improvements and provides updated estimated costs to serve the BRCP area with respect to sanitary sewer service. Table 5-9, from the SSMP Section 5.2.3.4, identifies the recommended improvements and provides the estimated costs.

Table 5-9. Beavercreek Road Concept Area, Estimated Improvement Costs				
Description of improvement				Estimated cost of improvements, dollars[a]
Gravity sewer extensions[b]				
8-inch diameter sewers, 14,356 LF				5,050,000
10-inch diameter sewers, 4,317 LF				1,610,000
12-inch diameter sewers, 10,683 LF				4,230,000
15-inch diameter sewers, 4,372 LF				1,930,000
Gravity sewer extension subtotal				12,820,000
Pumping stations and FMs				
Pumping station number	Pumping station capacity, gpm	FM, diameter, inches	FM, length, LF	
BR-1	272	4	2,080	1,390,000
BR-2	217	4	2,333	1,370,000
Pumping station and FM subtotal				2,760,000
Total				15,580,000

[a] *Estimated costs include a 50 percent allowance for construction contingencies, engineering, and overhead. Costs are rounded to the nearest $10,000. Costs assume an average depth of 10 feet using cost condition 2. See Appendix C for unit cost tables.*

[b] *Pipes sizes shown are based on an assumed minimum slope. Actual slope may permit smaller size pipes. For example, the modeling did not predict the need to upsize the existing City sewer downstream of MH 11144.*

The primary potential funding sources that may be expected to fund the future sanitary sewer facilities listed in Table 5-9 to serve BRCP, include:

1. System Development Charges (SDCs) - Developers pay these charges up front to the City based on the proposed impact of the new development on the existing infrastructure.
2. Developer funded improvements –Developers are required to construct an appropriate level of public utility improvements within their proposed development and along all street frontages adjacent to their property, including off-site improvements as may be needed to serve the development.
3. Reimbursement District: A developer may finance and construct a public improvement that has the capacity to serve more than their development. The reimbursement district provides developers with a mechanism to be reimbursed by other property owners that benefit from the use of the constructed public improvement.

The future sanitary sewer facilities recommended to serve BRCP developments shall be paid for in a way that does not financially burden or adversely affect existing public facilities and services in other parts of the City.

In 2014, the City issued a Type II Land Use Decision with conditions for improvements to serve the Beavercreek Road Apartment-Live-Work development (File SP 14-01)[5]. SP 14-01 was not subject to the current 2014 SSMP but the conditions attached to the land use approval require the

[5] Live/Work units and Apartment Buildings are permitted uses within the MUC-1 zone. The rezoning of the subject property to MUC-1 was conditioned to meet the intent of the yet-to-be-adopted Mixed Employment Village of the BRCP (See P. 18 of the plan document for 0details). SP 14-01 was appealed to LUBA, which upheld the City's approval of the development. The developer is in the process of working through the conditions of approval and construction plan preparation for engineering review.

applicant to pay for a component of the future Beavercreek Road trunk line and connect to the trunk line when it is available.

In summary, the 2014 SSMP documents and SP 14-01 approval consistently support sustainable development that will not financially burden existing rate payers or adversely affect the existing sanitary sewer system.

Water Infrastructure Planning

The BRCP plans for a water distribution system that primarily consists of a "backbone" network of water supply pipelines, two pressure zones with two-thirds of the BRCP area being served from the existing water main in Beavercreek Road, being the lower pressure zone, and the remaining one-third of BRCP area being served from future water facilities that include a booster pump station and reservoir, being the higher pressure zone. BRCP estimated the total cost of $5.4 million for the "backbone" network capital improvements within the study area, and an additional $6.9 million of programmed capital improvement projects needed to extend the existing water distribution system to the concept plan area. The cost estimates were based on year 2003 dollars.

In January 2012, the City adopted an update to the Oregon City Water Distribution System Master Plan (WMP), an ancillary document to the City's adopted Comprehensive Plan consistent with federal requirements, state statutes, and the Statewide Planning Goals. The WMP analyzes future water demands and develops a capital improvement program (CIP) to meet these future needs.

The WMP also recommends in more detail the future capital improvements and provides updated estimated costs based on year 2009 dollars for specific improvements, including the water storage reservoir, transmission and distribution pipelines to serve the BRCP area. The future reservoir is recommended to serve both the future BRCP higher pressure zone and the existing Fairway Downs pressure zone that currently has no water storage facilities and with this improvement will be enhanced by increasing the reliability and improving water service.

The WMP includes updated estimated costs for future water facilities recommended to increase the storage capacity of the higher pressure zone, provide a transmission main from the future reservoir to BRCP distribution system, and expand the "backbone" network of water pipelines within the BRCP area. Specifically the WMP project numbers F-CIP-4, F-CIP-5, and F-CIP-14, include the two million gallon reservoir and transmission pipeline with an estimated total cost of $5.7 million, and various "backbone" network pipelines within the BRCP area with an estimated total cost of $2.6 million.

The primary potential funding sources that may be expected to fund the future water facilities, include:

1. System Development Charges (SDCs) - Developers pay these charges up front to the City based on the proposed impact of the new development on the existing infrastructure.
2. Developer funded improvements –Developers are required to construct an appropriate level of public utility improvements within their proposed development and along all street frontages adjacent to their property, including off-site improvements as may be needed to serve the development.
3. Reimbursement District: A developer may finance and construct a public improvement that has the capacity to serve more than their development. The reimbursement district

provides developers with a mechanism to be reimbursed by other property owners that benefit from the use of the constructed public improvement.

The future water facilities recommended to serve future BRCP developments shall be paid for in a way that does not financially burden or adversely affect existing public facilities and services in other parts of the City.

In 2014, the City issued a Type II Land Use Decision with conditions for improvements to serve the Beavercreek Road Apartment-Live-Work development (File SP 14-01). SP 14-01 was subject to conditions to construct water facility improvements that included a waterline extension in Beavercreek Road, and this improvement is identified in the WMP as part of the future distribution system for the higher pressure zone.

In summary, the 2012 WMP documents and SP 14-01 approval consistently support sustainable development that will not financially burden existing rate payers or adversely affect the existing sanitary sewer system.

Stormwater Management Infrastructure Planning

The BRCP plans for a stormwater management system that primarily consists of low-impact development (LID) practices that mimic natural hydrologic processes and minimize impacts to existing natural resources. A three tier stormwater management system has been created that is focused on managing stormwater in a naturalistic manner at three separate scales: site, street and neighborhood/regional. Tier 1 being site specific stormwater management facilities utilizing on-site best management practices (BMPs), Tier 2 green street stormwater management facilities such as vegetated swales and rain gardens adjacent to streets, and Tier 3 regional stormwater management facilities such as regional detention ponds. BRCP estimated the total cost between $15 million to $23 million for stormwater management improvements to serve the concept plan area.

In August 2015, the City adopted Public Works stormwater design standards, to be incorporated as part of the City's drainage master plan. The new design standards are consistent with federal and state regulations for water quality and quantity control, and provide BMPs for LID that mimics natural hydrologic processes and minimize impacts to existing natural resources. BRCP embraces the application of LID and these new standards will guarantee compliance.

The primary potential funding sources that may be expected to fund the future stormwater management facilities, include:

1. System Development Charges (SDCs) - Developers pay these charges up front to the City based on the proposed impact of the new development on the existing infrastructure.
2. Developer funded improvements –Developers are required to construct an appropriate level of public utility improvements within their proposed development and along all street frontages adjacent to their property, including off-site improvements as may be needed to serve the development.
3. Reimbursement District: A developer may finance and construct a public improvement that has the capacity to serve more than their development. The reimbursement district provides developers with a mechanism to be reimbursed by

other property owners that benefit from the use of the constructed public improvement.

The stormwater management facilities' strategy to serve BRCP developments shall be paid for in a way that does not financially burden or adversely affect existing public facilities and services in other parts of the City.

In 2014, the City issued a Type II Land Use Decision with conditions for stormwater improvements to serve the Beavercreek Road Apartment-Live-Work development (SP 14-01). Although this site plan and design review application was submitted prior to adoption of the City adopted Public Works stormwater design standards, SP 14-01 was subject to conditions to construct storm facility improvements using an approved LID method prior to discharge to the public system consistent with the low impact development standards contemplated in the BRCP.

In summary, the 2015 stormwater design documents and development approval consistently support sustainable development that will not financially burden existing rate payers or adversely affect the existing sanitary sewer system.

The City finds this Goal is satisfied.

Police and Fire Protection Planning

Oregon City Police Department (OCPD) has indicated their ability to serve the concept plan area. The concept plan area is already within Clackamas Fire District #1 (CFD#1). Clackamas Fire District #1 has indicated their ability to serve the concept plan area.

Letters from OCPD and CFD#1 are attached.

Solid Waste Planning

The city regulates solid waste management to pursuant to ORS 459.200 and City Code 8.20 and the city has authority and obligation to franchise the provisions of service and solid waste management within the city. The franchise to provide solid waste service within the city limits of the city is granted to Oregon City Garbage Co., Inc.

Additionally, the city has an adopted set of Refuse and Recycling Standards for Non Single-Family or Duplex Uses. The purpose of these requirements is to promote:

A. Efficient, safe and convenient location of refuse and recycling areas.
B. Efficient, safe and convenient on-site maneuvering of collection vehicles, equipment and personnel for servicing solid waste and recycling areas; and
C. Compliance with the Regional Solid Waste Management Plan, OCMC Chapter 8.20 Solid Waste Collection and Disposal, and the Oregon Revised Statutes (ORS) Chapter 459.

Compliance with these standards may be demonstrated without having to go through a formal land use (site plan and design review) process, provided the application meets the standards

The City finds this Goal is satisfied.

Goal 12 Transportation

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

Analysis: At the time of its initial adoption, the Beavercreek Concept Plan was subject to compliance with the City's 2001 Transportation System Plan (2001 TSP). The 2001 TSP focused on identifying future transportation projects necessary to provide an adequate transportation system to serve existing and future urban growth using a horizon year of 2021. A component of ensuring adequate capacity, the 2001 TSP called for the installation of a "Single Point Diamond grade separated interchange improvement" at the intersection of Highway 213 and Beavercreek Road, at a cost of $20 million allocated between $5 million to the City and $15 million to ODOT and Metro.

The Beavercreek Concept Plan relied on the 2001 TSP as the starting point for identifying planned improvements and from there, the plan document itself forecasted future travel demand, needed improvements necessary to avoid further degradation to the performance of the facilities, and funding mechanisms through the 2027 planning horizon. However, at the time that the 2001 TSP was adopted, much of the area designated within the BRCP was located outside of the Metro UGB. As a result, the transportation impacts resulting from the proposed residential development and employment in the Beavercreek Concept Plan area were independently analyzed through the concept plan process and were described in the May 9, 2007, Kittelson & Associates transportation memorandum "Future Conditions Analysis" and in August 12, 2008, Kittelson & Associates transportation memorandum "Updated Future Traffic Conditions Analysis." These memoranda included an analysis of 2027 transportation needs and identified transportation improvements to satisfy the transportation demands in the south part of Oregon City.

In 2013, the City adopted a new Transportation System Plan (2013 TSP) that was concurrently implemented through the adoption of amendments to OCMC 12.04. The Plan identified transportation improvements necessary to accommodate existing and projected population and employment growth within the city limits as well as the city's urban growth areas through 2035. The TSP and its analysis supersede that undertaken for the 2001 TSP and the concept plan; the TSP is based on newer information relating to population and employment and uses new mobility standards consistent with Metro's Regional Transportation Plan. The 2013 TSP calculated transportation demand using a Metro model that divided land into Transportation Analysis Zones (TAZ.) In Metro's model, the TAZs represent the sources of vehicle trip generation within the region. Although each TAZ did not align perfectly with the city limits or urban growth boundary, they were subdivided to correspond with these boundaries. The land use plan designations within each TAZ were then used to determine the expected traffic generation. [6] The result was a calculation within each TAZ that estimates the total trips generated by the zone from additional development of vacant or underdeveloped properties under existing zoned

[6] The TSP describes this analysis as follows:

> The future 2035 land use projection is an estimate of the amount of each land use that the TAZ could accommodate at expected build-out of vacant or underdeveloped lands assuming Comprehensive Plan designations. The allocation of future growth to Metro TAZs was modified based on input from City of Oregon City Staff. TSP, TM #5, p. 7.

densities within the city limits and the trips generated by development of the concept planned areas within the urban growth boundary consistent with the designations in the comprehensive plan. The analysis conducted for the TSP specifically included the Beavercreek Concept Plan area. The TSP also includes updated policies to meet the travel needs of the residents and employees in the City. These include an increased emphasis on non-single occupancy automobile use and increased emphasis on multi-modal solutions and multi-modal transportation facilities.

As described in the 2013 TSP, Oregon City is currently home to over 13,000 households and over 14,500 jobs. Between 2013 and 2035, household growth is expected to increase nearly 2.4 percent a year, slightly outpacing the rate of employment growth over the same period (2.3 percent). The City is expected to be home to over 23,000 jobs and almost 21,000 households by 2035, a 58 and 61 percent increase respectively from 2010. With more people and more jobs in Oregon City, the transportation network will face increased demands. Beyond the general planned street network, the TSP provides an additional level of specificity by identifying individual projects in "Table 2: Likely to be Funded Transportation System." The following table is an extracted portion of "Table 2: Likely to be Funded Transportation System" that lists the TSP projects within or adjacent to the concept plan area.

Other solutions for the transportation network identified in the concept plan (e.g. Concept Plan, Figure 14 – Circulation Framework) are replicated in the planned network specified in the 2013 TSP (e.g. TSP, Figure 17 – Planned Street Extensions). Furthermore, the TSP emphasizes the multi-modal aspects of the transportation system within the concept plan area by identifying planned pedestrian and bicycle improvements in TSP Figure 19 – Walking Solutions; TSP Figure 20 – Biking Solutions; and Figure 21 – Shared Walking and Biking Solutions.

Extracted from TSP Table 2: Likely to Be Funded Transportation System

Project #	Project Description	Project Extent	Project Elements	Priority
D0	OR 213/ Beavercreek Rd Refinement Plan	OR 213 from Redland Road to Molalla Avenue	Identify and evaluate circulation options to reduce motor vehicle congestion along the corridor. Explore alternative mobility targets.	Short-term
D47	Meyers Road East extension	Beavercreek Road to the Meadow Lane Extension	Extend Meyers Road from Beavercreek Road to the Meadow Lane Extension as an Industrial Minor Arterial. Between the Holly Lane and Meadow Lane extensions, add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S19. Modify the existing traffic signal at Beavercreek Road	Mediu m-term
D54	Clairmont Drive extension	Beavercreek Road to Holly Lane South Extension	Extend Clairmont Drive from Beavercreek Road to the Holly Lane South extension as an Industrial Collector. Add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S17.	Long-term
D55	Glen Oak Road extension	Beavercreek Road to the Meadow Lane Extension	Extend Glen Oak Road from Beavercreek Road to the Meadow Lane Extension as a Residential Collector. Install a roundabout at Beavercreek Road (per project D39)	Long-term
D56	Timbersky Way extension	Beavercreek Road to the Meadow Lane Extension	Extend Timbersky Way from Beavercreek Road to the Meadow Lane Extension as a Residential Collector. Add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S20.	Long-term
D57	Holly Lane South extension *	Maple Lane Road to Thayer Road	Extend Holly Lane from Maple Lane Road to Thayer Road as a Residential Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S14. Install a roundabout at Maple Lane Road (per project D37).	Mediu m-term
D58	Holly Lane South extension *	Thayer Road to Meyers Road	Extend Holly Lane from Thayer Road to the Meyers Road extension as an Industrial Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S15.	Mediu m-term
D59	Holly Lane South extension *	Meyers Road to the Meadow Lane Extension	Extend Holly Lane from the Meyers Road extension to the Meadow Lane Extension as a Mixed-Use Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S16.	Long-term
D60	Meadow Lane extension **	Meadow Lane to Meyers Road	Extend Meadow Lane to the Meyers Road Extension as a Mixed-Use Collector. Between Old Acres Lane and the Glen Oak Road extension, add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S21.	Long-term
D61	Meadow Lane extension **	Meyers Road to UGB (north of Loder Road)	Extend Meadow Lane from the Meyers Road Extension to the UGB (north of Loder Road) as an Industrial Collector	Mediu m-term
D81	Beavercreek Road Upgrade	Clairmont Drive (CCC Entrance) to Meyers Road	Improve to Industrial Major Arterial cross-section	Mediu m-term
D82	Beavercreek Road Upgrade	Meyers Road to UGB	Improve to Residential Major Arterial cross-section	Long-term

*Note: Holly Lane extension is referred to as the Center Parkway in the BRCP.

** Note: Meadow Lane Extension is referred to as the Ridge Parkway in the BRCP.

The Loder Road improvements identified in the BRCP are listed on the "Not Likely to be Funded list in the TSP as Project #D85, *Loder Road Upgrade, Beavercreek Road to UGB.* It is expected that new development of the adjacent parcels would fund the entire cost of this improvement.

Alternative modes of transportation are also key strategies in the 2013 TSP and the BRCP to meeting the transportation needs of the City, its residents and employees. The TSP sets a non-single occupancy vehicle mode share target to help meet transportation demand management (TDM) goals, specifically reducing reliance on the single occupancy vehicle. As specified in the TSP, Oregon City's non-SOV mode shares[7] (outside of the Oregon City Regional Center) are expected to be above the TSP objective of 40 to 45 percent with an estimated non-SOV mode share of 47 percent in 2005 and 48 percent in 2035. The non-SOV mode share in the Oregon City Regional Center is expected to remain steady through 2035, at around 42 percent, slightly below the TSP objective of 45 to 50 percent.

The combination of policies and investments related to walking, biking and transit are expected to help the City work towards tripling the walking, biking and transit mode share between 2010 and 2035.

The 2013 TSP also recognizes the limitations brought about by the limited availability of funding. Despite the investments to the transportation system, the 2013 TSP predicts that operating conditions at a few intersections (including the OR 213/Beavercreek Road and I-205/OR 213 intersections) will be over the operating standard by 2035. For purposes of evaluating the impact of proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, the OR 213/ Beavercreek Road, and I-205/OR 213 intersections are exempt from meeting the state mobility targets until solutions (beyond those included in the 2013 TSP) or alternative mobility targets are explored for the intersections, as explained further below. However, plan amendments are still subject to the state mobility targets.

Rather than relying on "level of service" standards to determine intersection capacity, as was done in the 2001 TSP, the 2013 TSP adopted the volume / capacity ratios for state highways at levels identified in the Oregon Highway Plan (OHP), which allowed a finding that an intersection could accommodate a greater number of vehicles during peak hours. Even with the increased congestion contemplated with adoption of the new mobility thresholds, the 2013 TSP concluded that existing and planned growth, including 2035 build-out of the Beavercreek plan area, will result in congestion at the Highway 213 / Beavercreek intersection, that will exceed the OHP adopted mobility standards at the end of the 2035 planning horizon. Notwithstanding this finding of inadequacy, at the time of TSP adoption, the City concluded that the high cost of improvements necessary to meet the OHP mandated mobility standard, particularly the grade-separated interchange at Highway 213 / Beavercreek, would be prohibitive. ODOT concurred with that conclusion, indicating that it would not assist in funding what it characterized as "a low priority improvement" within the region. As a result, ODOT recommended that the City undertake additional work to develop other ways of meeting the City's transportation needs that do not involve such major construction projects on ODOT facilities. Therefore, the 2013 TSP included a Highway 213 / Beavercreek Road Refinement Plan including the potential adoption

[7] Non-SOV mode share includes carpooling, as well as bike/walk/transit.

of alternative mobility measures as a project likely to be implemented within one to five years. The adoption of the 2013 TSP, including future transportation demand for the Beavercreek concept area, was not appealed and that decision is acknowledged.

Development that has occurred in the south part of Oregon City since the development of the Beavercreek Concept Plan has been consistent with both the TSP and OCMC 12.04.205(D). For example, the approval for the Oregon City School District to construct a transportation and maintenance facility adjacent to Meyers Road and High School Avenue was allowed under the current zoning and the traffic impacts of the facility are similar to a typical medium industrial land use as assumed in the TSP. Another example of a recent development is the Beavercreek Road Apartments-Live-Work development on the east side of Beavercreek Road near Meyers Road. This development was also approved under applicable zoning and is consistent with the assumptions of residential and employment increases specified in both the Beavercreek Concept Plan and the 2013 TSP.

Adoption of the BRCP is a Plan Amendment subject to section -0060 of Oregon's Transportation Planning Rule (OAR 660-012-0060). However, the adoption of the BCRCP does not have a "significant effect" on Beavercreek / Hwy 213, because the trips from BRCP are already included in the TSP and accounted for in the evaluation and selection of transportation system alternatives, as required under OAR 660-012-0035. In other words, the Concept Plan adoption is consistent with the TSP, and that is what OAR 660-012-0060(1) requires. OAR 660-012-0060(1)(c)(C) provides that a "significant affect" occurs when the proposed plan will "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…based on projected conditions measured at the end of the planning period identified in the adopted TSP." The adopted TSP includes all of degradation expected to result from the development of the BRCP area as well as that due to through traffic from rural Clackamas County and other parts of the region, therefore the adoption of the BRCP will not cause further degradation than what is already accounted for in the TSP. Needed improvements and funding mechanisms were identified that will mitigate impacts of development while recognizing reasonable financial limitations of the City and its partners. The improvements needed to mitigate for the development in the Beavercreek concept plan area were identified in the Concept Plan and included in the 2013 TSP. Improvements needed for entire Oregon City planning area are identified in the TSP. The TSP shows that the mobility standards prescribed by the TSP will be met except as noted above, at the intersection of OR 213/Beavercreek Road. The 2013 TSP assumes the development in the Concept Plan and the adopted system in the TSP is based on that development. Adoption of the concept plan is necessary to fulfill the City's duties under OAR 660-012-0045(1) and to ensure consistency among all parts of the City's comprehensive plan. The amendments have already been considered, evaluated, and resolved by the TSP adoption process and no further action is necessary.

Further, the adoption of the Beavercreek concept plan will not further degrade the Highway 213 / Beavercreek intersection because it will not take effect until the City adopts urban zoning designations, which will not happen until after the City and OTC adopt alternative mobility standards and identifies and commits to financially and technically feasible solutions to address safety and congestion at the OR 213/Beavercreek intersection, per OHP Action 1F3. Concurrent with the adoption of the 2013 TSP, the City adopted amendments to OCMC Chapter 12.04, creating a temporary exemption from the mobility standards for all development that is permitted,

either conditionally, outright or through detailed development master plan approval affecting the three intersections, including Highway 213 / Beavercreek Road. OCMC 12.04.205(D). For the Beavercreek concept area, the only development that may occur prior to the adoption of alternative mobility standards is that which is already permitted under the existing City urban or county holding zone. No more intensive urban development, as contemplated in the Concept Plan, will be allowed until the implementing comprehensive plan designations and zoning classifications are created within the OCMC and applied to the City's Zoning Map. The City will not adopt urban zoning in the Beavercreek concept plan area until alternative mobility targets are adopted.

In addition to identifying projects needed to mitigate for the transportation impacts of development, the TSP (Section H) includes a discussion of current transportation funding sources and other potential sources. The existing sources identified in the TSP include the Street Fund, Street System Development Charge (SDC) Fund and Transportation Utility Fee Fund. Potential sources discussed in the TSP include general city revenues, local fuel tax, urban renewal districts, local improvement districts, and debt financing. The proposed transportation infrastructure improvements, financing and funding estimates, identified in the concept plan and as supplemented by the Transportation System Plan provide an adequate basis to demonstrate compliance with the Transportation Planning Rule.

Implementation strategies and financing tools for the needed transportation improvements have been identified at the TSP level and will be further refined during Capital Improvement Plan updates.

The City finds this Goal is satisfied.

Goal 13 Energy Conservation

To conserve energy.

Analysis: One of the adopted goals of the concept plan is that the area will be a model of sustainable design, development practices, planning and innovative thinking. The Plan assumes that sustainable practices will be a combination of private initiatives (LEED certification), public requirements (green streets) and public-private partnerships. The Commission recommends that the City use incentives, education and policy support as much as possible for promoting sustainability in the study area. Some initiatives will require mandates, but at the end of the day, it is up to the private sector to invest in sustainable development. The Beavercreek Road site's legacy as a model of sustainable design will depend on the built projects that are successful in the marketplace and help generate the type of reputation that the community desires and deserves. The concept plan identifies sustainability design strategies that address energy efficiency, water conservation, compact development, mixed use, solar orientation, green streets/infrastructure, alternative transportation options, pedestrian and cyclist system, use of the natural systems and minimizing impervious surfaces.

The City finds this Goal is satisfied.

Goal 14 Urbanization

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

Analysis: This goal essentially defines the purpose of the concept plan. Oregon City's Urban Growth Boundary was expanded in 2002 and 2004 through Metro's regional review process to include more industrial land. This was the result of a demonstrated need for additional land to accommodate the deficiency in available, vacant industrial lands. The revised element of the updated plan calls for implementing Metro's "concept plan" requirements under Title 11 of the Functional Plan that will result in subarea planning of new areas added to the UGB. The concept plan establishes policies to convert rural to urban land within the UGB while monitoring the supply of land to ensure its adequacy to accommodate growth. Oregon City coordinates with Clackamas County through an intergovernmental agreement that guides land uses and extension of public services in the unincorporated UGB. In addition, the transportation, parks, trails, water, and sewer master plans address orderly extension of services to accommodate growth.

The City finds this Goal is satisfied.

C. Compliance with Metro Title 4.

The findings below are intended to show compliance with the current Metro-adopted Employment and Industrial Areas Map. The northern portion of the concept plan area, known as the North Employment Campus (NEC) in the concept plan, is considered an "Industrial area" on the Metro Title 4 map, as opposed to a "Regionally significant industrial area" such as the area along the OR 212 / 224 Corridor in Clackamas County, or an "Employment area", such as existing zoned land within the city of Clackamas Community College and the commercially and industrially zoned lands adjacent to it between Beavercreek Road and OR 213. Therefore, findings for compliance with Metro Title 4 are specifically provided for section *3.07.430 Protection of Industrial Areas.*

TITLE 4: INDUSTRIAL AND OTHER EMPLOYMENT AREAS

3.07.410 Purpose and Intent

The Regional Framework Plan calls for a strong regional economy. To improve the economy, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of "clustering" to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region's transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities. The Metro Council will evaluate the effectiveness of Title 4 in achieving these purposes as part of its periodic analysis of the capacity of the urban growth boundary.

Analysis: The Commission notes that a key issue for the CAC/TAC was determining how much employment land was needed, what type and where. The Oregon City Comprehensive Plan requires that a majority of the lands be designated in a manner that encourages family-wage jobs in order to generate new jobs and move towards meeting the City's employment goals. The EcoNorthwest market analysis identified the advantages and disadvantages of industrial

development within the study area and concluded that under the right conditions it is not unreasonable to expect 150 acres of industrial and business park development to build out on the site over a 20-year period.

Metro brought 245 gross acres in the UGB in 2002 and 2004 to fulfill regional industrial employment needs. These areas (308 gross acres including those already within the UGB) are designated as the Industrial Design Type on Metro's 2040 Growth Concept Map. As noted above, Metro estimated 120 net acres of the concept plan area would be used for employment uses and indicated that it was important to fulfill the original intent for providing industrial lands and that there was flexibility for the local process to evaluate creative ways to meet the intent.

Metro's adoption of Ord. 1244B updated the EcoNorthwest analysis, concluding that the proposed plan provides an adequate amount of Title 4 employment land within the UGB, through 2029. Reflecting changes in employment needs and demands between the Metro 2002 Urban Growth Report (UGR) –Employment, and the 2009 UGR - Employment, Metro's 2009 assessment found there is adequate capacity inside the current UGB to accommodate the next 20 years of general employment and general industrial job growth even at the high end of the employment forecast range. The subsequently adopted change to the Title 4 Employment and Industrial Areas map conformed the map to the updated information about employment needs in the 2009 UGR (Employment). According to this map, which is consistent with the hybrid plan, the 151 gross acres on the revised map will supply approximately 121 net acres of employment land.

The CAC created several alternatives and finally chose a hybrid within the industrial designated area that included about 127 net acres of North Employment Campus, which is consistent with Metro's intent and similar to Oregon City's existing Campus Industrial designation, and about 29 acres of Mixed Employment Village and Main Street, which allows a variety of uses in a village-oriented transit hub and mixed use neighborhoods to the south that also provide jobs tailored to the neighborhood setting.

The North Employment Campus is to provide for the needed family wage employment that strengthens and diversifies the economy and will be compliant with Metro's Title 4 regulations. The NEC allows a mix of clean industries, offices serving industrial needs, light industrial uses, research and development and large corporate headquarters. The uses permitted are intended to improve the region's economic climate, promote sustainable and traded sector businesses, and protect the supply of site for employment by limiting incompatible uses.

Proposed policy 1.3 identifies the need to support the attraction of family wage jobs and connections with Clackamas Community College within the North Employment Campus, Policy 1.4 identifies the need to promote job creation, mixed use and transit oriented development within the Mixed Employment Village and Main Street, and recommends the adoption of minimum density requirements, limitations on stand-alone residential and other standards that implement the policy. Goal 3 – Green Jobs, includes policies recommending coordination with other local, county and state economic development agencies to recruit green industries and promote green development practices.

The concept plan provides land for an identified need within the region and state, and provides for a mix of other uses that will contribute to the economic welfare of the city, state and the citizens.

The City finds this requirement is satisfied.

3.07.430 Protection of Industrial Areas

A. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for retail commercial uses—such as stores and restaurants—and retail and professional services that cater to daily customers—such as financial, insurance, real estate, legal, medical and dental offices—in order to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:

1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and

2. Training facilities whose primary purpose is to provide training to meet industrial needs.

Analysis: Please also see findings under city comprehensive plan Policy 2.6.3.The zoning of the property in the North Employment Campus will be the same as or similar to the current CI – Campus Industrial zone in OCMC 17.37. Any commercial or retail uses within the northern employment campus would be limited to some upper limit, similar to the CI zone, which limits the square footage for retail and commercial office use in accordance with the Metro requirement:

> *L. Retail sales and services, including eating establishments for employees (i.e. a cafe or sandwich shop), located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of twenty thousand square feet or five percent of the building square footage, whichever is less, and the retail sales and services shall not occupy more than ten percent of the net developable portion of all contiguous industrial lands;*
>
> *M. Financial, insurance, real estate, or other professional offices, as an accessory use to a permitted use, located in the same building as the permitted use and limited to ten percent of the total floor area of the development. Financial institutions shall primarily serve the needs of businesses and employees within the development, and drive-through features are prohibited;*

The specific use restrictions that are necessary to assure protection of employment lands will be further refined with adoption of new zoning designations and code requirements for the BRCP.

Taken together, these requirements will protect the city's supply of undeveloped and underdeveloped land zoned for industrial uses.

The City finds this requirement is satisfied.

B. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for the uses described in subsection A to ensure that they do not interfere with the efficient movement of freight along Main Roadway Routes and Roadway Connectors shown on the Regional Freight Network Map in the RTP. Such measures may include, but are not limited to, restrictions on access to freight routes and connectors, siting limitations and traffic thresholds. This subsection does not require cities and counties to include such measures to limit new other buildings or uses.

Analysis: RTP freight routes were analyzed with the adoption of the TSP in 2014. Within the concept plan area, Beavercreek Road, Loder Road, Meyers Road extension and Ridge Parkway extension are indicated as local truck routes. Beavercreek Road is designated as a Roadway Connector on the RTP. The planned street network for the area is designed to limit new connections to Beavercreek Road, preserve the roadway capacity, and provide a secondary collector street network to serve the buildout of the area. In accordance with the TSP and RTP, the access management approach envisioned in the plan will minimize impacts and access points on the Beavercreek Road corridor. As new development is reviewed for compliance with the TSP and the city's street standards, the form and design of the land uses abutting these roads will also be reviewed.

The City finds this requirement is satisfied.

C. No city or county shall amend its land use regulations that apply to lands shown as Industrial Area on the Employment and Industrial Areas Map to authorize uses described in subsection A of this section that were not authorized prior to July 1, 2004.

Analysis: No such authorization will occur with adoption of the BRCP, and none is anticipated.

The City finds this requirement is satisfied.

D. Cities and counties may allow division of lots or parcels into smaller lots or parcels as follows:
1. Lots or parcels smaller than 50 acres may be divided into any number of smaller lots or parcels.

2. Lots or parcels 50 acres or larger may be divided into smaller lots and parcels pursuant to a master plan approved by the city or county so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.

3. Lots or parcels 50 acres or larger, including those created pursuant to paragraph (2) of this subsection, may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city or county so long as at least 40 percent of the area of the lot or parcel has

been developed with industrial uses or uses accessory to industrial use, and no portion has been developed, or is proposed to be developed with uses described in subsection A of this section.

4. Notwithstanding paragraphs 2 and 3 of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:
a. To provide public facilities and services;
b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;

To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or

d. To allow the creation of a lot solely for financing purposes when the created lot is part of a master planned development.

Analysis: No land division is proposed with the adoption of the BRCP. Land division for any parcels larger than 50 acres within the North Employment Campus would typically occur concurrently with the master planning process to assure that the site is well planned for the proposed use in compliance with this requirement. The master plan process in OCMC 17.65 is appropriate for sites of 10 acres or larger. There is only one such parcel larger than 50 acres on the north side of Loder Road and it is physically bisected by Trimble Creek, a Goal 5 resource area.

The City finds this requirement is satisfied.

E. Notwithstanding subsection B of this section, a city or county may allow the lawful use of any building, structure or land at the time of enactment of an ordinance adopted pursuant to this section to continue and to expand to add up to 20 percent more floorspace and 10 percent more land area.

Analysis: Compliance with this requirement would be considered if development is proposed within the Industrial area portion of the BRCP following adoption. Lawfully pre-existing non-conforming uses are regulated under OCMC 17.58. The specific use restrictions that are necessary to assure protection of employment lands will be further refined with adoption of new zoning designations and code requirements for the BRCP.

The City finds this requirement is satisfied.

D. Compliance with Metro Title 11.

The Plan is required to show compliance with the current version of Metro Title 11.

3.07.1105 Purpose and Intent

The Regional Framework Plan calls for long-range planning to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities. It is the purpose of Title 11 to guide such long-range planning for urban reserves and areas added to the UGB. It is also the purpose of Title 11 to provide interim protection for areas added to the UGB until city or county amendments to land use regulations to allow urbanization become applicable to the areas.

Analysis: The adoption of the BRCP achieves the purpose and intent of Metro Title 11. Detailed findings are provided below.

3.07.1120 Planning for Areas Added to the UGB

A. The county or city responsible for comprehensive planning of an area, as specified by the intergovernmental agreement adopted pursuant to section 3.07.1110C(7) or the ordinance that added the area to the UGB, shall adopt comprehensive plan provisions and land use regulations for the area to address the requirements of subsection C by the date specified by the ordinance or by section 3.07.1455B(4) of this chapter.

Analysis: The Intergovernmental Agreement with Metro to complete the concept plan for Beavercreek Road was signed by Metro Council in 2007. The City fulfilled all of the designated Milestones specified in the IGA and was fully reimbursed by Metro for the planning work following the City Commission's initial adoption of the concept plan in September 2008. The City's decision was appealed to the Land Use Board of Appeals (LUBA). LUBA remanded the Concept Plan, finding that the Plan was not consistent with the Metro 2040 Growth Concept Map. Oregon City and Metro staff worked to amend the 2040 Growth Concept Map and address the reason for remand, which was adopted by the Metro Commission early in 2011. The City requested a 3-year extension of the compliance deadline which was granted by Metro in May, 2011. Due to further legal challenges to the Metro UGB, re-adoption of the Plan by the City could not practicably occur until 2015.

Once the City Commission has adopted the revised findings and all appeal timelines have expired, the City will prepare a scope of work to prepare and adopt the implementation measures (zoning and development code amendments) for the Beavercreek Road Concept Plan. It is expected that the preparation and adoption process for the implementation measures will be included in the 2016 Community Development Department work plan and budget.

The City finds this requirement is satisfied.

B. If the concept plan developed for the area pursuant to section 3.07.1110 assigns planning responsibility to more than one city or county, the responsible local governments shall provide for concurrent consideration and adoption of proposed comprehensive plan provisions unless the ordinance adding the area to the UGB provides otherwise.

Analysis: Oregon City is solely responsible for adoption of the Beavercreek Road Concept Plan.

The City finds this requirement is satisfied.

C. Comprehensive plan provisions for the area shall include:

1. Specific plan designation boundaries derived from and generally consistent with the boundaries of design type designations assigned by the Metro Council in the ordinance adding the area to the UGB;

Analysis: The revised Industrial and Other Employment Areas map adopted by Metro in 2010 by Ordinance 10-1244B, Exhibit D is consistent with the North Employment Campus (NEC) plan area on the BRCP. The remaining plan areas – the Mixed Employment Village, Main Street, and West and East Mixed Use Neighborhoods, are consistent with the Metro Outer Neighborhoods design type designation.

The City finds this requirement is satisfied.

2. Provision for annexation to a city and to any necessary service districts prior to, or simultaneously with, application of city land use regulations intended to comply with this subsection;

Analysis: The City's Comprehensive Plan and Code establishes a framework of policies and implementing ordinances before annexation can take place and urban-level development can occur.

Applications for annexation, whether initiated by the City or by individuals, are based on specific criteria contained in Chapter 14 of the City of Oregon City Municipal Code.

Annexation to the City of Oregon City is required as a condition of extension of city services properties within the Urban Growth Boundary, including sewer, water, and stormwater utilities.

As a general policy the city does not extend services to properties outside the city limit. In situations where the timing of extension of a particular city service may not be practicable until a greater level of urbanization occurs, such as sewer connections farther than 300' from city sewer, exceptions may be made in accordance with law or based on intergovernmental agreements.

Concept plans are an important tool that identifies where and when areas might be considered for annexation in order to control the expansion of the city limits and services to help avoid conflicts and provide predictability for residents and developers. Other considerations are consistency with the provisions of the Comprehensive Plan and the City's public facility plans, with any plans and agreements of urban service providers, and with regional annexation criteria.

The City finds this requirement is satisfied.

3. Provisions that ensure zoned capacity for the number and types of housing units, if any, specified by the Metro Council pursuant to section 3.07.1455B(2) of this chapter;

Analysis: The concept plan recommends and provides for a mix of residential areas that allow and/or require different densities and housing types, including low, medium and high densities, single-family homes on a range of lot sizes, townhouses, duplexes, multi-family units and mixed

commercial/residential uses. Accessory dwelling units are allowed in all single-family residential zones, per the Oregon City Municipal Code, subject to special development and occupancy standards. Manufactured homes are typically permitted in any zone where single-family detached housing units are permitted unless other factors, such as historic review guidelines, might otherwise preclude them. Proposed policy 1.6 indicates that within the West and East Mixed Use Neighborhoods, a variety of housing types will be required and that lot size averaging and other techniques that help create housing variety while maintaining overall average density should be allowed. Requiring a mix of housing types and requiring a minimum and maximum density, rather than a minimum and maximum lot size, will allow a wide variety of housing units to be created, meeting the intent of this section.

The BRCP envisions that the West Mixed Use Neighborhood shall be a walkable, transit-oriented neighborhood with an overall average or residential uses not to exceed 22 dwelling units per acre. The East Mixed Use Neighborhood will be a walkable and tree lined neighborhood with a variety of housing types that will not exceed densities permitted in the R-5 zone (8.7 units per acre). Based on the proposed densities, the BRCP has an estimated capacity of approximately 1,000 dwellings, which is approximately 10.3 dwellings per net developable residential-designated acre. These residential densities do not apply to lands designated for industrial and employment use where residential uses are not permitted.

The City finds this requirement is satisfied.

4. Provision for affordable housing consistent with Title 7 of this chapter if the comprehensive plan authorizes housing in any part of the area.

Analysis: According to the 2000 census, the median household income in Oregon City was $45,531. The 2013 median household income (2010 inflation adjusted) was $60,223. Affordable housing is typically defined as housing that does not cost more than 30% of a household's income. In addition, very low income households are typically defined as those earning less than 30% of median household income; low-income households as those earning less than 50% of median household income; and moderate income households are those making between 50% and 80% of median income. Typically, the types of housing most affordable to people with low and moderate incomes are single-family homes on small lots, attached single-family homes, duplexes and multi-family housing, and accessory dwelling units. These types of housing types are expected to account for 390 to 480 units, providing affordable housing opportunities within the concept plan area. As stated above, requiring a variety of housing types will create opportunities for affordable housing within the proposed neighborhoods.

The City finds this requirement is satisfied.

5. Provision for the amount of land and improvements needed, if any, for public school facilities sufficient to serve the area added to the UGB in coordination with affected school districts. This requirement includes consideration of any school facility plan prepared in accordance with ORS 195.110;

Analysis: The concept plan has not identified any new school sites within the study area. The Oregon City School District High School is located directly across Beavercreek Road from the study area and the district owns a vacant parcel of land directly south of the study area that could be used as a future school facility. The Oregon City School District provided a representative that was a member of the Citizen Advisory Committee. No need for additional lands identified as a result of the implementation of the concept plan was identified.

Oregon City School District owns property adjacent to the Beavercreek Road Concept Plan and believes this is probably adequate for the near term. The District has some current capacity at the elementary school K-5 level and high school 9-12 level. The District is near capacity at the middle school 6-8 level.

According to the School District, even with existing school property adjacent to the Beavercreek Road Concept Plan, public financing support will be required to develop the additional capacity in the future. The District is embarking on a long-range facilities planning process to study existing and future capital needs.

The City finds this requirement is satisfied.

6. Provision for the amount of land and improvements needed, if any, for public park facilities sufficient to serve the area added to the UGB in coordination with affected park providers.

Analysis: The Beavercreek Road Open Space Framework plan provides a network of green spaces that are intended to provide a system of connected parks, opens spaces and natural areas, provide access to nature, preserve existing natural resources and provide green spaces near the system of trails and pedestrian connections. The power line corridors comprise approximately 52 acres of land north of Loder Road and have been utilized to provide publicly accessible opens space, trails and links to the broader open space network. The City's Parks and Recreation Master Plan requires between 6 and 10 acres of parkland per 1,000 population. The extent and location of the park is conceptual, flexible and the costs associated with acquisition and development may need to be determined through more detailed Master Planning processes, similar to the Glen Oak Road park site and the Hazel Grove parks site master planning that was conducted in 2014. Existing parks SDCs do not reflect the cost of providing parks in this area, and they may need to be updated to account for the amount of parks acreage envisioned in the concept plan. A park is proposed to extend through the central and southern areas of the BRCP. The location and linearity of the park was first indicated by Metro's Goal 5 mapping. This open space feature is intended as a continuous green space that links the districts and neighborhoods south of Loder Road.

The City finds this requirement is satisfied.

7. A conceptual street plan that identifies internal street connections and connections to adjacent urban areas to improve local access and improve the integrity of the regional street system. For areas that allow residential or mixed-use development, the plan shall meet the standards for street connections in the Regional Transportation Functional Plan;

Analysis: See also findings under Goal 12 earlier in this report. The BRCP provides for a mixed use community that provides viable options for internal trip making (i.e. many daily needs provided on-site), transit use, maximized walking and biking, and re-routed trips within the Oregon City area. Beavercreek Road will be improved as a green boulevard that will be a 5-lane arterial section to Clairmont, then a 3-lane arterial from Clairmont to the UGB. The internal street system will provide logical, but limited access to Beavercreek Road, by connecting to existing streets on the west side of Beavercreek Road and requiring that an internal street/alley system be utilized, eliminating driveway cuts on Beavercreek Road and maximizing its available capacity. The plan identifies an internal north-south connection from Old Acres Lane to Thayer Road that will reduce the need to access Beavercreek Road for daily trips within the area and an extensive pedestrian and bicycle circulation system connecting the residential, commercial and industrial areas together and extends to existing and proposed transportation systems adjacent to the study area. The plan identifies appropriate green street options to be implemented, and expanded on, as development occurs, including: vegetated swales, planter islands, curb extensions, and porous pavement.

Goal 6 of the BRCP recommends providing multi-modal transportation links connected within the site as well as to the surrounding areas and includes policies recommending that land use reviews support bus service by ensuring a mix of land uses, densities and design options that support public transportation and other alternative transportation methods, ensure that local connectivity and off-street pedestrian routes link together in a highly connected pedestrian system that is safe, direct, convenient and attractive and improve pedestrian and bicycle safety along Beavercreek Road. The concept plan process has identified and prepared the construction cost estimates for the planned transportation improvements and a detailed list of financing options has been created.

The City finds this requirement is satisfied.

8. Provision for the financing of local and state public facilities and services; and
Analysis: The plan includes adequate consideration of public facilities cost estimates and financing approaches.

The plan provides a thorough explanation of the existing conditions pertaining to this analysis and provides recommendations and preliminary cost estimates for improvements that will be necessary in order for the concept plan to be carried out. Since the BRCP was initially adopted in 2008, three public facilities plans were amended to include the concept plan area. These plan updates include cost estimates which have subsequently been updated in the city's public infrastructure and transportation planning as follows:
Transportation System Plan (2013)
Sewer Master Plan (2014)
Water Master Plan (2010)
Stormwater and Erosion Control Manual and Design Standards (2015)

Parks and recreation system development charges will need to be analyzed to reflect the type of dwelling unit to be constructed and the number of employees associated with non-residential uses in the area. Future parks planning will need to include consideration of SDCs. SDCs could be utilized to acquire open space, natural resource and natural hazard areas that are part of the larger open space framework plan. Four other primary funding sources have been identified, including: Urban Renewal/Tax Increment Financing; Local Improvement Districts; Bonds; and Developer Funded Improvements. The plan also calls for creating the Environmentally Sensitive Resource

Area to protect, conserve and enhance identified natural by applying a low-density base zoning that allows property owners to cluster density outside the ESRA and transfer to more appropriate sites.

Planning, funding and cost estimates for the transportation system plan (TSP) consistent with the Regional Transportation Plan (RTP) were adopted in early 2014 and are described in more detail under section 7 above.

The City finds this requirement is satisfied.

9. A strategy for protection of the capacity and function of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.
Analysis: The Statewide Planning Goal 12 analysis and findings provided earlier in this report on Page 25 discusses in detail the City's Transportation System Plan and consistency with the Metro RTP, as well as a discussion of mobility challenges for existing state highway interchanges.

The City finds this requirement is satisfied.

D. The county or city responsible for comprehensive planning of an area shall submit to Metro a determination of the residential capacity of any area zoned to allow dwelling units, using the method in section 3.07.120, within 30 days after adoption of new land use regulations for the area.
Analysis: See analysis under provision 3 above relating to zoned capacity.

The City finds this requirement is satisfied.

3.07.1130 Interim Protection of Areas Added to the UGB
Until land use regulations that comply with section 3.07.1120 become applicable to the area, the city or county responsible for planning the area added to the UGB shall not adopt or approve:

A. A land use regulation or zoning map amendment that allows higher residential density in the area than allowed by regulations in effect at the time of addition of the area to the UGB;
B. A land use regulation or zoning map amendment that allows commercial or industrial uses not allowed under regulations in effect at the time of addition of the area to the UGB;

C. A land division or partition that would result in creation of a lot or parcel less than 20 acres in size, except for public facilities and services as defined in section 3.07.1010 of this chapter, or for a new public school;

D. In an area designated by the Metro Council in the ordinance adding the area to the UGB as Regionally Significant Industrial Area:
1. A commercial use that is not accessory to industrial uses in the area; and
2. A school, a church, a park or any other institutional or community service use intended to serve people who do not work or reside in the area.

Analysis: The areas added to the UGB which are subject to this title are zoned County FU-10 which is a holding zone that prevents urbanization prior to concept plan adoption, and does not allow land uses A, B or C described above. None of the lands added to the UGB are considered

RSIAs, although they are considered important to the local employment and industrial land capacity of Oregon City.

The City finds this requirement is satisfied.

VI. CONCLUSION

The City finds that Beavercreek Road Concept Plan and appendices meets the requirements of the Statewide Land Use Goals, Metro Title 11, Metro Title 4, as well as the applicable Comprehensive Plan criteria.

_____ _____

DAN HOLLADAY, Mayor Date

Attested to this ___ day of ____ 20015

_____

KATTIE RIGGS, City Recorder

From:	Buehrig, Karen
To:	"pauloedgar@g.com"
Cc:	Andrew Cotugno - Metro; Bernard, Jim; BCCMail; Comer, Catherine; CRAIG Elizabeth * ODOT; Deborah Hart Redman - Metro Transportation Planner; Elizabeth Graser-Lindsey - Beavercreek; Ellen Rogalin - Clackamas Trans; Ethan Seltzer - PSU Urban Planning; GARRETT Matthew L * ODOT; James B. Cox - ODOT Major Projects; Jeff Graham - FHWA; Ludlow, John; Cartasegna, Mary Jo; Metro Council President Tom Hughes; Savas, Paul; Ray Valone - Metro Planning; Rep Bill Kennemer; REP Barton; Rep. Julie Parrish; Rian Windsheimer - ODOT; Senator Alan Olsen; Senator Chuck Thomsen - Hood River; Senator Peter Courtney; Senator Rod Monroe; Steve Schopp; Tootie Smith - CC Commissioner
Subject:	RE: Emailing - Agenda (7).pdf Beavercreek Road Concept Plan - How it can take the intersection of Hwy 213 and Beavercreek Road from LOS "F" to LOS "Z" and what that means
Date:	Monday, December 14, 2015 5:30:30 PM

Paul-

Thank you for your email. I did a little digging today, and this is what I found out.

1) Tonight, staff from Oregon City will be requesting a continuance of the Beavercreek Road Concept Plan discussion at the Planning Commission meeting. They are asking to move it to the January 11th meeting. They need more time to adequately address the issues brought up at the previous Planning Commission meeting, including concerns related to adequacy of the transportation system.

2) The City has met as recently as last week to talk with ODOT about the issue of the intersection of Hwy 213 and Beavercreek Road. The Oregon City Transportation Systems Plan acknowledged that this intersection failed to meet the mobility standard and that there was a need to work with its partners (ODOT and Clackamas County) on developing an alternative mobility standard. ODOT will be hopefully getting back to Oregon City with information on how that project can move forward.

3) Before significant development proposals and zone changes can be made, an new Alternative Mobility standard needs to be adopted.

It was very encouraging to hear that ODOT is looking at ways to move a project forward that will address mobility standards at this intersection. Clackamas County will be involved in this discussion and can bring forward your concerns about freight movement and economic development.

Sincerely,

Karen

Karen Buehrig
Transportation Planning Supervisor
Engineering Division, Clackamas County

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Oregon City, OR 97045
(503) 742-4683
karenb@co.clackamas.or.us

Department of Transportation and Development hours -
- 2nd and 3rd floor permit lobbies open Mon-Thurs 8a-4p and Fri 8a-3p.

-----Original Message-----

From: Paul Edgar [mailto:pauloedgar@q.com]
Sent: Sunday, December 13, 2015 12:30 PM
To: Buehrig, Karen
Cc: Andrew Cotugno - Metro; Bernard, Jim; BCCMail; Comer, Catherine; Comer, Catherine; CRAIG Elizabeth * ODOT; Deborah Hart Redman - Metro Transportation Planner; Elizabeth Graser-Lindsey - Beavercreek; Ellen Rogalin - Clackamas Trans; Ethan Seltzer - PSU Urban Planning; GARRETT Matthew L * ODOT; James B. Cox - ODOT Major Projects; Jeff Graham - FHWA; Ludlow, John; Cartasegna, Mary Jo; Metro Council President Tom Hughes; Savas, Paul; Ray Valone - Metro Planning; Rep Bill Kennemer; REP Barton; Rep. Julie Parrish; Rian Windsheimer - ODOT; Senator Alan Olsen; Senator Chuck Thomsen - Hood River; Senator Peter Courtney; Senator Rod Monroe; Steve Schopp; Tootie Smith - CC Commissioner
Subject: Emailing - Agenda (7).pdf Beavercreek Road Concept Plan - How it can take the intersection of Hwy 213 and Beavercreek Road from LOS "F" to LOS "Z" and what that means

Karen, there needs to be made a request for a continuance of this hearing process, by the City of Oregon City's to fast track the adoption
of their "Beavercreek Road Concept Plan". The justification for this
continuance request is because of inadequate and dated Transportation Studies and Understanding by Clackamas County, ODOT and Oregon City.

What is now being advanced can cause major damage to individuals, businesses and the environment in Clackamas County and subsequently have devastating effects on everyone's ability to create "Economic Development and new JOB's in a significant section of the county that has as its primary lifeline for travel and freight, Highway 213 and Beavercreek Road.

Critical in this is the intersection of Hwy 213 and Beavercreek Road, that has been identified at being at LOS "F" conditions right now.

We need adequate and responsible planning as to ascertain, the effects of what is being proposed zoning and development that will reduce the carry capacity of Hwy 213 and Beavercreek Road to below that of what it is right now at LOS "F" conditions.

Allowing for the creation of strategic Chock Points that can have permanent negative effects is in direct violation of the State of Oregon Planning Guideline and Goals.

This is not just an Oregon City issue it is a Regional, State of Oregon and Clackamas County issue too.

As member of the recent Clackamas County TSP Committee, we identified strategic Roads and Freight Routes and they are embodied in the Clackamas County Comprehensive Plan and TSP. There is on MAP 5-9a the identification of Urban Freight Routes. If this Hwy 213 and Beavercreek Road intersection is allowed to be taken to conditions of less then LOS "F" conditions, in reducing its carrying capacity to unacceptable levels, this will hurt the whole of Clackamas County economy and its ability create or retain JOB's, and that should not be allowed happen.

Without doing something, that is like saying to all people and industry that will be negatively effected by what is being proposed to happen, you don't care.

This Beavercreek Road Concept Plan was started 9-to 10--years ago. It has been in this long process, after it was approved with its appeal to LUBA and now we are faced with 6-to 10-year old data and requests to fast track this process with radically changing conditions in Transportation Needs and Urban Planning.

So read this, "Re-adoption of the Beavercreek Road Concept Plan" and request for a Continuance of (Planning File LE 15-03) at the City of Oregon Planning Commission Meeting, December 14, 2015.

My recommendation is that there is a need for a full fledged "Transportation Planning Study - Review on Hwy 213 and Beavercreek Road"
where we can at least have plans that reflect the current needs to provide for adequate Right-of-Way and Carry

Capacity for all modes of traffic, out over the next 30-years. We want economic development and JOB's, so lets figure this out.

Paul Edgar

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From: Buehrig, Karen
To: Pete Walter
Subject: FW: Beavercreek Road Concept Plan,letter to CC & ODOT
Date: Tuesday, December 22, 2015 9:18:01 AM
Attachments: Beavercreek Road Concept Plan,letter to CC & ODOT.pdf

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-----Original Message-----
From: Paul Edgar [mailto:pauloedgar@q.com]
Sent: Monday, December 21, 2015 12:25 PM
To: Buehrig, Karen; Rian Windsheimer - ODOT; Matthew L. Garrett; Ludlow, John; Savas, Paul
Subject: Beavercreek Road Concept Plan,letter to CC & ODOT

Please everyone we need a responsible Transportation Study of the State Highway 213 and Beavercreek Road Corridors, that will put accurate and quantified information in everyone's hand.

Just to remind everyone, the intersection of Hwy 213 and Beavercreek Road is at LOS F conditions right now.

Beavercreek Road is a Clackamas County Road and Highway 213 is a State Highway and they are both designated as strategic Freight Routes.

In a Oregon City Planning Commission meeting, one of the commissioners looked up and said, that it looks like we are about to approve taking the intersection (Beavercreek Road and Hwy 213) to LOS Z.

Without a plan, and with their re-classification of the intersection to Mixed Use Commercial, and the use of Volume over Capacity method, coupled with incremental planning approval within a piece meal approval process, Oregon City will be able to take this intersection to LOS Z.

That is what is happening!!

Paul Edgar

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December 21, 2015

To: State of Oregon, Department of Transportation, Region One Portland, OR. & Clackamas County, Oregon City, OR

From: Paul Edgar, Citizen – Past member of the Clackamas County Transportation Committee for the TSP, Oregon City, Oregon

Subject: Oregon City's Beavercreek Concept Plan and Development/Zoning and their impacts on State and Regional Transportation Systems i.e. State Hwy 213 & Beavercreek Road

Oregon's Statewide Planning Goals & Guidelines, GOAL 12: Transportation (OAR 660-015-0000(12), Guidelines, A. Planning: States,

1. **All current area-wide transportation studies and plans should be revised in coordination with local and regional comprehensive plans and submitted to local and regional agencies for review and approval.**

   Therefore:

   This has not occurred to where the Clackamas County has approved the Oregon City Beavercreek Concept Plan, through their Planning Commission, Transportation Department-Planning, and Oregon Department of Transportation (ODOT), Region One, in where Intergovernmental Agreements (IGA) have been issued confirming critical understandings, agreement and approval.

   Therefore:

   Until there are IGA's in hand, The City of Oregon City cannot proceed on the approval process of the Beavercreek Concept Plan, re-zoning in the affected area, issuance of building permits and/or any construction that has implications on increasing Transportation Type – New Trip Generation.

Therefore:

Clackamas County's Comprehensive Plan, reflected in their Urban Freight Routes, MAP 5-9a, where they identify State Hwy 213 and Beavercreek Road as strategic Urban Freight Routes, important to regional economies and the creation and retention of JOB's.

Therefore:

Any and all transportation considerations and TSP status changes that negatively impact "carrying capacity" with Regional and State Wide implications in increasing other areas in their cost of doing businesses and abilities that negatively affect their economic health cannot be allowed or permitted without an IGA in hand from all affected entities.

Therefore:

Any Transportation Implications that might arise from Oregon City's Beavercreek Concept Plan, zoning and issuance of building permits and construction in the area must be compliance with the Clackamas County Comprehensive Plan, MAP 5-11e, Southwest County – Northern Portion, Capital Improvement Plan, with an IGA of approval, or therefore must stop. This is to prevent construction and building of anything that is in conflict with this Comprehensive Plan. Beavercreek Road has been identified as a strategic Freight Route and additionally it has been identified as part of Multi-Use Path network, in its 20-Year Capital Improvement Projects out to Beavercreek Hamlet/CPO. Needed Right of Way (ROW) must be allocated for within any plans, zoning, building permits and construction.

6. Plans providing for a transportation system should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

Therefore:

Currently the intersection of State Hwy 213 and Beavercreek Road are at and exceed the "Carrying Capacity" of this intersection using the State approved methods to determine/measure carrying capacity by a "Level of Service" (LOS) determination , where a measurement this Hwy 213 & Beavercreek Road intersection currently reflects a LOS "F" Failing Status.

Therefore:

Before The City of Oregon City, can advance the Beavercreek Road Concept Plan, any zoning changes, building permits and construction for the area that have and create any change to any and all transportation trip generation in and through the affected area, there must be IGA's in hand from all affected entities and governments, to allow those actions.

Therefore:

A complete Transportation Study with current updated understandings needs to happen, before advancing and approval of the Beavercreek Concept Plan, in addition to any zoning changes, building permits, construction activity that can alter Transportation Trips Generation within the affected area of the Beavercreek Concept Plan.

Therefore:

All Transportation Implications of the new Beavercreek Road Enterprise Zone must be identified and quantified in how they affect Beavercreek Road and the critical intersection of State Hwy 213 & Beavercreek Road.

Therefore:

The funding implications of how to achieve needed improvements in "carrying capacity" must be identified and to be in agreement with achieving what is in and implied as possible, within the Beavercreek Concept Plan. Any proposed new zoning changes, building permits and

construction activities that can change negatively Transportation Trip Generation to where this exceeds the current LOS “F” conditions, must be stopped until needed IGA’s are received, in hand in Oregon City.

Kate Brown, Governor

Department of Transportation
Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8531

December 28, 2015

Oregon City Planning Commission
City of Oregon City
625 Center Street
Oregon City, OR 97045

Subject: **Beavercreek Road Concept Plan Re-Adoption** (File LE-15-0003)

Dear Chair Kidwell and Planning Commission Members:

The Oregon Department of Transportation has no objection to the re-adoption of the Beavercreek Road Concept Plan based on the staff findings. We have participated throughout the plan development including helping to fund the development of the Beavercreek Road Concept Plan through a Transportation Growth Management grant.

The city staff finding that more intensive urban development will be allowed within the Beavercreek Road Concept Plan area only after the implementing zoning classifications are created and applied to the City's Zoning Map satisfies ODOT. The determination of whether the (future) urban zones will have a significantly effect on the transportation system set forth by Oregon Administrative Rule 660-012-0060 will be made at a future date.

The city staff also finds that they will not be applying the (future) urban zones until alternative mobility targets are adopted for OR213/Beavercreek Road intersection. This option is consistent with Oregon Highway Plan, Action 1F3.

We look forward to working with the City of Oregon City in our continued partnership.

Sincerely,

Jon Makler, AICP
Planning Manager, ODOT Region 1

c: Pete Walter, City of Oregon City
Gail Curtis, ODOT Region 1

SOUTH FORK WATER BOARD
Combined Water Operations of Oregon City and West Linn, Oregon
15962 S. Hunter Avenue
Oregon City, OR 97045
Business Office: (503) 657-6581 Fax: (503) 656-9336
Filter Plant: (503) 657-5030

December 28, 2015

Pete Walter, AICP, Associate Planner
City of Oregon City, Community Development Department
Planning Division
221 Molalla Ave, Ste. 200
Oregon City, OR 97045

Mr. Walter,

In response to your request for verification that the South Fork Water Board will be able to provide water service to an additional 1000 residential units and approximately 127 acres of light industrial in the Beavercreek Creek Road area, I am pleased to provide the following assurance:

The South Fork Water Board's ability to service the proposed build-out in the Beavercreek Road concept plan will have little to no impact on the overall demand on the Board's water treatment system. Currently the South Fork Water Boards holds in excess of 52 million gallons per day (MGD) in water rights on the Clackamas River. To date, our peak demand has been approximately 22 MGD. The raw water intake on the Clackamas River already has the capacity to withdraw our full 52 MGD.

The South Fork Water Board 2010 Water Master Plan Update calls for capital improvements to ensure the entire treatment system is able to handle this flow as demand increases. This Water Master Plan is currently in the process of being updated with a new 20-year planning horizon and will include growth projections from both Oregon City and West Linn ensuring an adequate supply of domestic water for both cities. Additionally, a 20-year Concept Development Plan to upgrade South Fork facilities to accommodate increased demand was approved by the City of Oregon City on March 14, 2011.

Taken together, these planning documents guarantee the South Fork Water Board will have the ability to expand infrastructure to meet projected growth in our service area.

Respectfully,

John Collins
General Manager

Oregon City Planning Commission
Meeting of December 14th, 2015

Testimony of Christine Kosinski, Unincorporated Clackamas County

RE: File LE 15-003 Re-Adoption of The Beavercreek Road Concept Plan
Failure to meet State Goal 7
Failure to meet State Goals 4, 5, 17, and 18
ORS 105.465 – Real Estate Disclosure Law
Joint Interim Task Force on Landslides and Public Safety Report, October of 1998
SB 1211 Regulations

In my previous testimony to you of November 23rd, 2015, I listed many reasons why this City cannot consider approval of this Concept Plan. I requested in my testimony to keep the hearings open to allow the Planning Commission the time it would need to research and validate the fact that homeowners in the Holly Ln neighborhood are unable to obtain Landslide Insurance to cover losses should an event occur. I continued by stating, that the City and County must go to the State and Federal Government to write legislation for Hazard/Landslide/Earthquake Insurance to cover all Oregon citizens living in areas of Steep Slopes/Landslides/and other hazardous areas. I further stated that it is the responsibility of the City to support ORS 105.465 and that all prospective buyers of homes and/or property in landslide areas be made aware that their property lies within a landslide zone and that they will be unable to obtain landslide insurance for any losses due to landslide. This is not being done by either the City nor the developer **and is against State Laws.** ORS 105.465 will apply to all property owners within the Beavercreek Road Concept Plan as most of their properties will lie within one mile of a previous landslide (Lloyd's of London will deny if property is within one mile of landslide).

I would like to direct the Planning Commission to the "Joint Interim Task Force on Landslides and Public Safety Report from October of 1998" (found on the internet). In the last paragraph on Pg. 9, it is stated "Oregon's statewide land use planning goals are implemented through local comprehensive planning, State law requires each city and county to have a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect. These local comprehensive plans must be consistent with statewide planning goals." On Pg.10, paragraph 3, it is further stated that "Because Oregon's Statewide Land Use Planning Goals address development in hazardous areas, land planning was a key issue before the Task Force." Consistent with its mission, the committee reviewed Oregon's statewide planning goals and determined that five of the nineteen goals relate to its work plan. The goals are **Goal 4, Goal 5, Goal 7, Goal 17 and Goal 18.**

I now refer you to the City's Comprehensive Plan, Pg. 52 under Landslides, it is stated "landslides can be exacerbated by undercutting a slope or triggered by heavy rains, groundshaking from earthquakes and **heavy traffic**, undercutting the lower edge of a slope, cuts in road construction. Areas most susceptible to landslides in Oregon City are those with slopes of greater than 25%.

First, I again ask the City to change its Landslide Regulations to regulate slopes of **15% or greater** as recommended by a Geological Consultant in 2007. A reminder that Holly Ln landslides occurred on only 11% slope and the Street of Dreams slides occurred on only 5% or less slopes.

Kosinski
12/14/15
Exhibit 1

I now ask you why would the City even consider approval of the BRCP in its present form? You can't meet requirements of the above State Goals, you openly admit that **Groundshaking and Heavy Traffic** can exacerbate the re-activation of Landslides, and furthermore, I have recently turned into the City ***"A denial for Landslide Insurance"*** that my husband and I received this past October. In addition, I turned proof into the City that Lloyd's of London (the only underwriter of Landslide Insurance in the World) will not write Landslide Insurance for anyone living within one mile of a previous landslide. That means that every homeowner on Holly Ln, Maplelane, Thayer Rd, Morton Rd, Donovan, Holly Crest, Redland Road, Park Place and all property owners within the Beavercreek Road Concept Plan, virtually none of these homeowners will be able to get landslide insurance, **In view of this information, WHY WOULD OREGON CITY EVEN CONSIDER APPROVAL FOR THE BEAVERCREEK ROAD CONCEPT PLAN WHEN APPROVAL GOES AGAINST MANY STATE GOALS?**

In 2010, the people of Holly Ln filled your chambers "begging you" to take Holly Ln out of your TSP, telling you "we cannot get landslide insurance," and then asking you "if you re-activate landslides on Holly Ln when you try to widen, excavate and cut into the slopes, will you, the City, pay for our losses knowing we have NO insurance?" You gave us NO answer. We have asked you this same question on numerous occasions, again with NO answer from the City. You are giving us no answer because you know the City is wrong in taking over a County road that is filled with fragile landslides and sinkholes.

What you are attempting to do goes against all State Goals, goals that the State has told you must be aligned with the State in your comprehensive plan.

I ask you again, for all the people of Holly Ln, take Holly Ln out of your TSP for all the above reasons, but for the most important reason, and that is, "for the safety of the people and their property."

I understand that the City needs a way to bring traffic from the hilltop down to the I-205 transportation corridor, however, we the people, have been trying to tell you for more than ten years that Holly Ln and all the streets in this area of Clackamas County are dangerous. This is "landslide city" and is an area that should be avoided and protected from heavy development. Your plans to make Holly Ln a "literal freeway" that would carry upwards of 50,000 ADT's per day and more are ill conceived. These plans were all about Profit and Greed at the expense of the poor citizen who can't even get insurance to cover losses should a landslide strike their property. I can't think of anything worse than to have government and developers profit while allowing the poor property owner to take all the losses.

For all these reasons I cannot support approving the Beavercreek Concept Plan. I encourage the City to seek a Transportation Plan for this region that will allow development on the hilltop with a proven road system to support the industrial, retail and residential plans for the hilltop area, however, know that I will never support any plans for development that will take advantage of the property owner, many of these are voters that look to you for leadership, for truth and honesty, and only this is what I will support.

BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

ELIZABETH GRASER-LINDSEY,
Petitioner,

vs.

CITY OF OREGON CITY,
Respondent,

and

OREGON CITY GOLF CLUB,
Intervenor-Respondent.

LUBA No. 2008-170

FINAL OPINION
AND ORDER

Appeal from City of Oregon City.

Elizabeth Graser-Lindsey, Beavercreek, filed the petition for review and argued on her own behalf.

Carrie A. Richter, Portland, filed the response brief. Carrie A. Richter and Jennifer M. Bragar argued on behalf of respondent. With her on the brief were Edward J. Sullivan and Garvey Schubert Barer, PC.

Kelly S. Hossaini, Portland, represented intervenor-respondent.

HOLSTUN, Board Member; RYAN, Board Member, participated in the decision.

BASSHAM, Board Chair, did not participate in the decision.

REMANDED 08/20/2009

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

ENTERED INTO THE RECORD
DATE RECEIVED: 11/23/15
SUBMITTED BY: STAFF
SUBJECT: LE-15-0003
EXHIBIT A

Opinion by Holstun.

NATURE OF THE DECISION

Petitioner appeals a city ordinance that amends the city's comprehensive plan to adopt a concept plan for an area that was recently included within the Metro urban growth boundary (UGB).[1] The city has not yet amended its comprehensive plan and zoning maps to make them consistent with the concept plan. The city proposes to adopt those amendments separately.

MOTION TO FILE AN OVERLENGTH PETITION FOR REVIEW

Petitioner filed a petition for review that is 50 pages long. Under OAR 661-010-0030(2)(b), a petition for review may not exceed 50 pages unless LUBA gives permission to file a petition for review with more than 50 pages. Petitioner included five more pages of argument at the end of the petition for review, and requests permission to include those additional five pages in her petition for review.

If petitioner had focused her arguments and written more concisely she could easily have included the five pages of argument and her other arguments in a petition for review with fewer than 50 pages. Petitioner's request to include the additional five pages of argument in her petition for review is denied.

In opposing petitioner's request to file an overlength petition for review, the city moves to strike three appendicies (Appendicies C, F and G). According to the city those appendicies include calculations made by petitioner, and they should have been included in the 50-page petition for review rather than attached as an appendix to the petition for review.

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[1] The Oregon City Comprehensive Plan (OCCP) explains:

> "Concept plans are land-use plans for areas of the city that have just been included in the Urban Growth Area. Before these areas can be zoned or subdivided, a concept plan must be completed and adopted by the City Commission and accepted by Metro. Concept plans require a detailed assessment of the area to determine the most appropriate intensity and type of land use, and when completed, are adopted as part of the comprehensive plan." OCCP 4.

Appendix F is simply a copy of a zoning map, and the city does not explain what is objectionable about that map. The city is correct, with regard to Appendix C and Appendix G that those appendices include material that is best viewed as additional argument that should have been included in the 50-page petition for review. However, Appendices C and G assist us in understanding the parties' arguments, and we therefore deny the city's motion to strike the three appendices.

MOTION TO FILE A REPLY BRIEF

Petitioner moves for permission to file a reply brief. The first part of the reply brief quibbles with some of the city's statement of facts. That part of the reply brief is not allowed. The balance of the reply brief is captioned "New Arguments." But that part of the reply brief is most fairly characterized as a mixture of responses to alleged new matters in the city's brief and embellishments of arguments that were already presented in the petition for review. Under OAR 661-010-0039, reply briefs are permitted to respond to new issues in the respondent's brief; reply briefs are not permitted to embellish upon arguments that were presented in the petition for review. *Wissusik v. Yamhill County*, 20 Or LUBA 246, 250 (1990). However, given the nature of the petition for review, it would be difficult to sort out embellishment arguments from responses to new matters in the respondent's brief. We decline to do so, and elect simply to allow the "New Arguments" portion of the reply brief.

FACTS

Metro amended the Metro UGB in 2002 to include 245 acres of land next to Oregon City. Metro amended the UGB again in 2004 to include 63 additional adjoining acres, for a total of 308 acres. Those 308 acres have been included on Metro's Employment and Industrial Lands Map, and have been designated for Industrial use. Sometime before those UGB amendments, Metro applied Employment or Outer Neighborhood map designations to

another 145 acres in the same general area.[2] Altogether, this area includes 453 acres designated Industrial, Employment or Outer Neighborhood. The city concept plan that is before us in this appeal applies to this 453-acre area. That concept plan calls for a 175-acre North Employment Campus to satisfy the city's planning obligations for the 308-acre Industrial area. The balance of the concept plan calls for a variety of mixed employment, commercial and residential development. According to petitioner, the concept plan is inconsistent with Metro's designation of the 308 acres for Industrial use, and is also inconsistent with city comprehensive plan policies that encourage industrial development.

INTRODUCTION

The primary issue in this appeal is whether the challenged concept plan is consistent with Metro's regional planning for the subject property. Specifically, the dispute centers on the legal effect of Metro's decision to include 308 acres of property in the urban growth boundary and to designate those acres for industrial use. As briefed, this appeal is exceedingly complicated. Resolution of this appeal, in large part, requires us to resolve the parties' differing views regarding the correct interpretation of Titles 4 and 11 of Metro's Urban Growth Management Functional Plan (UGMFP), which is codified at Metro Code (MC) Chapter 3.07. Our review and resolution of those arguments has been difficult, because those Titles of MC Chapter 3.07 are ambiguous, and Metro is not a party to this appeal and has not filed a brief.

A basic understanding of the relevant Metro regional planning framework is necessary to sort out the parties' arguments. We discuss key sections of the MC before turning to the parties' arguments.

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[2] We discuss these Metro map designations further later in this opinion.

A. Metro 2040 Growth Concept Design Types

The UGMFP (Metro Code Chapter 3.07) sets out how cities and counties are to incorporate regional planning into their local comprehensive planning. The UGMFP explains:

> "The regional policies which are adopted by this [UGMFP] recommend and require changes to city and county comprehensive plans and implementing ordinances. The purpose of this functional plan is to implement regional goals and objectives adopted by the Metro Council as the Regional Urban Growth Goals and Objectives (RUGGO), including the Metro 2040 Growth Concept and the Regional Framework Plan. The comprehensive plan changes and related actions, including implementing regulations, required by this functional plan as a component of the Regional Framework Plan, shall be complied with by cities and counties as required by Section 5(e)(2) of the Metro Charter." MC 3.07.010.

Metro's 2040 Growth Concept is made up of a number of components, called "design types," which are applied to properties within the Metro region. The UGMFP requires that City and County comprehensive planning for property within the city or county must be amended to make that planning consistent with the Metro 2040 Growth Concept design types (hereafter design types) that have been applied to that property. MC 3.07.130.[3]

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[3] MC 3.07.130 provides:

> "For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map or on maps adopted by ordinances adding territory to the UGB:
>
> "Central City--Downtown Portland is the Central City which serves as the major regional center, an employment and cultural center for the metropolitan area.
>
> "Regional Centers--Seven regional centers will become the focus of compact development, redevelopment and high-quality transit service and multimodal street networks.
>
> "Station Communities--Nodes of development centered approximately one-half mile around a light rail or high capacity transit station that feature a high-quality pedestrian environment.
>
> "Town Centers--Local retail and services will be provided in town centers with compact development and transit service.
>
> "Main Streets--Neighborhoods will be served by main streets with retail and service developments served by transit.

B. UGMFP Title 11—Planning for New Urban Areas

When Metro amends the UGB to bring rural land into the urban area, additional local planning must be done because the formerly rural land becomes urbanizable land that is available for urban development. UGMFP Title 11 (MC 3.07.1105 through MC 3.07.1140) sets out local government planning requirements for new urban areas. In this opinion we refer to this planning as Title 11 planning. MC 3.07.1120 sets out specific requirements for planning for areas that Metro brings within the UGB. Under MC 3.07.1120, that planning must, among other things, be "consistent with the requirements of all applicable titles of the Metro Urban Growth Management Functional Plan" and be in "compliance with * * * the Metro Council adopted 2040 Growth Concept design types."[4] Under MC 3.07.1120(A), a

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"Corridors--Along good quality transit lines, corridors feature a high-quality pedestrian environment, convenient access to transit, and somewhat higher than current densities.

"Employment Areas--Various types of employment and some residential development are encouraged in employment areas with limited commercial uses.

"Industrial Areas--Industrial areas are set aside primarily for industrial activities with limited supporting uses.

"Regionally Significant Industrial Areas--Industrial areas with site characteristics that are relatively rare in the region that render them especially suitable for industrial use.

"Inner Neighborhoods--Residential areas accessible to jobs and neighborhood businesses with smaller lot sizes are inner neighborhoods.

"Outer Neighborhoods--Residential neighborhoods farther away from large employment centers with larger lot sizes and lower densities are outer neighborhoods."

[4] As relevant, MC 3.07.1120 provides:

"All territory added to the UGB as either a major amendment or a legislative amendment pursuant to Metro Code Chapter 3.01 shall be subject to adopted comprehensive plan provisions *consistent with the requirements of all applicable titles of the Metro Urban Growth Management Functional Plan* and in particular this Title 11. The comprehensive plan provisions shall be fully coordinated with all other applicable plans. The comprehensive plan provisions shall contain an urban growth plan diagram and policies that demonstrate compliance with the RUGGO, *including the Metro Council adopted 2040 Growth Concept design types*. Comprehensive plan amendments shall include:

local government's comprehensive plan map designations must be consistent with the "general boundaries of design type designations." Under MC 3.07.1120(F), local government comprehensive plans must provide "for sufficient commercial and industrial development for the needs of the area to be developed consistent with 2040 Growth Concept design types."[5]

C. UGMFP Title 4—Planning for Industrial and Employment Areas

For areas that are subject to the Regionally Significant Industrial, Industrial or Employment design types, UGMFP Title 4 (MC 3.07.410 through MC 3.07.450) imposes additional planning requirements to protect these areas and encourage industrial development that benefits from clustering and freedom from potentially incompatible non-industrial uses.[6] In this opinion we sometimes refer to these planning requirements as Title 4 requirements or Title 4 planning. Within areas subject to the Industrial design type, non-industrial

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> "A. Specific plan designation boundaries derived from the general boundaries of design type designations assigned by the Council in the ordinance adding the territory to the UGB.
>
> "* * * * *
>
> "F. Provision for sufficient commercial and industrial development for the needs of the area to be developed consistent with 2040 Growth Concept design types. Commercial and industrial designations in nearby areas inside the Urban Growth Boundary shall be considered in comprehensive plans to maintain design type consistency.
>
> "* * * * *." (Emphasis added.)

[5] Other subsections of MC 3.07.1120 impose requirements to plan for housing, transportation, areas to be protected from development, public facilities, and schools. MC 3.07.1120 requires that local governments adopt an urban growth diagram that displays the general location of "streets," "unbuildable lands," "Habitat Conservation Areas," "mixed use areas, commercial and industrial lands," "single and multi-family housing," "public open space, plazas and neighborhood centers," and "needed school, park or fire hall sites."

[6] MC 3.07.410 describes the purpose and intent of Title 4:

> "The Regional Framework Plan calls for a strong economic climate. To improve the region's economic climate, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of 'clustering' to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. * * *"

development must be limited to commercial uses that "serve primarily the needs of workers in the [industrial] area." MC 3.07.430.[7] Non-industrial development is also strictly limited in areas subject to the Employment design type. MC 3.07.440.[8]

For purposes of this appeal, the UGMFP Title 4 requirements that are set out in the subsections of MC 3.07.450 supply important context. Those subsections explain how Metro allows local governments to deviate from the Employment and Industrial Areas Map and maintains consistency between the Employment and Industrial Areas Map and local comprehensive planning. We have attached the complete text of MC 3.07.450 as an appendix to this opinion. We discuss the key subsections of MC 3.07.450 below.

1. MC 3.07.450(A) Employment and Industrial Areas Map

MC 3.07.450(A) provides that the Employment and Industrial Areas Map (the E&IAs Map) "is the official depiction of the boundaries of Regionally Significant Industrial Areas, Industrial Areas, and Employment Areas."

2. MC 3.07.450(B) – Conforming E&IAs Map Changes After Title 11 Planning

After initial Title 11 planning has been completed, MC 3.07.450(B) requires the Metro Chief Operating Officer to conform the E&IAs Map to the comprehensive plan map

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[7] MC 3.07.430 provides in part:

> "Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for retail commercial uses - such as stores and restaurants - and retail and professional services that cater to daily customers – such as financial, insurance, real estate, legal, medical and dental offices – in order to ensure that they serve primarily the needs of workers in the area. * * *"

[8] None of the subject property is designated Regionally Significant Industrial Area, but as we have already noted, the 308 acres that were added to the UGB in 2002 and 2004 carry the Industrial design type and the Employment design type was applied to other property in the concept plan area sometime before 2002. The limits imposed on commercial uses on lands subject to the Industrial and Employment design types by MC 3.07.430 and 3.07.440 are fairly detailed and are more stringent for the Industrial design type than for the Employment design type. For purposes of this appeal the precise details of these limits on commercial uses are not important. In both cases, the limits are designed to ensure that any commercial development is appropriate for serving employees in the Industrial and Employment areas, rather than the general public.

boundaries that are established by local governments in their Title 11 planning. *See* Appendix.

3. MC 3.07.450(C) – Small Changes in Local Government Planning for Industrial and Employment Areas to Allow Non-Title 4 Uses

MC 3.07.450(C) authorizes cities and counties to change their comprehensive planning for areas that are subject to Title 4, to allow non-industrial uses that would not otherwise be allowed by Title 4. However, for land that is subject to the Industrial design type, the area affected may not exceed 20 acres and additional restrictions apply to such amendments. *See* Appendix. We will refer to these changes as "small changes," to distinguish them from the "large changes," authorized by MC 3.07.450(H), which is discussed below.

The decision that is before us in this appeal is the city's initial Title 11 planning for the 453-acre concept plan area. We note here that a key question is whether the requirements of MC 3.07.450(C) and the other subsections of MC 3.07.450 that follow MC 3.07.450(C) apply to the city's initial Title 11 planning or only apply to comprehensive plan amendments that may be adopted after the initial Title 11 planning has been completed. If they do apply to Title 11 planning, they significantly constrain a local government's authority to deviate from the requirements of Metro's design types when conducting Title 11 planning. If they do not apply to initial Title 11 planning, they do not constrain Title 11 planning and only severely constrain a local government's authority to deviate from Metro's design types *after* Title 11 planning has been completed. We return to that question after we summarize the remaining key MC 3.07.450 subsections.

4. MC 3.07.450(D) – Unbuildable and Previously Developed Lands

MC 3.07.450(D) authorizes local governments to amend their comprehensive plans and land use regulations to allow land that is subject to Title 4 to be put to uses that are not allowed by Title 4, if the "entire property is not buildable." Additionally, under MC

3.07.450(D), land may be put to uses that are not allowed by Title 4 if the property was previously developed and the property as developed meets a specified improvement value to land value ratio.

5. MC 3.07.450(E) – Conforming E&IA Map Changes After Small Changes in Local Planning for Title 4 Land Under MC 3.07.450(C)

If a local government takes advantage of MC 3.07.450(C) to make one of the permitted small changes in planning for Title 4 lands, MC 3.07.450(E) directs the Metro Chief Operating Officer to conform the Metro E&IAs Map to the changed local planning after the deadline for appealing the small change amendment to LUBA expires or after the small change amendment is upheld if appealed to LUBA. We do not know why MC 3.07.450(E) does not also require conforming changes to the E&IAs Map following local mapping changes under subsection D of MC 3.07.450. Our guess is that omission was simply an oversight.

6. MC 3.07.450(F) – Suspension of MC 3.07.450(C) "Small" Amendments

MC 3.07.450(F) provides that the Metro Council may suspend operation of MC 3.07.450(C), if the cumulative local government small changes authorized by that subsection have exhausted the 20-year industrial land surplus. MC 3.07.450(F) appears to have been adopted to allow the Metro Council to suspend the authority for small changes under MC 3.07.450(C), if those changes would cause the regional vacant industrial land supply to fall below a 20-year supply.

7. MC 3.07.450(G) Metro Council May Amend the E&IAs Map At Any Time

The Metro Council may amend the E&IAs Map at any time "to better achieve the policies of the Regional Framework Plan."

8. MC 3.07.450(H) – Large Changes in Local Government Planning for Industrial and Employment Areas to Allow Non-Title 4 Uses

MC 3.07.450(H) authorizes the Metro Council to amend the E&IAs Map to permit local governments to adopt "large changes" that exceed the size limit imposed by MC 3.07.450(C), if certain criteria that are designed to ensure the continued adequacy of the industrial and employment land supply are satisfied.

D. Summary

Title 4 is not ambiguous in how it applies to comprehensive plan amendments after Title 11 planning is complete. As to post-Title 11 planning, Title 4 clearly grants local governments very limited authority to amend their comprehensive plans to allow non-industrial and non-employment uses on lands that carry the Industrial and Employment design type. Small changes (up to 20 acres) are authorized by MC 3.07.450(C) for property subject to the Industrial design type, provided that the criteria in MC 3.07.450(C) are met. MC 3.07.450(D) provides another limited exception for unbuildable land and land that is already developed. Finally, for larger properties that exceed the 20-acre size limit in MC 3.07.450(C)(6), MC 3.07.450(H) authorizes the Metro Council to amend the E&IA Map to allow non-industrial development if the criteria in MC 3.07.450(H) are met. Those criteria include standards designed to protect the quantity and quality of industrially designated lands. Beyond MC 3.07.450(C), MC 3.07.450(D) and MC 3.07.450(H), after a local government's Title 11 planning is complete, it appears that the only way a local government would be permitted to amend its comprehensive plan and land use regulations to authorize non-industrial use of lands that carry the Industrial design type, would be to request that the Metro Council first exercise its authority under MC 3.07.450(G) to apply a different design type that would allow planning and zoning such lands for non-industrial uses.

One of the questions that we must answer in resolving petitioner's first assignment of error, is whether MC 3.07.450(C) through (G) also apply during Title 11 planning when a

local government first applies its comprehensive planning to land that has been added to the UGB and designated Industrial and Employment by Metro.

FIRST ASSIGNMENT OF ERROR

Petitioner's first assignment of error is 29 pages long and very difficult to follow in places. A recurring theme under the first assignment of error is that the city is obligated under MC 3.07.1120 and other laws to ensure that its Title 11 planning for the entire 308 acres that carry the Industrial design type complies with MC 3.07.430.[9] Many of the authorities petitioner cites in her argument under the first assignment of error appear to have little or nothing to do with petitioner's central theme. We have simplified petitioner's arguments under the first assignment of error and delve no more deeply into the facts than is necessary to resolve this assignment of error.

MC 3.07.1120 requires that the city's Title 11 planning must "demonstrate compliance with * * * the Metro Council adopted 2040 Growth Concept design types." *See* n 4. MC 3.07.1120 also requires that such local planning must be "consistent with the requirements of all applicable titles of the [UGMFP]." *Id.* We do not understand the city to dispute that MC 3.07.430 requires that its Title 11 planning for the 453-acre concept plan area must protect the parts of that area that will ultimately retain the Industrial design type. We understand the city to concede that for those parts of the 453-acre concept planning area, the city must limit non-industrial uses to commercial uses that "serve primarily the needs of workers in the [industrial] area." *See* n 7.

On the other hand, we do not understand petitioner to dispute that the 175 acres that make up the North Employment Campus have been planned for industrial uses, in accordance with MC 3.07.430.[10] Petition for Review 6. Petitioner's dispute is with the

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[9] As we have already explained, MC 3.07.430 only allows very limited non-industrial use of land that carries Metro's Industrial design type.

[10] As we explain later, those 175 acres include approximately 120 acres that are buildable.

Industrially designated lands to the south of the North Employment Campus. Petitioner contends that those Industrially designated lands have been planned for uses that do not comply with MC 3.07.430.[11] We understand the city to concede that those lands have not been planned for industrial uses in accordance with MC 3.07.430. Respondent's Brief 6. But the city contends that it was not obligated by MC 3.07.1120 or 3.07.430 or any of the many other laws cited by petitioner, to plan all 308 acres that carry the Industrial design type in accordance with 3.07.430.[12]

A. The City's Preliminary Arguments

The city offers two arguments that, if meritorious, would require that we deny the first assignment of error. We address those arguments first.

1. MC 3.07.430 Applies Exclusively to Land Use Regulations

As we noted earlier in this opinion, the challenged ordinance amends the city's comprehensive plan to adopt the concept plan. The city chose not to adopt contemporaneous amendments to its land use regulations that will be needed to implement the concept plan. Because the city's land use regulations will not be amended until a future date, we understand the city to argue that MC 3.07.430 does not apply.

We reject the argument. It is true that MC 3.07.430 directs that local governments must "review their land use regulations and revise them, if necessary, to include measures to limit new buildings for retail commercial uses * * *." *See* n 7. But the direction in MC 3.07.430 is broad enough to require that local governments also adopt any conforming comprehensive plan amendments that might be necessary to allow the local government to adopt revised land use regulations that are consistent with Title 4 and remain consistent with

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[11] Determining the precise number of acres is not easy, but it appears clear that more than half of the 308 acres that carry the Industrial design type have not been planned in accordance with MC 3.07.430.

[12] The city states "the mixed use and employment areas are not required (and were never intended) to qualify as industrial areas protected by MC 3.07.430." Respondent's Brief 9.

the local government's comprehensive plan. We conclude that the city may not adopt a concept plan for lands that are subject to MC 3.07.430, as part of its comprehensive plan, if that concept plan would allow uses that are inconsistent with MC 3.07.430.

2. Petitioner's Failure to Appeal Metro's Decision

MC 3.07.1130 requires that a local government give Metro 60 days prior notice before it adopts a comprehensive plan amendment. In addition, Title 8 of the UGMFP (MC 3.07.810 through MC 3.07.890) sets out a process by which Metro can review city and county comprehensive plans and land use regulations to determine whether they are consistent with the requirements of the UGMFP. Respondent suggests that Metro issued a decision that approved the city's proposal to plan many of the 308 acres for non-industrial uses. We understand respondent to argue that decision is final, and that LUBA must defer to that decision. Respondent's Brief 12-13.

We reject this argument as well. The process that Metro has adopted in Title 8 has some similarities to LCDC acknowledgment review under ORS 197.251, but it also has some differences. An important difference is that compliance review under Title 8 is initiated by the Metro Chief Operating Officer. MC 3.07.820. If the Metro Chief Operating Officer believes a proposed comprehensive plan amendment complies with Metro's functional plan, the Chief Operating Officer does nothing. Only if the Chief Operating Officer believes the proposed amendment "does not comply with the functional plan," is the Chief Operating Officer required to advise the local government of any revisions that may be necessary. MC 3.07.820(B).[13] If the Chief Operating Officer takes the position that the proposed

[13] MC 3.07.820(B) provides:

> "If the Chief Operating Officer concludes that the proposed amendment does not comply with the functional plan, the Chief Operating Officer shall advise the city or county that it may (1) revise the proposed amendment as recommended in the Chief Operating Officer's analysis; (2) seek an extension of time, pursuant to Section 3.07.850, to bring the proposed amendment into compliance with the functional plan; or (3) seek review of the noncompliance by MPAC and the Metro Council, pursuant to Sections 3.07.830 and 3.07.840."

amendment "does not comply with the functional plan," that decision is appealable and could ultimately result in a decision by the Metro Council regarding "compliance or noncompliance." MC 3.07.840(C). Such a Metro Council order is appealable to LUBA. MC 3.07.840(E). The Chief Operating Officer is also authorized to seek review of a proposed comprehensive plan amendment by the Metropolitan Policy Advisory Committee. MC 3.07.830(B). Such a review might also result in an appealable final order by the Metro Council under MC 3.07.840(C).

In this case, it appears that Metro never had any objections to the city's proposal. The city cites no evidence that any review that Metro may have conducted under MC 3.07.1130 or MC Chapter 3.07 Title 8 resulted in an appealable decision by the Metro Council under MC 3.07.840(C). The letter signed by the Metro President and the statements of a Metro planner that the city cites are certainly not appealable Metro Council orders under MC 3.07.840(C) and (D). Record 566, 691.

B. The City's Planning Obligation Concerning the 308 Industrially Designated Acres

In support of its position that it need not plan all 308 Industrially designated acres in accordance with MC 3.07.430, the city relies on (1) MC language that it believes gives the city the flexibility to plan those acres for non-industrial uses, (2) its findings that Metro only planned for the 308 acres to result in 120 buildable acres and (3) a city study that determines that Oregon City only needs approximately 150 buildable acres of land for industrial development in the concept plan area in the next 20 years. Although those arguments are interrelated, we discuss them separately below.

1. MC Text

The city contends that the text of the MC supports its view that the city has flexibility under the MC to designate some of the 308 Industrially designated acres for uses that are not allowed under Title 4. The city points out that MC 3.07.1120(A) only requires that the city's

comprehensive plan designation be "derived from the *general* boundaries of design type designations assigned by the Council in the ordinance adding the territory to the UGB." (Emphasis added.) *See* n 4.[14] We do not believe that any *flexibility* that the city has under the "general boundaries" language allows the city to designate a substantial portion of the 308 Industrially designated acres for non-industrial use, as the city has done here.

The city next cites MC 3.07.1120(F), which the city contends establishes that the quantity of land that must be planned in accordance with Title 4 is to be based on the "needs of the area." *See* n 4. The city contends there is evidence in the record that the needs of the area can be accommodated on approximately 150 acres.[15] The problem with that argument is that MC 3.07.1120(F) does not say the city need only consider the needs of the concept plan area or the needs of the city. The 308 acres are part of Metro's inventory of Industrial land to meet regional needs. We conclude below that there is not substantial evidence in the record to support a conclusion that the portions of the 308 acres that the city has planned for non-industrial development are not needed to meet the region's 20-year needs for industrial land.

The city also cites and relies on MC 3.07.030, which expressly provides that local governments are to have "flexibility" in how they go about meeting UGMFP requirements.[16]

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[14] Similarly, MC 3.07.130 directs that comprehensive plans must be "consistent with the *general* locations shown on the 2040 Growth Concept Map or on maps adopted by ordinance adding territory to the UGB." (Emphasis added.) *See* n 3.

[15] We address the city's reliance on that study to conclude that only 150 acres are needed for Industrial Development later in this opinion.

[16] MC 3.07.030 provides:

> "The Urban Growth Management Functional Plan is a regional functional plan which contains 'requirements' that are binding on cities and counties of the region as well as recommendations that are not binding. 'Shall' or other directive words are used with requirements. The words 'should' or 'may' are used with recommendations. In general, the plan is structured so that local jurisdictions may choose either performance standard requirements or prescriptive requirements. The intent of the requirements is to assure that cities and counties have a significant amount of flexibility as to how they meet requirements. Performance standards are included in most titles. If local jurisdictions demonstrate to Metro that they meet the performance standard, they have met that requirement of the title. Standard methods of compliance are also included in the plan to establish one very specific way that

But that flexibility is the flexibility to use performance standards rather than prescriptive requirements. MC 3.07.030 does not give the city the flexibility to simply plan Industrially designated land for non-industrial uses.

Perhaps the MC text that potentially lends the most support to the city's position is MC 3.07.450(B), which requires that "after completion of Title 11 planning by the responsible city or county, the Chief Operating Officer shall issue an order to conform the map to the boundaries established by the responsible city or county." *See* Appendix. MC 3.07.450(B) would not be necessary, unless local governments have some authority to deviate from the planning that is required by Metro's design types.

Petitioner suggests that MC 3.07.450(B) only envisions minor changes that may be necessitated by the small scale of Metro's mapping (less detailed mapping) and the larger scale of local government planning maps (more detailed mapping). It is hard to imagine what purpose would be served by those kinds of scale-reconciling amendments and we reject the argument. We do not believe the changes envisioned by MC 3.07.450(B) are limited to reconciling differences that can be attributed to the different scales of Metro and local government mapping. But our conclusion that the city has some authority to plan the 308 acres of Industrially designated lands for uses that are not allowed by Title 4 does not necessarily mean the city is free to plan significant portions of the land that carries the Industrial design type for whatever uses the city wishes or for whatever uses the city may determine there is a market.

As we indicated earlier in this opinion, there is a significant question in our mind whether MC 3.07.450(C) through (H), which under limited circumstances allow a city or county to amend its comprehensive plan and land use regulations to allow use of lands that are on the E&IAs map that would otherwise be prohibited by Title 4, also apply to the city's

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jurisdictions may meet a title requirement, but these standard methods are not the only way a city or county may show compliance. In addition, certain mandatory requirements that apply to all cities and counties are established by this functional plan."

initial Title 11 planning. It could be that the limited deviations authorized by those subsections of MC 3.07.450 are the same changes to which the Metro Chief Operating Officer is to conform Metro's mapping under MC 3.07.450(B). We understand the city to take the position that those subsections of MC 3.07.450 only apply *after* initial Title 11 planning has been completed and that those subsections of MC 3.07.450 do not apply to constrain the city's initial Title 11 planning.

MC 3.07.450(C) through (H) clearly apply to post-Title 11 plan and land use regulations amendments. It is much less clear whether they also apply to adoption of the city's initial Title 11 planning. Although we cannot think of a principled reason why MC 3.07.450(C) through (H) should *not* apply to Title 11 planning, based on the text and structure of MC 3.07.450 viewed as a whole we conclude that MC 3.07.450(C) through (H) do not apply to limit initial Title 11 planning. Those subsections of MC 3.07.450 appear immediately after 3.07.450(B), which requires the Metro Chief Operating Officer to conform Metro's mapping to local government initial Title 11 mapping. The language of MC 3.07.450(C) through (H) seems to be directed at post-Title 11 comprehensive plan amendments, and those subsections have their own separate subsection for conforming Metro's mapping to the plan amendments authorized by these subsections of MC 3.07.450. MC 3.07.450(E). *See* Appendix. To conclude that MC 3.07.450(C) through (H) apply to initial Title 11 planning would require us to overlook this text and structure. If Metro intended the limits in subsections (C), (D) and (H) of MC 3.07.450 to apply to initial Title 11 planning, Metro will need to amend the MC to more clearly state that intent.

In conclusion, we agree with the city that nothing cited by petitioner necessarily obligates a local government, in its Title 11 planning, to in all cases plan every Industrially designated acre in accordance with MC 3.07.430. MC 3.07.450(B) seems to anticipate that the city has some authority to plan at least some part of those 308 acres for uses that are not allowed by Title 4. But that does not mean the city is necessarily free to plan a substantial

number of those 308 acres for uses that are not permitted under MC 3.07.430, which is what the city has done here. We consider that question next.

2. Metro's Intent in Adding the 308 Acres and Designating Them for Industrial Uses

The North Employment Campus apparently includes a total of 175 gross acres and of those 175 gross acres 120 are net buildable acres. Those 120 acres have been planned in accordance with MC 3.07.430. The city takes the position that when Metro amended the UGB in 2002 and 2004 to add the disputed 308 acres to the UGB, and applied the Industrial design type to those 308 acres, it only anticipated or intended that 120 of those 308 acres would be put to industrial use in accordance with MC 3.07.430. If the record established that such is the case, we likely would agree with the city that it need not plan all 308 acres for Industrial use. But as we explain below, the record does not establish that such is the case.

The city adopted the following findings to explain its decision to only plan 127 acres in accordance with MC 3.07.430:

> "Metro brought 245 gross acres in the UGB in 2002 and an additional 63 acres were added in 2004. The remaining acreage was in the UGB and/or Oregon City limits prior to 2002. These areas (308 gross acres) are designated as the Industrial Design Type on Metro's 2040 Growth Concept Map. Given the expected net acreage once non-buildable areas such as power lines, natural areas, were removed from the buildable lands inventory, Metro intended 120 net acres of the concept plan area would be used for employment uses. Metro noted that it was important to fulfill the original intent for providing industrial lands and that there was flexibility for the local process to evaluate creative ways to meet the intent. See Metro's vacant lands methodology.[17] This approach was blessed by [the] Metro Council President, in a letter dated May 14, 2007 as well as [a] Metro planner * * * in a letter dated March 19, 2008.
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> "The [Citizen Advisory Committee] created several alternatives and finally chose a hybrid that included about 127 net acres of North Employment Campus (NEC), which is consistent with Metro's intent and similar to Oregon City's existing Campus Industrial designation, about 29 acres of Mixed

[17] Apparently this is a reference to the Metro vacant lands methodology that we discuss below.

> Employment Village and Main Street, which allows a variety of uses in a village-oriented transit hub and mixed use neighborhoods to the south that also provide jobs tailored to the neighborhood setting.
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> "The North Employment Campus is to provide for the needed family wage employment that strengthens and diversifies the economy and will be compliant with Metro's Title 4 regulations. The NEC allows a mix of clean industries, offices serving industrial needs, light industrial uses, research and development and large corporate headquarters. The uses permitted are intended to improve the region's economic climate, promote sustainable and traded sector businesses, and protect the supply of site for employment by limiting incompatible uses." Record 18.

The first serious problem with the above findings is that they suggest that the 127 buildable acres that are designated Industrial and included in the North Employment Campus and planned consistently with MC 3.07.430 were derived from the 308 acres that Metro has designated for Industrial use. That is not the case. Approximately 46 of the North Employment Campus's 127 buildable acres came from the part of the 453-acre concept plan area that was previously designated Employment design type by Metro, before the 2002 and 2004 Industrial design type amendments. That means that only approximately 81 buildable acres in the North Employment Campus were derived from the 308 acres that carry the Industrial design concept.

Petitioner estimates that only 54.7 of the 127 acres mentioned in the city's findings coincide with the 308 acres that carry the Industrial design type. Petitioner may not have the acreages exactly right, but she is correct that a substantial number of the 127 buildable acres in the North Employment Campus come from Employment design type lands, not the 308 acres of Industrial design type land that were included in the UGB in 2002 and 2004. Therefore, even if the record established that it was Metro's intent that the 308 acres only result in 120 acres of buildable land to be developed in accordance with MC 3.07.430, the concept plan only plans about 81 of those 308 acres in accordance with MC 3.07.430.

A second and more serious problem with the above findings is that the record does not include substantial evidence that Metro intended that only 120 acres of the 308 acres be

planned for Industrial use in accordance with MC 3.07.430. The record includes statements made in 2007 and 2008 to that effect by the Metro Council President and a Metro planner. Record 566; 691. The record also includes two staff reports, in which a city planner takes the position that only 120 acres were intended for industrial use and that Metro intended that the city have the flexibility to plan the other acres for non-industrial uses. Record 644-45; 842-43. Finally, the record includes an e-mail message from a Metro planner with an attached five-step methodology that Metro uses for assessing buildable lands. Record 739-42. This five-step methodology, or one like it, seems to be the basis for Metro's and the city's position that Metro assumed at the time the UGB was amended in 2002 and 2004 that only 120 acres of the 308 acres would actually be developed for Industrial use in accordance with MC 3.07.430.

The statements by the Metro Council President and planner include no reference to the ordinances that added the 308 acres to the UGB and applied the Industrial designation or the findings in support of those ordinances that might support the statements. Those statements make no attempt to explain how the 120-acre figure was computed. We do not believe a reasonable person would rely on those undocumented statements to conclude that Metro intended that only 120 of the 308 acres be planned and developed in accordance with MC 3.07.430. *See Younger v. City of Portland,* 305 Or 346, 351-52, 752 P2d 262 (1988) (substantial evidence exists to support a finding of fact when the record, viewed as a whole, would permit a reasonable person to make that finding). For the same reason, the two city planner staff reports that rely on those letters are not substantial evidence that Metro intended that only 120 of the 308 acres it added to the UGB and designated for Industrial use be planned and developed in accordance with MC 3.07.430.

Metro's and the city's apparent belief that the five-step methodology for assessing vacant buildable lands supports a conclusion that only 120 acres of the 308 acres were anticipated to be actually developed for industrial uses is particularly hard to understand.

Under that methodology, vacant lands are identified (Step 1), environmentally constrained lands are eliminated (Step 2), steeply sloped areas are eliminated (Step 3), lands needed for "streets, parks, schools and churches/fraternal organizations" are eliminated (Step 4) and vacant lands on tax lots with higher value homes are eliminated (Step 5). If either Metro or the city actually applied that five-step methodology to the 308 acres and determined that only 120 acres of buildable land remained after Step 5 was completed, no one has identified where that exercise can be found in the record. Moreover, it seems highly unlikely to us that the mixed use residential and commercial development that the concept plan proposes for the large southern portion of the 308 acres is to be located on developed or constrained lands that would be eliminated by Steps 1 through 5. Petitioner contends that many of the Industrially designated acres in the southern part of the concept plan area that the concept plan designates for mixed commercial and residential uses are actually the flattest and best land for industrial development. The city's economic consultant appears to agree: "the south half of the property, flat and assembled, has no significant constraints on design and development." Record 1789-1790.

3. The ECONorthwest Market Analysis

The record includes a market analysis that was prepared by ECONorthwest. Record 1781-1808. The city argues that study "concluded that 150 acres of industrial and employment lands would be sufficient to meet the regional demand over a 20 year period. R. 1781 – 1808." Respondent's Brief 11. What the ECONorthwest market analysis actually concludes is that "[u]nder the right conditions, it is not unreasonable to expect 150 acres of industrial and business park development to build out on the site over a 20-year period." Record 1800. If the ECONorthwest market analysis concludes that only 150 of the 308 acres are needed to meet regional demand for industrial and other employment development we have been unable to find that conclusion in the market analysis. In fact, the ECONorthwest

analysis in several places states that the region currently does not have enough developable industrial land:

> "Metro's employment land needs analysis reports that about 9,300 net acres of industrial land is needed between 2002 and 2022. This includes about 3,000 acres of *'refill'* or existing developed land for future reuse, business intensification or relocation. Thus, about 6,300 net acres of *vacant* land is needed for industrial development between 2002 and 2022. Metro's analysis concludes that the region has a shortage of large and small industrial lots and has a significant shortfall of about 5,700 net acres of *both* refill and vacant land through 2022.
>
> "Considering the amount of immediately developable land industrial land—2,100 net acres—the *vacant* shortfall is about 4,200 net acres through 2022. With absorption at about 200 acres of industrial land per year, the existing supply of immediately developable net acres could be exhausted between 2012 and 2015. Record 1791 (emphases in original; footnotes omitted).

Although the ECONorthwest study may be substantial evidence that market demand for industrial land in Oregon City could be expected result in development of 150 of the 308 acres, it is not substantial evidence that there is not a regional demand for the 308 acres that carry the Industrial design type.

4. Conclusion

On the one hand, MC 3.07.1120 commands that the city's Title 11 planning must "demonstrate compliance with * * * 2040 Growth Concept design types" and must be "consistent with the requirements of all applicable titles of he Metro Urban Growth Management Functional Plan." On the other hand, MC 3.07.450(B) commands Metro to conform its mapping to local government mapping that is adopted under Title 11. We have had a great deal of difficulty reconciling those two commands. MC 3.07.450(B) seems to envision that local governments may plan property in ways that are inconsistent with the design types that Metro applied to those properties, whereas MC 3.07.1120 seems to command that Title 11 planning be consistent with Metro's design types. We can see three

possible explanations for this apparent inconsistency in the Metro Code, which give effect to both commands. We discuss each of those explanations below.[18]

a. Non-developable Lands

MC 3.07.1120(F) directs local governments to identify unbuildable lands and other lands that will be protected from development. *See* n 5. Presumably lands that are unbuildable for industrial use and lands that will be protected from industrial development pursuant to other Metro environmental protection mandates, need not be planned for industrial development in accordance with MC 3.07.430, even if those lands carry Metro's Industrial design type. MC 3.07.450(B) could have been adopted in whole or in part to permit the Metro Chief Operating Officer to amend Metro's E&IAs map to conform to a local government's more detailed mapping that identifies non-developable lands.

However, even if this is a partial or complete explanation for MC 3.07.450(B), as we have already noted, the city did not establish in the decision that is before us in this appeal that the Industrially designated lands that have been planned for non-industrial uses cannot be developed with industrial uses. Nor, based on this record, does it seem likely the city could establish that those lands are not suitable for the uses permitted by Title 4 of UGMFP.

b. The UGB Amendment and Industrial Designation

If the Metro decisions that amended the UGB in 2002 and 2004 expressly envisioned that the 308 acres that now carry the Industrial design concept would not all be planned in accordance with MC 3.07.430, then we believe it would follow that the city would not have to plan and develop all 308 acres in accordance with MC 3.07.430. In that circumstance, so long as a concept plan that designated some of those 308 acres for uses that are not allowed by MC 3.07.430 was consistent with any limits that were placed on such non-industrial planning by the UGB amendment and Industrial designation decisions for the 308 acres, such

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[18] As we noted earlier, Metro is not a party to this appeal. We do not mean to foreclose the possibility that there are additional explanations for the apparent inconsistency.

non-industrial planning would not violate MC 3.07.1120. In that circumstance, MC 3.07.450(B) would direct the Metro Chief Operating Officer to conform Metro's mapping to the local government's mapping at the end of the Title 11 planning process. But even if such express language in the 2002 and 2004 decisions might have permitted what the city has done here, no party has identified any such express language in those decisions, and we have found none.

c. Lack of Regional Need for Land with the Industrial Design Type

If the evidentiary record that supports the city's Title 11 planning included substantial evidence that the Metro region has a 20-year surplus of land with the Industrial design type, such that all 308 acres are not needed to maintain a 20-year supply of developable industrial land, we believe the city might be able in its Title 11 planning to plan the unneeded acres for uses that are not allowed by MC 3.07.430. In that event, MC 3.07.450(B) would operate to allow the Metro Operating Officer to conform Metro's mapping to (1) the city's Title 11 mapping and (2) Metro's actual 20-year need for land with the Industrial design type.

But the evidentiary record does not establish that there is a surplus of industrial land to meet Metro's 20-year regional need for such lands. To the contrary, the ECONorthwest market analysis seems to conclude that there is a shortage of Industrial land to meet Metro's 20-year need for Industrial land. While the ECONorthwest market analysis concludes that under assumed market conditions there will be a market demand for only 150 acres of land for industrial development within the concept plan area, that does not show there is a regional surplus of Industrial land to meet the regional 20-year need. At most the ECONorthwest market analysis might support a conclusion that despite the existing shortage of Industrial land to meet the region's 20-year need for Industrial land, only 150 acres of land within the concept plan area will likely be developed over the next 20 years under expected market conditions. That market analysis, if accurate, might provide a reason for Metro to reconsider whether the Industrial design concept should continue to apply to all 308 acres.

But the ECONorthwest market analysis is not a sufficient basis for the city to proceed with its Title 11 planning to divert some of the 308 Industrially designated acres to allow non-industrial development of those acres. If the city were permitted to do so, and Metro simply conformed its mapping to the city's concept plan under MC 3.07.450(B), the regional shortage of Industrially designated land would simply be exacerbated.

For the reasons explained above, we conclude above that the city's decision to designate only approximately 74 acres out of the total 308 acres that carry the Industrial design type for industrial use in accordance with MC 3.07.430 is not consistent with that design type and is not consistent with the city's obligation under MC 3.07.1140 to conduct its Title 11 planning consistently with Metro's design types. Remand is therefore required.

We have addressed some, but not all of petitioner's arguments under her first assignment of error. The petition for review also includes two more assignments of error that we have not addressed. The issues presented by those arguments may or may not arise if the city on remand adopts a new concept plan that complies with MC 3.07.1120 and 3.07.430.

ORS 197.835(11)(a) provides:

> "Whenever the findings, order and record are sufficient to allow review, and to the extent possible consistent with the time requirements of ORS 197.830 (14), the board shall decide all issues presented to it when reversing or remanding a land use decision described in subsections (2) to (9) of this section or limited land use decision described in ORS 197.828 and 197.195."

The statutory deadline established by ORS 197.830(14) for LUBA's final opinion in this appeal expired some time ago. We therefore remand the decision without considering petitioner's remaining arguments.

The city's decision is remanded.

Appendix
MC 3.07.450

3.07.450 Employment and Industrial Areas Map

A. The Employment and Industrial Areas Map is the official depiction of the boundaries of Regionally Significant Industrial Areas, Industrial Areas and Employment Areas.

B. If the Metro Council adds territory to the UGB and designates all or part of the territory Regionally Significant Industrial Area, Industrial Area or Employment Area, after completion of Title 11 planning by the responsible city or county, the Chief Operating Officer shall issue an order to conform the map to the boundaries established by the responsible city or county. The order shall also make necessary amendments to the Habitat Conservation Areas Map, described in Section 3.07.1320 of Title 13 of this chapter, to ensure implementation of Title 13.

C. A city or county may amend its comprehensive plan or zoning regulations to change its designation of land on the Employment and Industrial Areas Map in order to allow uses not allowed by Title 4 upon a demonstration that:

1. The property is not surrounded by land designated on the map as Industrial Area, Regionally Significant Industrial Area or a combination of the two;

2. The amendment will not reduce the jobs capacity of the city or county below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan, or the amount of the reduction is replaced by separate and concurrent action by the city or county;

3. If the map designates the property as Regionally Significant Industrial Area, the subject property does not have access to specialized services, such as redundant electrical power or industrial gases, and is not proximate to freight loading and unloading facilities, such as trans-shipment facilities;

4. The amendment would not allow uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System Map below standards in the Regional Transportation Plan ("RTP"), or exceed volume-to capacity ratios on Table 7 of the 1999 Oregon Highway Plan for state highways, unless

mitigating action is taken that will restore performance to RTP and OHP standards within two years after approval of uses;

5. The amendment would not diminish the intended function of the Central City or Regional or Town Centers as the principal locations of retail, cultural and civic services in their market areas; and

6. If the map designates the property as Regionally Significant Industrial Area, the property subject to the amendment is ten acres or less; if designated Industrial Area, the property subject to the amendment is 20 acres or less; if designated Employment Area, the property subject to the amendment is 40 acres or less.

D. A city or county may also amend its comprehensive plan or zoning regulations to change its designation of land on the Employment and Industrial Areas Map in order to allow uses not allowed by Title 4 upon a demonstration that:

1. The entire property is not buildable due to environmental constraints; or

2. The property borders land that is not designated on the map as Industrial Area or Regionally Significant Industrial Area; and

3. The assessed value of a building or buildings on the property, built prior to March 5, 2004, and historically occupied by uses not allowed by Title 4, exceeds the assessed value of the land by a ratio of 1.5 to 1.

E. The Chief Operating Officer shall revise the Employment and Industrial Areas Map by order to conform to an amendment made by a city or county pursuant to subsection C of this section within 30 days after notification by the city or county that no appeal of the amendment was filed pursuant to ORS 197.825 or, if an appeal was filed, that the amendment was upheld in the final appeal process.

F. After consultation with Metropolitan Policy Advisory Committee, the Council may issue an order suspending operation of subsection C in any calendar year in which the cumulative amount of land for which the Employment and Industrial Areas Map is changed during that year from Regionally Significant Industrial Area or Industrial Area to Employment Area or other 2040 Growth Concept design type designation exceeds the industrial land surplus. The industrial land surplus is the amount by which the current supply of vacant land designated Regionally Significant Industrial Area and Industrial Area

exceeds the 20-year need for industrial land, as determined by the most recent 'Urban Growth Report: An Employment Land Need Analysis', reduced by an equal annual increment for the number of years since the report.

G. The Metro Council may amend the Employment and Industrial Areas Map by ordinance at any time to make corrections in order to better achieve the policies of the Regional Framework Plan.

H. Upon request from a city or a county, the Metro Council may amend the Employment and Industrial Areas Map by ordinance to consider proposed amendments that exceed the size standards of paragraph 6 of subsection C of the section. To approve an amendment, the Council must conclude that the amendment:

1. Would not reduce the jobs capacity of the city or county below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan;

2. Would not allow uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System Map below standards in the Regional Transportation Plan ("RTP"), or exceed volume-to capacity ratios on Table 7 of the 1999 Oregon Highway Plan ("OHP") for state highways, unless mitigating action is taken that will restore performance to RTP and OHP standards within two years after approval of uses;

3. Would not diminish the intended function of the Central City or Regional or Town Centers as the principal locations of retail, cultural and civic services in their market areas;

4. Would not reduce the integrity or viability of a traded sector cluster of industries;

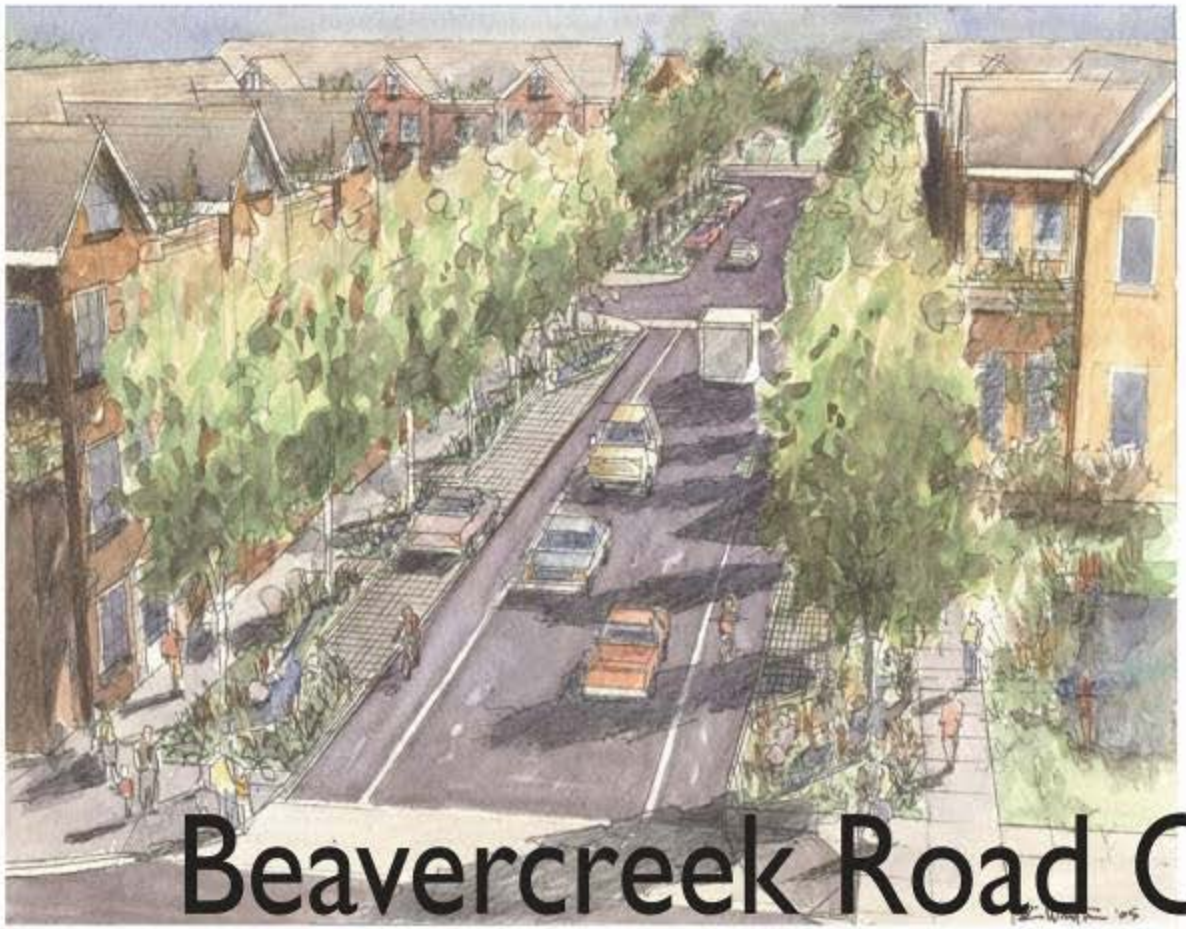
5. Would not create or worsen a significant imbalance between jobs and housing in a regional market area; and

6. If the subject property is designated Regionally Significant Industrial Area, would not remove from that designation land that is especially suitable for industrial use due to the availability of specialized services, such as redundant electrical power or industrial gases, or due to proximity to freight transport facilities, such as trans-shipment facilities.

I. Amendments to the Employment and Industrial Areas Map made in compliance with the process and criteria in this section shall be deemed to comply with the Regional Framework Plan.

J. The Council may establish conditions upon approval of an amendment to the Employment and Industrial Areas Map under subsection F to ensure that the amendment complies with the Regional Framework Plan and state land use planning laws.

K. By January 31 of each year, the Chief Operating Officer (COO) shall submit a written report to the Council and the Metropolitan Policy Advisory Committee on the cumulative effects on employment land in the region of the amendments to the Employment and Industrial Areas Map made pursuant to this section during the preceding year. The report shall include any recommendations the COO deems appropriate on measures the Council might take to address the effects.



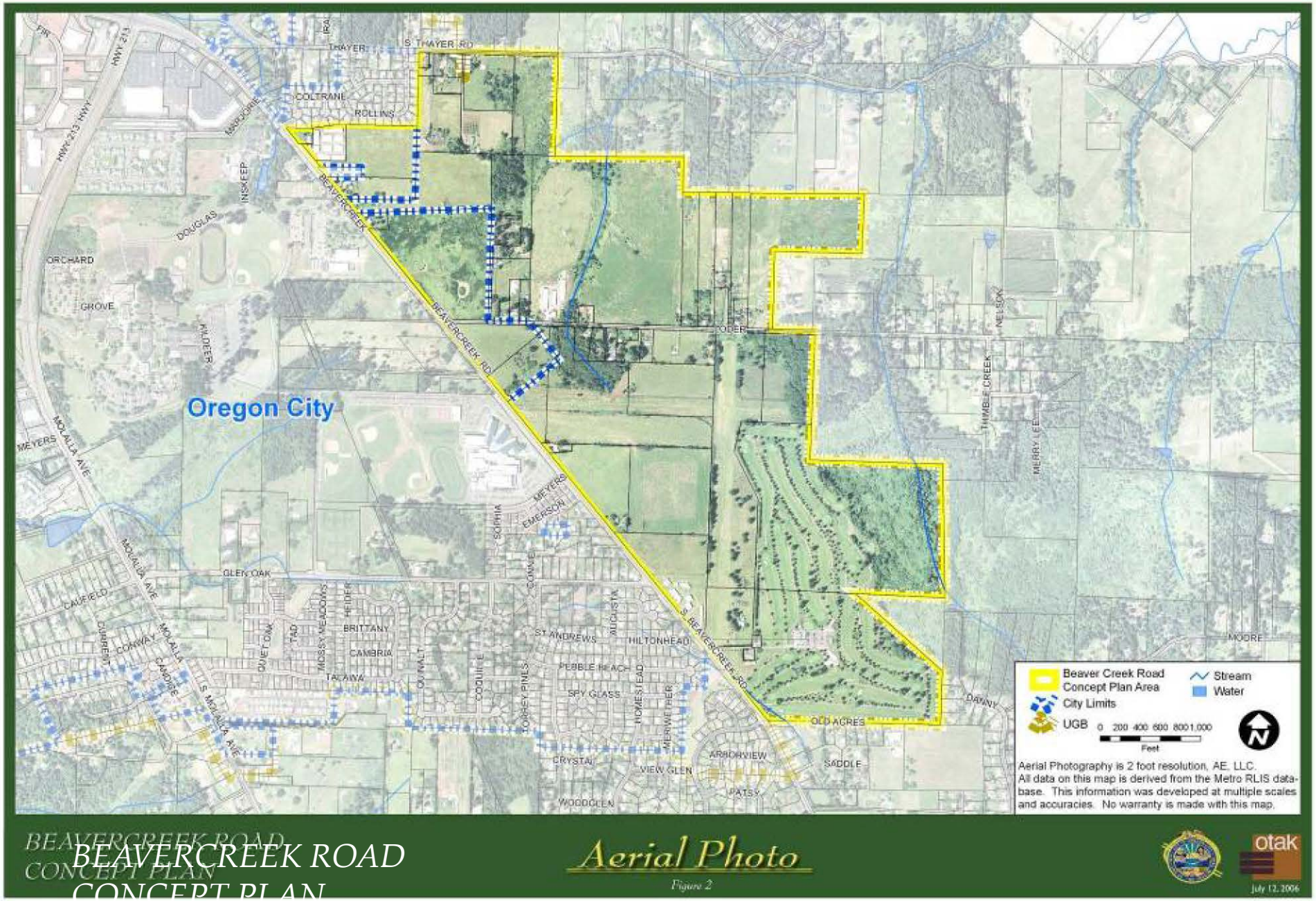
Beavercreek Road Concept Plan

Envisioning a Complete and Sustainable Community

Planning Commission Worksession Presentation September 28, 2015

Goals

1. Complete and Sustainable Community
2. Model of Sustainable Design
3. Green Jobs
4. Sustainable Industries
5. Natural Beauty
6. Multi-Modal Transportation
7. Safety Along Beavercreek Road
8. OCHS and CCC
9. Unique Sense of Place
10. Ecological Health



BEAVERCREEK ROAD CONCEPT PLAN

BEAVERCREEK ROAD CONCEPT PLAN

Aerial Photo

Figure 2

otak

July 12, 2006

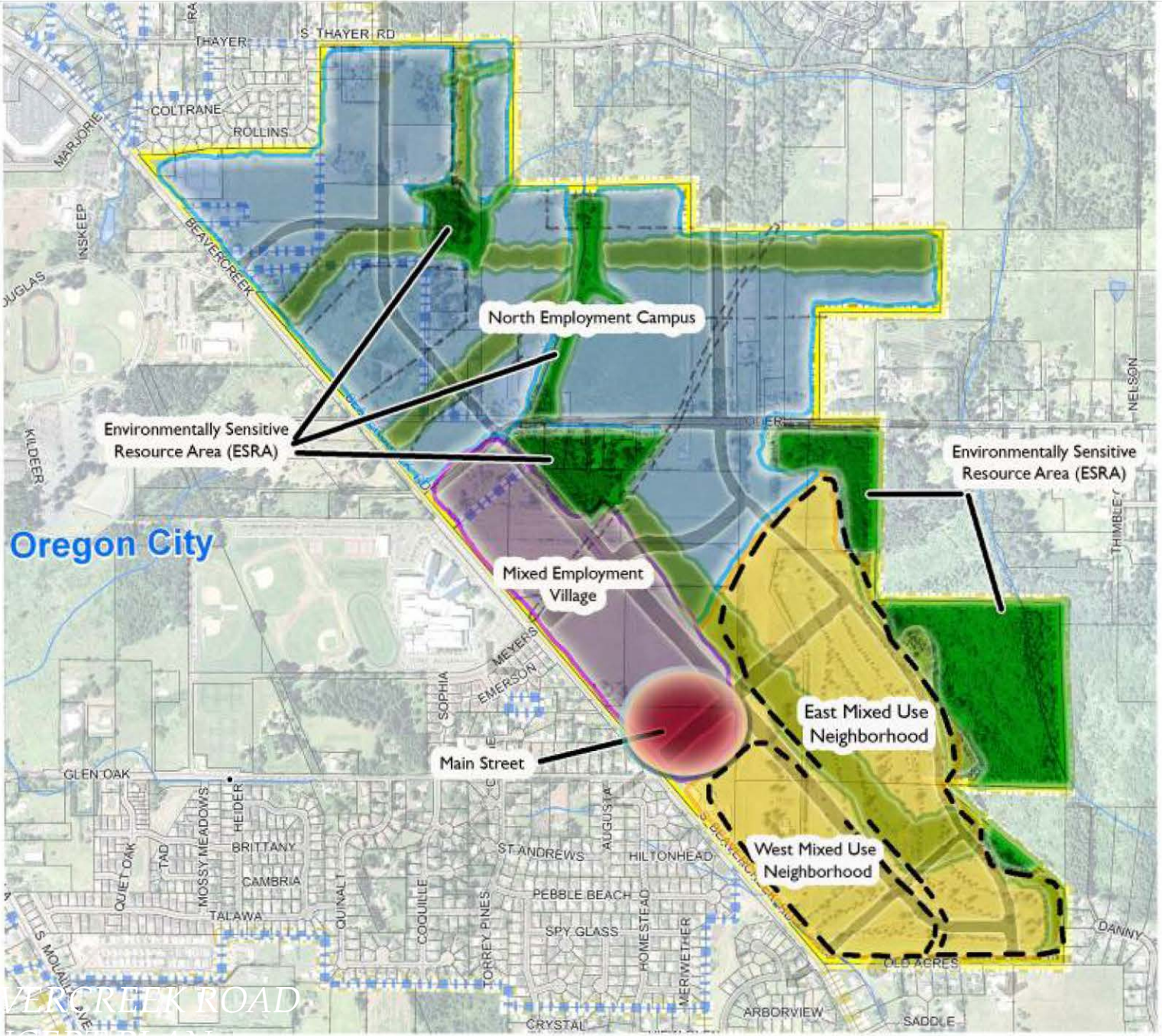


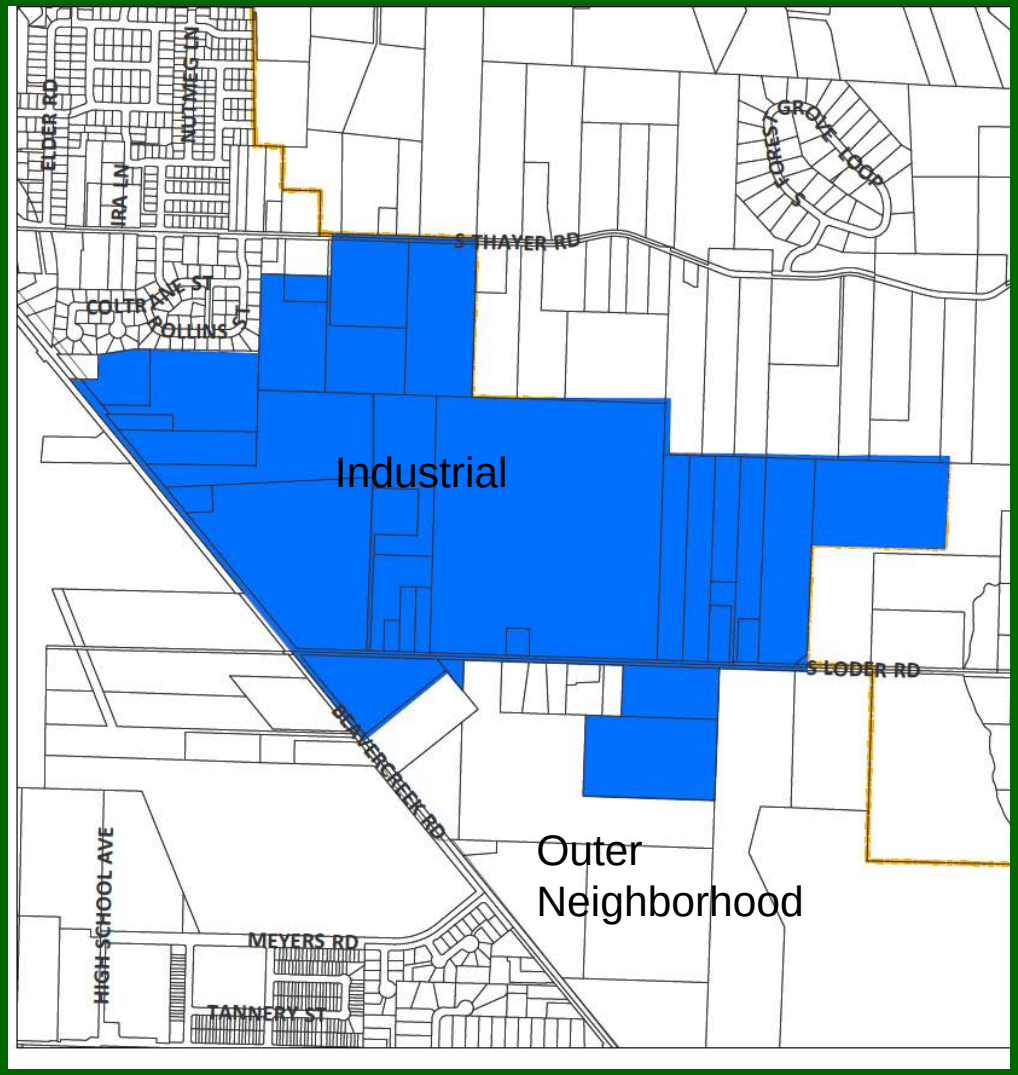
Figure 2: Beavercreek Zone Subdistricts

Current Status

- Overview of LUBA appeal, LCDC appeal and remand
- City Commission remanded to Planning Commission
- Re-open the record for the limited purpose of addressing the protection of the Title 4 lands, inserting the recently implemented transportation system plan and public utility plans, identifying transportation improvements and addressing police and fire services.

Limited Record

- Title 4 Industrial lands
- Transportation
  - TSP adopted August 2013
- Utilities
  - Sewer Master Plan adopted Nov 2014
  - Water Master Plan adopted Feb 2012
  - Stormwater standards adopted May 2015
- Police/ Fire Services



Metro 2040 Concept Plan Design Types

Metro Ord. 10-1244B Dec. 12

151 ac. (121 net) of Industrial

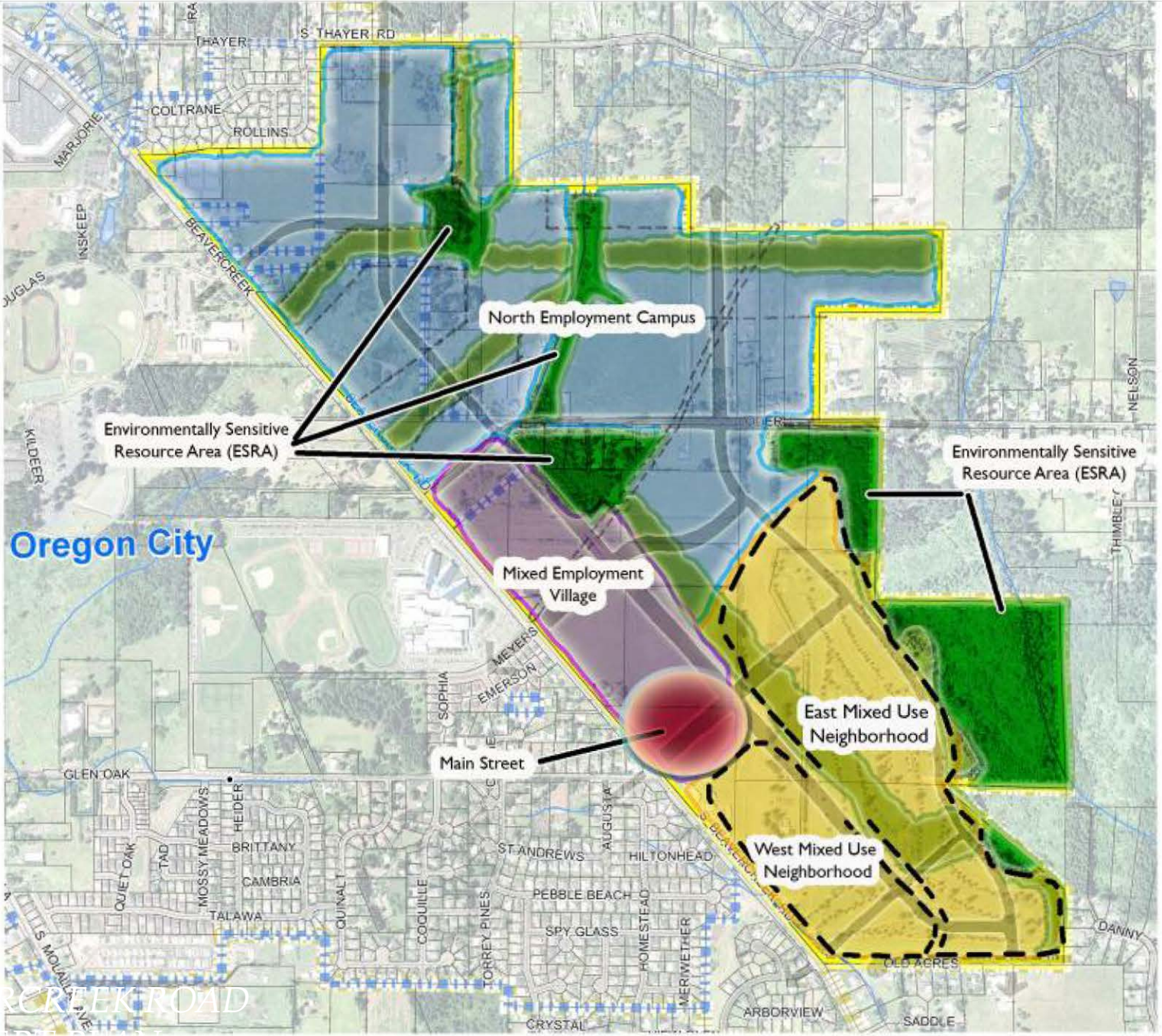


Figure 2: Beavercreek Zone Subdistricts

2006 – 2007 Process Summary

- 12 CAC/ TAC meetings
- Study Area Site Visit
- 2 Open Houses
- Meeting with Metro – Employment Discussion
- Community Design Workshop Meeting
- Market Focus Group
- Sustainability Focus Group
- Website
- Project posters, signs, mailers
- 10 City Commission hearings
- 4 Planning Commission hearings

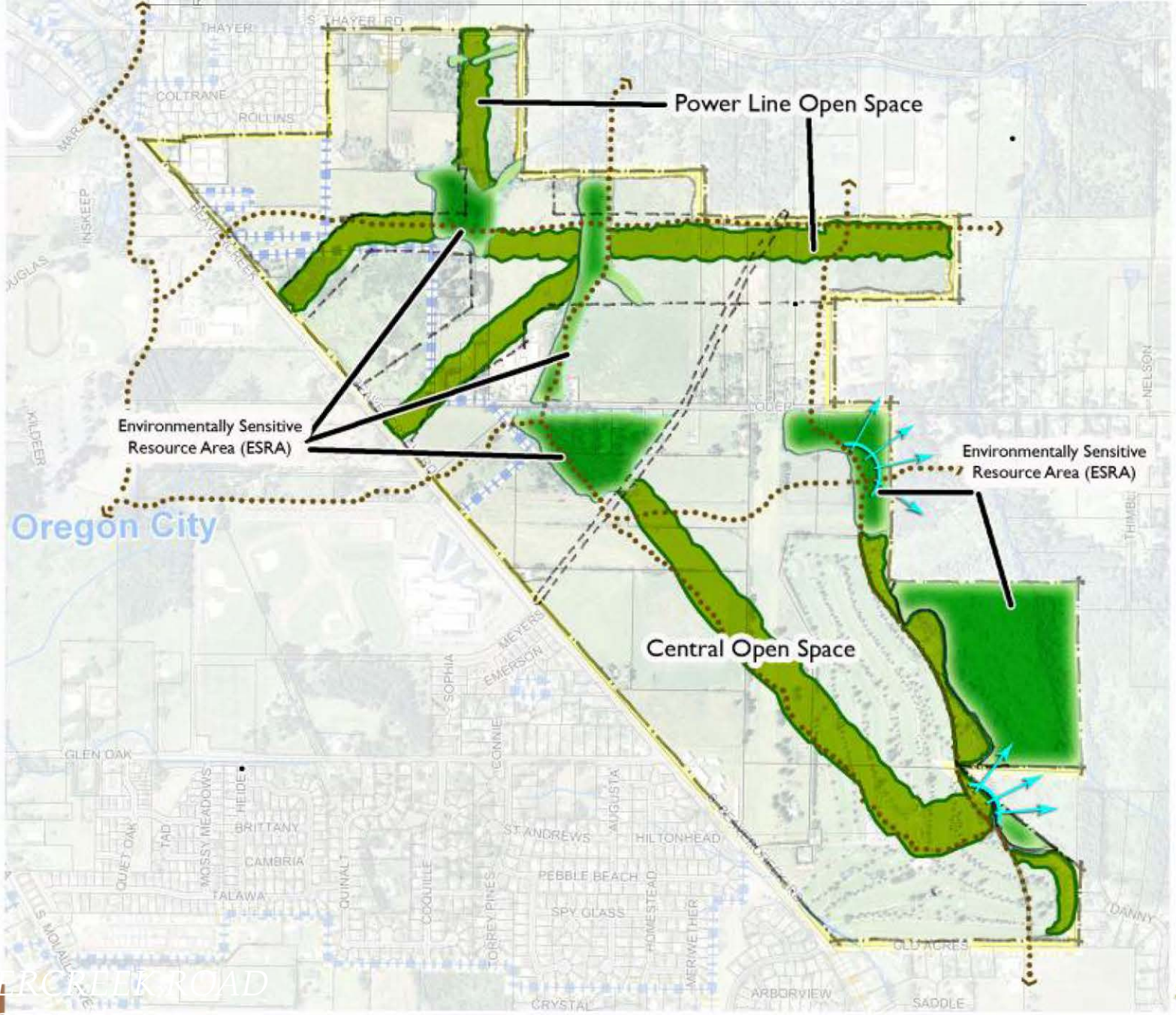


Figure 3: Beavercreek Zone Open Spaces and Natural Areas

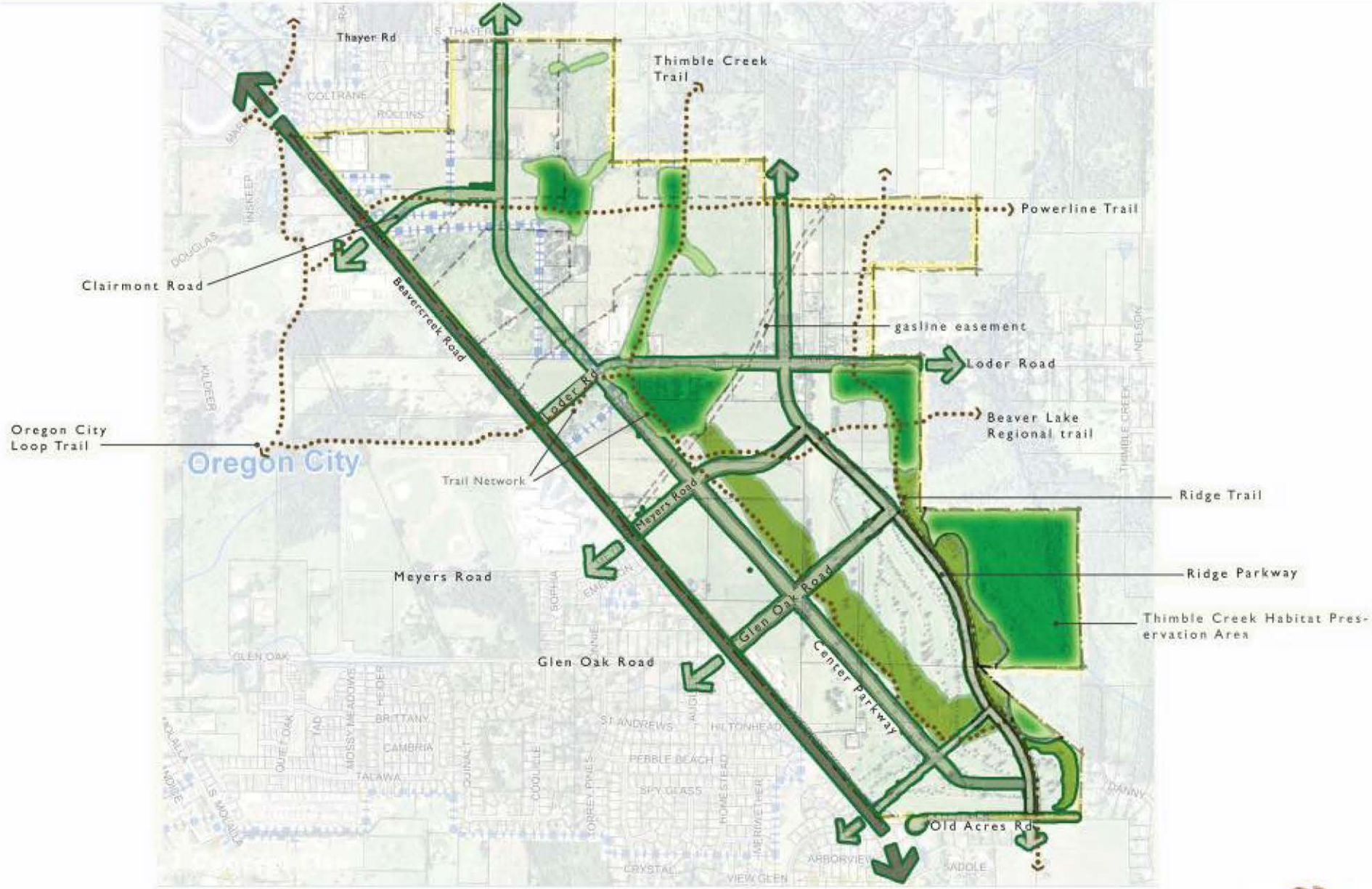
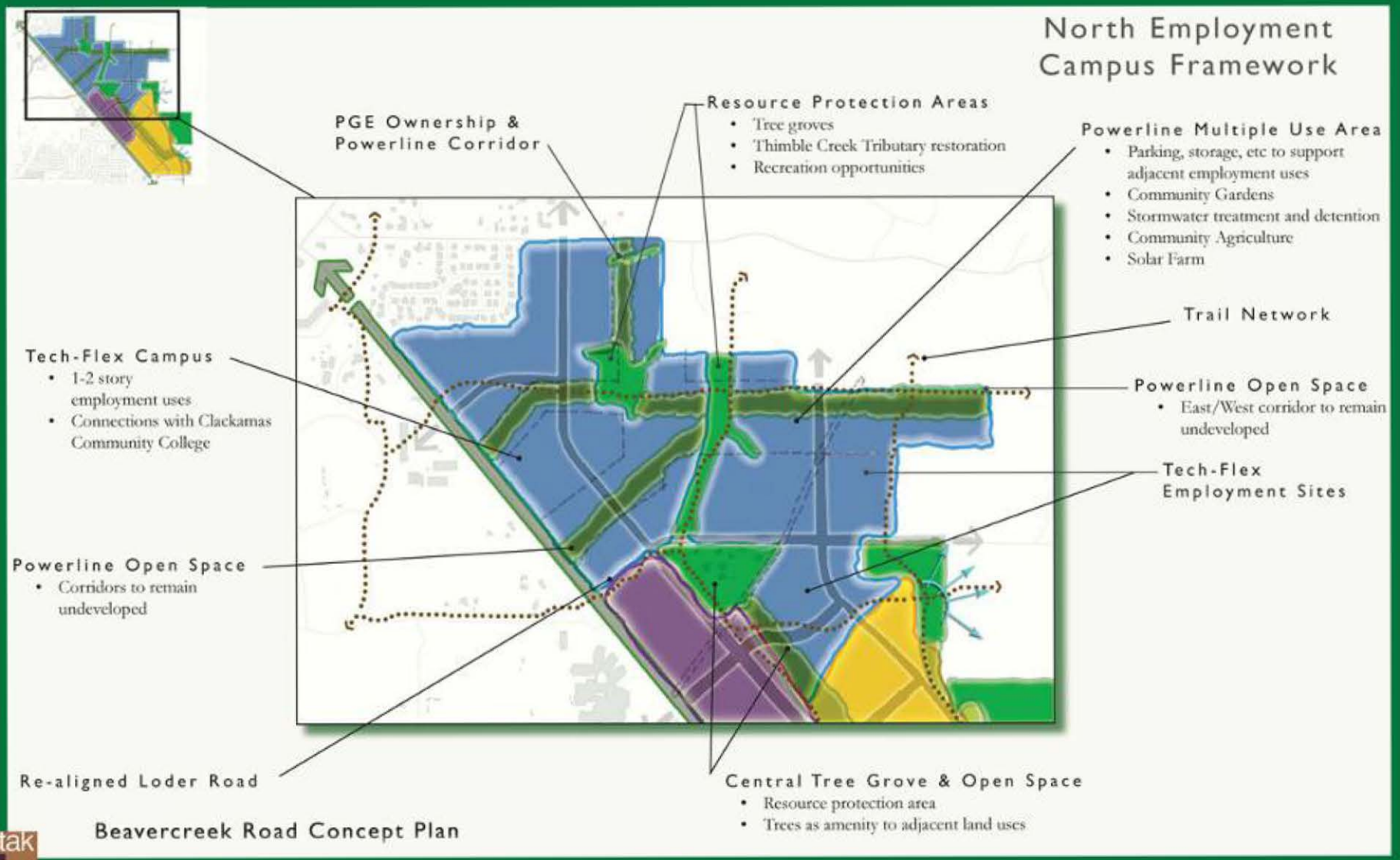


Figure 4: Beavercreek Zone Site Circulation

Figure 5: Beavercreek Zone Connectivity Options



BEAVERCREEK ROAD CONCEPT PLAN

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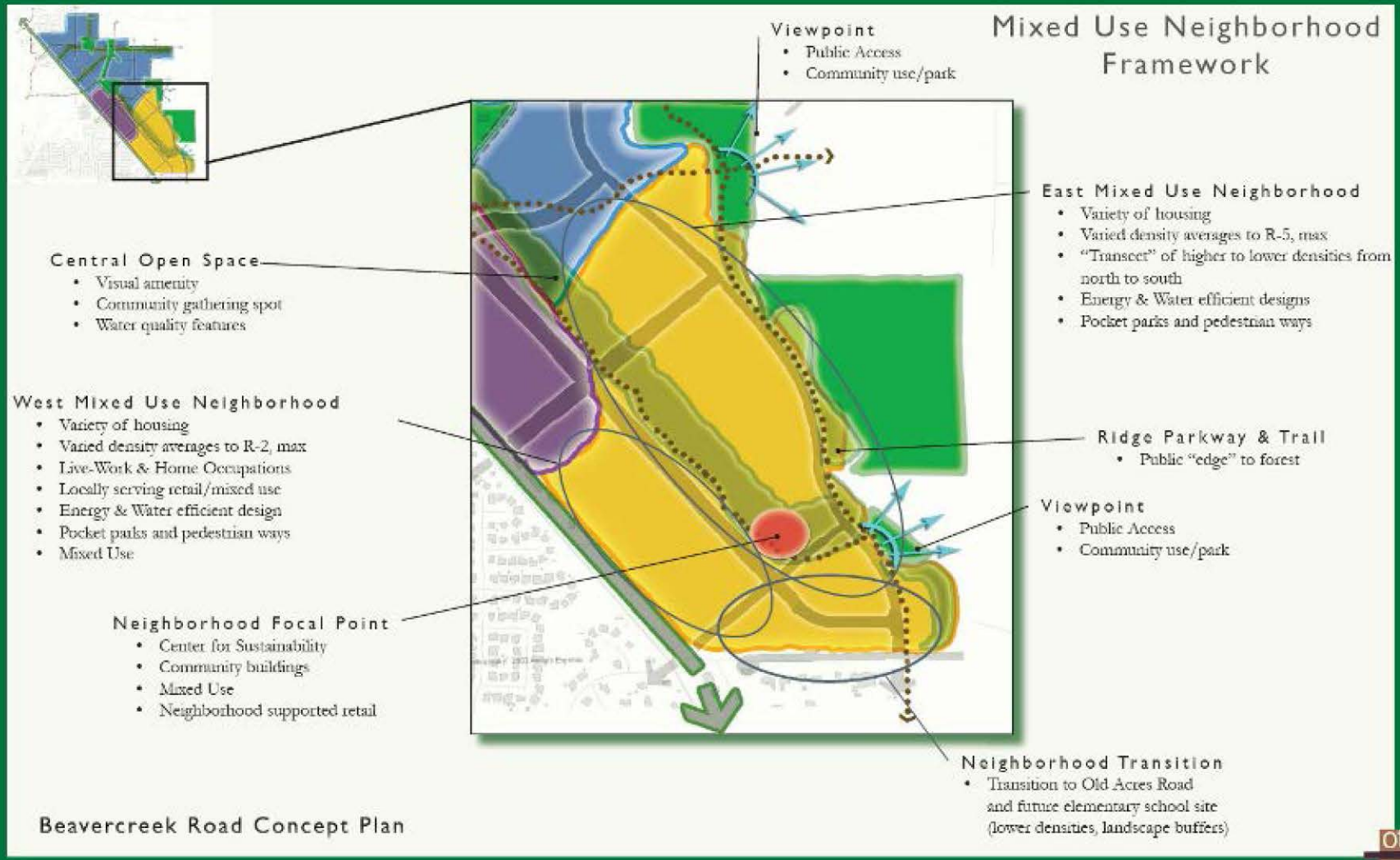


BEAVERCREEK ROAD CONCEPT PLAN

Beavercreek Road Concept Plan

Figure 4:
Hybrid Alternative
Stormwater System

Legend

- Streams

Teir 1 - Site Specific
(Not Illustrated)

Tier 2 - Greenstreets

- Conveyance & Treatment

Tier 3 - Regional Facilities

- Detention
- Detention Outfall

Map Creation Date: 03/01/07
(Based on CAD Data from 03/01/07)

0 250 500 1,000
Feet

Aerial Photography is 2 foot resolution, AE, LLC.
All data on this map is derived from the Metro RLIS data-base. This information was developed at multiple scales and accuracies. No warranty is made with this map.

BEAVERCREEK ROAD CONCEPT PLAN

Stormwater System

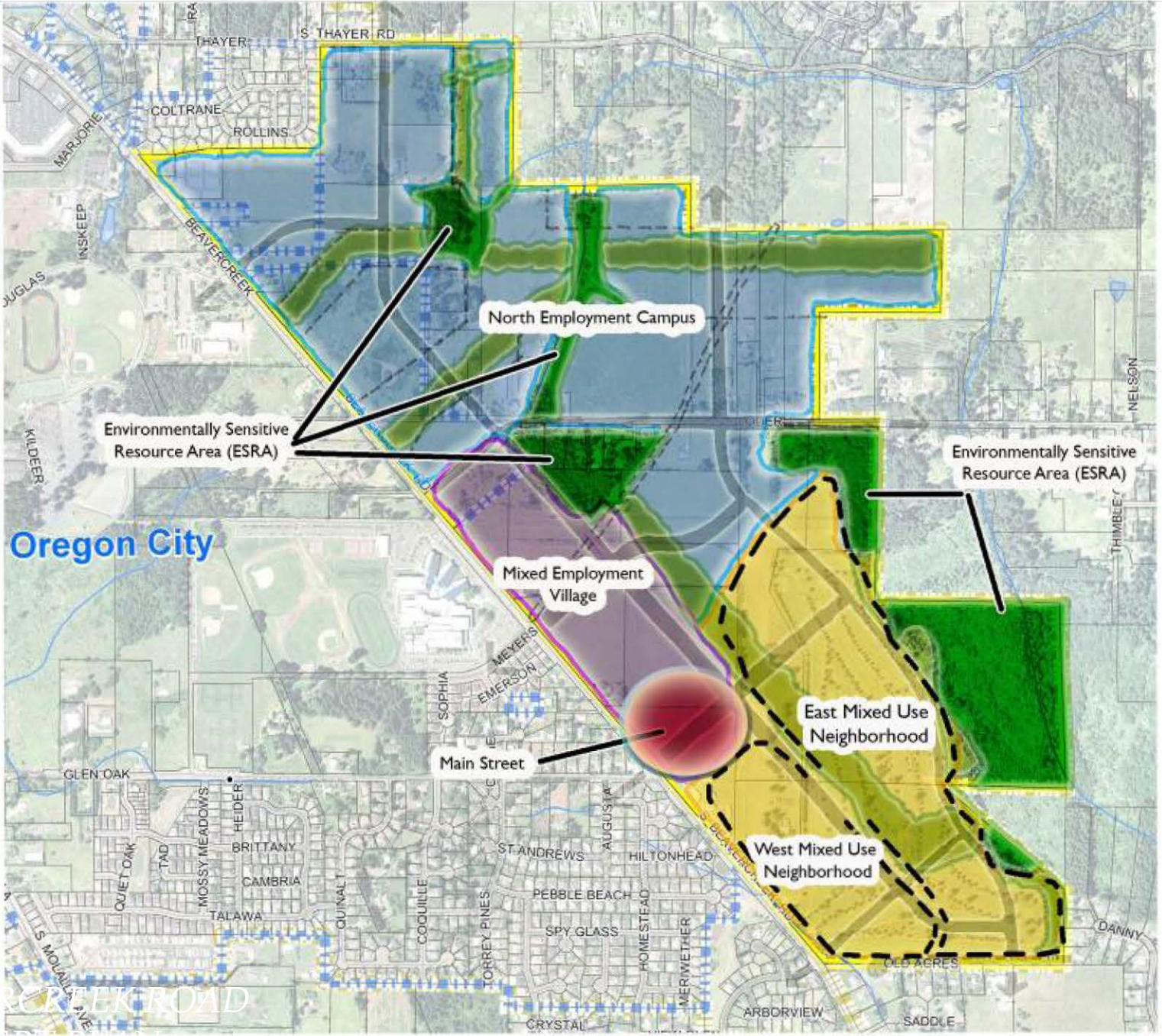


Figure 2: Beavercreek Zone Subdistricts

Acres*	Gross	Net
North Employment Campus	149	127
Mixed Employment Village	26	21
Main Street	10	8
West Mixed Use Neighborhood	22	18
East Mixed Use Neighborhood	77	62
	284	235
Parks/ Open Space/ Natural	113	
Major ROW	56	
Total	~453	

*Acres are preliminary and rounded

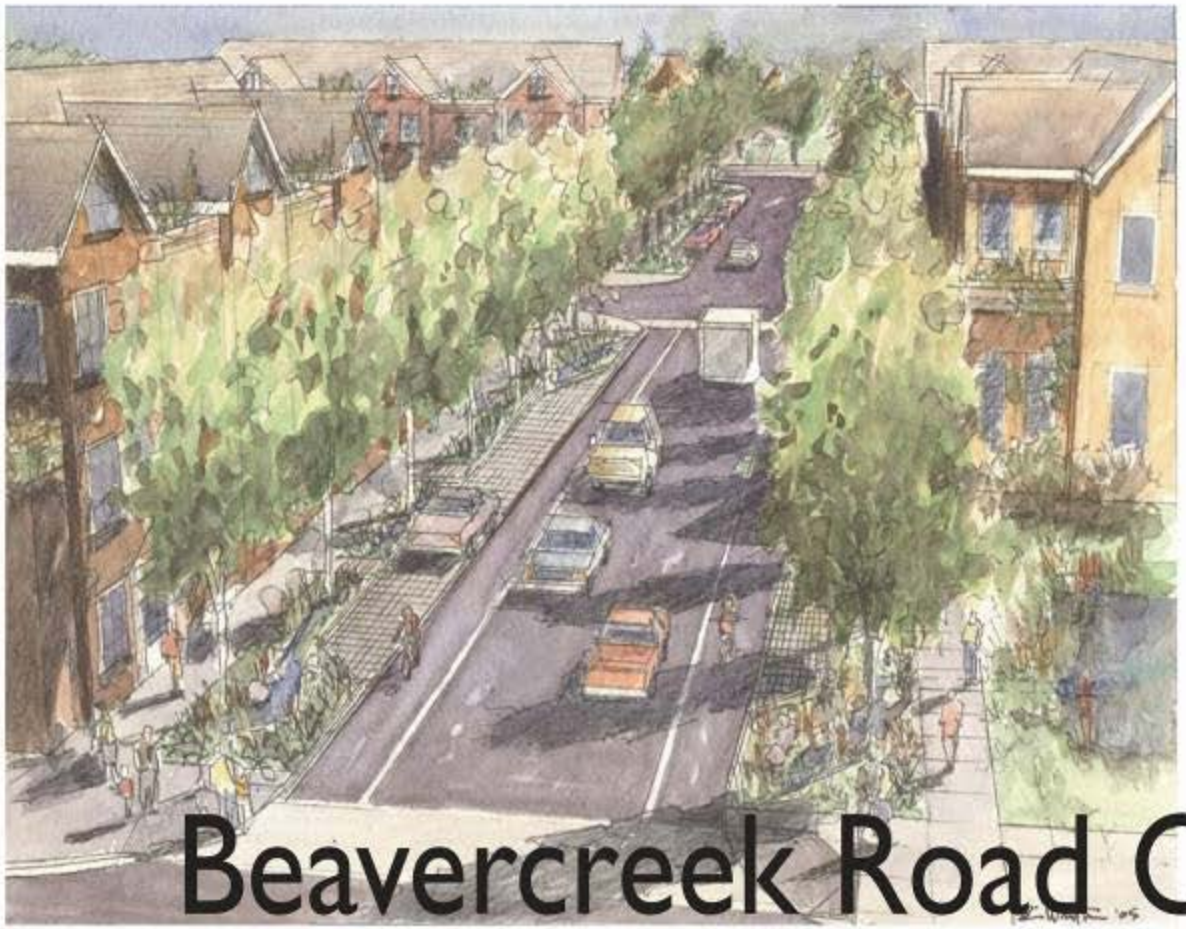
	Jobs	Housing
North Employment Campus	3,678	
Mixed Employment Village	1,139	
Main Street	219	100
West Mixed Neighborhood	15	387
East Mixed Neighborhood	21	536
	5,073	1,023

Next Steps

- Meetings:
  - Citizen Involvement Committee 10/05
  - Natural Resources Committee 10/14
  - Transportation Advisory Committee 10/20
  - Parks & Recreation Advisory Committee 10/22
  - Caufield Neighborhood Association 10/27
- Planning Commission - 11/23/2015
- City Commission - 12/02/2015

Thank You

- Website:
- http://www.orcity.org/planning/landuse case/le-15-0003-re-adoption-beavercreek-road-concept-plan
- Pete Walter, Associate Planner
- (503) 496-1568
- pwalter@orcity.org



Beavercreek Road Concept Plan

Envisioning a Complete and Sustainable Community

Citizen Involvement Council Presentation October 5, 2015

History

- *The Beavercreek Road Concept Plan was developed with strong community input between 2007 and 2008, and was adopted by the City Commission in September 2008.*
- *The plan was then appealed to LUBA, who remanded the plan back to the City and Metro to resolve employment (industrial) land mapping acreages.*
- *Metro adopted a revised title 4 Industrial Lands map in December 2010.*
- *Re-adoption was further delayed due to various legal objections to the larger Metro UGB Capacity Ordinance and urban reserves issues.*
- *These issues were finally settled by the State Legislature which resolved the UGB in 2014.*
- *In September 2014 the final appeal issues were dismissed and the City is free to proceed with re-adoption of the BRCP on remand.*

What is the basic approach?

- *The final concept plan will not be revised - i.e. the vision, goals and policies, land use areas, general transportation system, etc. - BUT*
- *The recently updated public facilities plans and cost estimates for this area will be addressed in the City's revised findings:*
  - *Transportation System Plan (2013)*
  - *Sewer Master Plan (2014)*
  - *Water Master Plan (2010)*
  - *Stormwater Design Standards (2015)*

BRCP Goals

- Complete and Sustainable Community
- Model of Sustainable Design
- Green Jobs
- Sustainable Industries
- Natural Beauty
- Multi-Modal Transportation
- Safety Along Beavercreek Road
- Connections to OCHS and CCC
- Unique Sense of Place
- Ecological Health

What must a concept plan address?

- *Natural Resources, Parks, and Open Space*
- *Employment Land (Title 4)*
- *Housing*
- *Schools*
- *Amenities*
- *Transportation (all modes)*
- *Zoning*
- *Infrastructure*
- *Financing*

Specific Re-adoption Items

- *Metro Title 4 (employment land)*
- *Title 11 (new urban areas)*
- *Transportation System (2013 TSP)*
- *Sewer, Water, and Stormwater Updates*
- *Police & Fire services*
- Comprehensive Plan Designations
- Zoning Map and Code

2007 Community Engagement

- 12 Citizen Advisory / Technical Advisory Committee meetings
- Technical Advisory Committee meetings
- Study Area Site Visit
- 2 Open Houses
- Meeting with Metro – Employment Discussion
- Community Design Workshop Meeting
- Market Focus Group
- Sustainability Focus Group
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- Project posters, signs, mailers
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Concept Plan: Land Use Areas

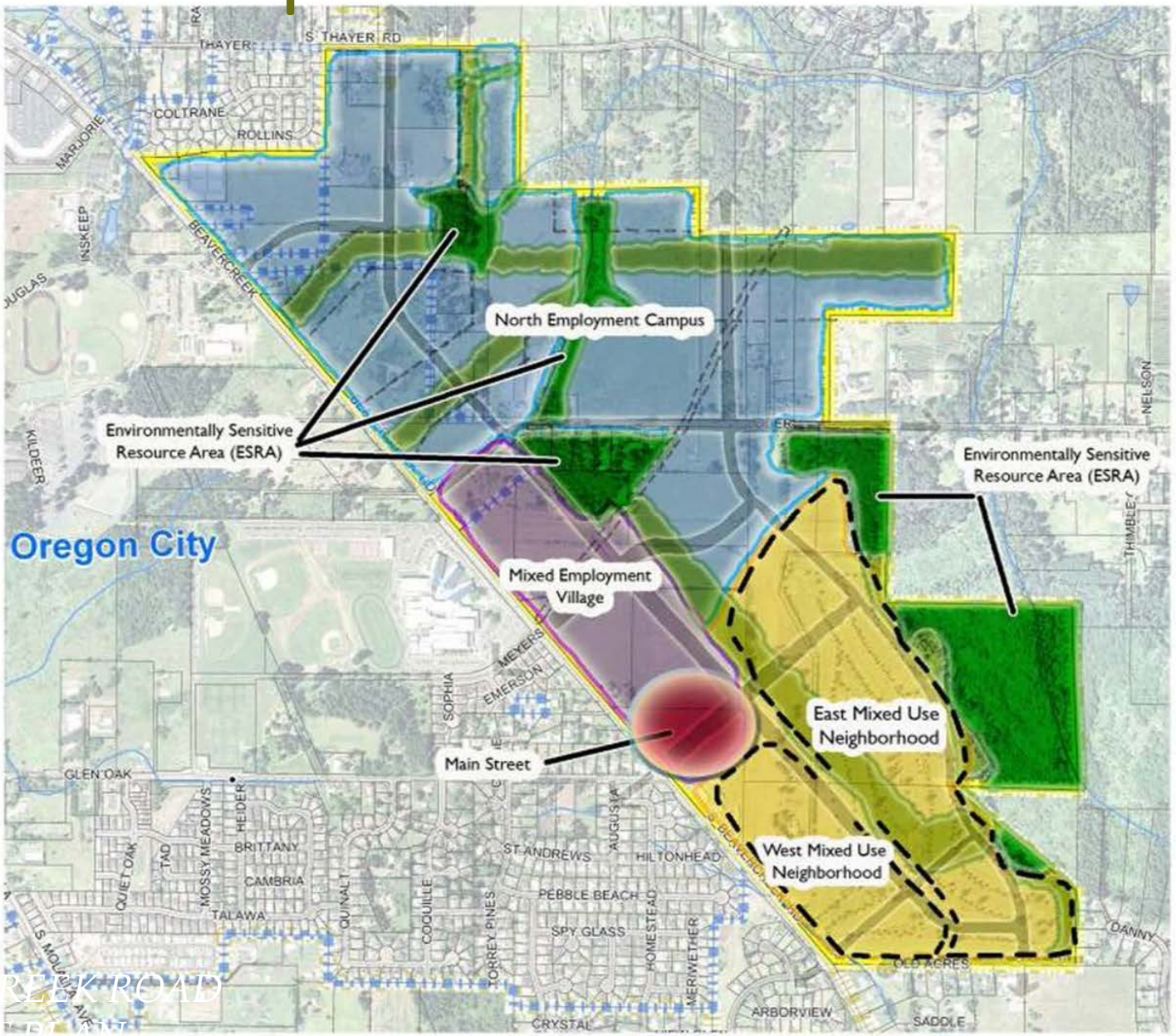

Figure 2: Beavercreek Zone Subdistricts

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	5,073	1,023

Based on Hybrid Plan – See draft plan for all stated assumptions.

How is the plan implemented?

Policies and Ordinances

- Comprehensive Plan Map
- Code amendments (Zoning Map, Zoning Code & Development Standards)
- Financing

What happens after re-adoption?

- More refined public facilities planning (Public Works studies and plans)
- Code Amendments
- Transportation Mobility Standards
- Update System Development Charges (SDCs)
- Applications for annexation
- Applications for zoning, development review, construction, etc. etc.

Meetings

- Planning Commission Work Session 09/28
- Citizen Involvement Committee 10/05
- Natural Resources Committee 10/14
- Transportation Advisory Committee 10/20
- Parks & Recreation Advisory Committee 10/22
- Caufield Neighborhood Association 10/27
- Hamlet of Beavercreek 10/28
- City Commission Work Session 11/10
- Planning Commission Hearing #1 11/23/2015
- City Commission Hearing #1 12/02/2015

How to do I stay involved?

Website:

http://www.orcity.org/planning/landusecase/le-15-0003-re-adoption-beavercreek-road-concept-plan

Pete Walter, Associate Planner

PH: (503) 496-1568

Email: pwalter@orcity.org

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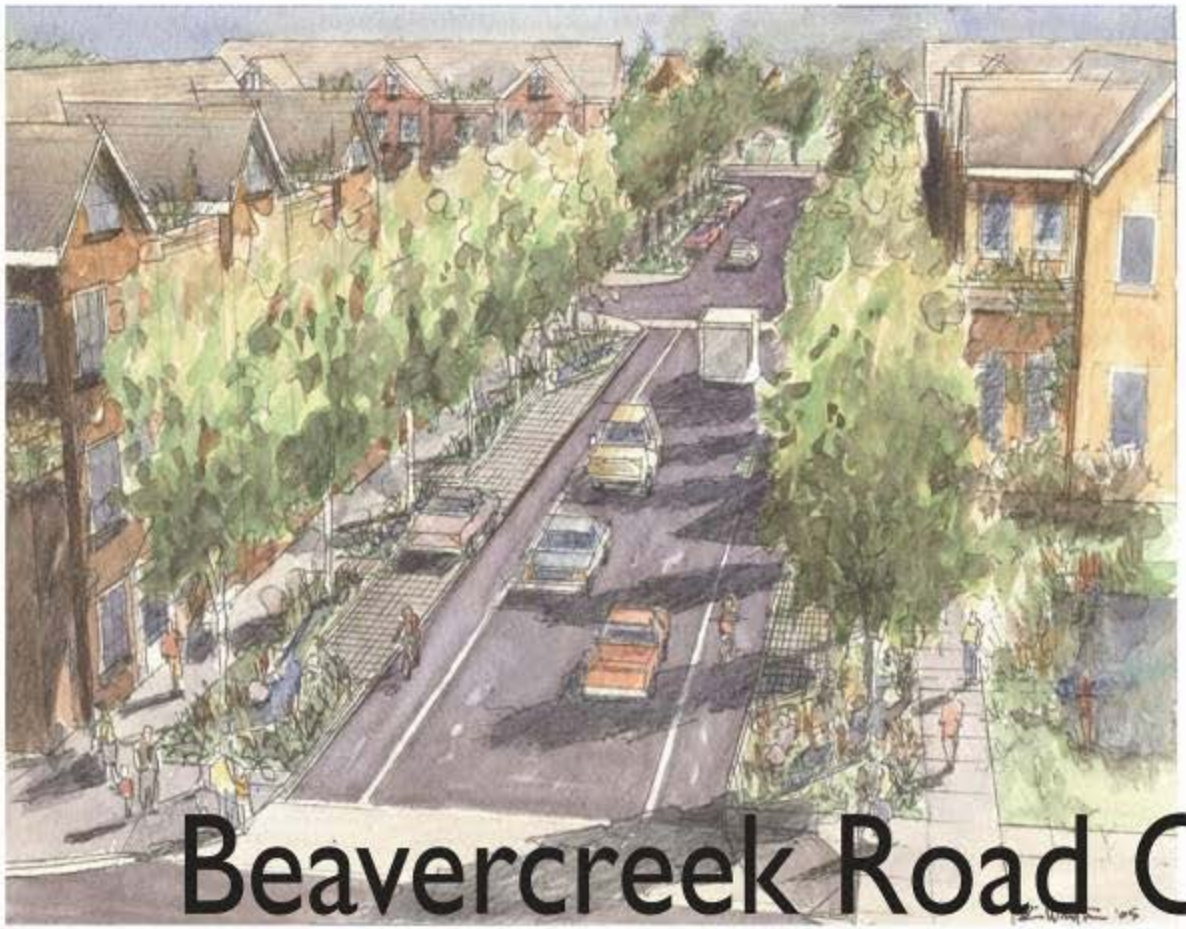
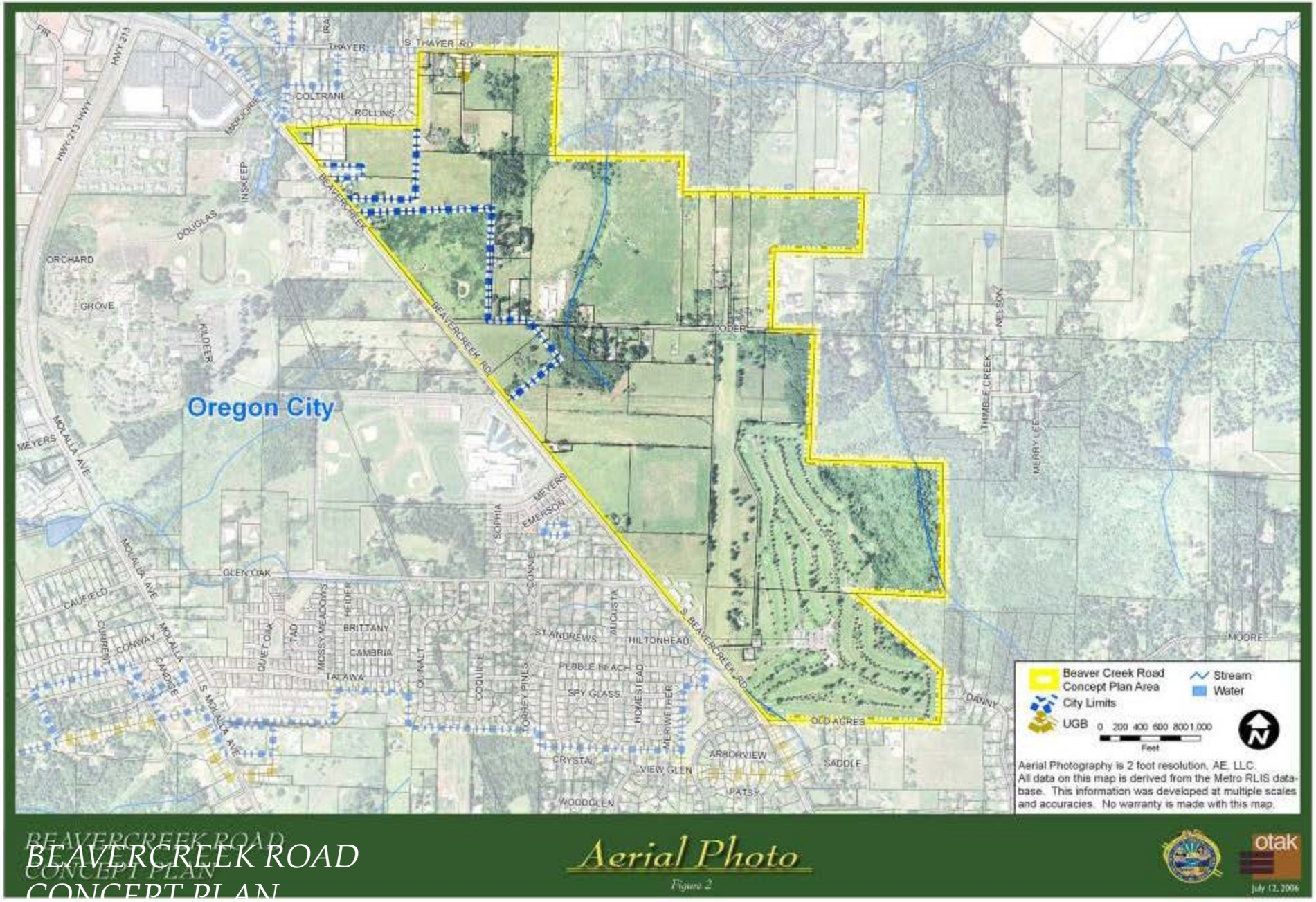


Beavercreek Road Concept Plan

Envisioning a Complete and Sustainable Community

Transportation Advisory Committee Presentation October 20, 2015



BEAVERCREEK ROAD
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Aerial Photo

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Concept Plan: Land Use Areas

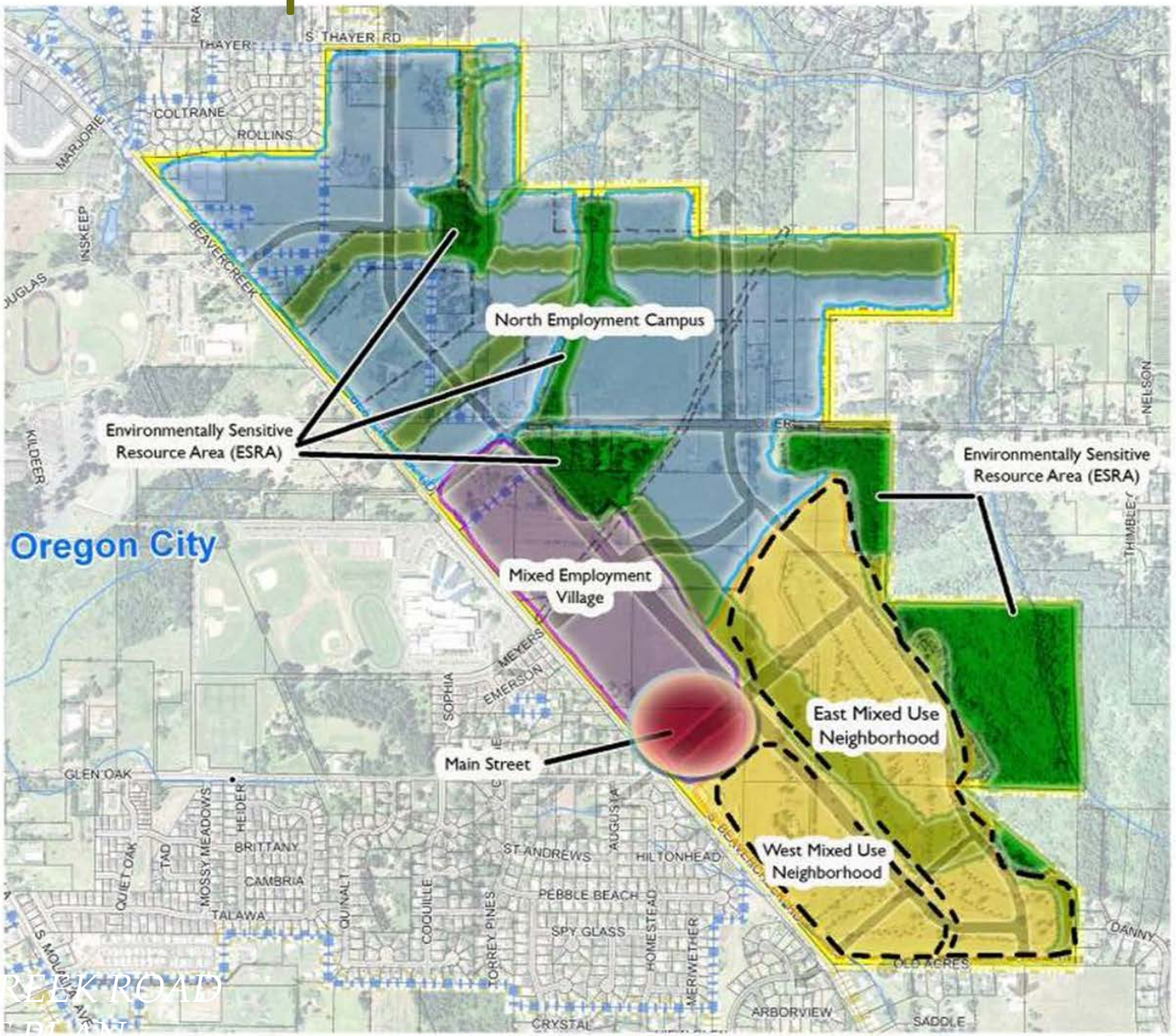

Figure 2: Beavercreek Zone Subdistricts

What is the basic approach?

- *The draft plan – i.e. the vision, goals and policies, land use areas, transportation system, etc. will not be revised.*
- *Summarize the existing adopted plans and cost estimates for public improvements for the BRCP area:*
  - *Transportation System Plan (2013)*
  - *Sewer Master Plan (2014)*
  - *Water Master Plan (2010)*
  - *Stormwater Design Standards (2015)*

What must a concept plan address?

- *Natural Resources, Parks, and Open Space*
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Concept Plan: Land Use Areas

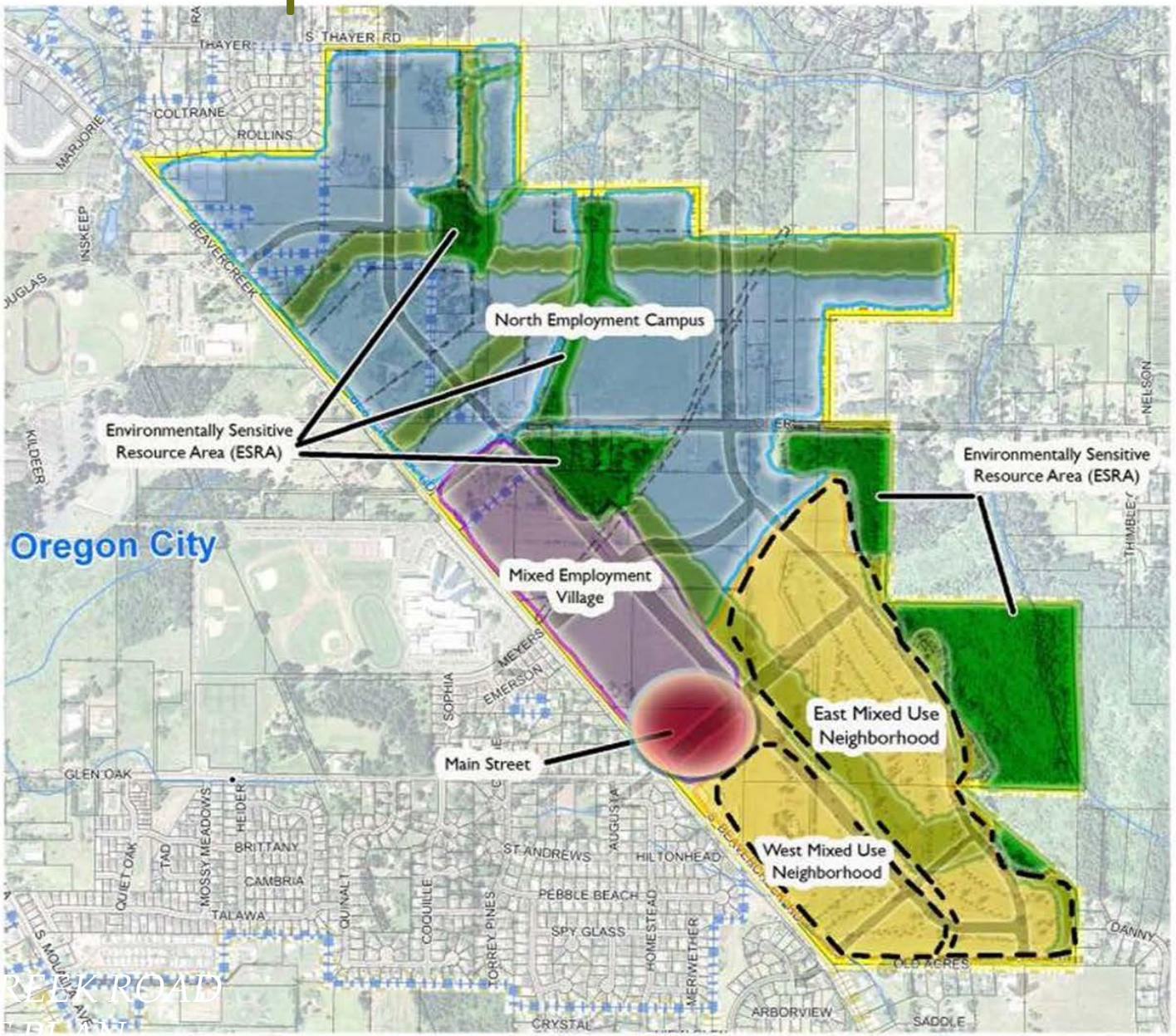


Figure 2: Beavercreek Zone Subdistricts

BRCP Transportation Goals and Policies

Goal 6 Multi-modal Transportation

Provide multi-modal transportation links (such as bus routes, trails, bikeways, etc.) that are connected within the site as well as to the surrounding areas.

Policy 6.1

Work with Tri-Met and stakeholders to provide bus service and other alternatives to the Concept Plan area.

Policy 6.2

As land use reviews and development occur prior to extension of bus service, ensure that the mix of land uses, density and design help retain transit as an attractive and feasible option in the future.

Policy 6.3

Ensure that local street connectivity and off-street pedestrian routes link together into a highly connected pedestrian system that is safe, direct, convenient, and attractive to walking.

BRCP Transportation Goals and Policies

Policy 6.4

The “walkability” of the Concept Plan area will be one of its distinctive qualities. The density of walking routes and connectivity should mirror the urban form – the higher the density and larger the building form, the “finer” the network of pedestrian connections.

Policy 6.5

Require trails to be provided consistent with the Concept Plan Circulation Framework.

Policy 6.6

Provide bike lanes on Beavercreek Road and all collector streets, except for Main Street. The City may consider off-street multi-use paths and similar measures in meeting this policy. Bike routes will be coordinated with the trails shown on the Circulation Framework.

BRCP Transportation Goals and Policies

Goal 7 - Safety Along Beavercreek Road

Implement design solutions along Beavercreek Road that promote pedestrian safety, control traffic speeds and access, and accommodate projected vehicular demand.

Policy 7.1

Design Beavercreek Road to be a green street boulevard that maximizes pedestrian safety.

Policy 7.2

Work with the County and State to establish posted speeds that are safe for pedestrians and reinforce the pedestrian-oriented character of the area.

Policy 7.3

Control access along the east side of Beavercreek Road so that full access points are limited to the intersections shown on the Circulation Framework. Right in-Right-out access points may be considered as part of master plans or design review.

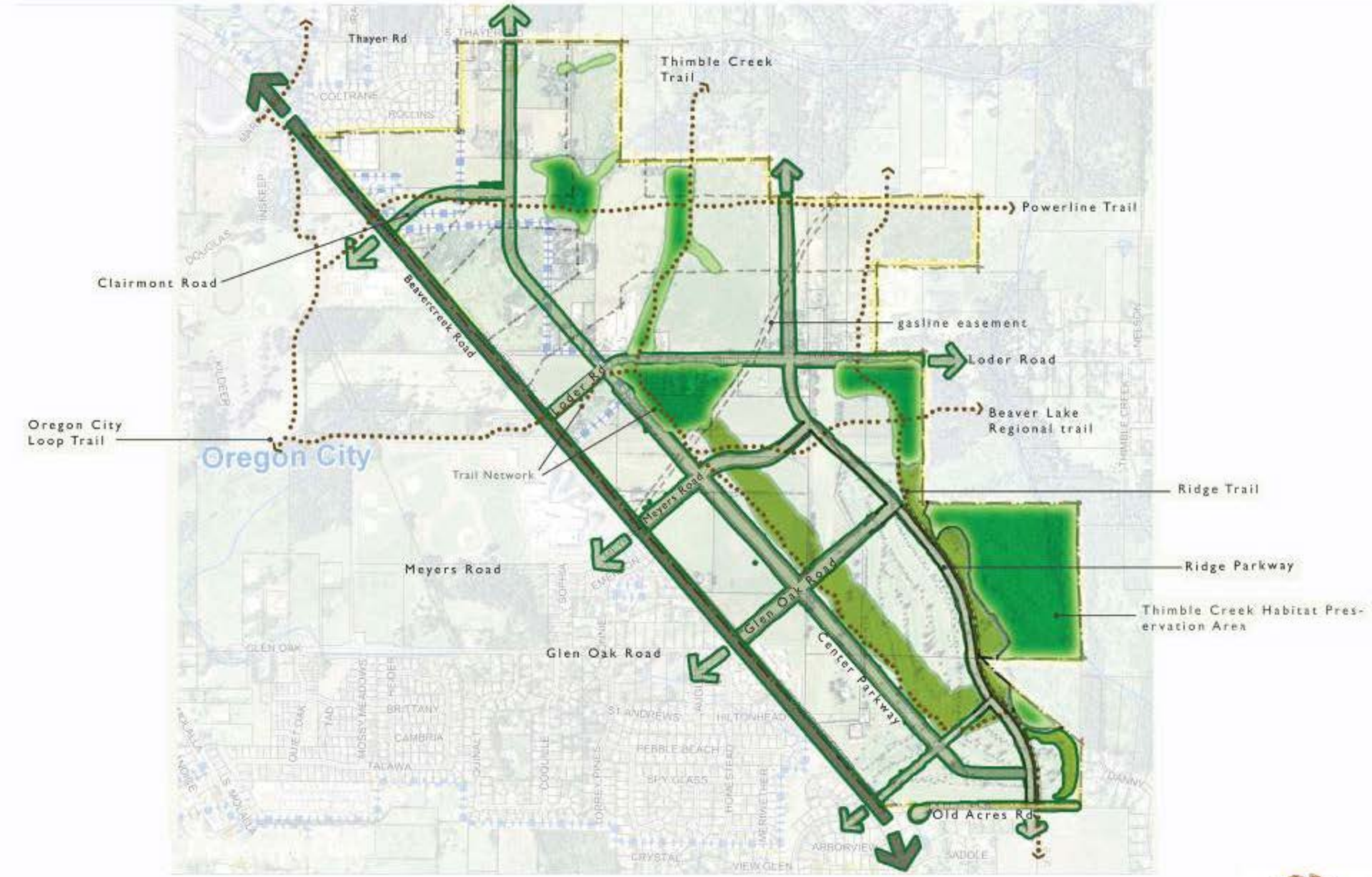
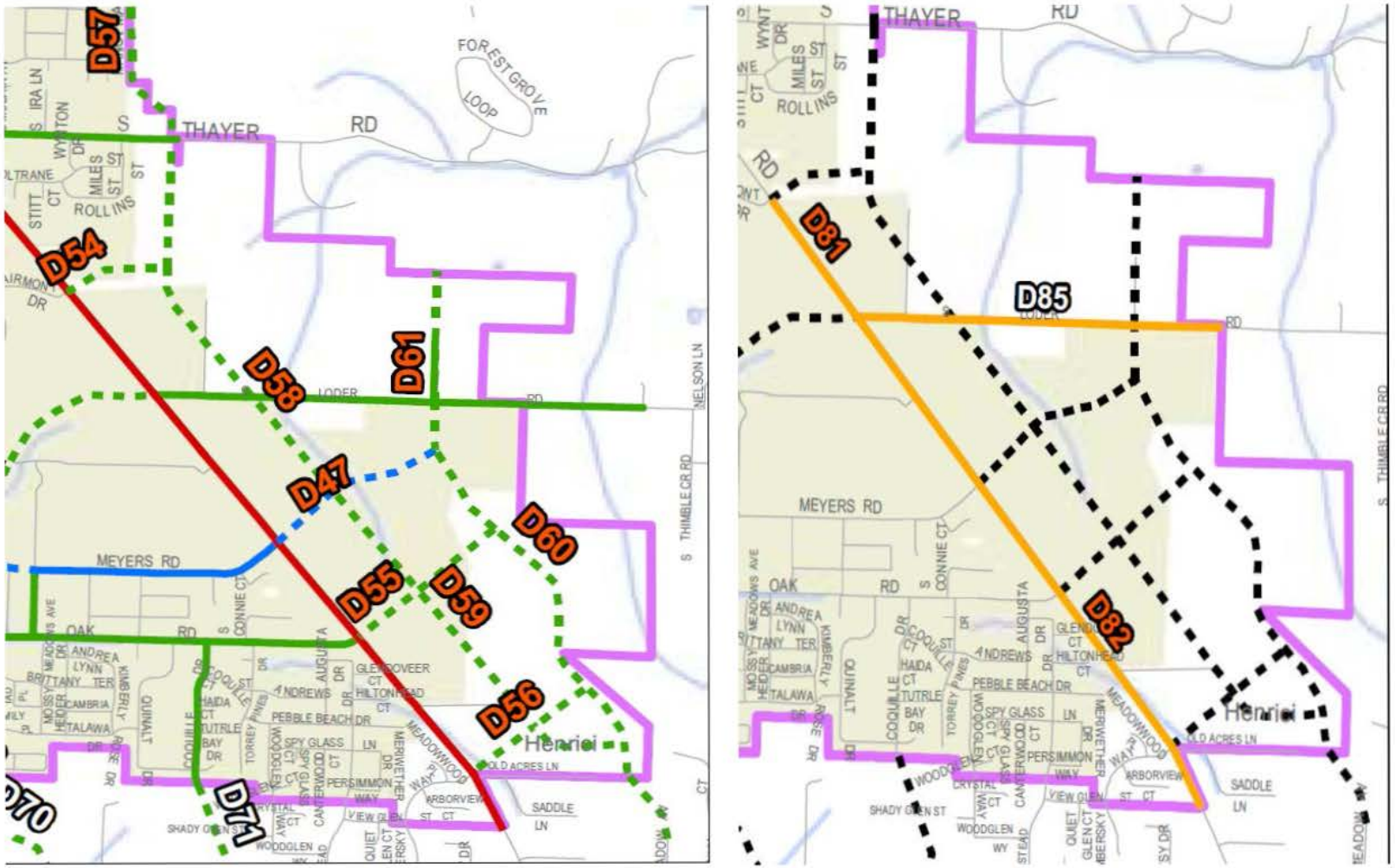


Figure 4: Beavercreek Zone Site Circulation

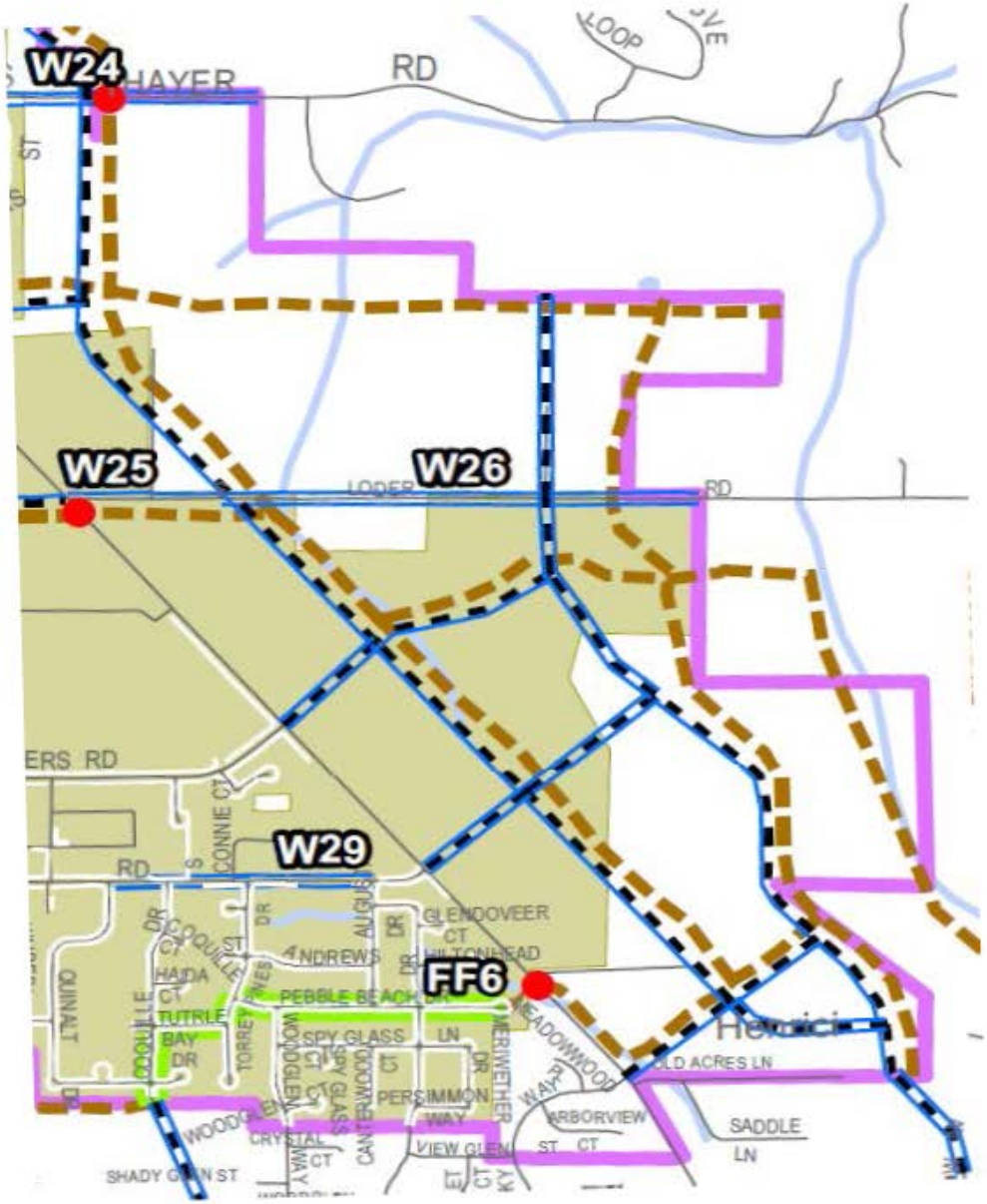
Likely to be Funded TSP Projects

Project #	Project Description	Project Extent	Project Elements	Priority
D47	Meyers Road East extension	Beavercreek Road to the Meadow Lane Extension	Extend Meyers Road from Beavercreek Road to the Meadow Lane Extension as an Industrial Minor Arterial. Between the Holly Lane and Meadow Lane extensions, add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S19. Modify the existing traffic signal at Beavercreek Road	Medium-term
D54	Clairmont Drive extension	Beavercreek Road to Holly Lane South Extension	Extend Clairmont Drive from Beavercreek Road to the Holly Lane South extension as an Industrial Collector. Add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S17.	Long-term
D55	Glen Oak Road extension	Beavercreek Road to the Meadow Lane Extension	Extend Glen Oak Road from Beavercreek Road to the Meadow Lane Extension as a Residential Collector. Install a roundabout at Beavercreek Road (per project D39)	Long-term
D56	Timbersky Way extension	Beavercreek Road to the Meadow Lane Extension	Extend Timbersky Way from Beavercreek Road to the Meadow Lane Extension as a Residential Collector. Add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S20.	Long-term
D57	Holly Lane South extension	Maple Lane Road to Thayer Road	Extend Holly Lane from Maple Lane Road to Thayer Road as a Residential Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S14. Install a roundabout at Maple Lane Road (per project D37).	Medium-term
D58	Holly Lane South extension	Thayer Road to Meyers Road	Extend Holly Lane from Thayer Road to the Meyers Road extension as an Industrial Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S15.	Medium-term
D59	Holly Lane South extension	Meyers Road to the Meadow Lane Extension	Extend Holly Lane from the Meyers Road extension to the Meadow Lane Extension as a Mixed-Use Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S16.	Long-term
D60	Meadow Lane extension	Meadow Lane to Meyers Road	Extend Meadow Lane to the Meyers Road Extension as a Mixed-Use Collector. Between Old Acres Lane and the Glen Oak Road extension, add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S21.	Long-term
D61	Meadow Lane extension	Meyers Road to UGB (north of Loder Road)	Extend Meadow Lane from the Meyers Road Extension to the UGB (north of Loder Road) as an Industrial Collector	Medium-term
D81	Beavercreek Road Upgrade	Clairmont Drive (CCC Entrance) to Meyers Road	Improve to Industrial Major Arterial cross-section	Medium-term
D82	Beavercreek Road Upgrade	Meyers Road to UGB	Improve to Residential Major Arterial cross-section	Long-term

TSP Street & Intersection Expansions



TSP Conceptual Walking Solutions



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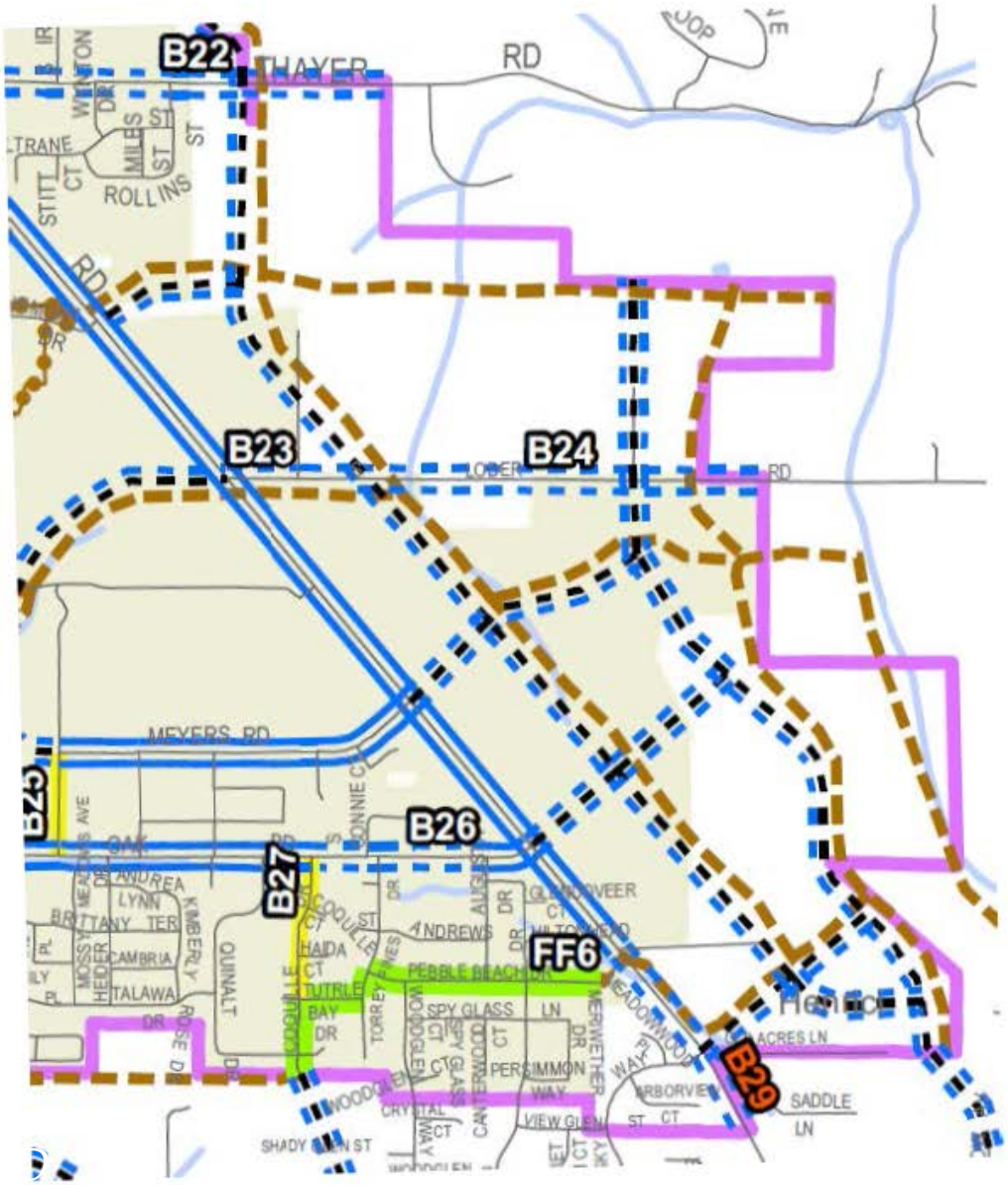
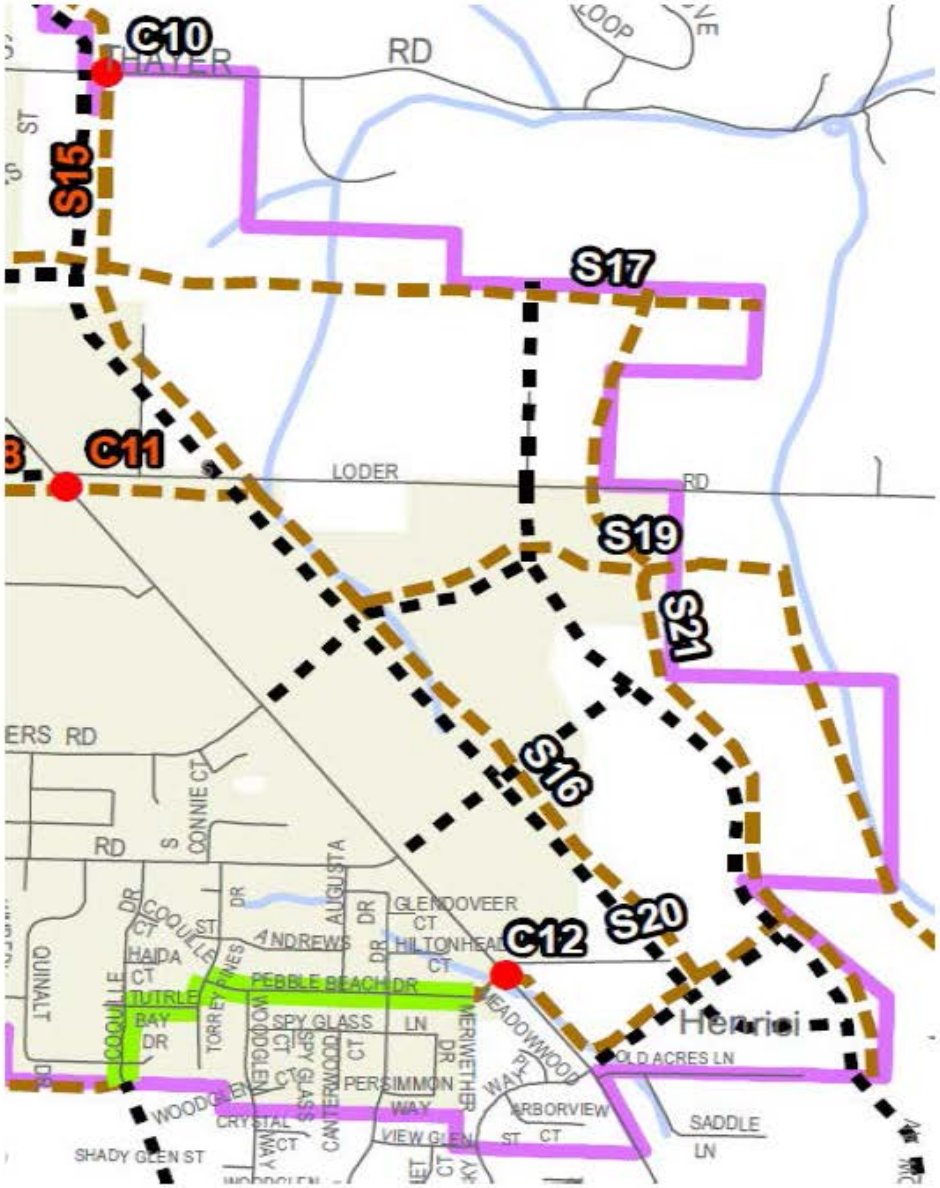


TSP Shared Biking and Walking Solutions



Concept Plan: Land Use Areas

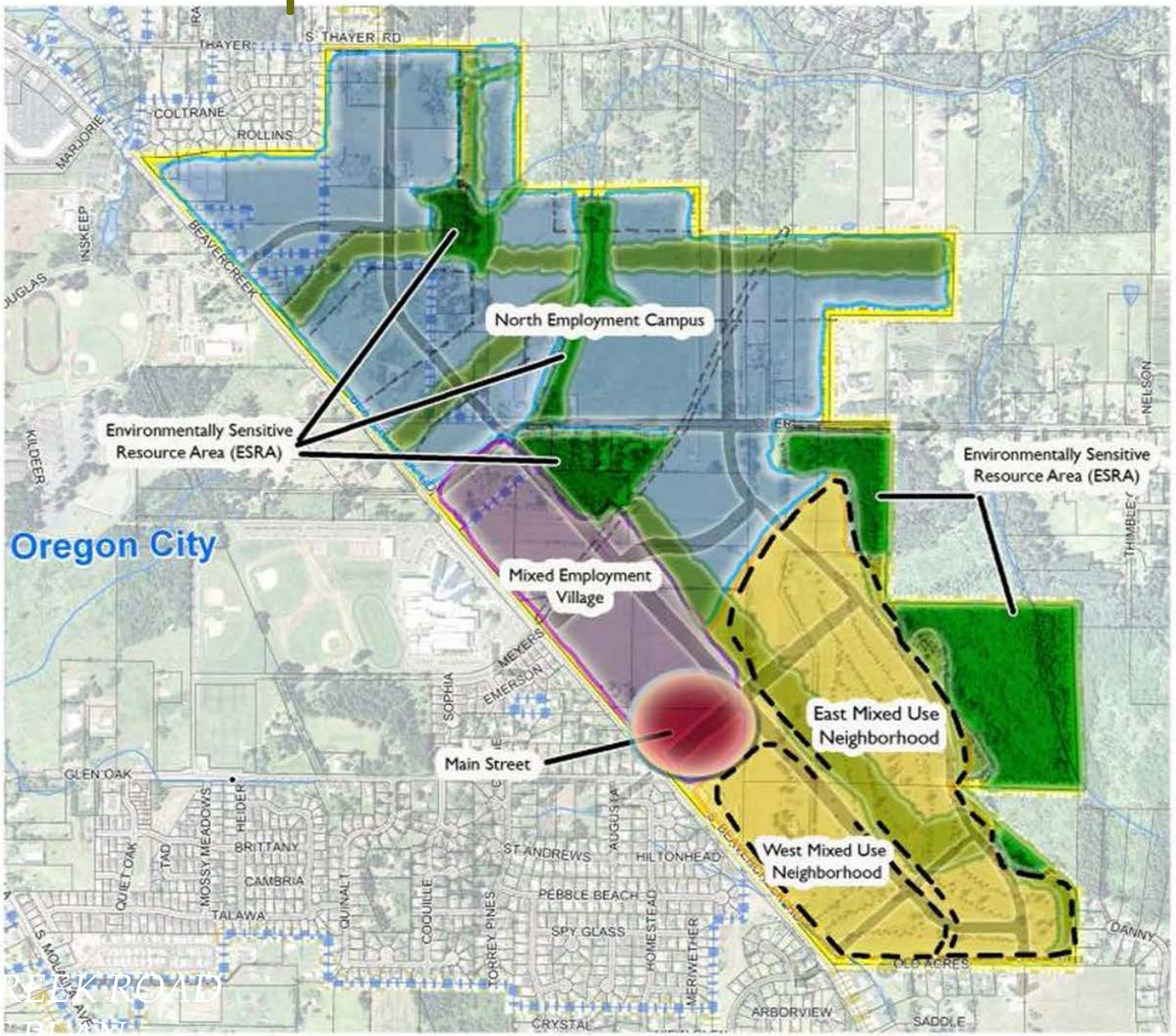
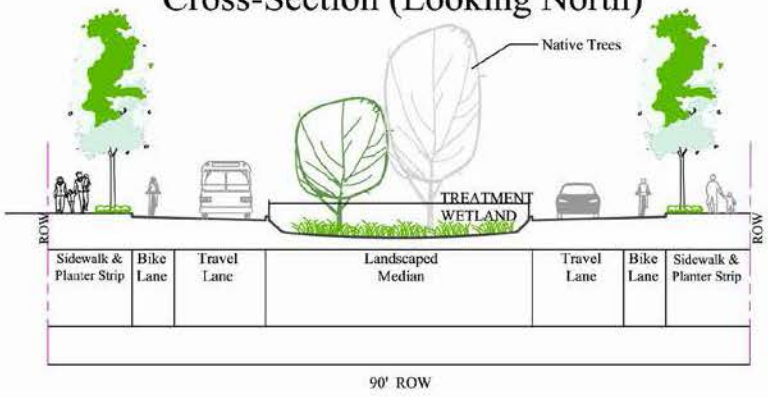


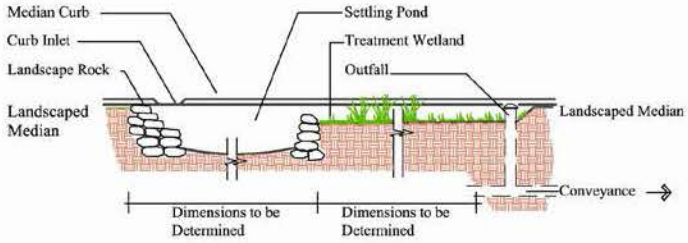
Figure 2: Beavercreek Zone Subdistricts

Beavercreek Road Concept Plan

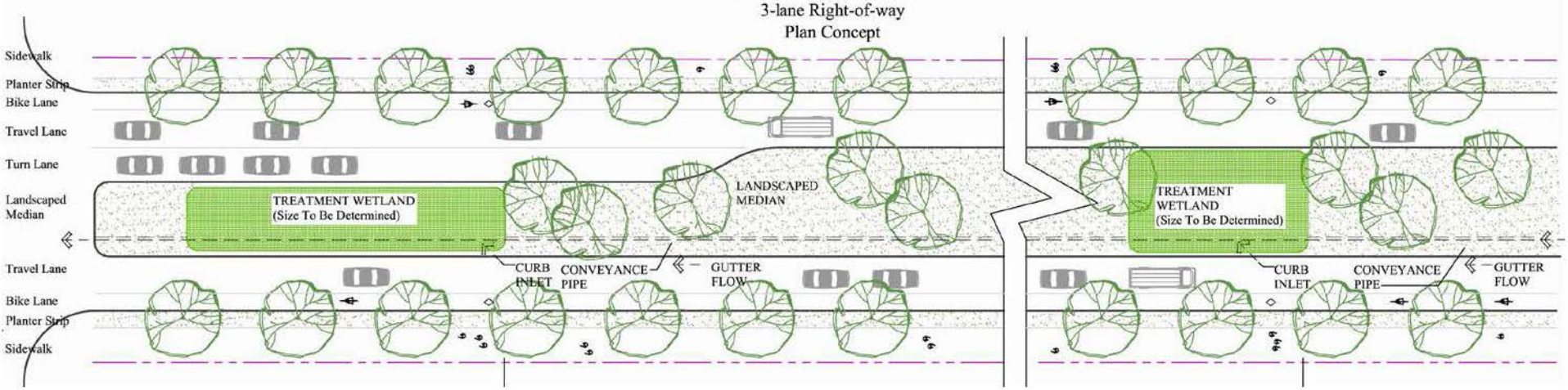
Beavercreek Road Greenstreet - Option 1
3-lane Right-of-way
Cross-Section (Looking North)



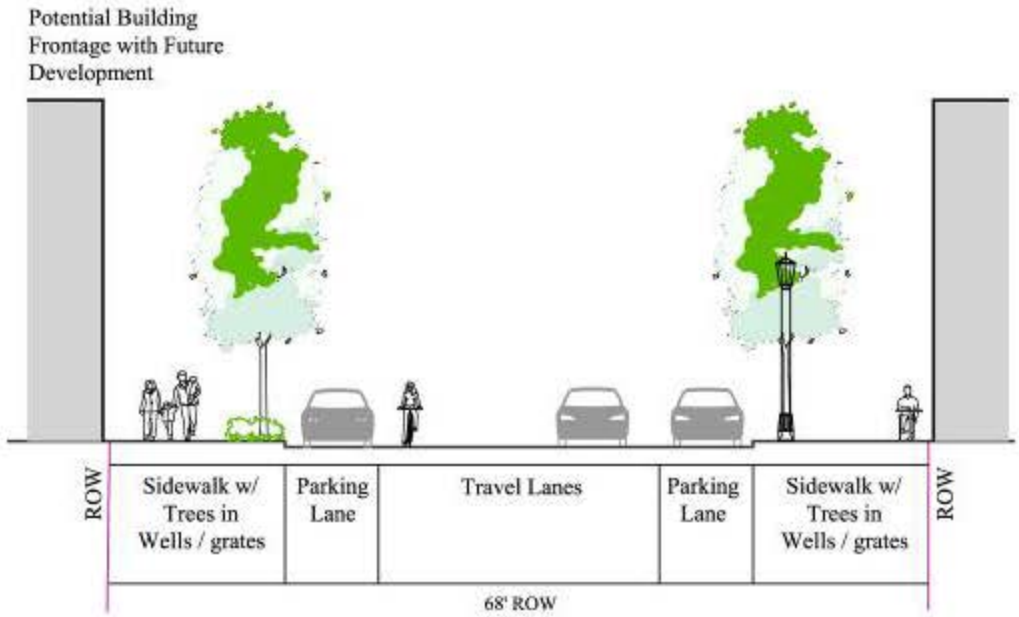
Median Treatment Wetland
Conceptual Detail



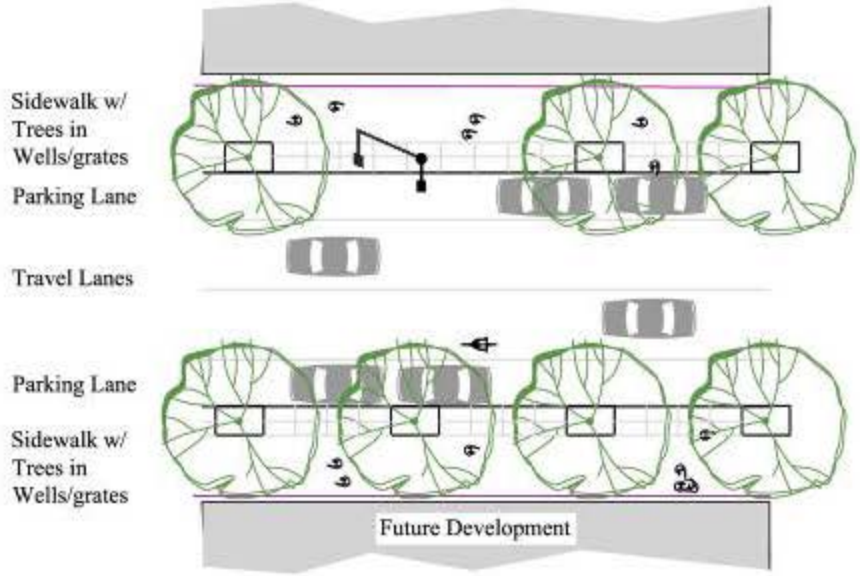
Beavercreek Road - Option 1
3-lane Right-of-way
Plan Concept



Main Street Collector



Main Street Collector
Plan View



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How to do I stay involved?

Website:

http://www.orcity.org/planning/landusecase/le-15-0003-re-adoption-beavercreek-road-concept-plan

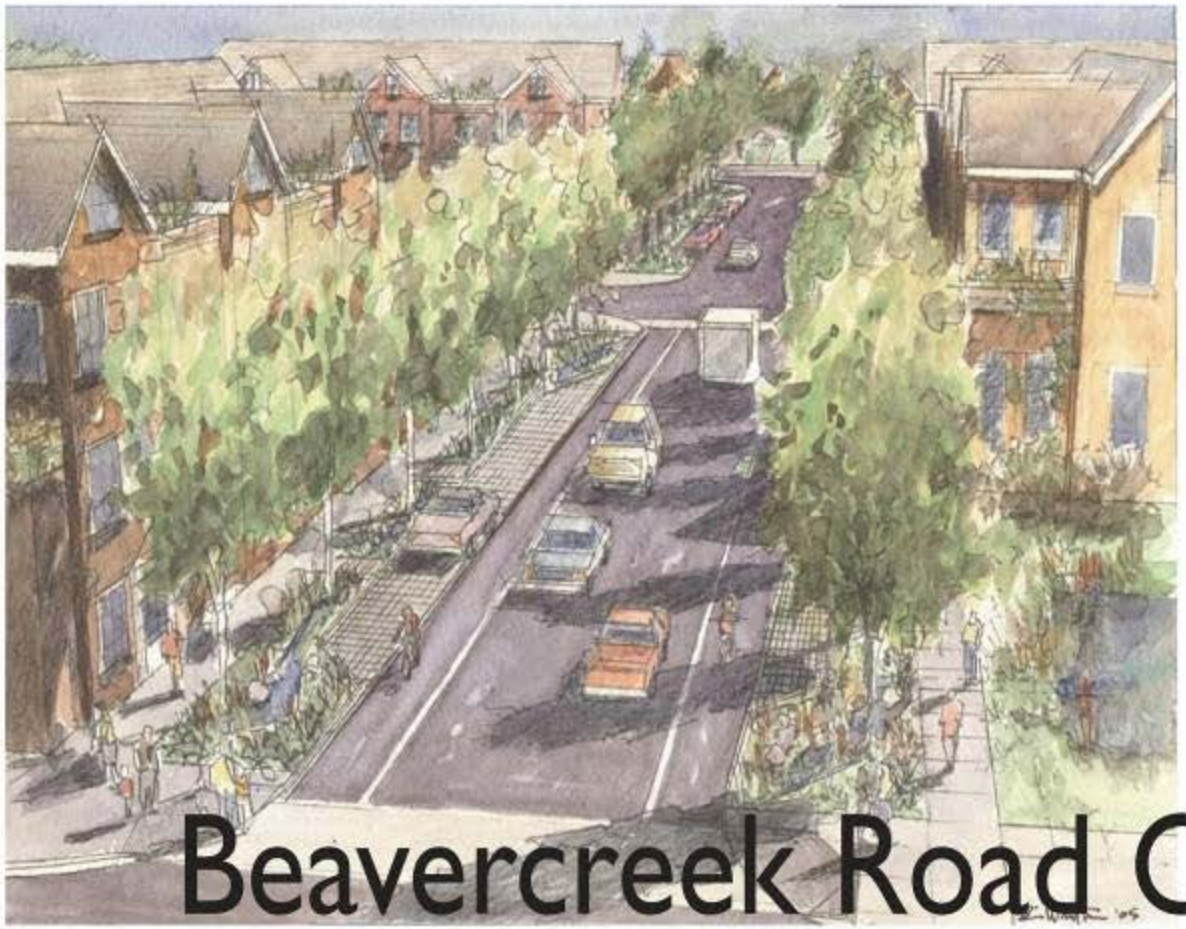
Pete Walter, Associate Planner

PH: (503) 496-1568

Email: pwalter@orcity.org

Thank You

NOTE: Planning Staff provided a PowerPoint presentation on the Beavercreek Road Concept Plan to the Oregon City Natural Resources Committee on October 14, 2015. Staff used the same PowerPoint presentation that was presented to the Citizen Involvement Committee on October 22, 2015, which is in the record.



Beavercreek Road Concept Plan

Envisioning a Complete and Sustainable Community

Parks and Recreation Advisory Committee Presentation, October 22, 2015

Concept Plan: Land Use Areas

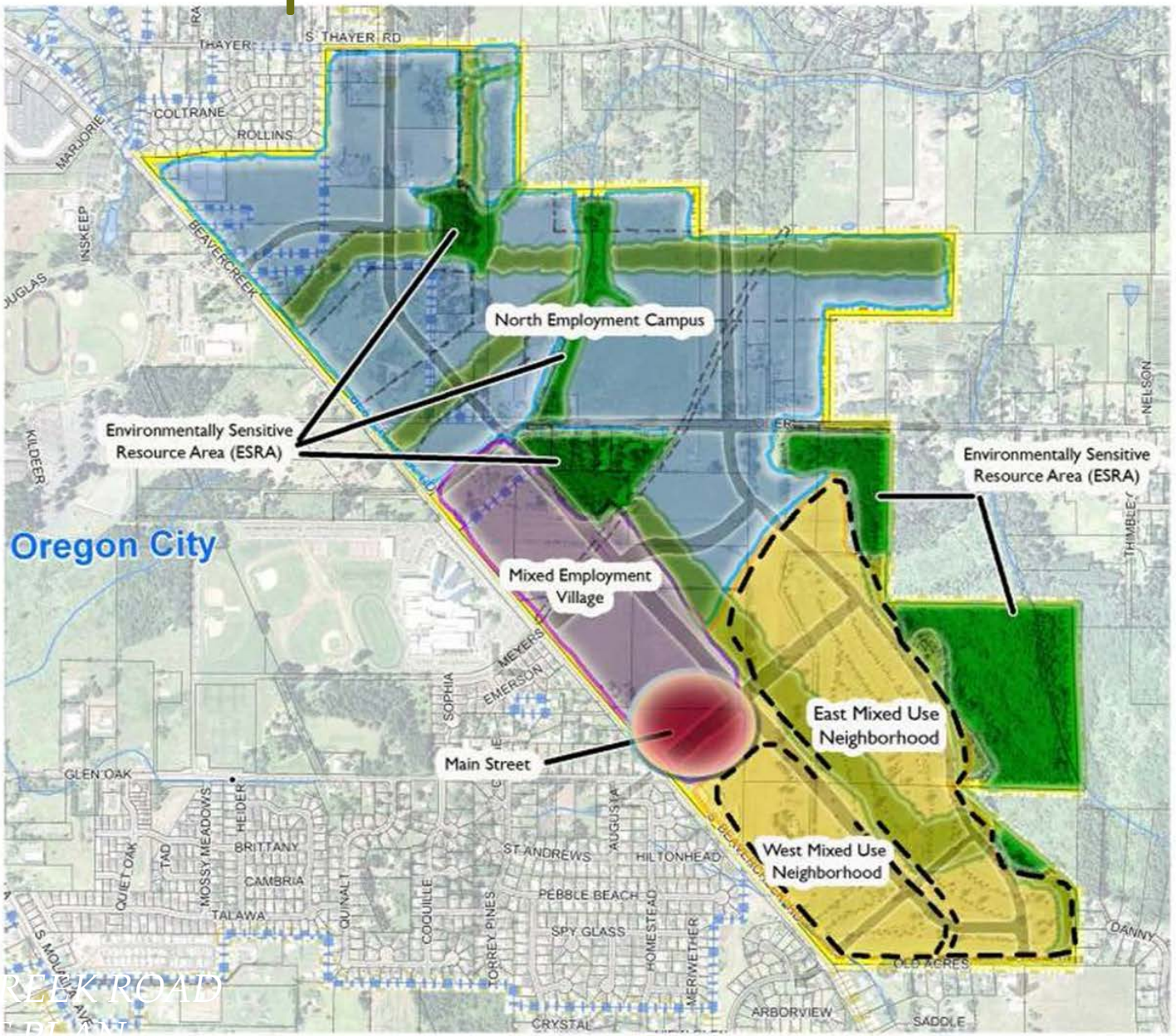


Figure 2: Beavercreek Zone Subdistricts

History

- *The Beavercreek Road Concept Plan was developed with strong community input between 2007 and 2008, and was adopted by the City Commission in September 2008.*
- *The plan was then appealed to LUBA, who remanded the plan back to the City and Metro to resolve employment (industrial) land mapping acreages.*
- *Metro adopted a revised title 4 Industrial Lands map in December 2010.*
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- *These issues were finally settled by the State Legislature which resolved the UGB in 2014.*
- *In September 2014 the final appeal issues were dismissed and the City is free to proceed with re-adoption of the BRCP on remand.*

What is the basic approach?

- *The draft plan – i.e. the vision, goals and policies, land use areas, transportation system, etc. will not be revised.*
- *Summarize the existing plans and cost estimates for public improvements for the BRCP area:*
  - *Transportation System Plan (2013)*
  - *Sewer Master Plan (2014)*
  - *Water Master Plan (2010)*
  - *Stormwater Design Standards (2015)*

2007 Community Engagement

- 12 Citizen Advisory / Technical Advisory Committee meetings
- Technical Advisory Committee meetings
- Study Area Site Visit
- 2 Open Houses
- Meeting with Metro – Employment Discussion
- Community Design Workshop Meeting
- Market Focus Group
- Sustainability Focus Group
- Website
- Project posters, signs, mailers
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What must a concept plan address?

- Natural Resources, Parks, and Open Space
- Employment Land (Title 4)
- Housing
- Schools
- Amenities
- Transportation (all modes)
- Zoning
- Infrastructure
- Financing

BRCP Goals

- Complete and Sustainable Community
- Model of Sustainable Design
- Green Jobs
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- Safety Along Beavercreek Road
- Connections to OCHS and CCC
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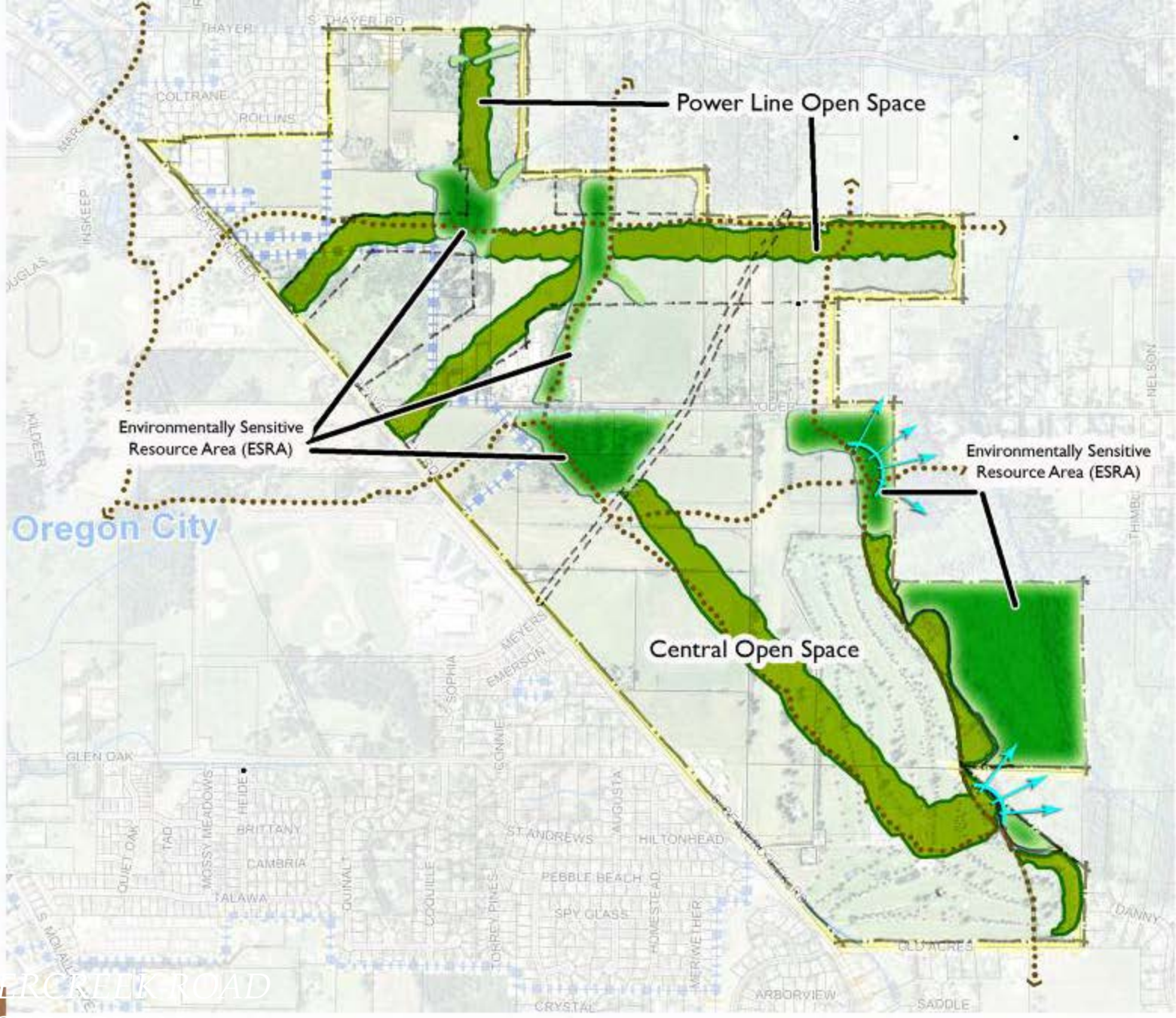


Figure 3: Beavercreek Zone Open Spaces and Natural Areas

BRCP Parks, Open Space & Recreation Goals and Policies

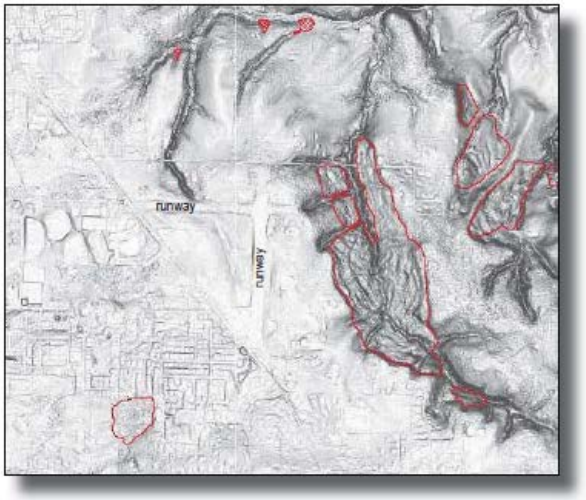
Open Space

- The Open Space Framework provides a network of green spaces intended to provide:
- A connected system of parks, open spaces and natural areas that link together and link to the Environmentally Sensitive Resource Areas, Scenic and open space amenities and community gathering places
- Access to nature
- Tree and natural area preservation
- Locations where storm water and water quality facilities can be combined with open space amenities, and opportunities to implement sustainable development and infrastructure
- Green spaces near the system of trails and pedestrian connections
- Open spaces which complement buildings and the urban, built environment

South-Central Open Space Concept

- Park space will be provided consistent with the City's Park and Recreation Master Plan standard of 6 to 10 acres per 1000 population.
- The required acreage may be proposed to be distributed to a multiple park spaces, consistent with proposed land uses and master plan design.
- A central park will be provided. The location and linearity of the park was first indicated by Metro's Goal 5 mapping. It was illustrated by several citizen groups during the design workshop held in October, 2006. This open space feature is intended as a connected, continuous and central green space that links the districts and neighborhoods south of Loder Road.

East Ridge



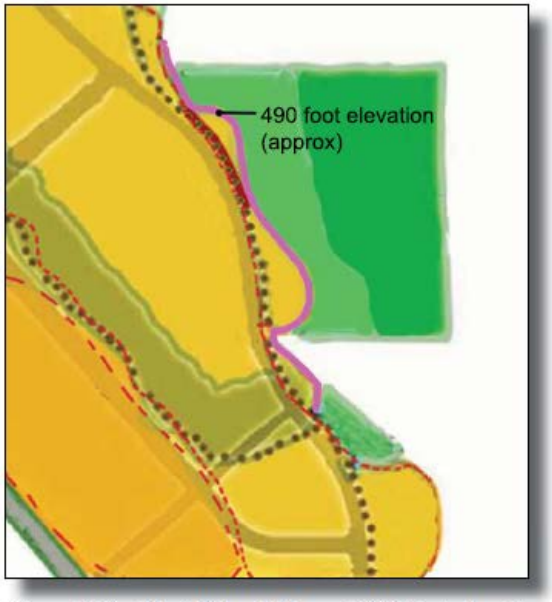
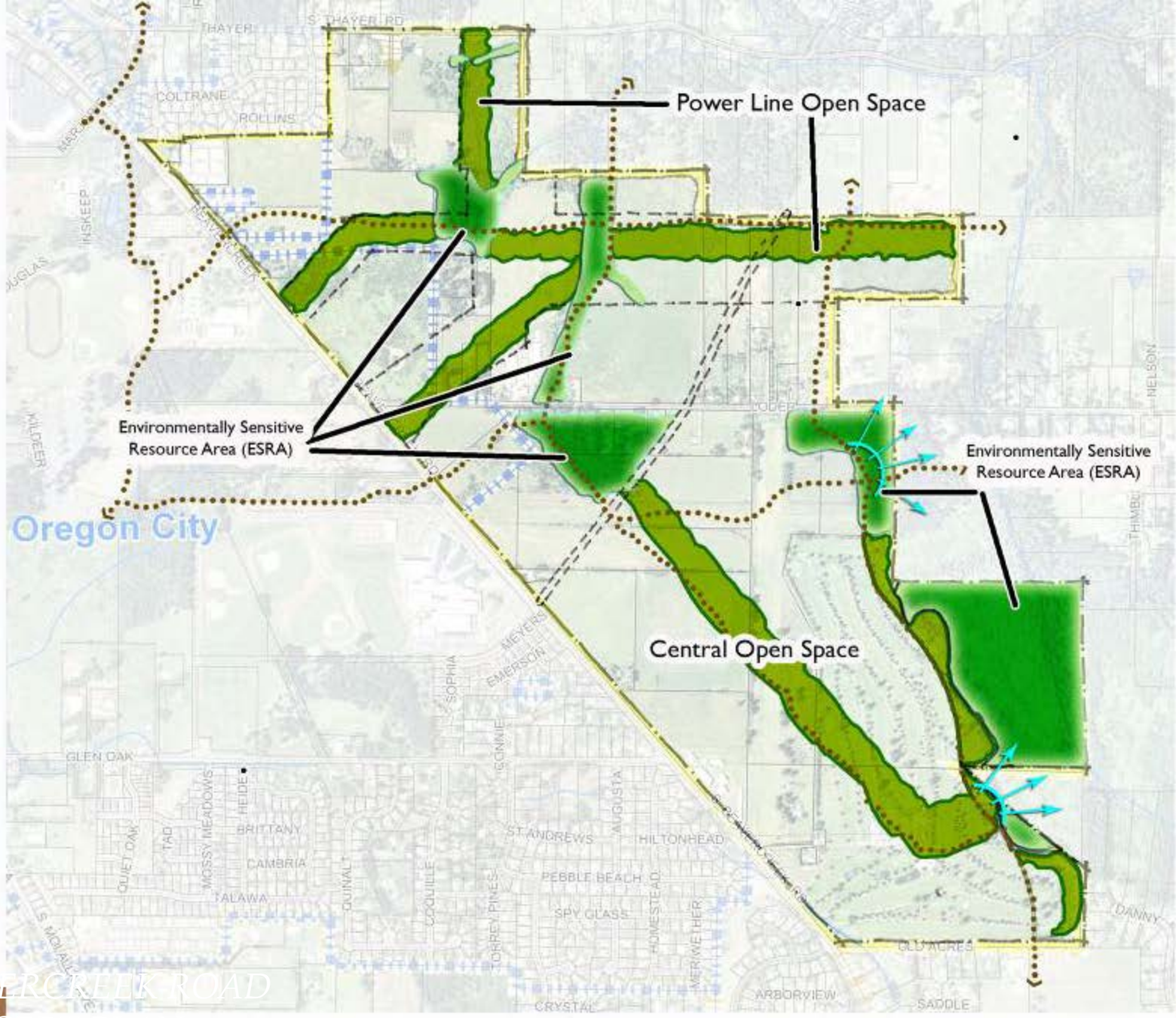


Figure 13A - East Ridge Lidar and 490 foot elevation

- Establishes open space area w/ no development near the 490’ elevation
- Window to adjacent natural area
- 2 scenic views points (small public parks)
- Part of East Ridge Trail system



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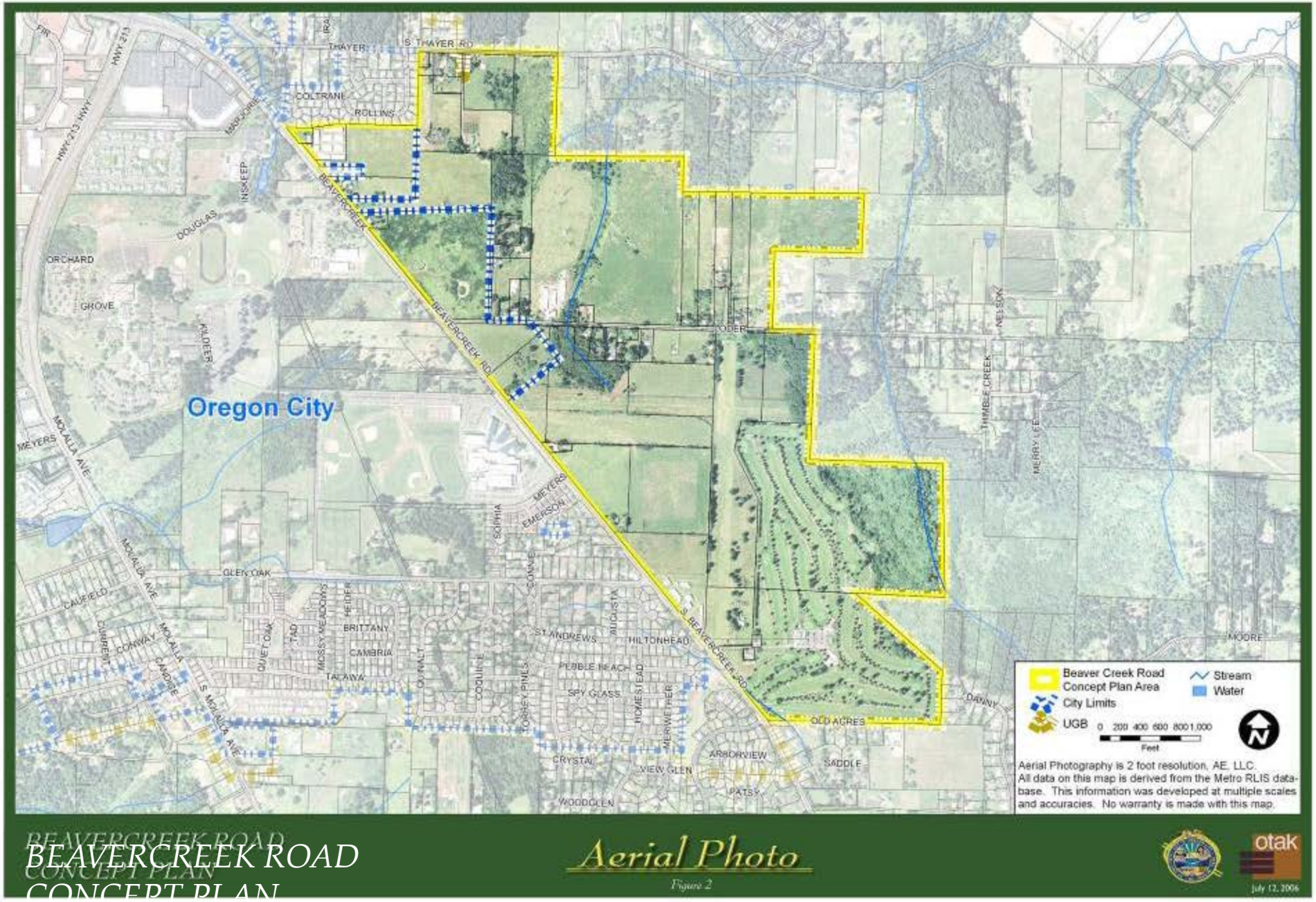

BEAVERCREEK ROAD
CONCEPT PLAN

Aerial Photo

Figure 2

otak

July 12, 2006

Concept Plan: Land Use Areas

Acres*	Gross	Net
North Employment Campus	149	127
Mixed Employment Village	26	21
Main Street	10	8
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	284	235
Parks/ Open Space/ Natural	113	
Major ROW	56	
Total	~453	

*Acres are preliminary and rounded

Jobs and Housing Estimates

	Jobs	Housing
North Employment Campus	3,678	
Mixed Employment Village	1,139	
Main Street	219	100
West Mixed Neighborhood	15	387
East Mixed Neighborhood	21	536
	5,073	1,023

Based on Hybrid Plan – See draft plan for all stated assumptions.

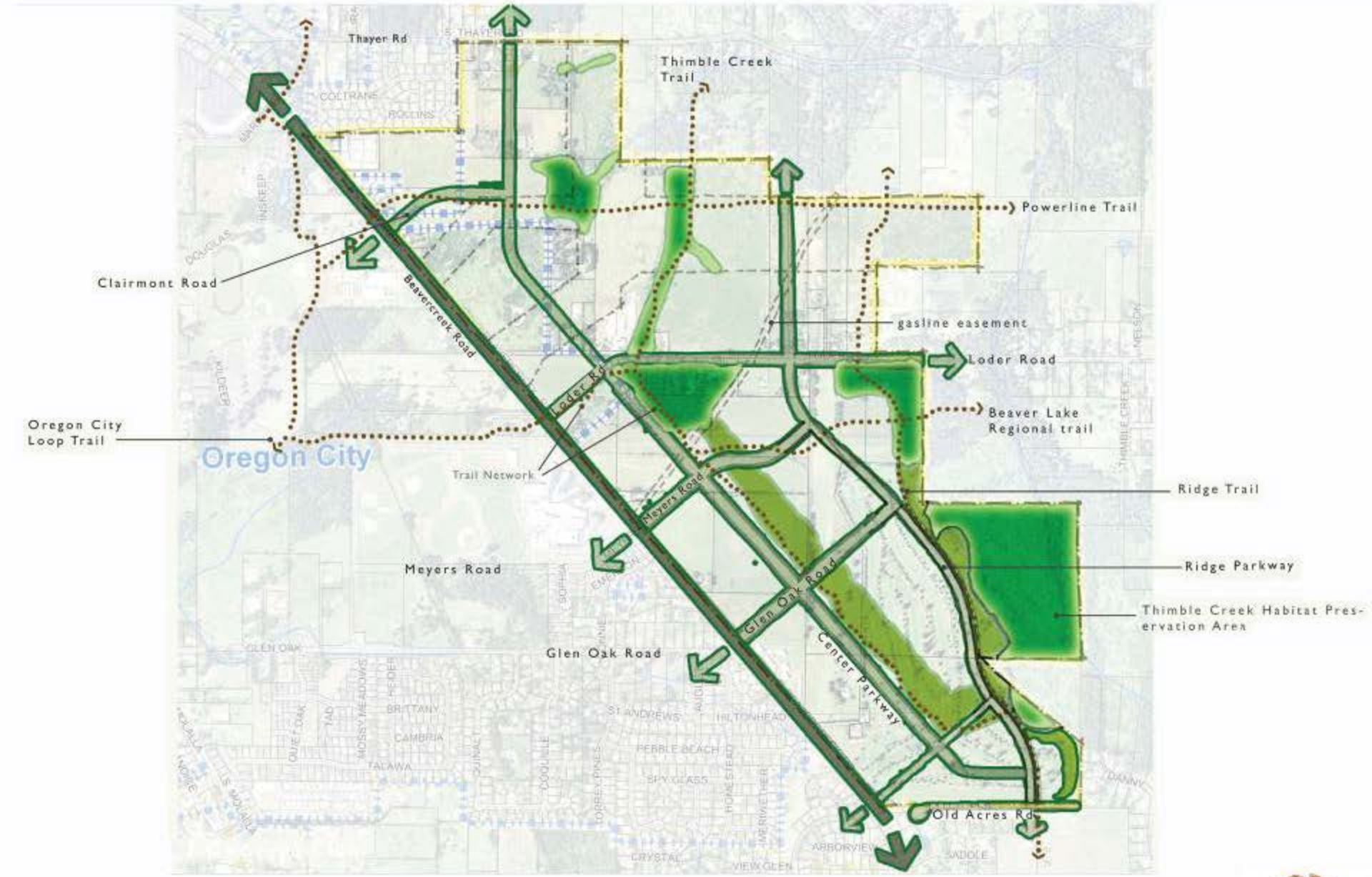
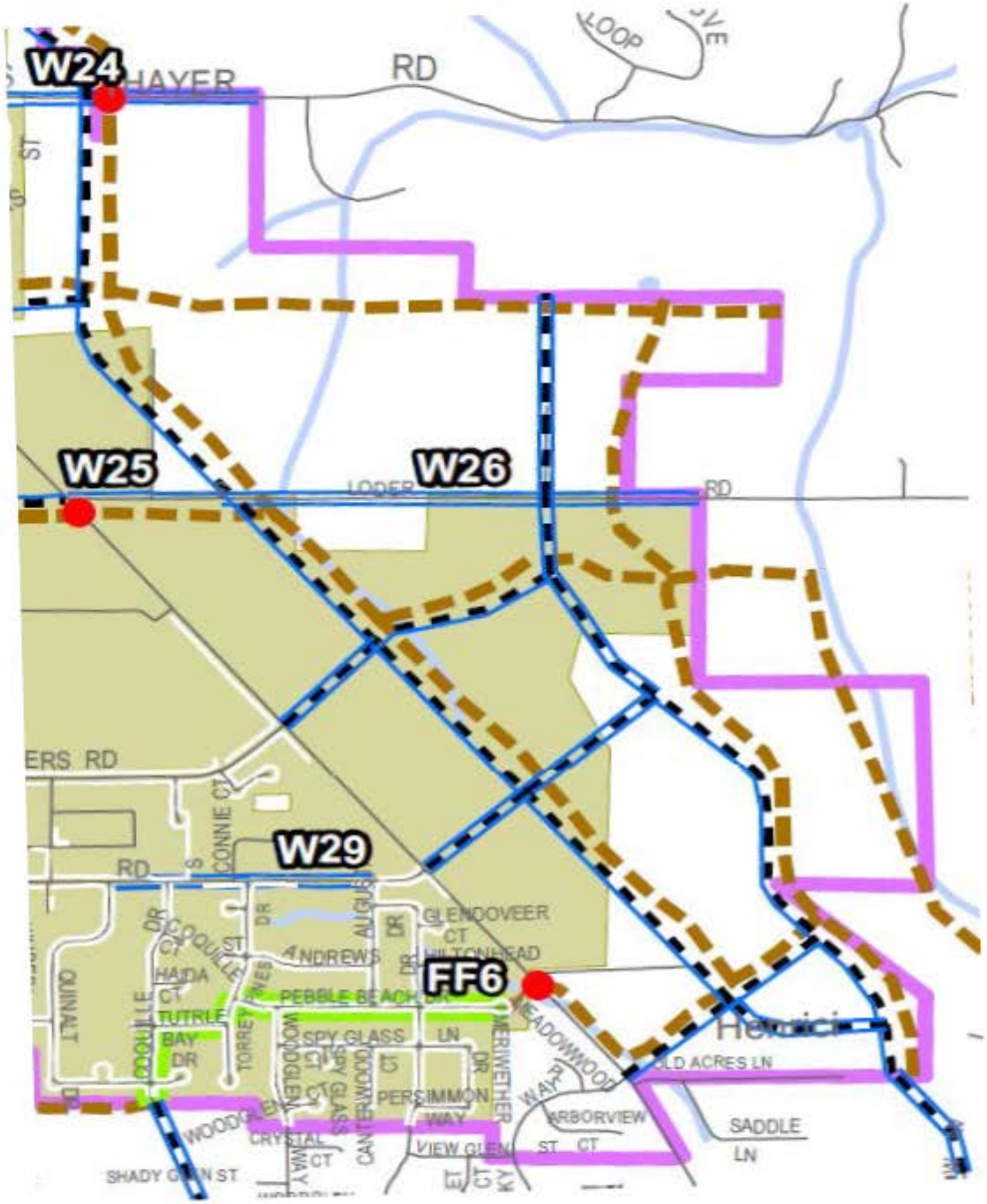


Figure 4: Beavercreek Zone Site Circulation

TSP Conceptual Walking Solutions



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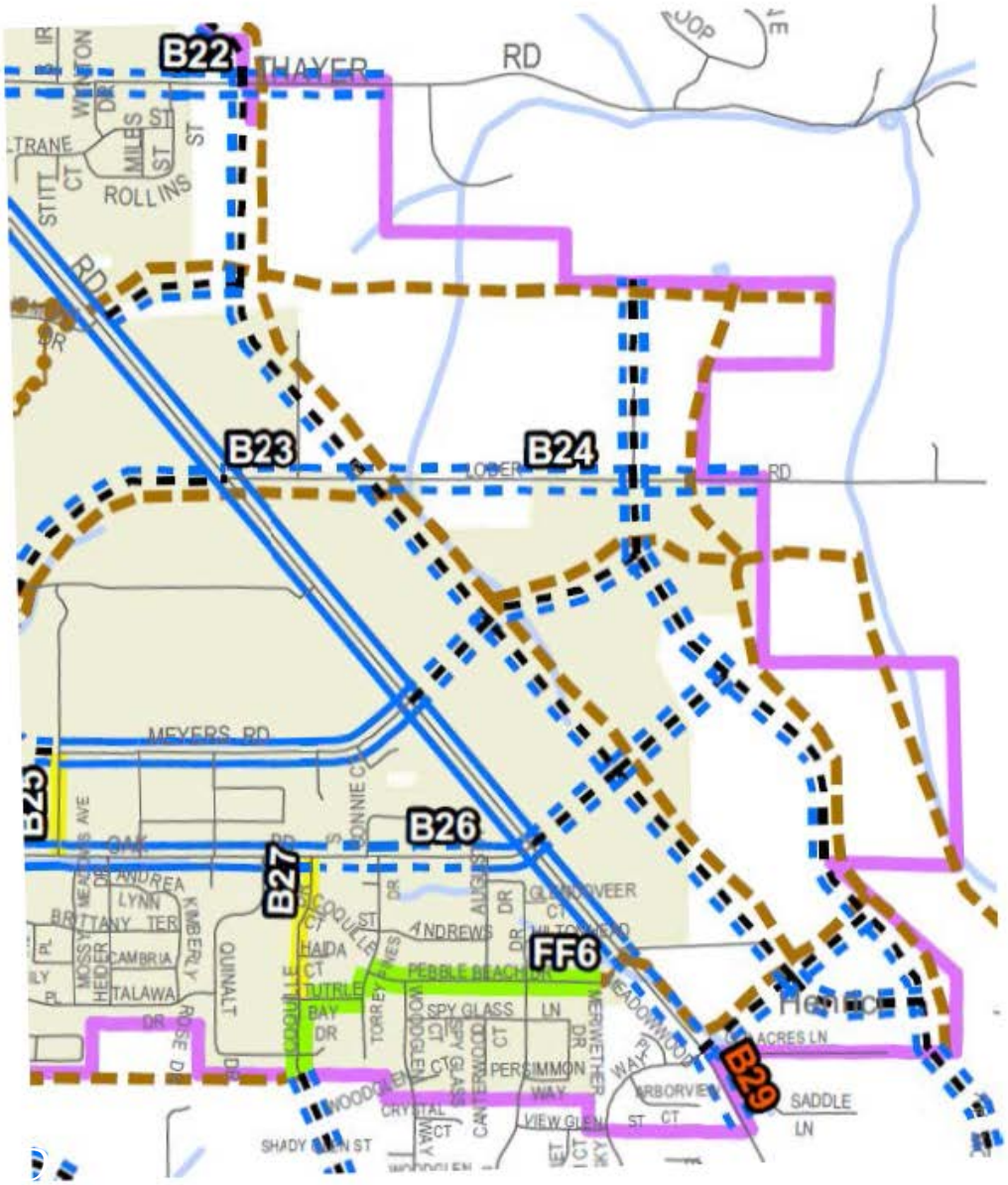

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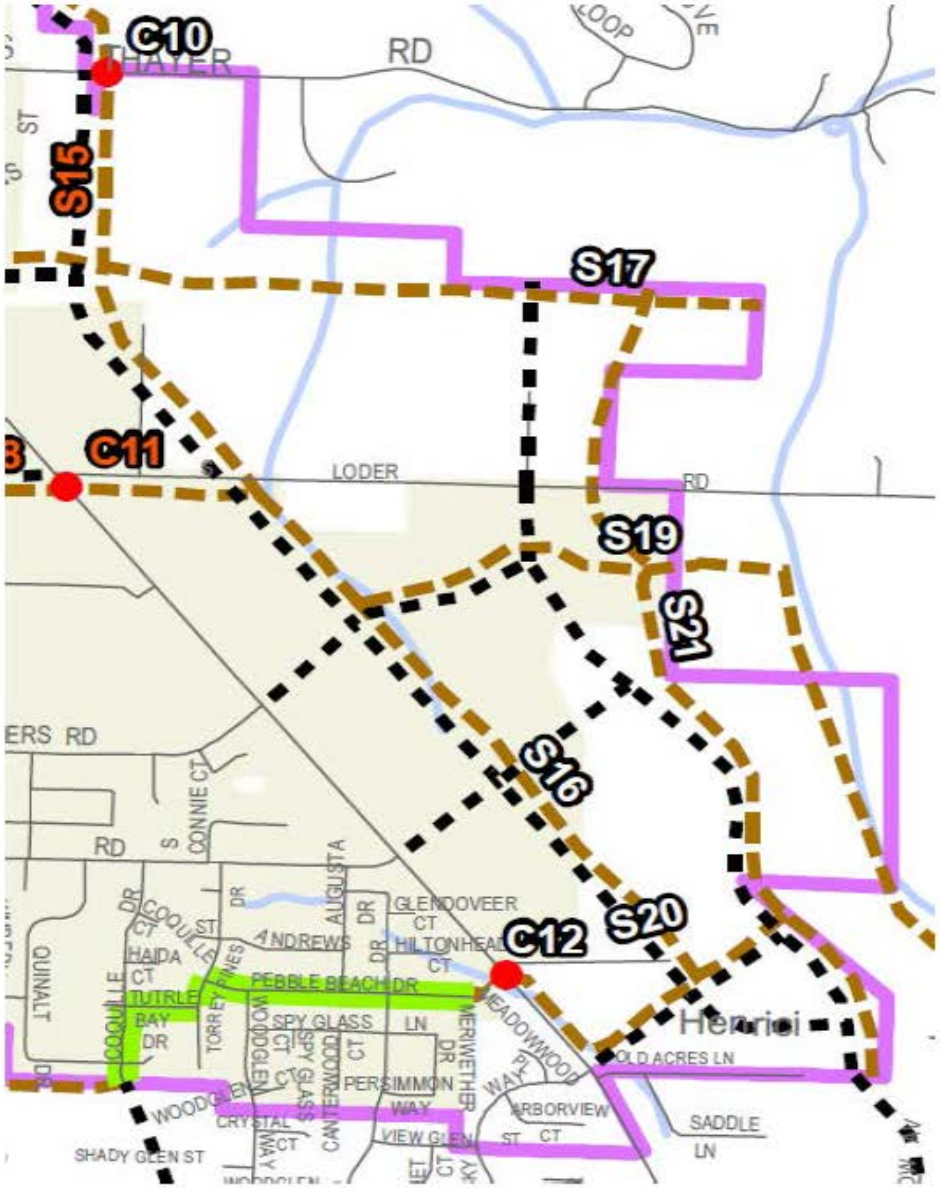

Costs / Funding

- Park space will be provided consistent with the City's Park and Recreation Master Plan standard of 6 to 10 acres per 1000 population.
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- The 2007 plan estimates Parks SDC revenues between $4- $4.4M
- Additional analysis of SDCs and other Funding Sources will be done to support the City's findings for re-adoption
- Funding sources still need to be found for Walking, Biking and Shared Use paths and trails

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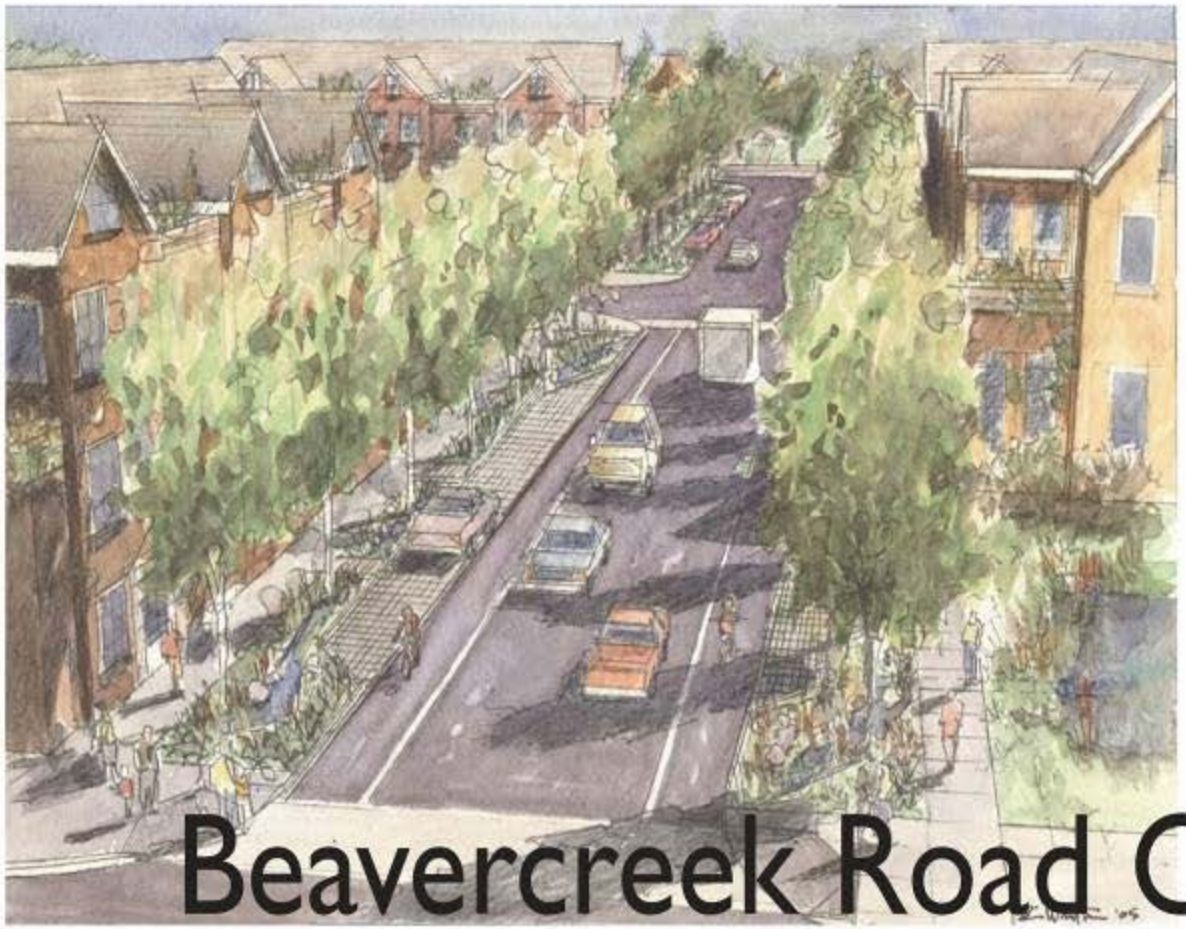

Beavercreek Road Concept Plan

Envisioning a Complete and Sustainable Community

Caufield Neighborhood Association Presentation October 27, 2015

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- *The public record will be re-opened to address Title 4 employment lands, transportation, infrastructure, school and service adequacy.*

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- Complete and Sustainable Community
- Model of Sustainable Design
- Green Jobs
- Sustainable Industries
- Natural Beauty
- Multi-Modal Transportation
- Safety Along Beavercreek Road
- OCHS & CCC Connections (Education / Employment)
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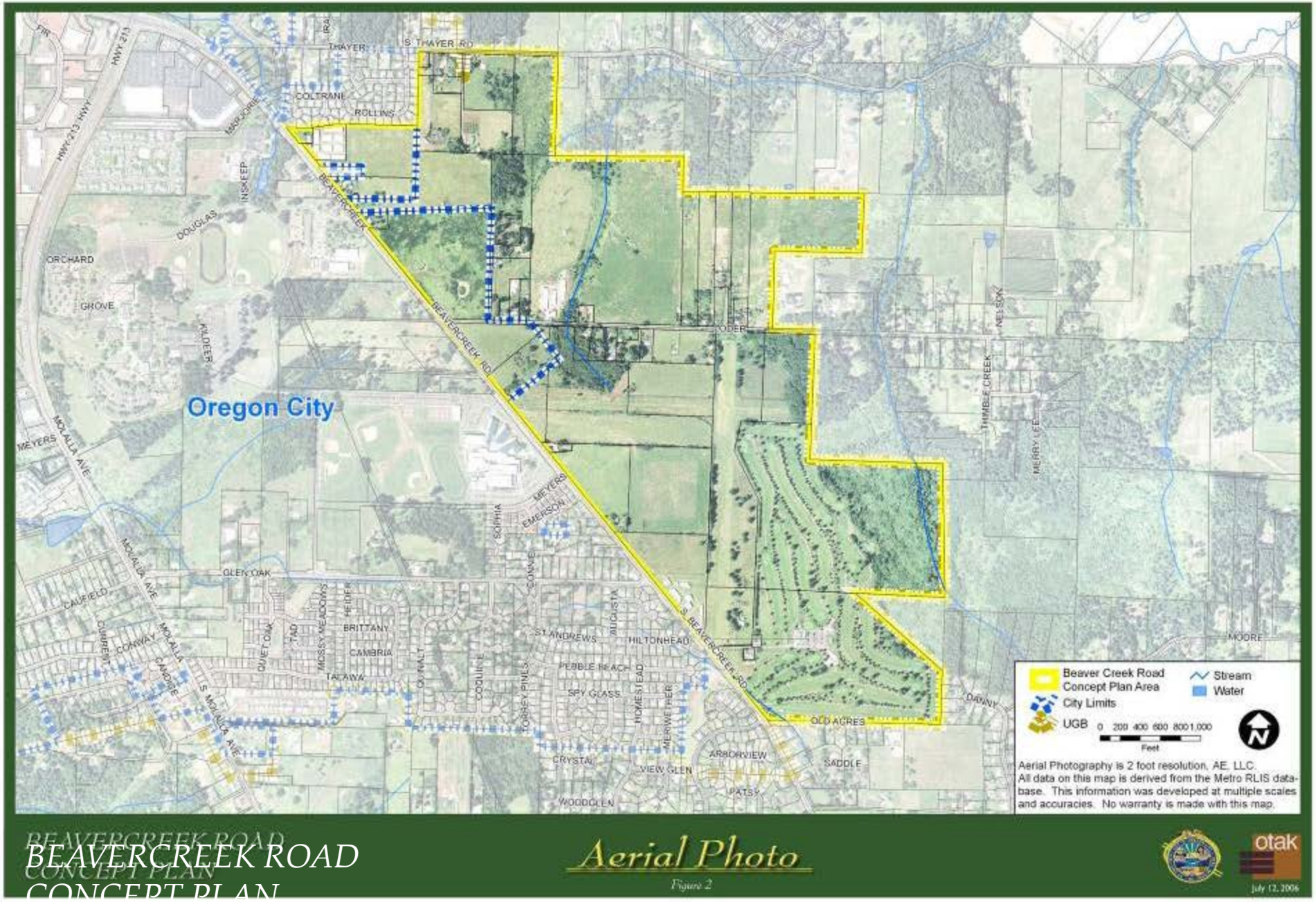

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Aerial Photo

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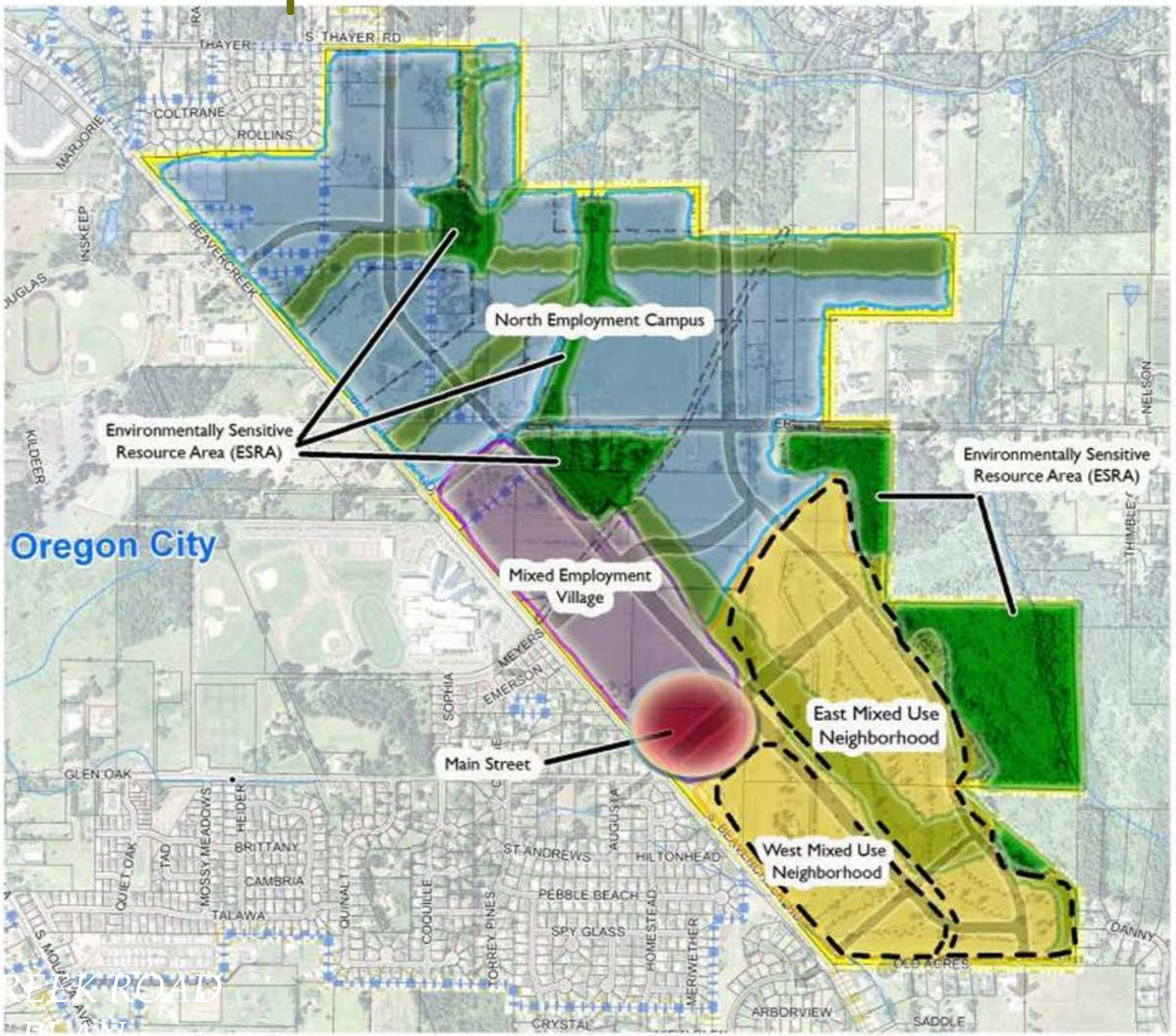

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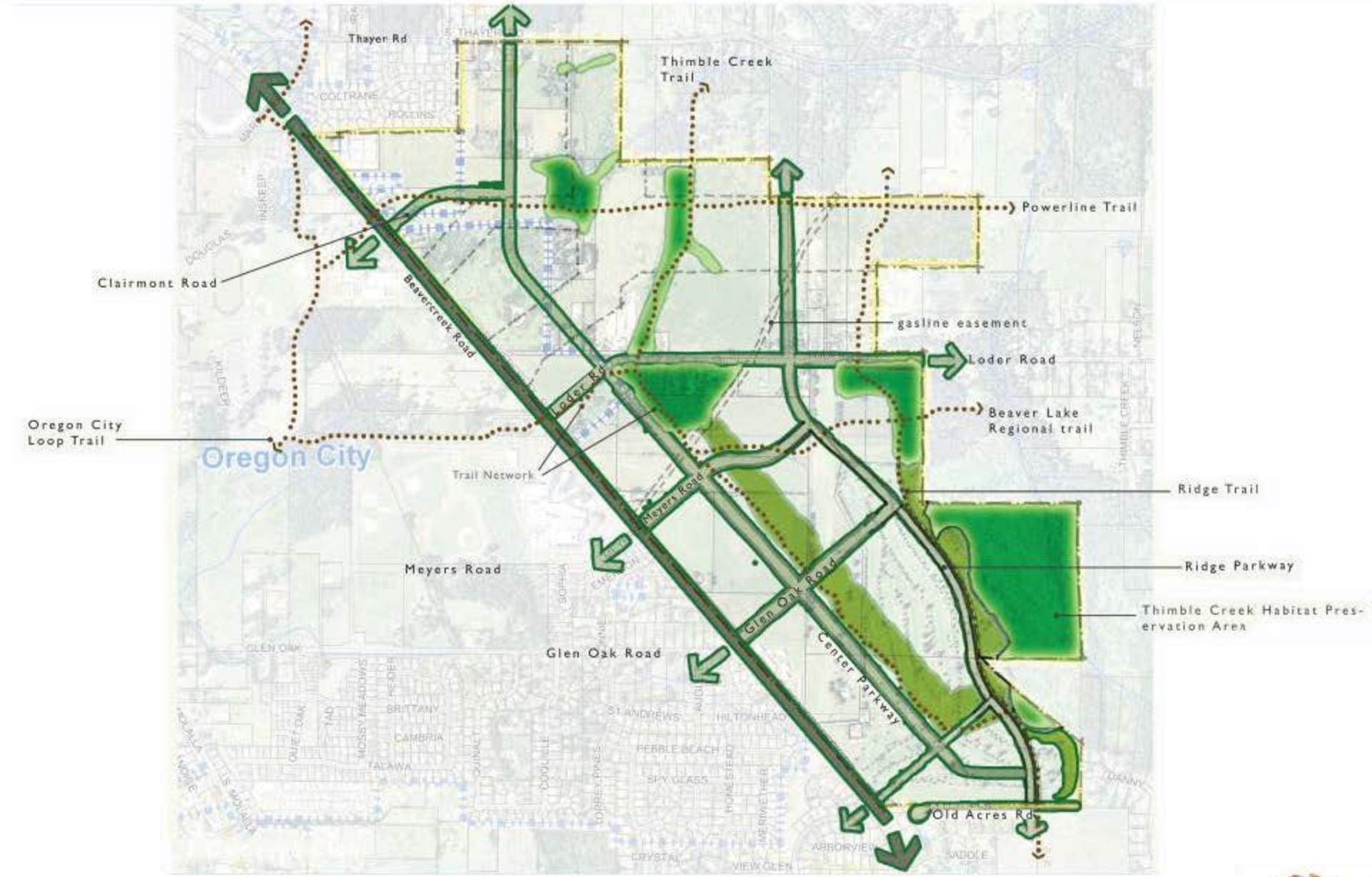
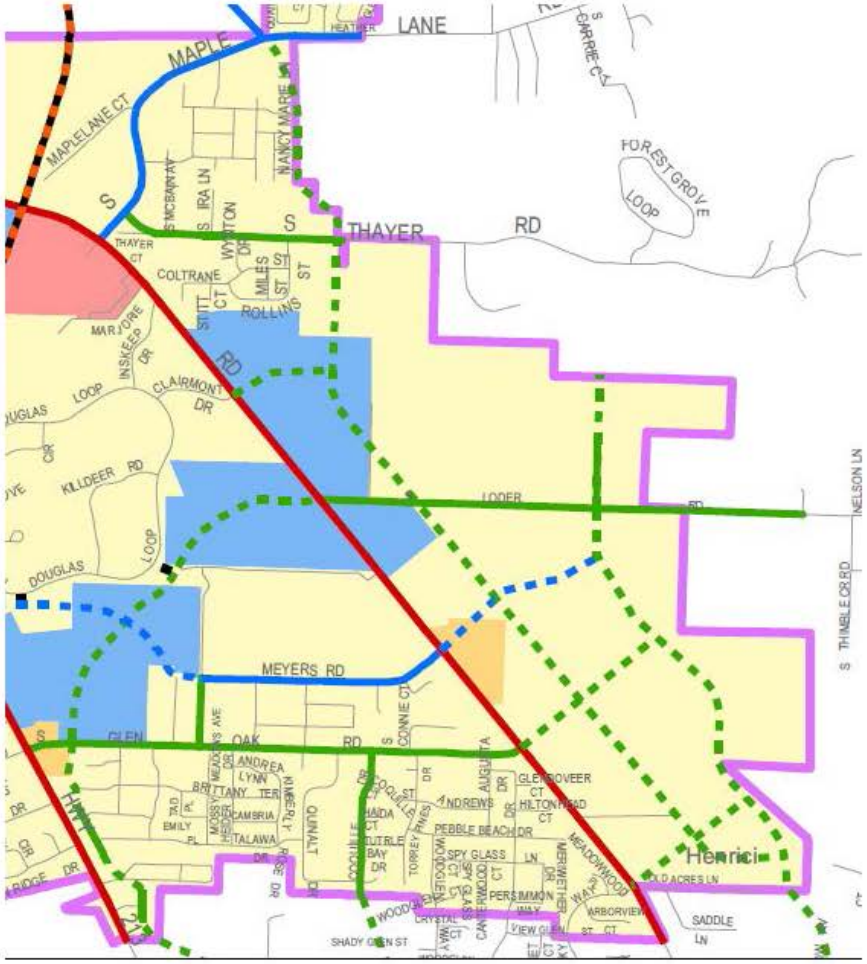


Figure 4: Beavercreek Zone Site Circulation

Likely to be Funded TSP Projects

Project #	Project Description	Project Extent	Project Elements	Priority
D47	Meyers Road East extension	Beavercreek Road to the Meadow Lane Extension	Extend Meyers Road from Beavercreek Road to the Meadow Lane Extension as an Industrial Minor Arterial. Between the Holly Lane and Meadow Lane extensions, add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S19. Modify the existing traffic signal at Beavercreek Road	Medium-term
D54	Clairmont Drive extension	Beavercreek Road to Holly Lane South Extension	Extend Clairmont Drive from Beavercreek Road to the Holly Lane South extension as an Industrial Collector. Add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S17.	Long-term
D55	Glen Oak Road extension	Beavercreek Road to the Meadow Lane Extension	Extend Glen Oak Road from Beavercreek Road to the Meadow Lane Extension as a Residential Collector. Install a roundabout at Beavercreek Road (per project D39)	Long-term
D56	Timbersky Way extension	Beavercreek Road to the Meadow Lane Extension	Extend Timbersky Way from Beavercreek Road to the Meadow Lane Extension as a Residential Collector. Add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S20.	Long-term
D57	Holly Lane South extension	Maple Lane Road to Thayer Road	Extend Holly Lane from Maple Lane Road to Thayer Road as a Residential Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S14. Install a roundabout at Maple Lane Road (per project D37).	Medium-term
D58	Holly Lane South extension	Thayer Road to Meyers Road	Extend Holly Lane from Thayer Road to the Meyers Road extension as an Industrial Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S15.	Medium-term
D59	Holly Lane South extension	Meyers Road to the Meadow Lane Extension	Extend Holly Lane from the Meyers Road extension to the Meadow Lane Extension as a Mixed-Use Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S16.	Long-term
D60	Meadow Lane extension	Meadow Lane to Meyers Road	Extend Meadow Lane to the Meyers Road Extension as a Mixed-Use Collector. Between Old Acres Lane and the Glen Oak Road extension, add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S21.	Long-term
D61	Meadow Lane extension	Meyers Road to UGB (north of Loder Road)	Extend Meadow Lane from the Meyers Road Extension to the UGB (north of Loder Road) as an Industrial Collector	Medium-term
D81	Beavercreek Road Upgrade	Clairmont Drive (CCC Entrance) to Meyers Road	Improve to Industrial Major Arterial cross-section	Medium-term
D82	Beavercreek Road Upgrade	Meyers Road to UGB	Improve to Residential Major Arterial cross-section	Long-term

TSP Multi-Modal Street System



Legend

Functional Classification

- Freeway
- Expressway
- Major Arterial
- Minor Arterial
- Collector
- Local Street

Planned Roadways (Conceptual Alignment)

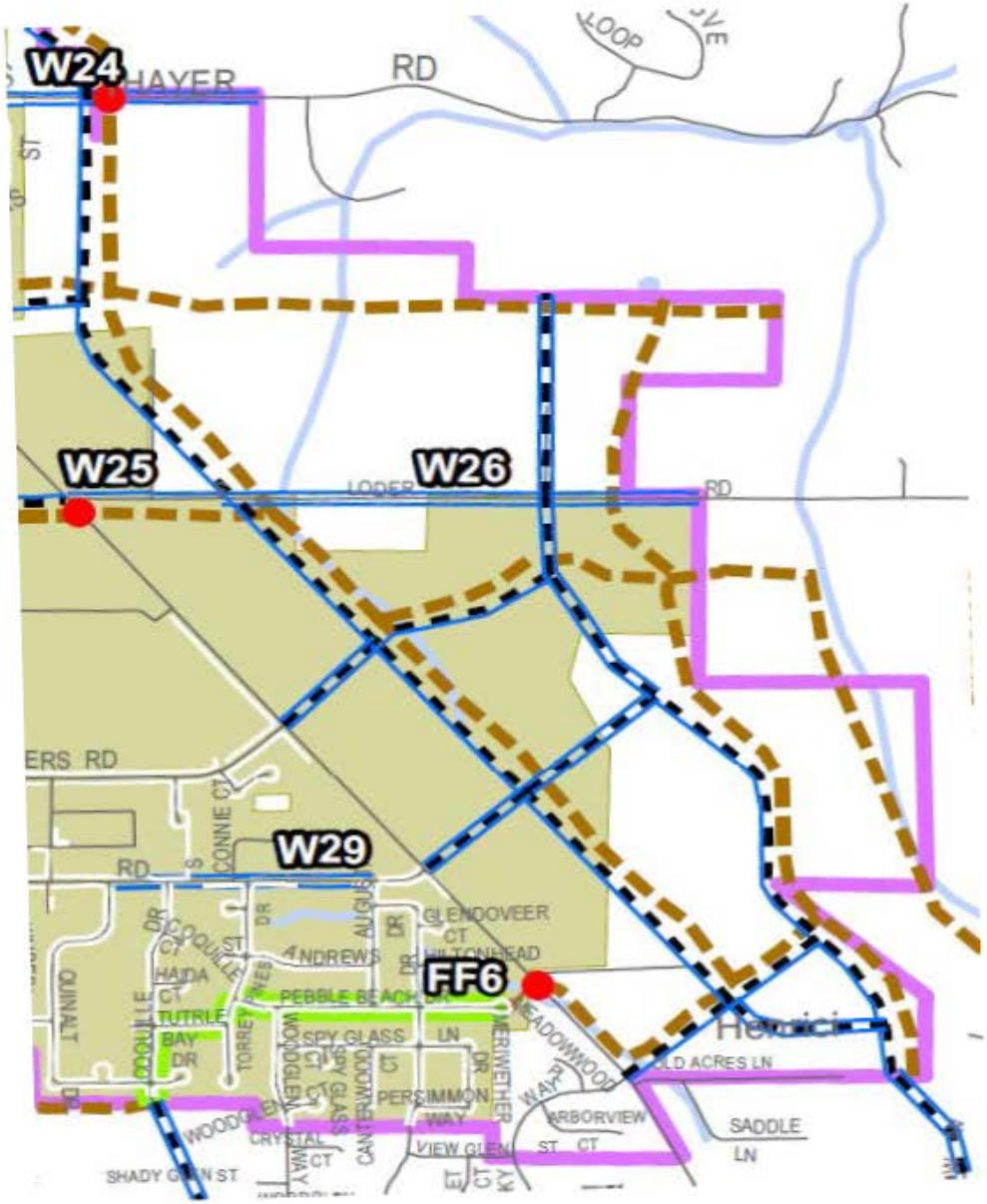
- Planned Minor Arterial
- Planned Collector
- Planned Local Street

Street Type

- Commercial
- Industrial
- Residential
- Mixed-Use

- City Limit
- Urban Growth Boundary

TSP Conceptual Walking Solutions



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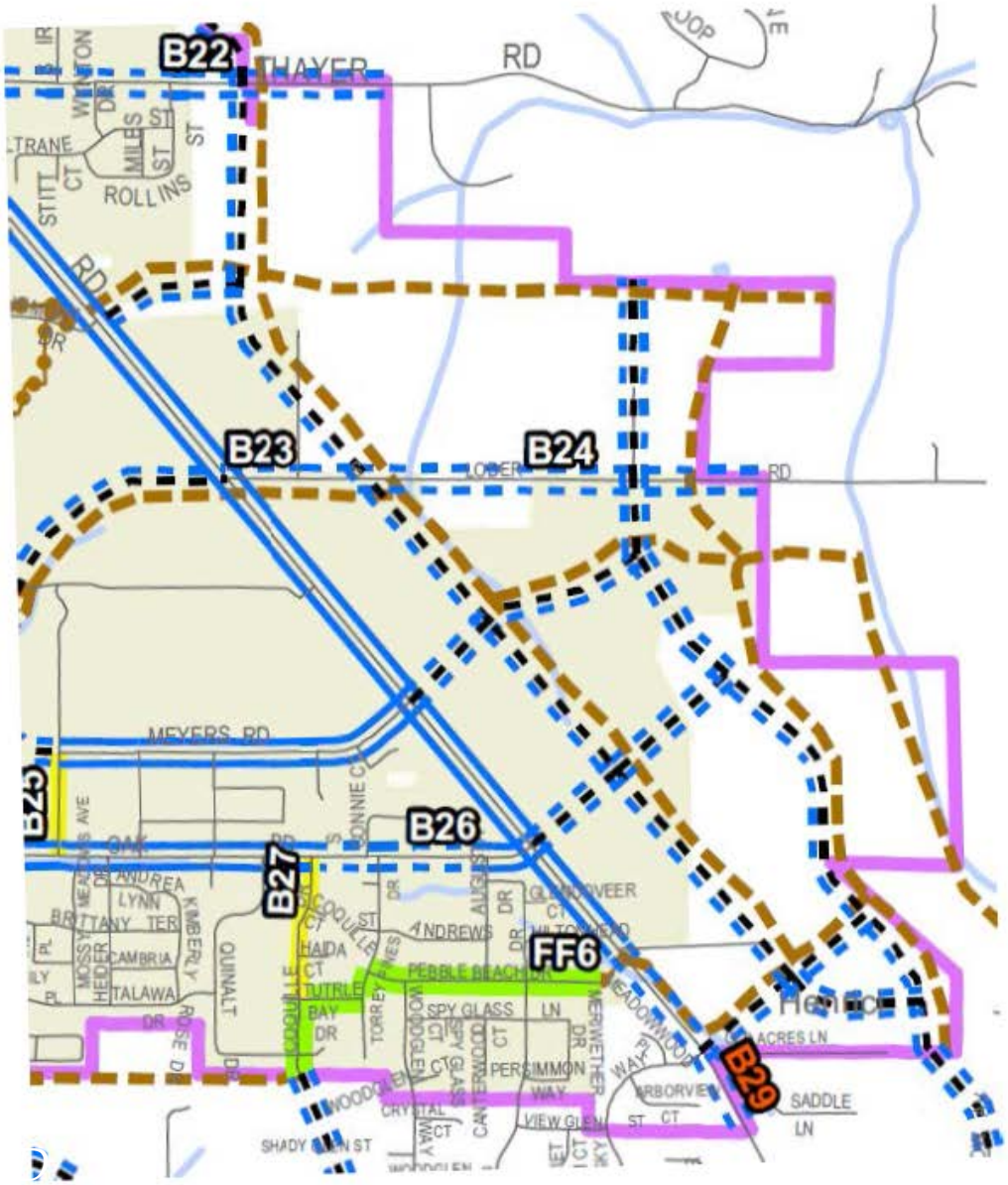

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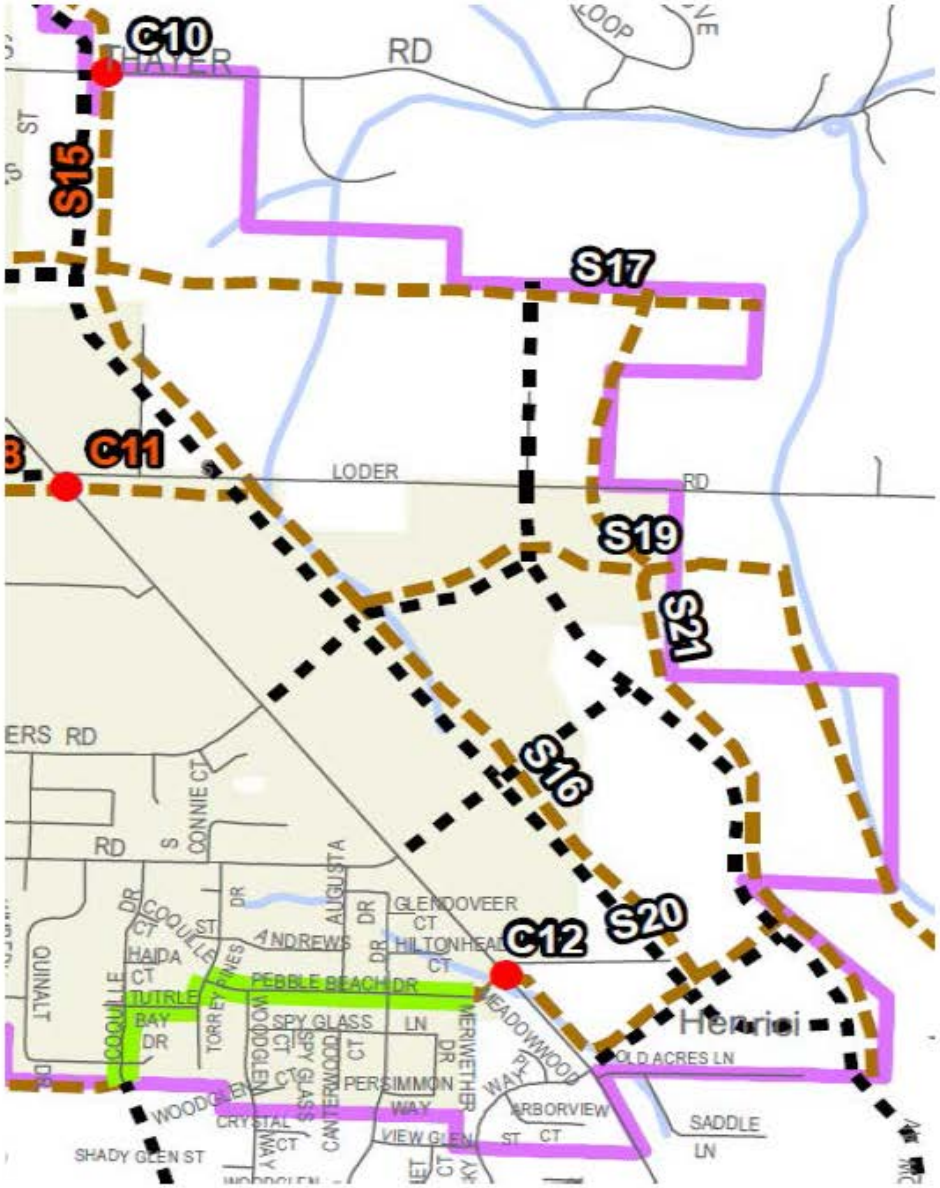

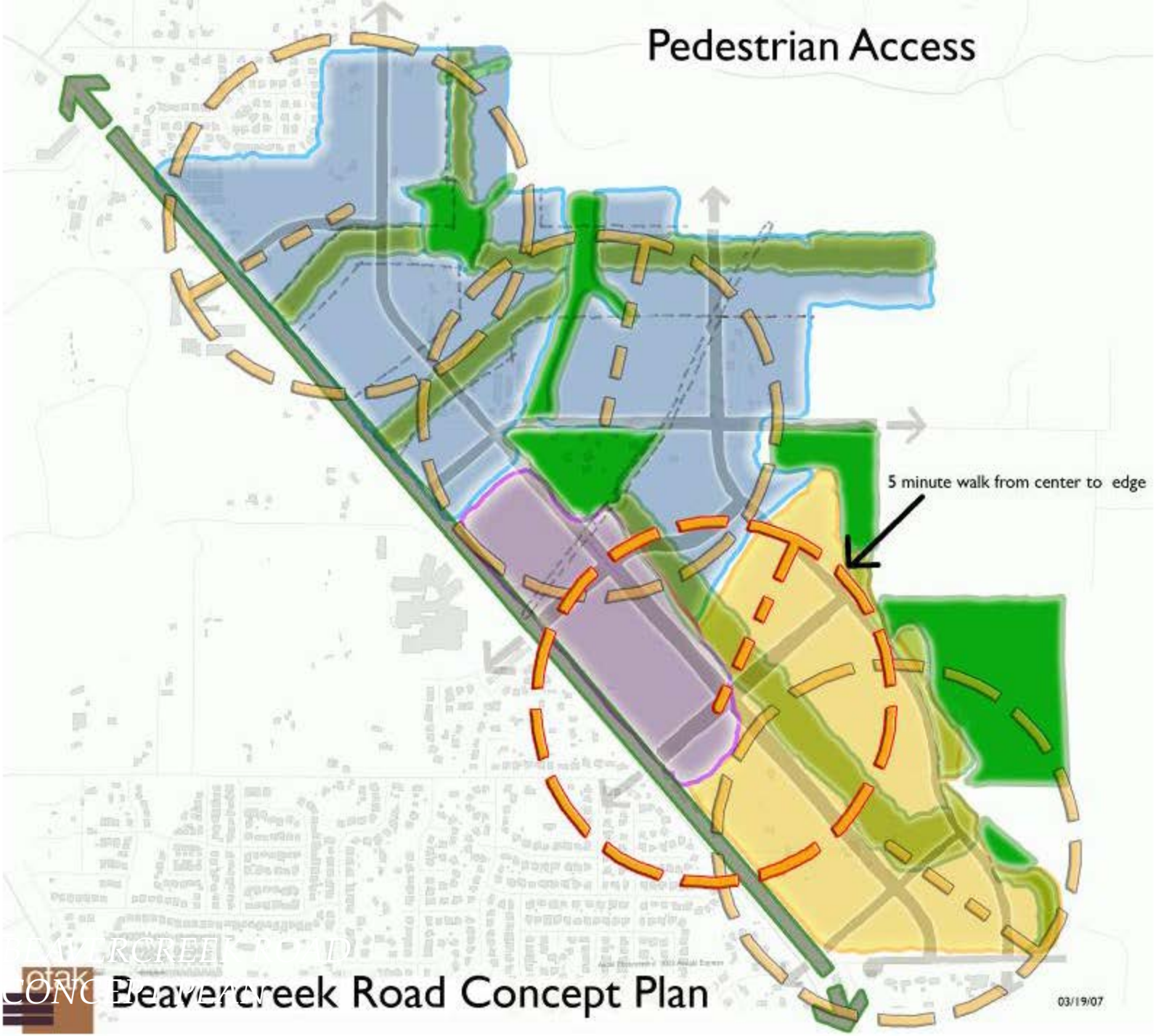
Pedestrian Access
5 minute walk from center to edge
Beavercreek Road Concept Plan
03/19/07

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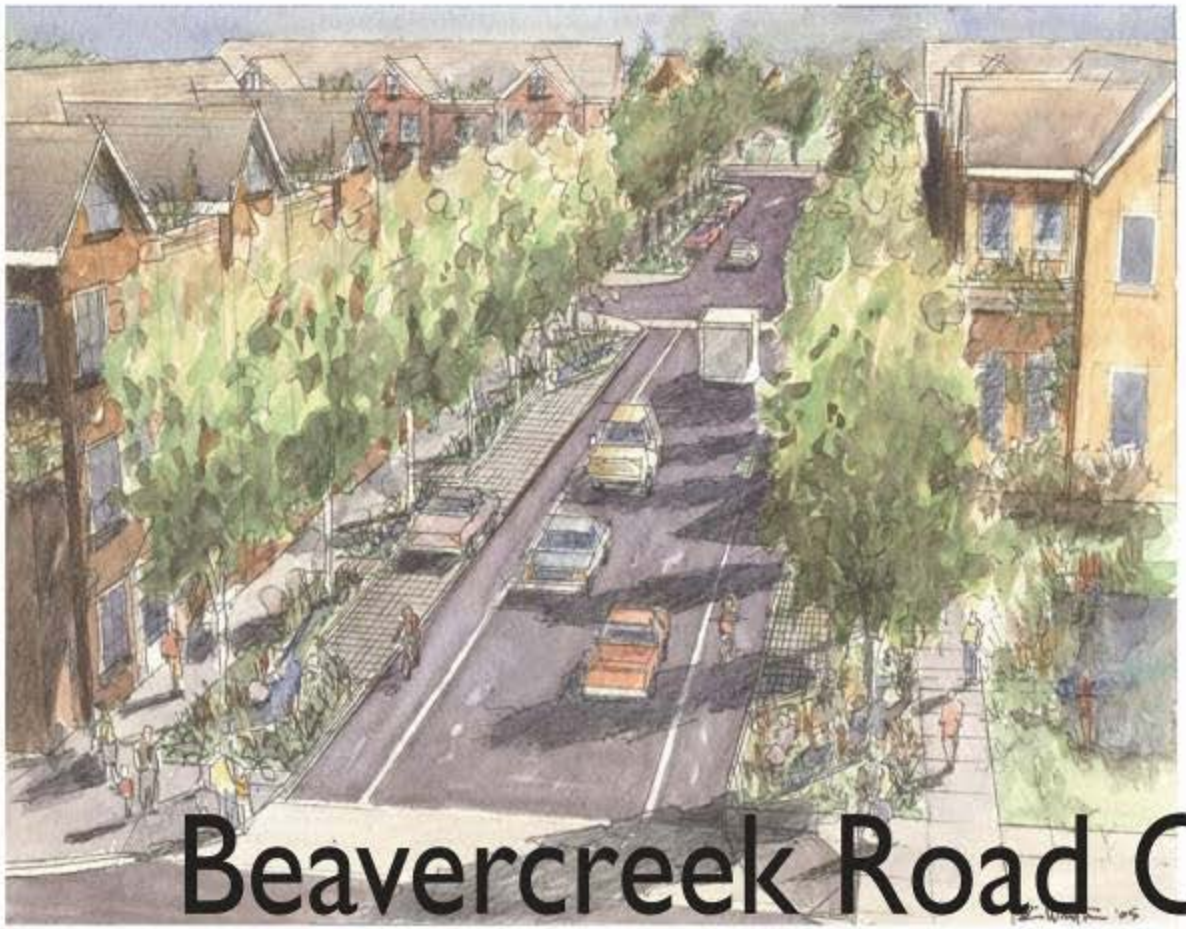
Thank You



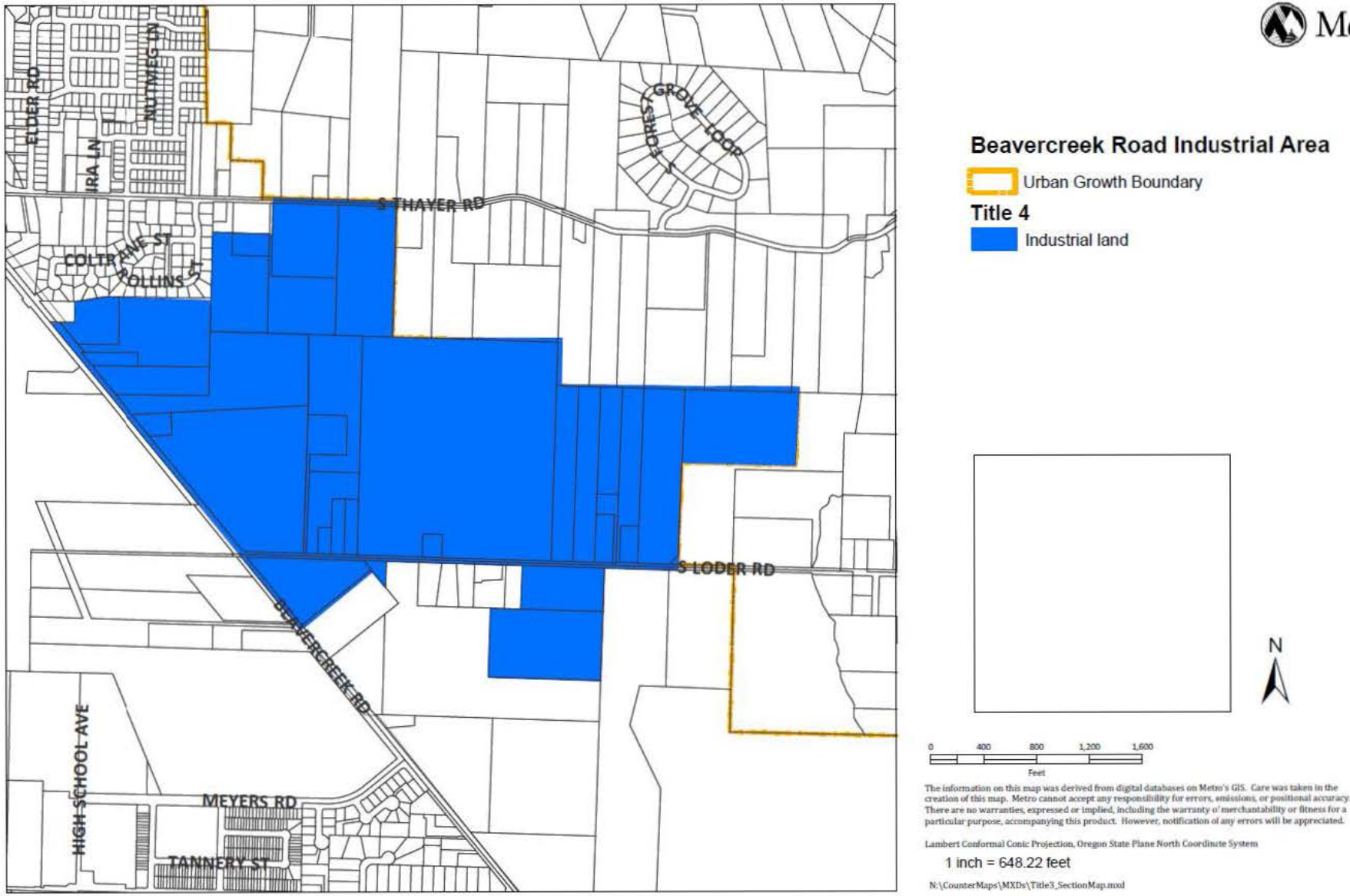
Beavercreek Road Concept Plan

Envisioning a Complete and Sustainable Community

Hamlet of Beavercreek, October 28, 2015

History

- *The Beavercreek Road Concept Plan was developed with strong community input between 2007 and 2008, and was adopted by the City Commission in September 2008.*
- *The plan was appealed to LUBA, which remanded the plan back to the City and Metro to resolve Title 4 employment (industrial) land mapping acreages.*
- *Metro adopted a revised title 4 Industrial Lands map in December 2010.*
- *Re-adoption was further delayed due to various legal objections to the larger Metro UGB Capacity Ordinance and urban reserves issues.*
- *These issues were finally settled by the State Legislature which resolved the Urban Growth Boundary in 2014.*
- *In September 2014 the final appeal issues were dismissed and the City is proceeding with adoption of the BRCP on remand.*



151 gross acres (121 net acres) of employment land – Metro Ord. 10-1244B, EXHIBIT D

BRCP Goals

- Complete and Sustainable Community
- Model of Sustainable Design
- Green Jobs
- Sustainable Industries
- Natural Beauty
- Multi-Modal Transportation
- Safety Along Beavercreek Road
- OCHS & CCC Connections (Education / Employment)
- Unique Sense of Place
- Ecological Health

(The plan must also comply with Metro Title 4 & 11)

What is the basic approach?

- *The 2007 draft plan will not be revised*
- *Oregon City will summarize the adopted public improvements plans for the area:*
  - *Transportation System Plan (2013)*
  - *Sewer Master Plan (2014)*
  - *Water Master Plan (2010)*
  - *Stormwater Design Standards (2015)*
- *The public record will be re-opened to address Title 4 employment lands, transportation, infrastructure, school and fire and emergency service adequacy.*

2007 Community Engagement

- 12 Citizen Advisory / Technical Advisory Committee meetings
- Technical Advisory Committee meetings
- Study Area Site Visit
- 2 Open Houses
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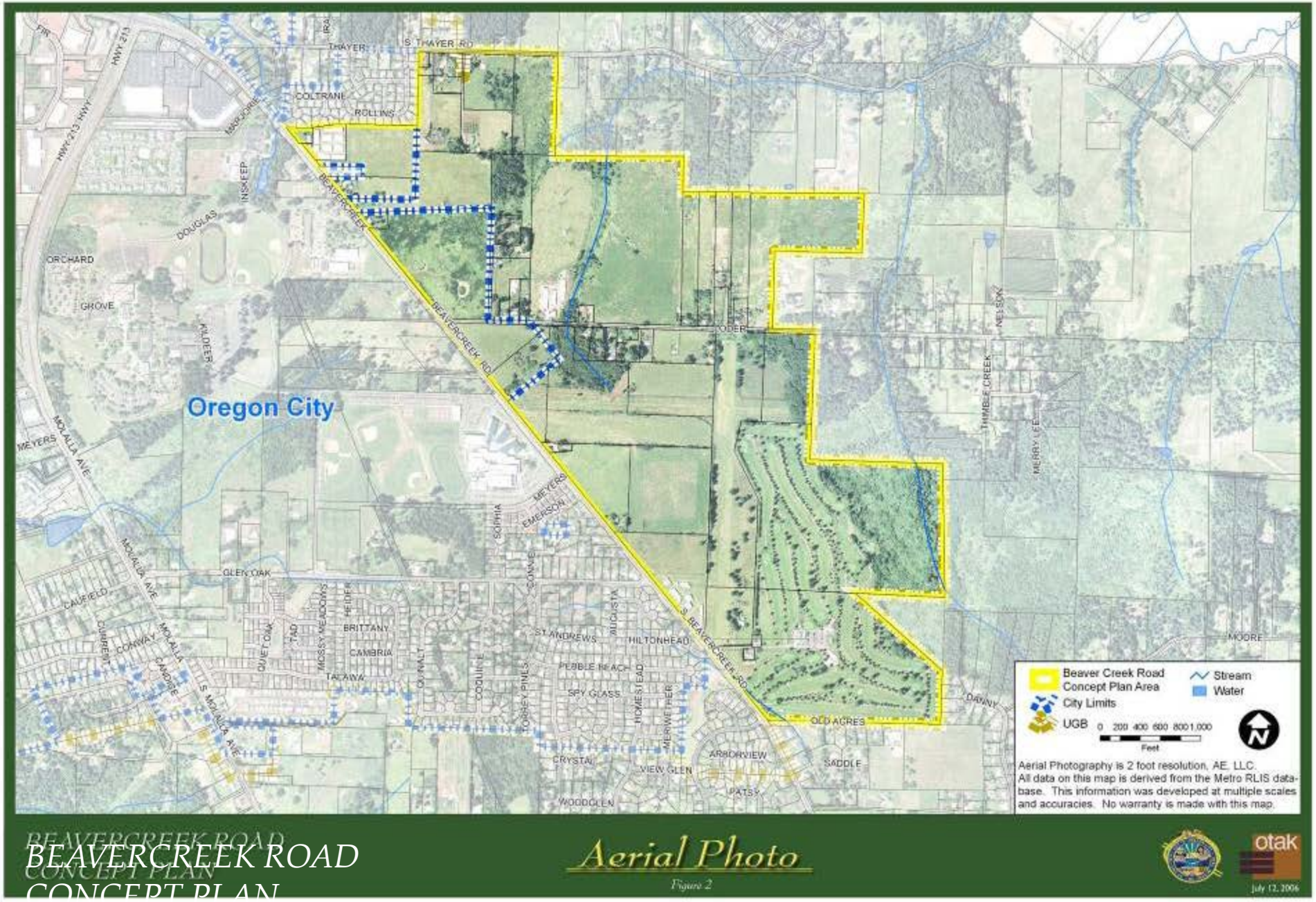

BEAVERCREEK ROAD
CONCEPT PLAN

Aerial Photo

Figure 2

otak

July 12, 2006

Concept Plan: Land Use Areas

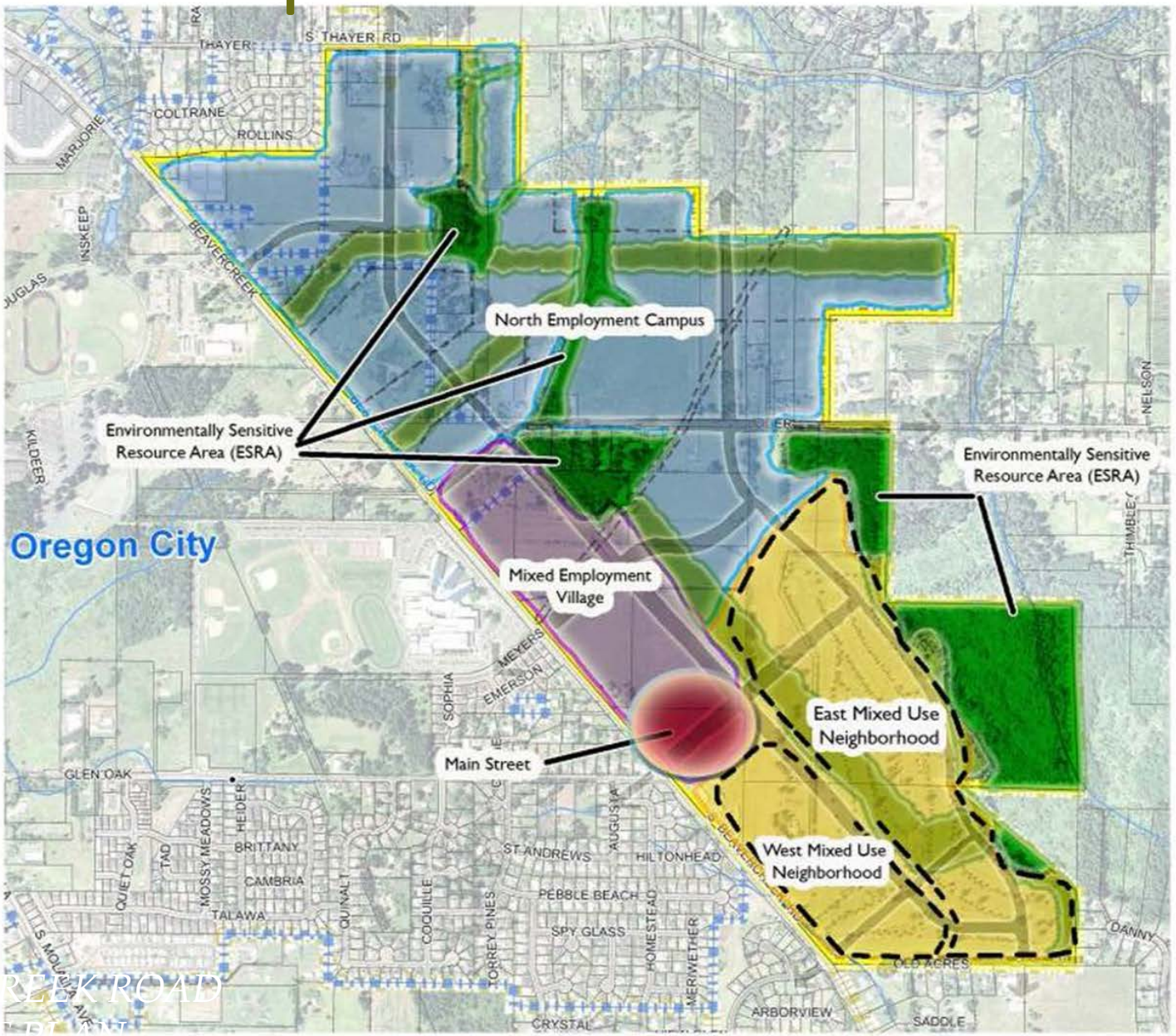

Figure 2: Beavercreek Zone Subdistricts

Concept Plan: Land Use Areas

Acres*	Gross	Net
North Employment Campus	149	127
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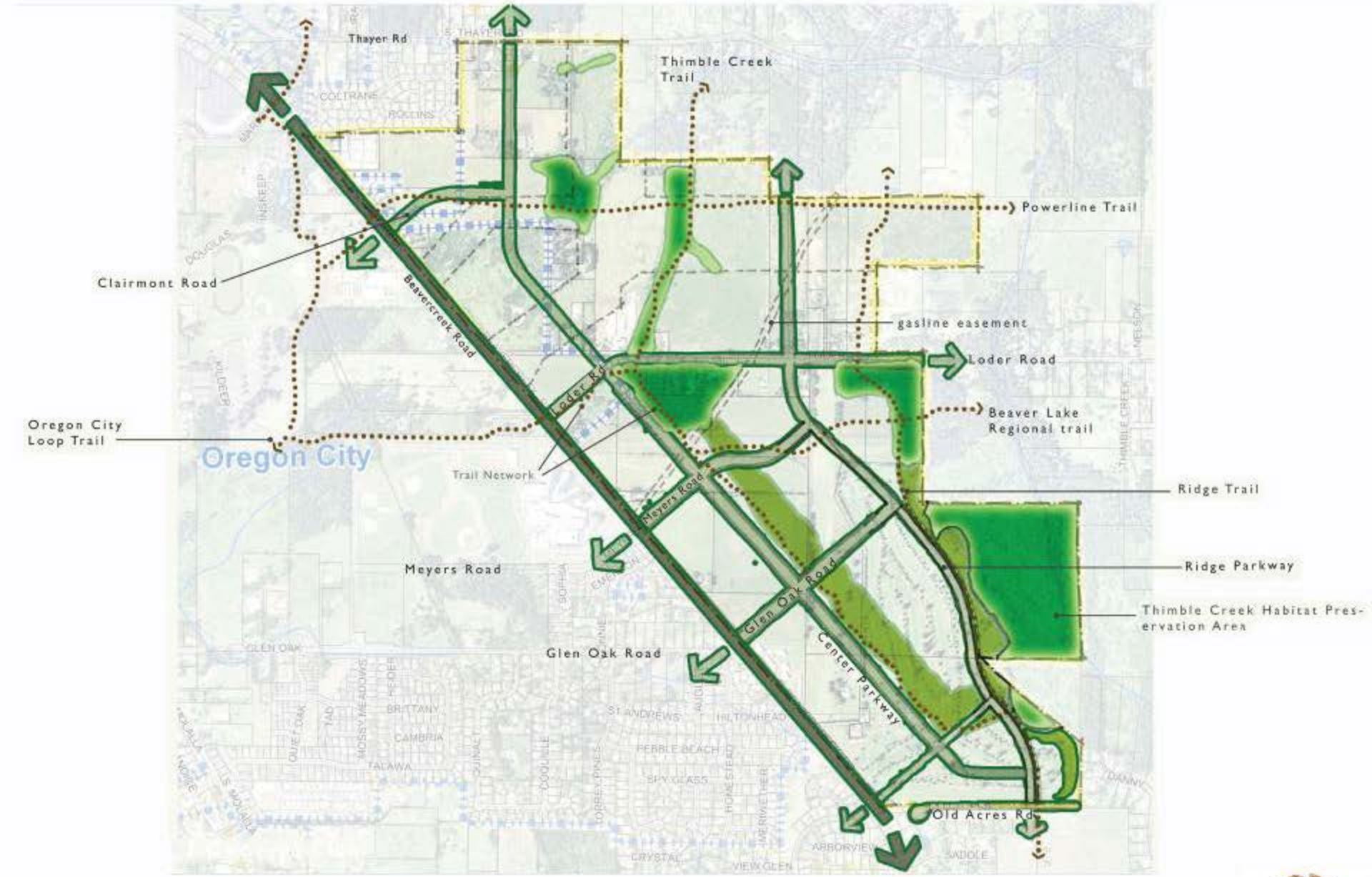
Based on Hybrid Plan – See draft plan for all stated assumptions.



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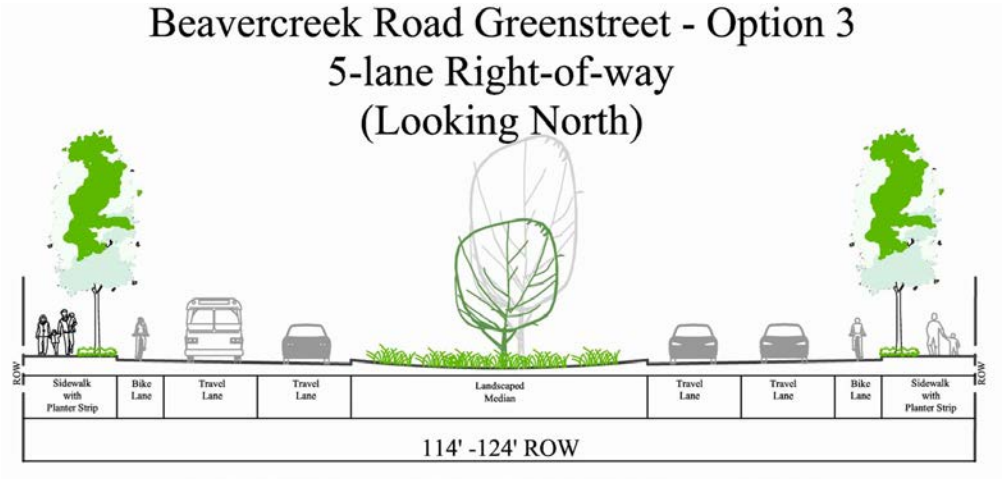

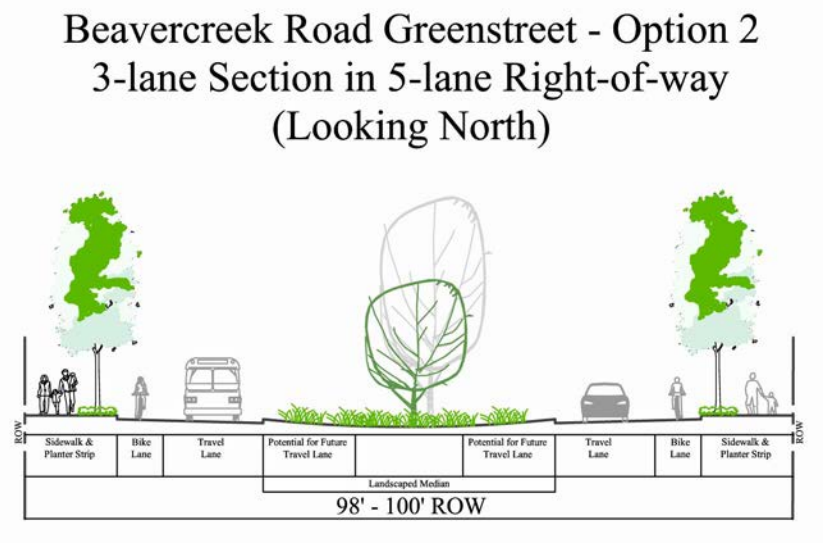

Transportation System Plan / Traffic

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- Despite the investments to the transportation system, intersection operating conditions at a few intersections (including the OR 99E/I-205 Northbound, OR 99E/I-205 Southbound, OR 213/Beavercreek Road, and I-205/OR 213 intersections) will be continue to be congested by 2035.
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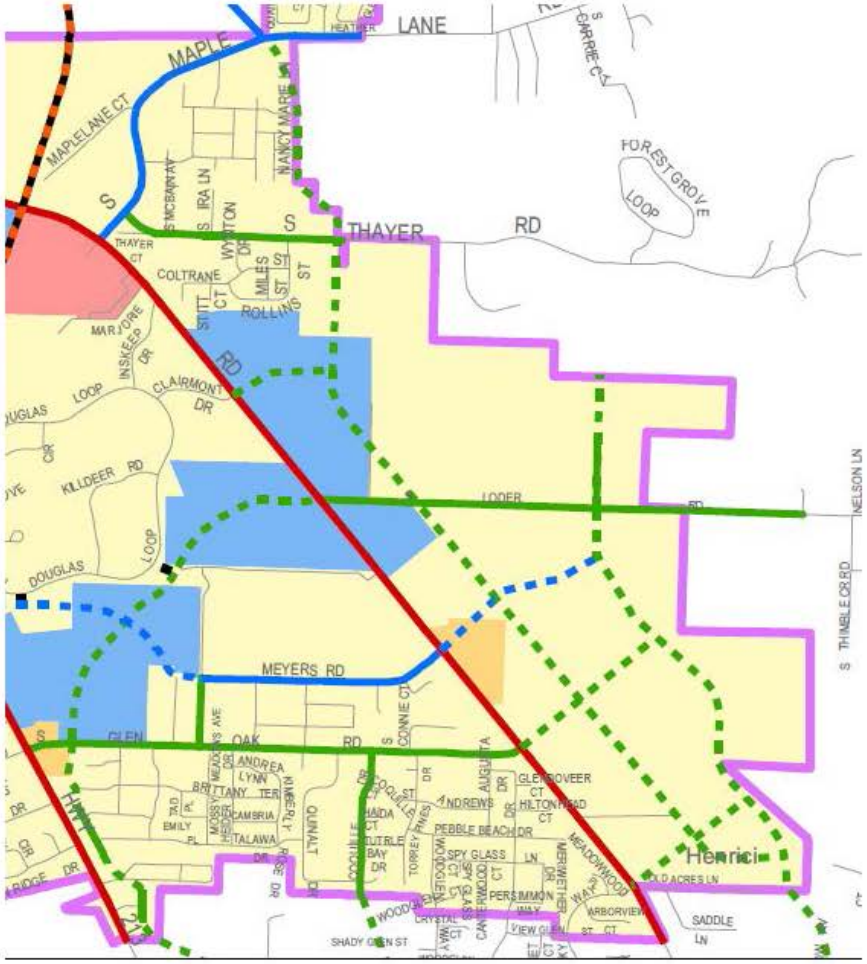
TSP Multi-Modal Street System



Legend

Functional Classification

- Freeway
- Expressway
- Major Arterial
- Minor Arterial
- Collector
- Local Street

Planned Roadways (Conceptual Alignment)

- Planned Minor Arterial
- Planned Collector
- Planned Local Street

Street Type

- Commercial
- Industrial
- Residential
- Mixed-Use

- City Limit
- Urban Growth Boundary

Meetings

- Planning Commission Work Session 09/28
- Citizen Involvement Committee 10/05
- Natural Resources Committee 10/14
- Transportation Advisory Committee 10/20
- Parks & Recreation Advisory Committee 10/22
- Caufield Neighborhood Association 10/27
- Hamlet of Beavercreek 10/28
- City Commission Work Session 11/10
- Planning Commission Hearing #1 11/23/2015
- City Commission Hearing #1 12/02/2015

How to do I stay involved / comment?

Website:

http://www.orcity.org/planning/landusecase/le-15-0003-re-adoption-beavercreek-road-concept-plan

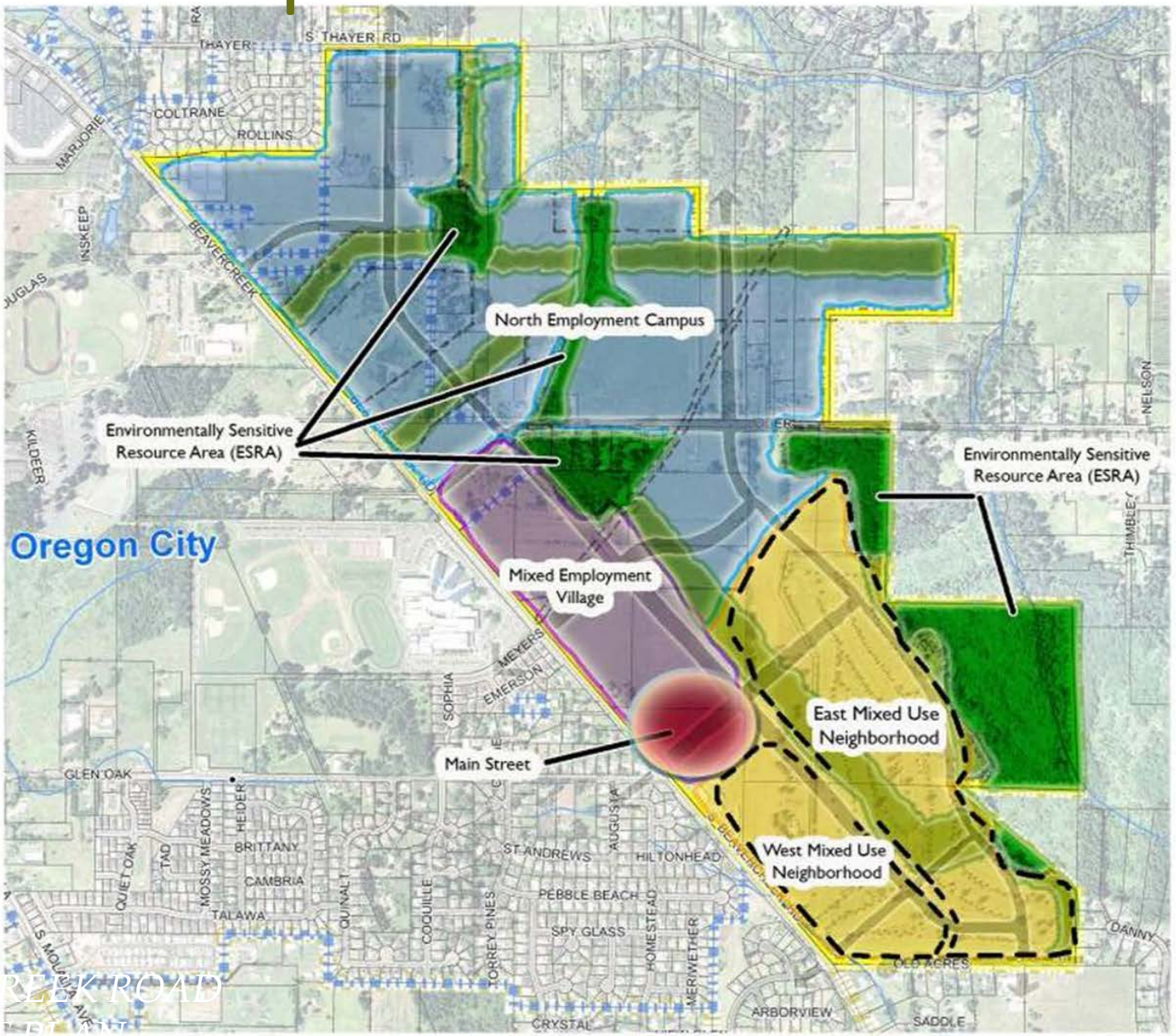
Pete Walter, Associate Planner

PH: (503) 496-1568

Email: pwalter@orcity.org

Thank You

Concept Plan: Land Use Areas



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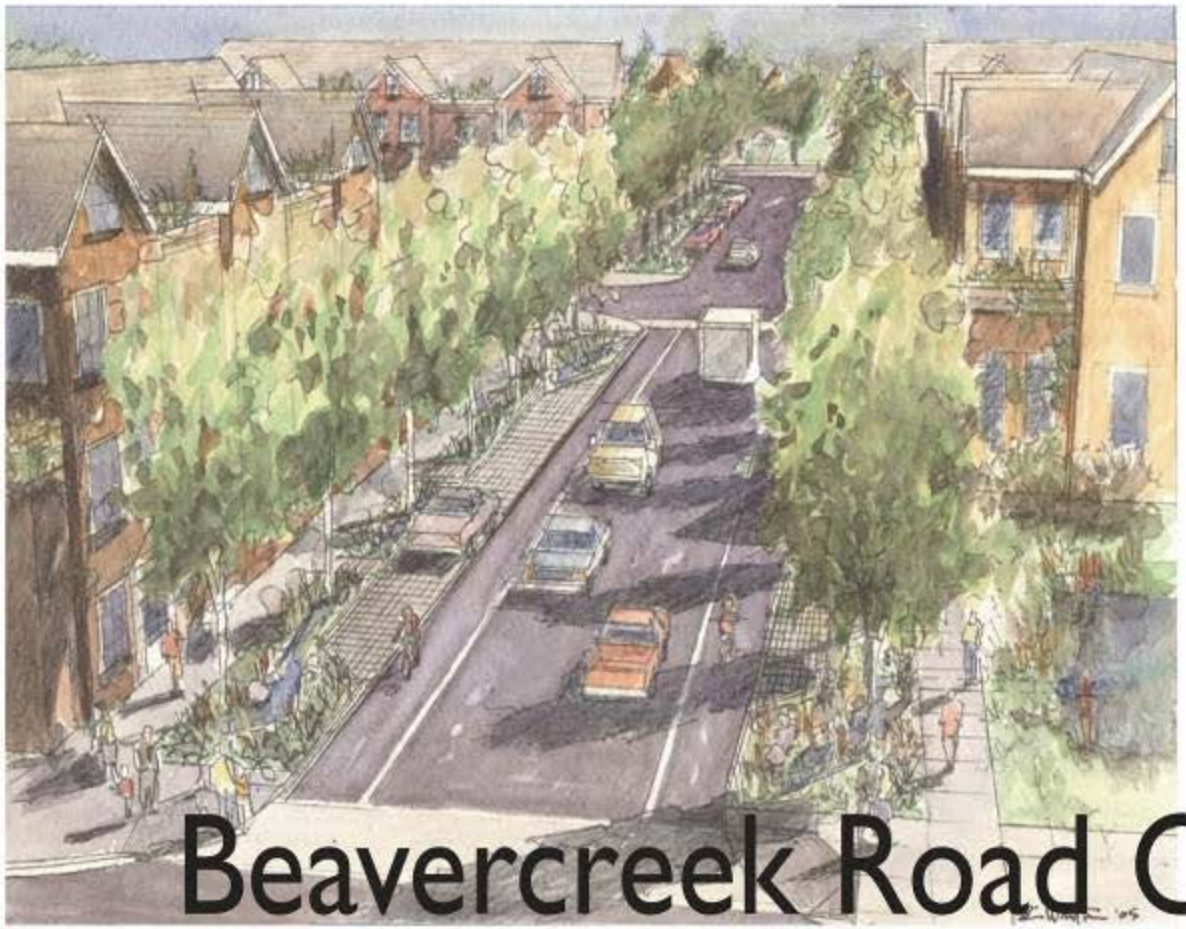

Beavercreek Road Concept Plan

Envisioning a Complete and Sustainable Community

City Commission Work Session Nov. 10, 2015

Goals

1. Complete and Sustainable Community
2. Model of Sustainable Design
3. Green Jobs
4. Sustainable Industries
5. Natural Beauty
6. Multi-Modal Transportation
7. Safety Along Beavercreek Road
8. OCHS and CCC
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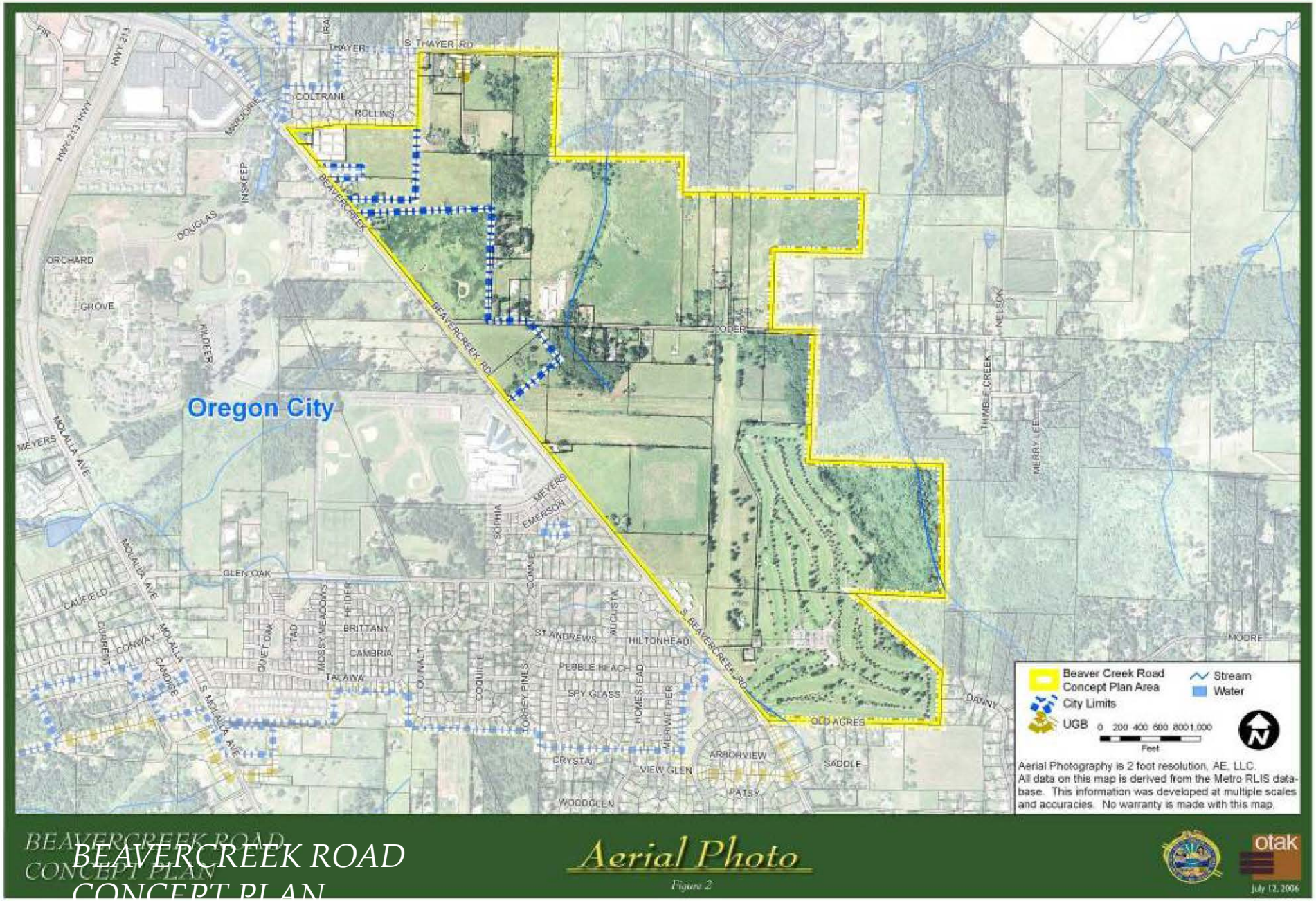
10. Ecological Health



BEAVERCREEK ROAD CONCEPT PLAN

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Aerial Photo

Figure 2

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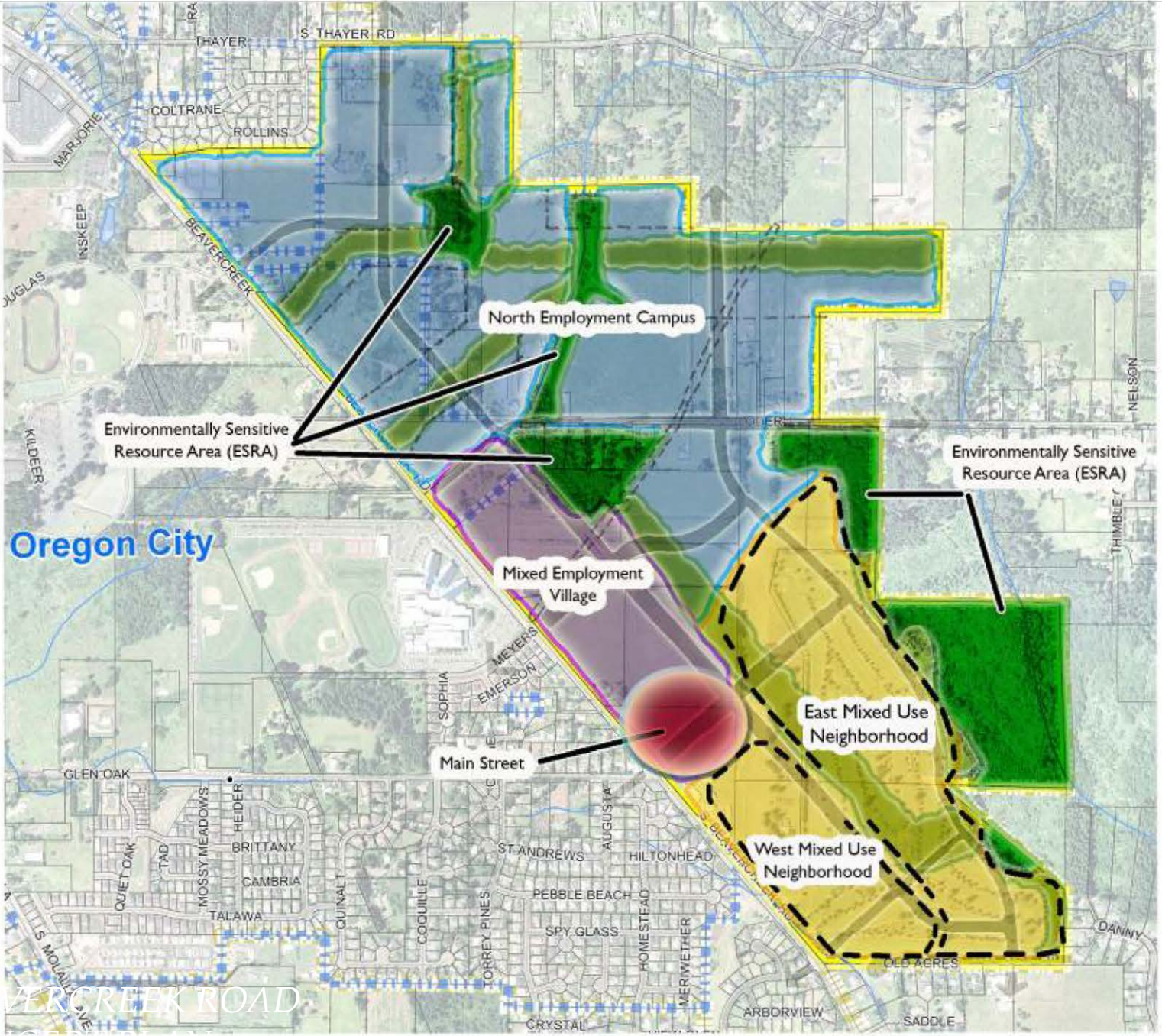


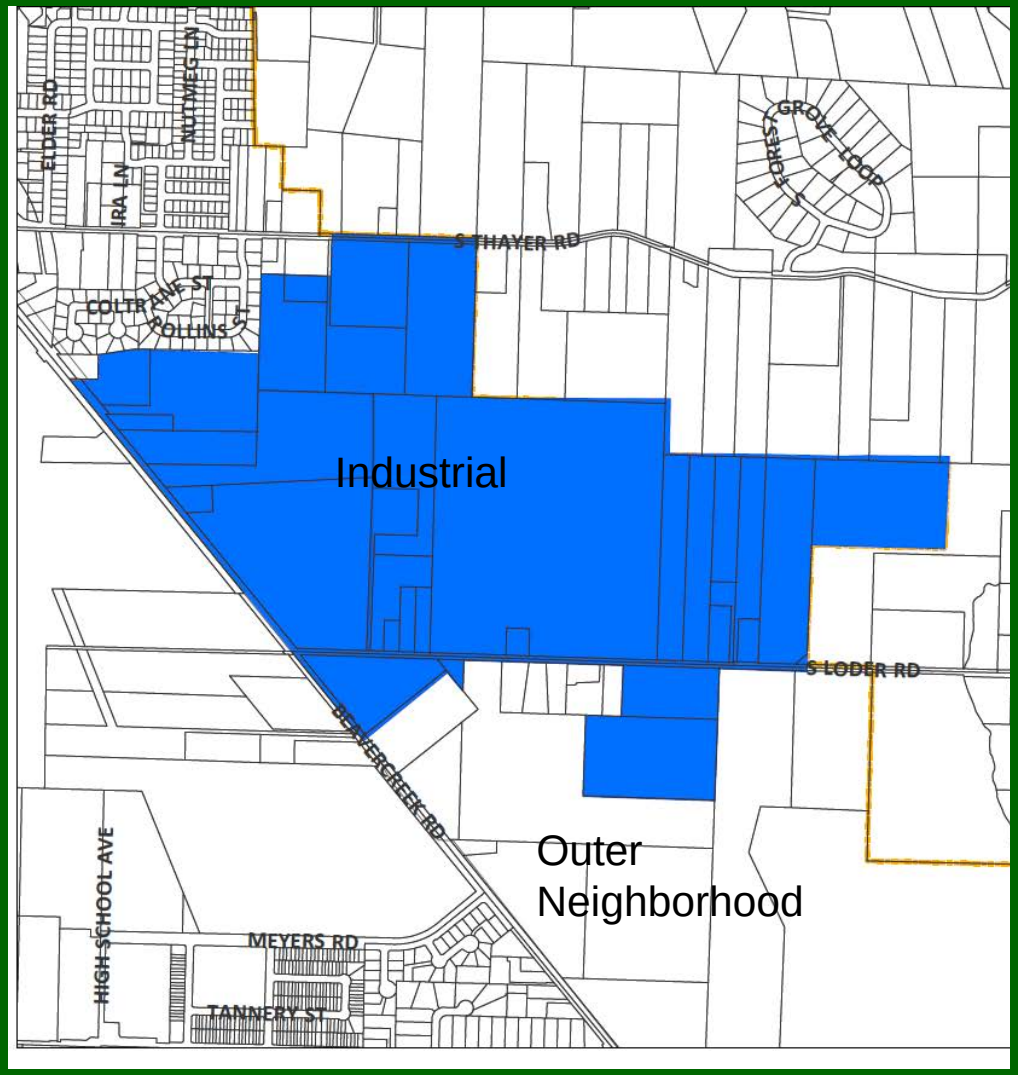
Figure 2: Beavercreek Zone Subdistricts

Current Status

- Overview of LUBA appeal, LCDC appeal and remand
- City Commission remanded to Planning Commission
- Re-open the record for the limited purpose of addressing the protection of the Title 4 lands, inserting the recently implemented transportation system plan and public utility plans, identifying transportation improvements and addressing police and fire services.

Limited Record

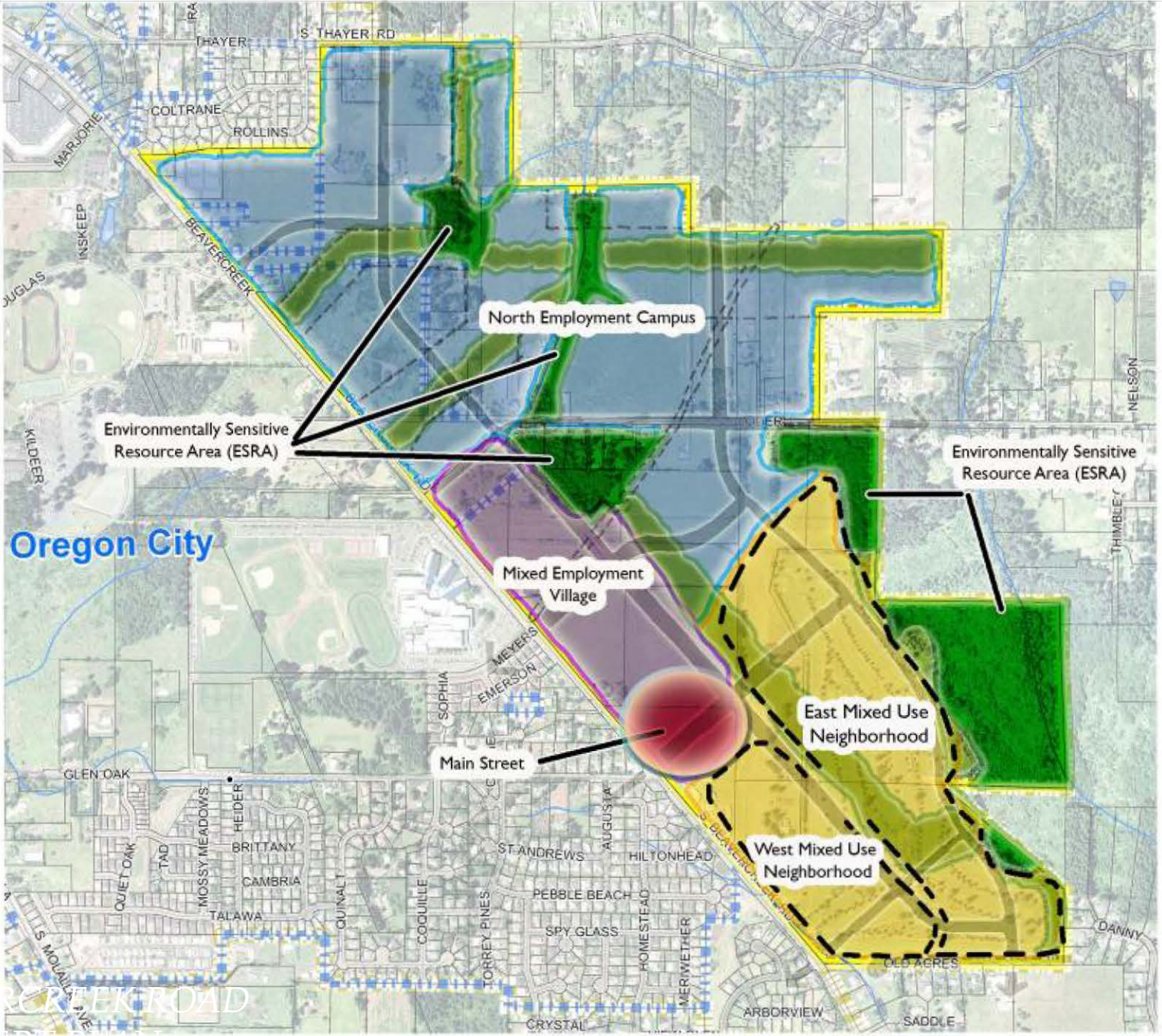
- Title 4 Industrial lands
- Transportation
  - TSP adopted August 2013
- Utilities
  - Sewer Master Plan adopted Nov 2014
  - Water Master Plan adopted Feb 2012
  - Stormwater standards adopted May 2015
- Police/ Fire Services



Metro 2040 Concept Plan Design Types

Metro Ord. 10-1244B Dec. 16, 2010

151 ac. (121 net) of Industrial



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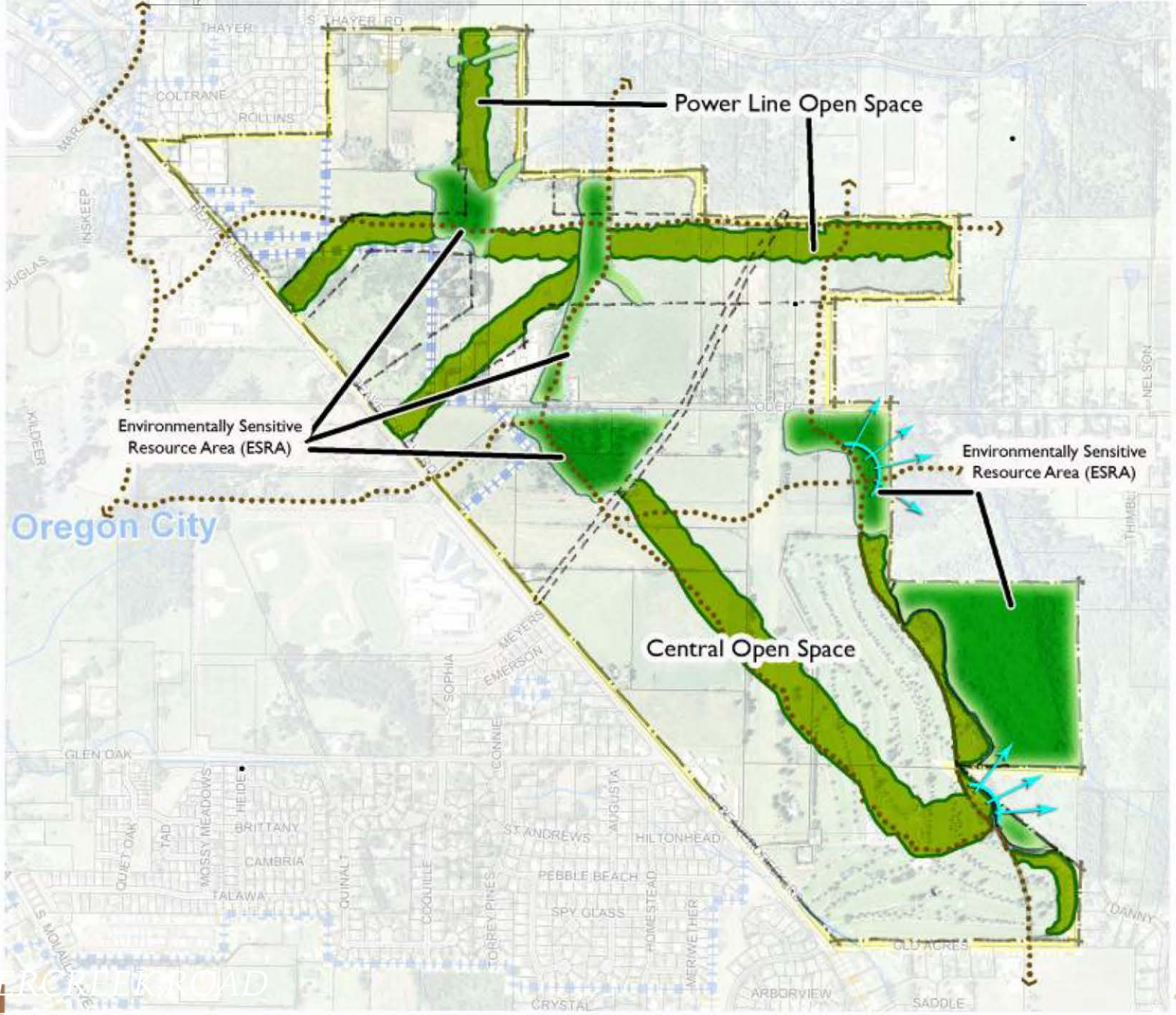
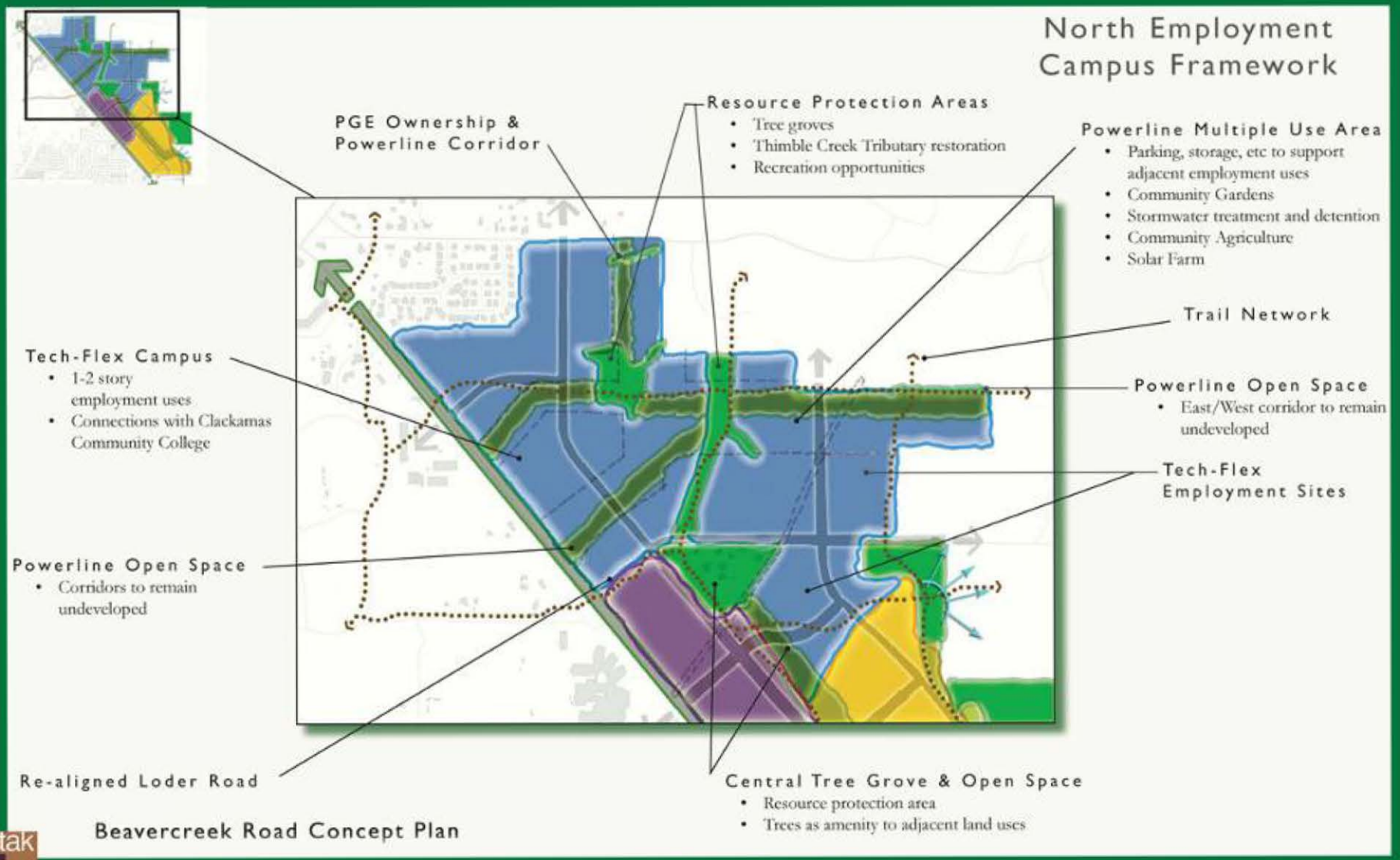


Figure 3: Beavercreek Zone Open Spaces and Natural Areas



BEAVERCREEK ROAD CONCEPT PLAN

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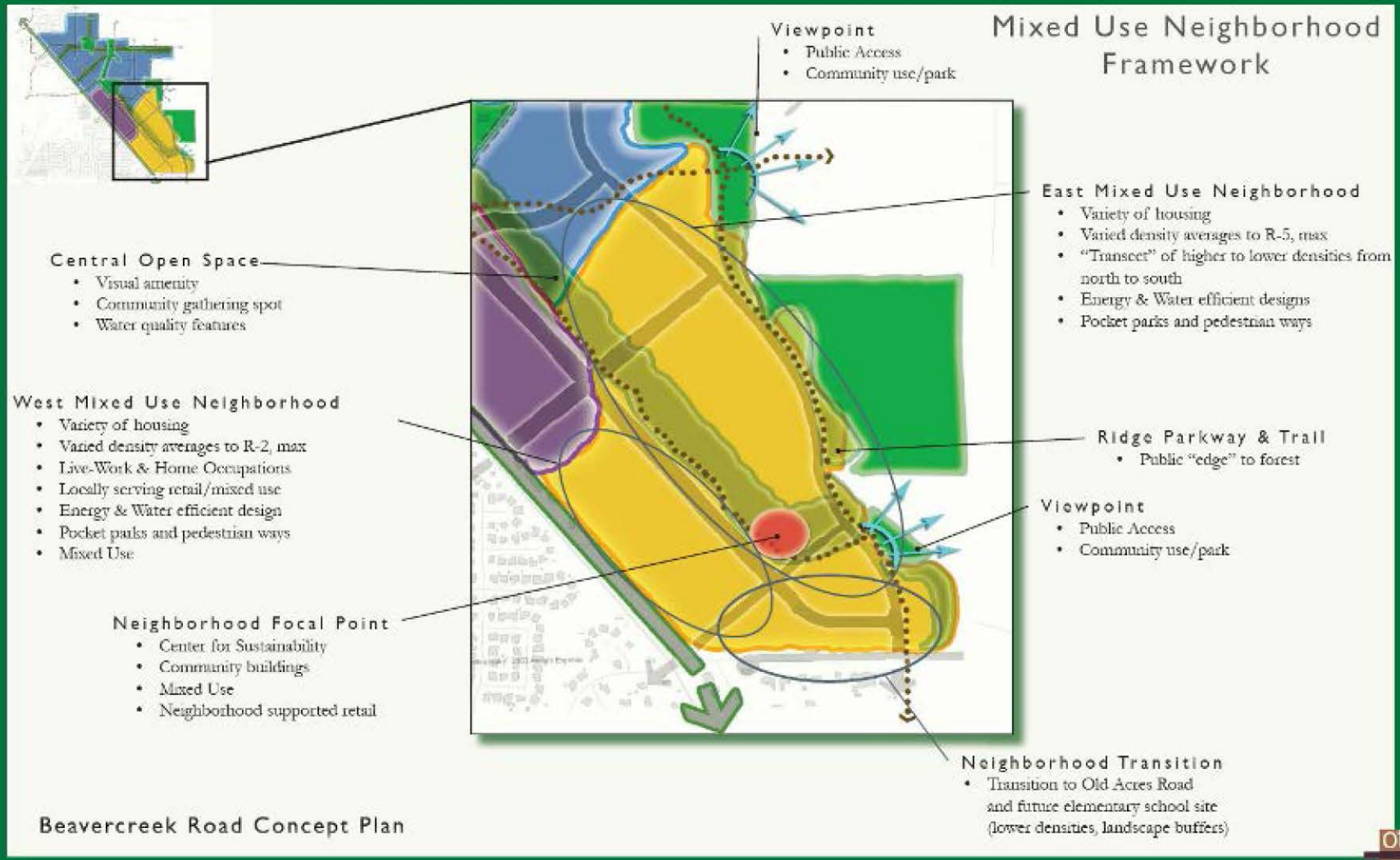


BEAVERCREEK ROAD CONCEPT PLAN

Beavercreek Road Concept Plan

Figure 4:
Hybrid Alternative
Stormwater System

Legend

- Streams

Teir 1 - Site Specific
(Not Illustrated)

Tier 2 - Greenstreets

- Conveyance & Treatment

Tier 3 - Regional Facilities

- Detention
- Detention Outfall

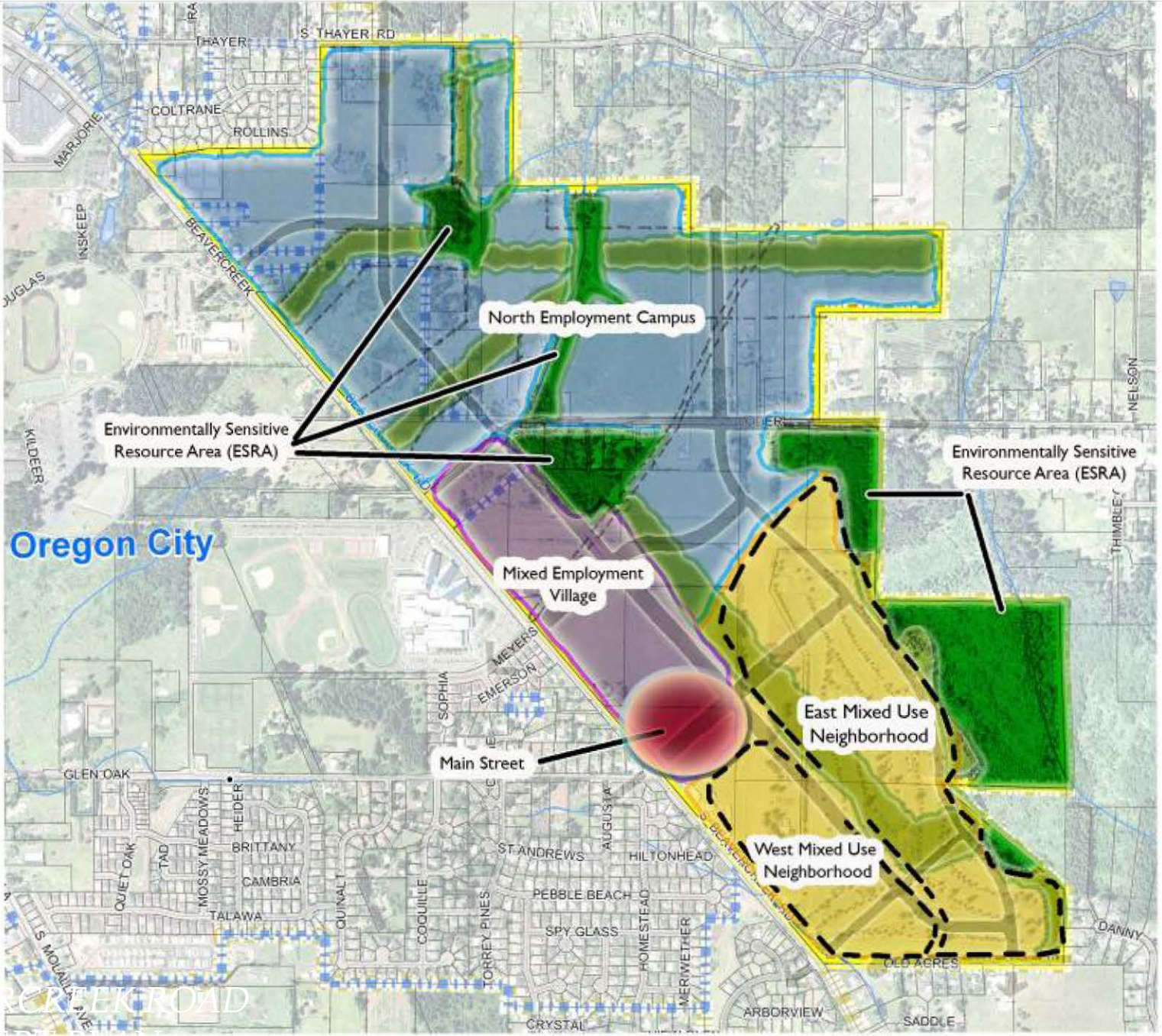
Map Creation Date: 03/01/07
(Based on CAD Data from 03/01/07)

0 250 500 1,000
Feet

Aerial Photography is 2 foot resolution, AE, LLC.
All data on this map is derived from the Metro RLIS data-base. This information was developed at multiple scales and accuracies. No warranty is made with this map.

BEAVERCREEK ROAD CONCEPT PLAN

Stormwater System



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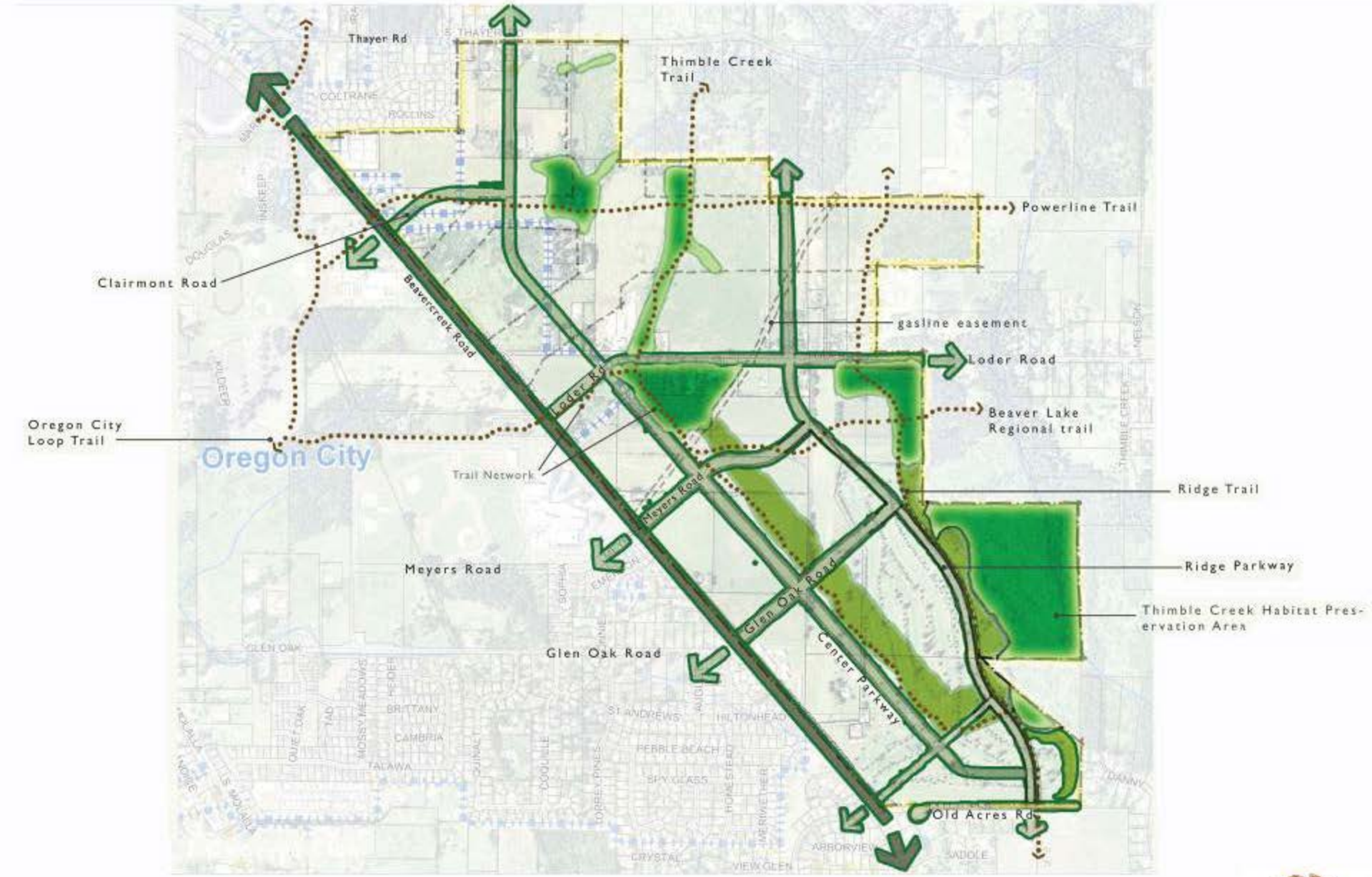


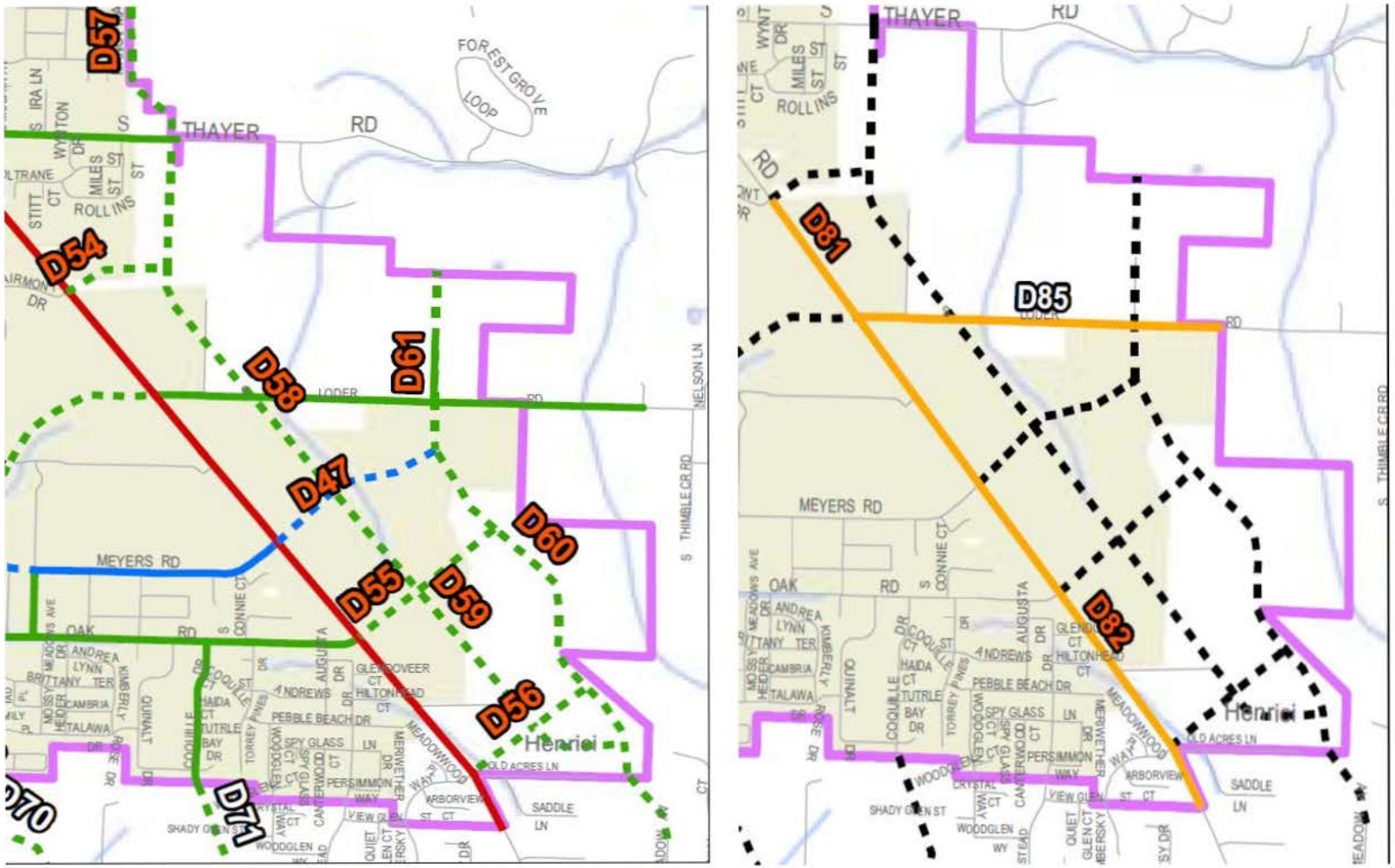
Figure 4: Beavercreek Zone Site Circulation

Figure 5: Beavercreek Zone Connectivity Options

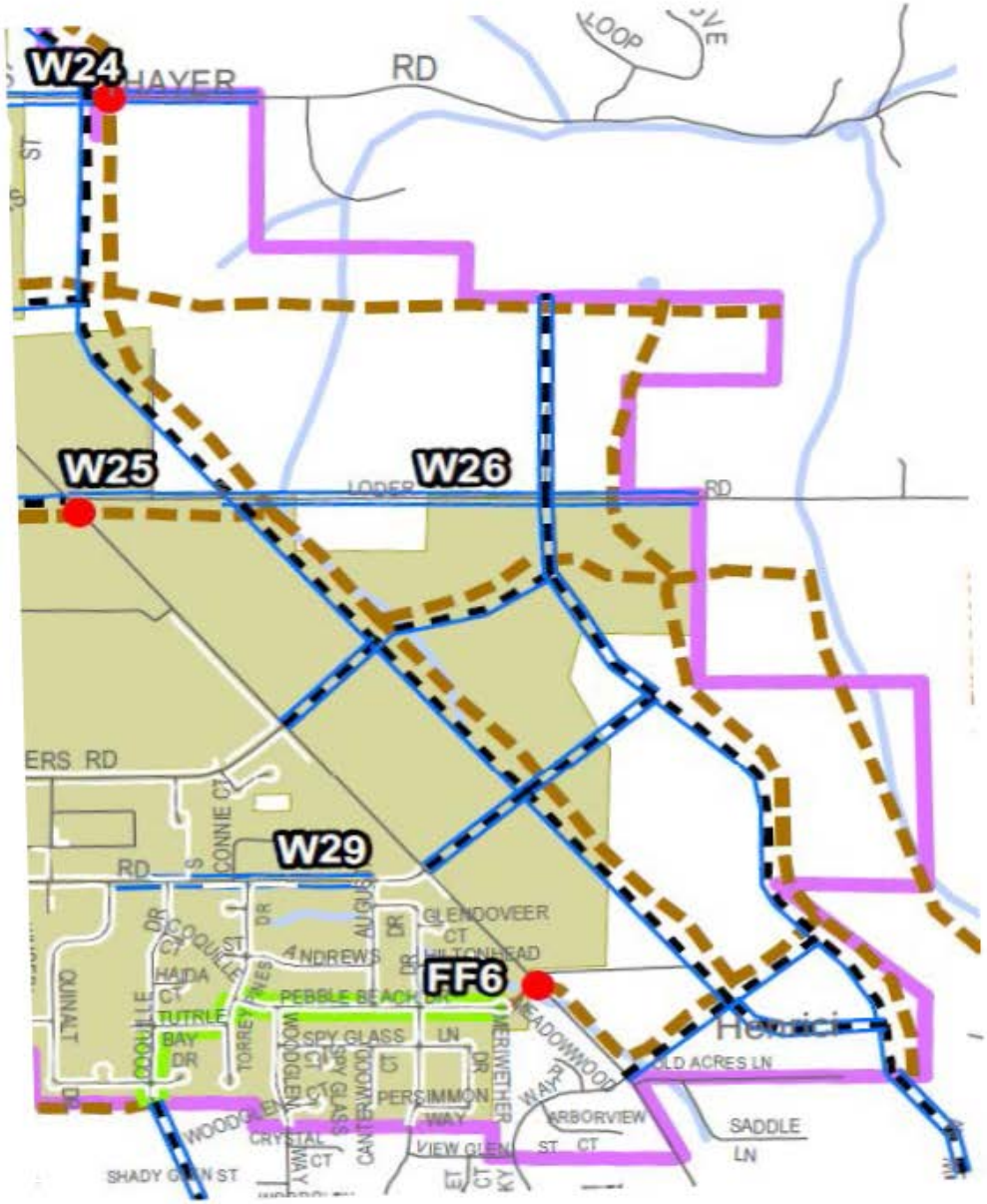
Likely to be Funded TSP Projects

Project #	Project Description	Project Extent	Project Elements	Priority
D47	Meyers Road East extension	Beavercreek Road to the Meadow Lane Extension	Extend Meyers Road from Beavercreek Road to the Meadow Lane Extension as an Industrial Minor Arterial. Between the Holly Lane and Meadow Lane extensions, add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S19. Modify the existing traffic signal at Beavercreek Road	Medium-term
D54	Clairmont Drive extension	Beavercreek Road to Holly Lane South Extension	Extend Clairmont Drive from Beavercreek Road to the Holly Lane South extension as an Industrial Collector. Add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S17.	Long-term
D55	Glen Oak Road extension	Beavercreek Road to the Meadow Lane Extension	Extend Glen Oak Road from Beavercreek Road to the Meadow Lane Extension as a Residential Collector. Install a roundabout at Beavercreek Road (per project D39)	Long-term
D56	Timbersky Way extension	Beavercreek Road to the Meadow Lane Extension	Extend Timbersky Way from Beavercreek Road to the Meadow Lane Extension as a Residential Collector. Add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S20.	Long-term
D57	Holly Lane South extension	Maple Lane Road to Thayer Road	Extend Holly Lane from Maple Lane Road to Thayer Road as a Residential Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S14. Install a roundabout at Maple Lane Road (per project D37).	Medium-term
D58	Holly Lane South extension	Thayer Road to Meyers Road	Extend Holly Lane from Thayer Road to the Meyers Road extension as an Industrial Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S15.	Medium-term
D59	Holly Lane South extension	Meyers Road to the Meadow Lane Extension	Extend Holly Lane from the Meyers Road extension to the Meadow Lane Extension as a Mixed-Use Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S16.	Long-term
D60	Meadow Lane extension	Meadow Lane to Meyers Road	Extend Meadow Lane to the Meyers Road Extension as a Mixed-Use Collector. Between Old Acres Lane and the Glen Oak Road extension, add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S21.	Long-term
D61	Meadow Lane extension	Meyers Road to UGB (north of Loder Road)	Extend Meadow Lane from the Meyers Road Extension to the UGB (north of Loder Road) as an Industrial Collector	Medium-term
D81	Beavercreek Road Upgrade	Clairmont Drive (CCC Entrance) to Meyers Road	Improve to Industrial Major Arterial cross-section	Medium-term
D82	Beavercreek Road Upgrade	Meyers Road to UGB	Improve to Residential Major Arterial cross-section	Long-term

TSP Street & Intersection Expansions



TSP Conceptual Walking Solutions


W24
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FF6
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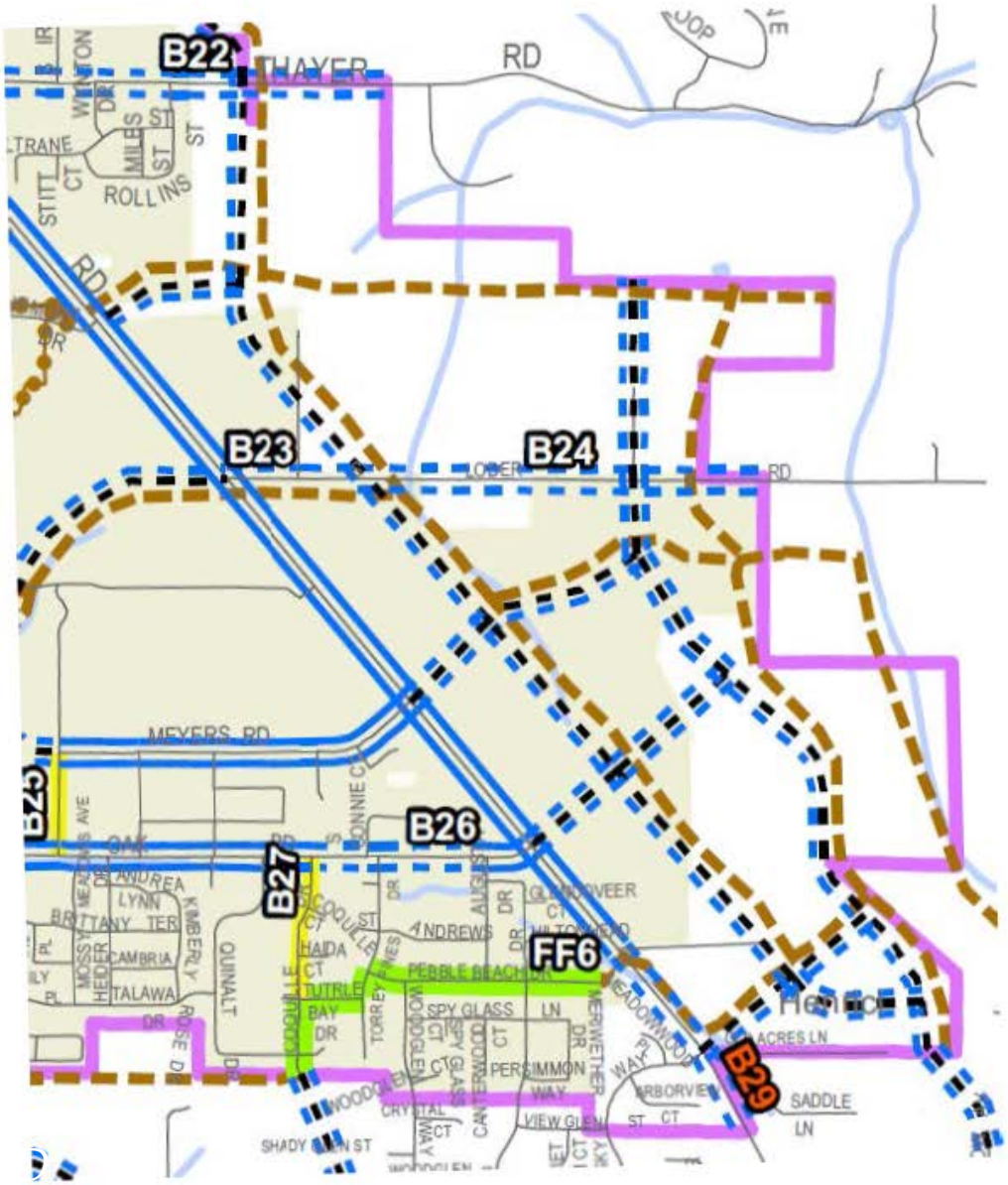
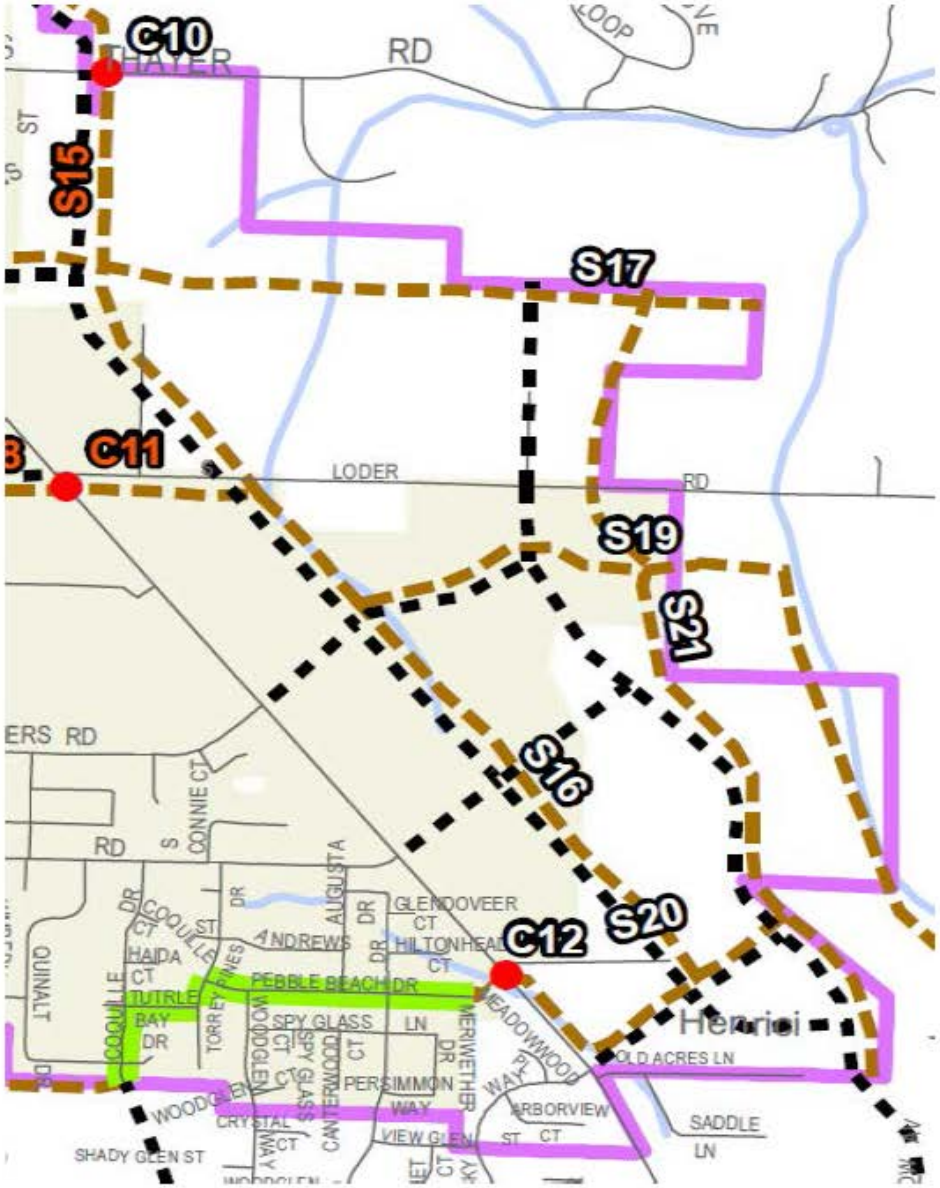
TSP Conceptual Biking Solutions



TSP Shared Biking and Walking Solutions



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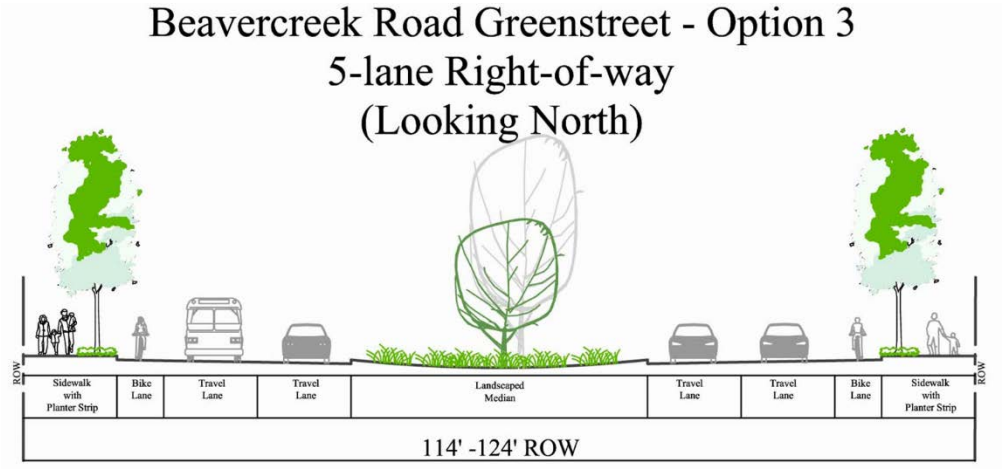

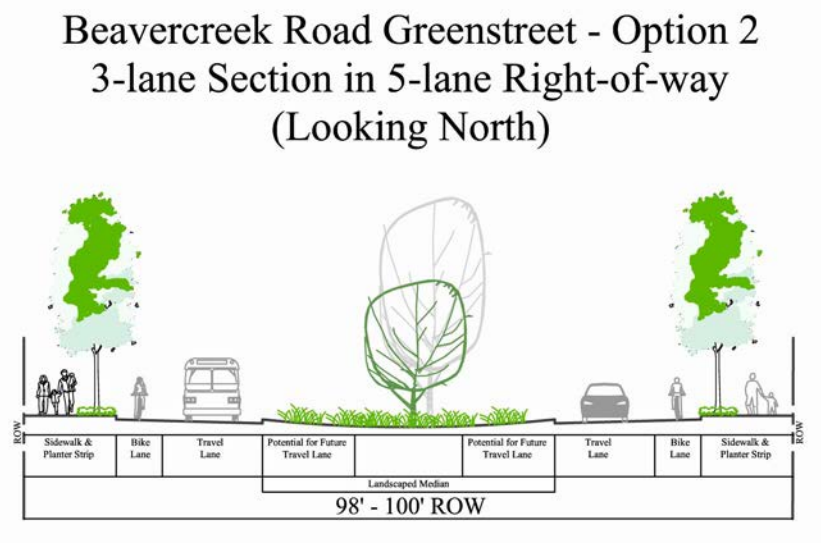

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Source: Table 2. BRCP Job & Housing Density Assumptions 7/10/2007

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- Planning Commission - 11/23/2015
- City Commission - 12/02/2015

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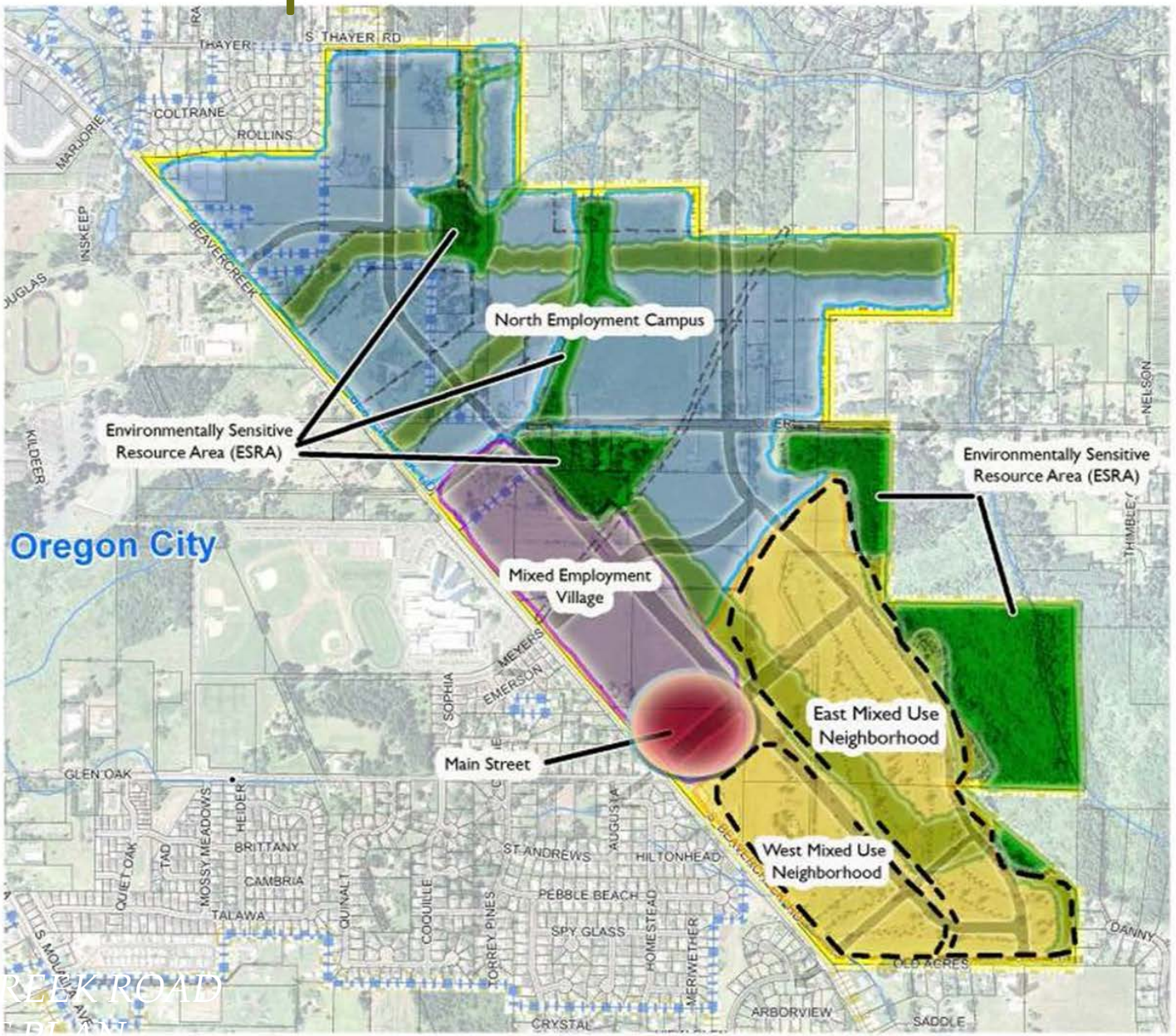

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Thank You

- Website:
- http://www.orcity.org/planning/landuse case/le-15-0003-re-adoption-beavercreek-road-concept-plan
- Pete Walter, Associate Planner
- (503) 496-1568
- pwalter@orcity.org

17.04.580 - Home occupation.

"Home occupation" means an occupation carried on solely by the resident or residents of a dwelling unit as a secondary use, in connection with which no assistants are employed, other than residents of the home, no commodities are sold other than services, no sounds are heard beyond the premises, and there is no display, advertisement or sign board except such signs as by this title may be permitted in the district where the home or occupation is situated, including such occupations as lawyer, public accountant, artist, writer, teacher, musician, home office of a physician, dentist or other practitioner of any of the healing arts, or practices of any art or craft of a nature to be conveniently, unobstructively and inoffensively pursued in a residential dwelling or accessory building of a residence, and not more than one-half of the square-footage is devoted to such use. The business may have off-site employees or partners provided that they do not report for work at the subject residence. No outdoor storage of materials or commercial vehicles associated with the business shall occur on-site.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

ENTERED INTO THE RECORD
DATE RECEIVED: 11/23/15
SUBMITTED BY: STAFF
SUBJECT: LE-15-0003
EXHIBIT C

600 NE Grand Ave.
Portland, OR 97232-2736
www.oregonmetro.gov

Metro | *Making a great place*

November 23, 2015

Charles Kidwell, Chair
Oregon City Planning Commission
625 Center Street
Oregon City, OR 97045

Dear Chair Kidwell:

Thank you for providing the opportunity to comment on the city's re-adoption of the Beavercreek Road Concept Plan (LE-15-0003).

As you know, Metro staff was deeply involved with the development of the Beavercreek Road Concept Plan and supported the city's 2008 adoption of the concept plan through Oregon City Ordinance No. 07-1008. At that time, Metro provided a letter of support indicating the concept plan as proposed was in compliance with the Urban Growth management Functional Plan (Functional Plan). In addition, Metro amended its Title 4 Employment and Industrial Lands Map in 2010 to be consistent with the Beavercreek Road Concept Plan.

Metro appreciates the hard work staff, committee members and the community has undertaken to update a number of the city's public facilities plans including sewer, stormwater, water and the transportation system plan, resulting in refined public facility plans for the concept plan area. After reviewing the findings for LE-15-0003 and noting that no new amendments are proposed, staff has determined that the Beavercreek Road Concept Plan will continue to be in substantial compliance with Metro's Functional Plan.

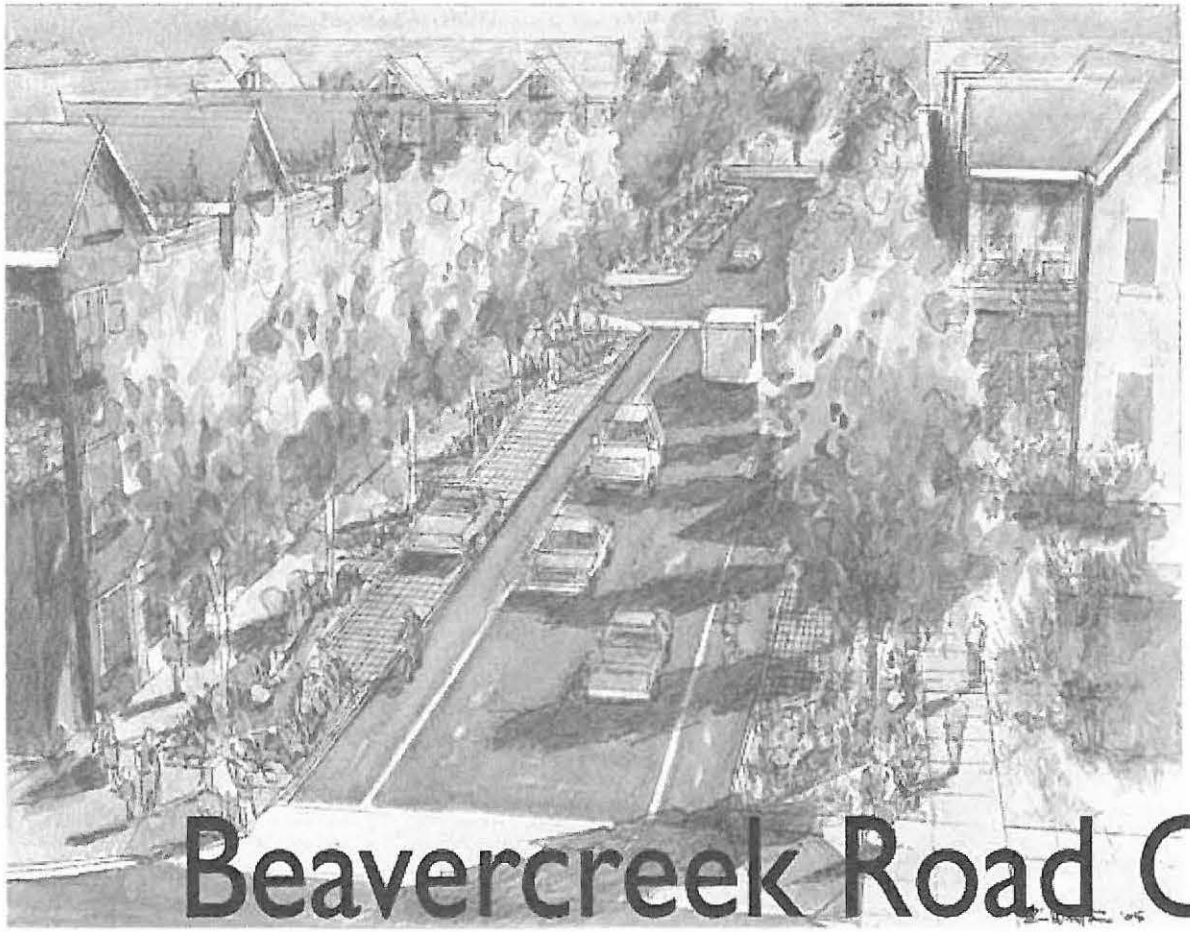
Sincerely,

Tim O'Brien, AICP
Principal Regional Planner

c: Councilor Carlotta Collette, District No. 2
Jennifer Donnelly, Oregon Department of Land Conservation and Development
Roger Alfred, Metro Senior Assistant Attorney
Tom Kloster, Manager, Metro Planning & Development
Jeff Raker, Metro Associate Planner
John Williams, Deputy Director, Metro Planning & Development

ENTERED INTO THE RECORD
DATE RECEIVED: 11/23/2015
SUBMITTED BY: STAFF
SUBJECT: LE-15-0003
EXHIBIT D

Printed on recycled-content paper.



Beavercreek Road Concept Plan

Envisioning a Complete and Sustainable Community

Planning Commission November 23, 2015

ENTERED INTO THE RECORD
DATE RECEIVED: 11/23/15
SUBMITTED BY: STAFF
SUBJECT: LE-15-0003
EXHIBIT E

Limited Record

- Title 4 Industrial lands
- Transportation
  - TSP adopted August 2013
- Utilities
  - Sewer Master Plan adopted Nov 2014
  - Water Master Plan adopted Feb 2012
  - Stormwater standards adopted May 2015
- Police/ Fire Services

Overview

Re-open the record for the limited purpose of addressing the protection of the Title 4 lands, inserting the recently implemented transportation system plan and public utility plans, identifying transportation improvements and addressing police and fire services.

Concept Plan Goals

1. Complete and Sustainable Community
2. Model of Sustainable Design
3. Green Jobs
4. Sustainable Industries
5. Natural Beauty
6. Multi-Modal Transportation
7. Safety Along Beavercreek Road
8. OCHS and CCC
9. Unique Sense of Place
10. Ecological Health

Embrace the Vision, Goals and Principles

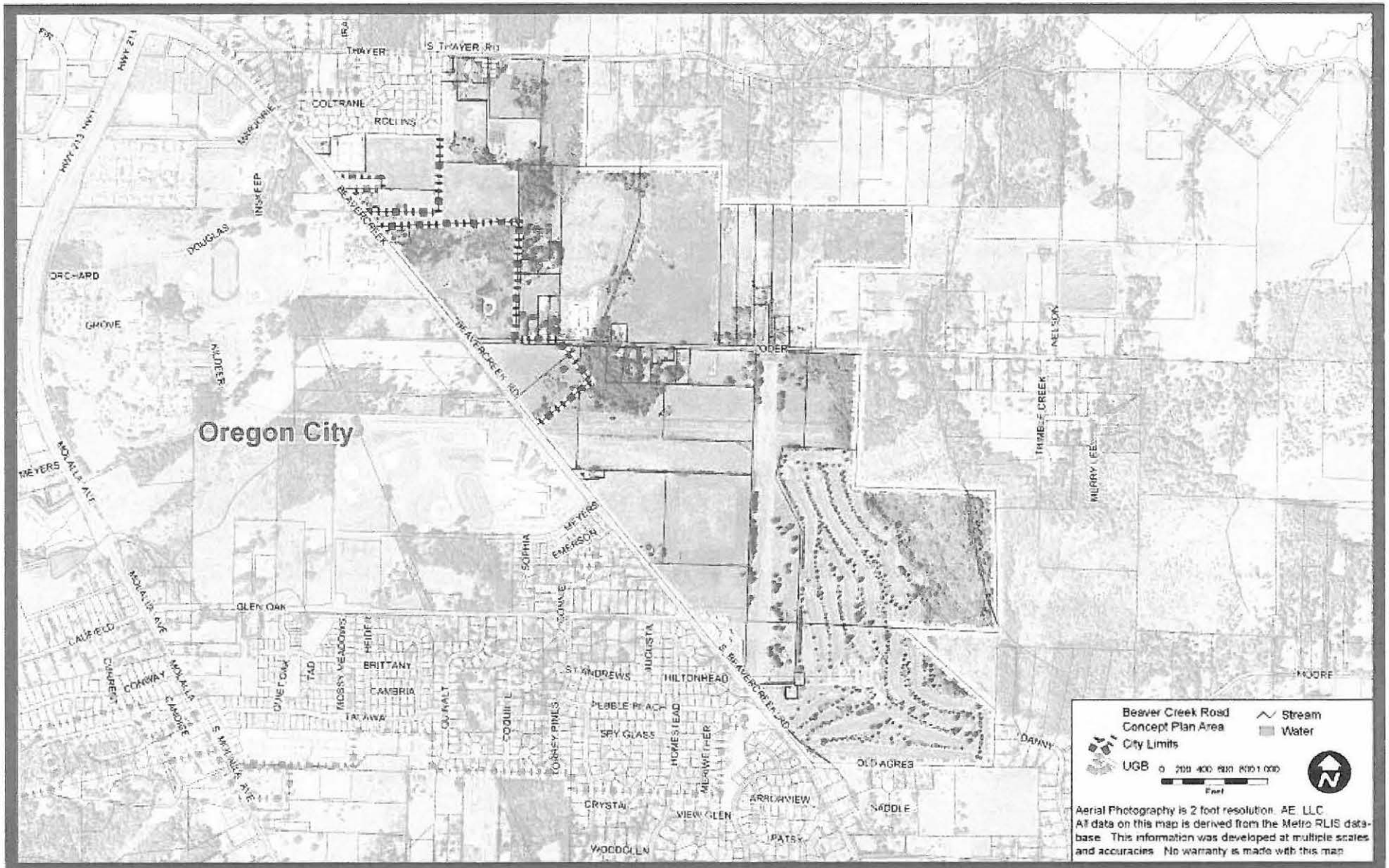
Overall Vision: "Create A Complete and Sustainable Community"

CAC Goals:

- "Be a model of sustainable design, development practices, planning and innovative thinking"
- "Incorporate the area's natural beauty into an ecologically compatible built environment"
- "Integrate Systems – Integrate ecological and man-made systems to maximize function, efficiency and health"
- "Have a unique sense of place created by the mix of uses, human scale design, and commitment to sustainability"
- "Ecological Health – Manage water resources on site to eliminate pollution to watersheds and lesson impact on municipal infrastructure by integrating ecological and man-made systems to maximize function, efficiency and health"

Principles and Strategies:

- "A sustainable stormwater management plan that supports low impact development, open conveyance systems, regional detention, and adequate sizing to avoid downstream flooding"
- "Open Space – Protect and Maintain a functioning green space network for a variety of uses"
- "Integrate Systems – Integrate ecological and man-made systems to maximize function, efficiency and health"
- "Watershed Health – Manage water resources on site to eliminate pollution to watershed and lesson impact on municipal infrastructures"



BEAVERCREEK ROAD CONCEPT PLAN

Aerial Photo

Figure 2

otak

July 12, 2006

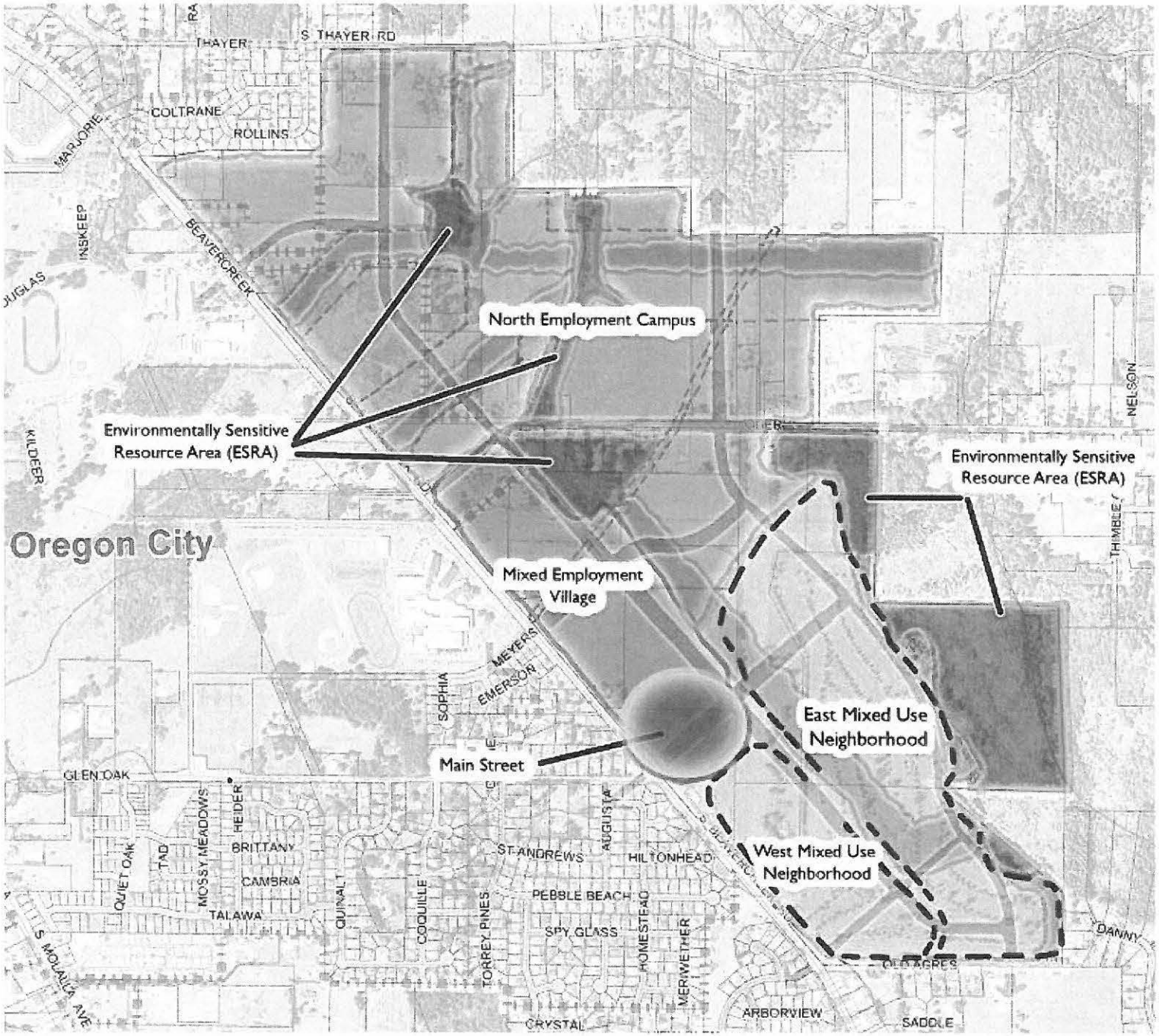


Figure 2: Beavercreek Zone Subdistricts

Metro Code – Title 11
Planning for New Urban Areas

2007

- Annexation;
- Housing density;
- Variety of housing types;
- Housing affordability;
- Commercial/Industrial development;
- Transportation;
- Mapping;
- Public Facilities and Services;
- Schools;
- Urban Growth Diagram; and
- Plan Amendments.

2014

- Plan Amendments
- Design Types
- Annexation
- Housing density
- Housing affordability
- Schools
- Parks
- Transportation (RTP)
- Public Facilities and Services and Financing
- Industrial Lands (Title 4)

Metro Code – Title 4
Industrial and Employment Land

3.07.410 Purpose and Intent

3.07.430 Protection of Industrial Areas

Please see letter from Metro addressing Title 4 compliance and compliance with Metro's Functional Plan

Oregon City Comprehensive Plan

1. Plan implementation process.
2. Adequacy of the Plan to guide land use actions, including an examination of trends.
3. Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.
4. Addition of updated factual information including that made available to the City of regional, state and federal governmental agencies.

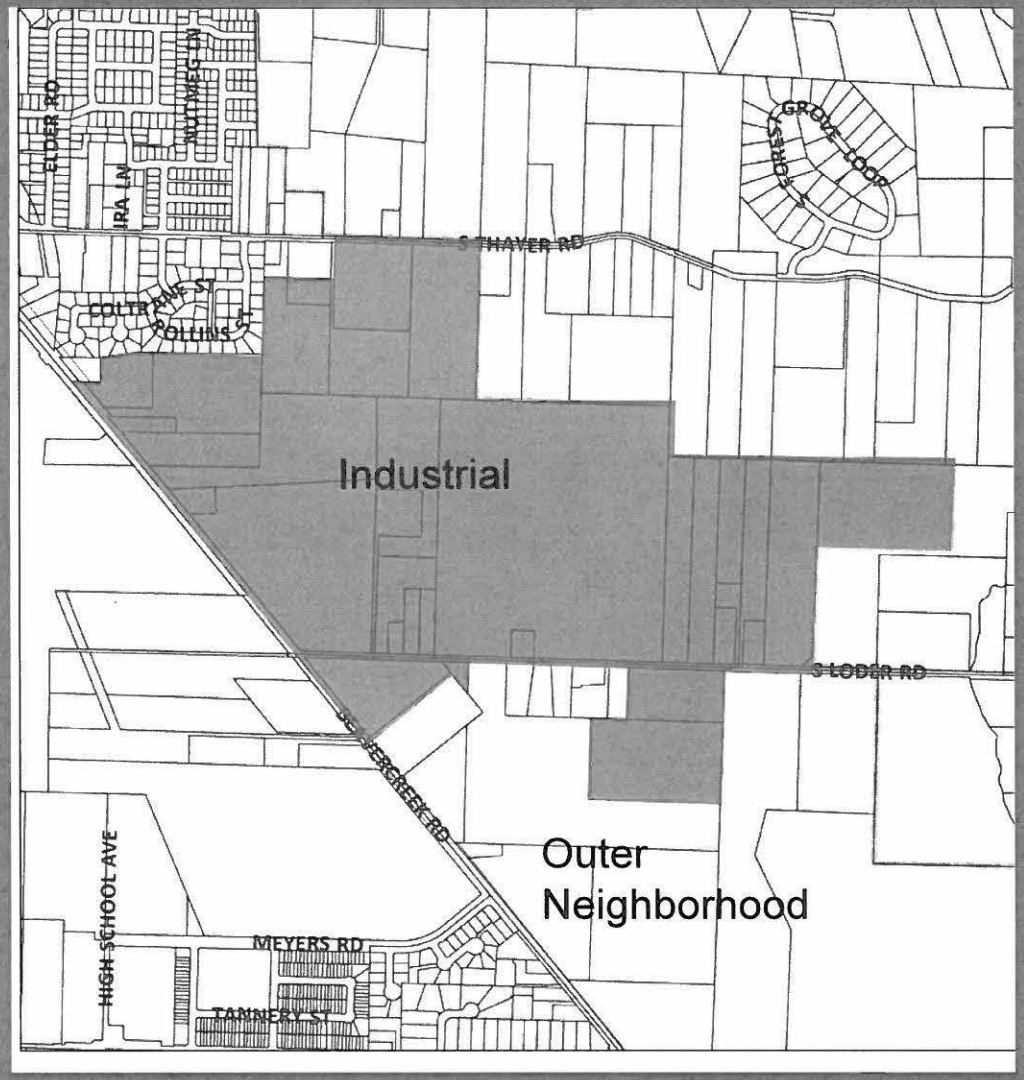
Comprehensive Plan Goal 2.6

Ensure an adequate supply of land for major industrial employers with family wage jobs.

- This Goal is implemented through Policies 2.6.1 through 2.6.8, which are addressed in the recommended findings.

Statewide Planning Goals

Goal 1 - Citizen Involvement
Goal 2 - Land Use Planning
Goal 3 - Agricultural Lands and Goal 4 Forest Lands
Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources
Goal 6 - Air, Water and Land Resources Quality
Goal 7 - Areas Subject to Natural Disasters and Hazards
Goal 8 - Recreational Needs
Goal 9 - Economic Development
Goal 10 - Housing
Goal 11 - Public Facilities and Services
Goal - 12 Transportation
Goal 13 - Energy Conservation
Goal 14 - Urbanization



Metro 2040 Concept Plan Design Types

Metro Ord. 10-1244B Dec. 16, 2010

151 ac. (121 net) of Industrial

BEAVERCREEK ROAD CONCEPT PLAN

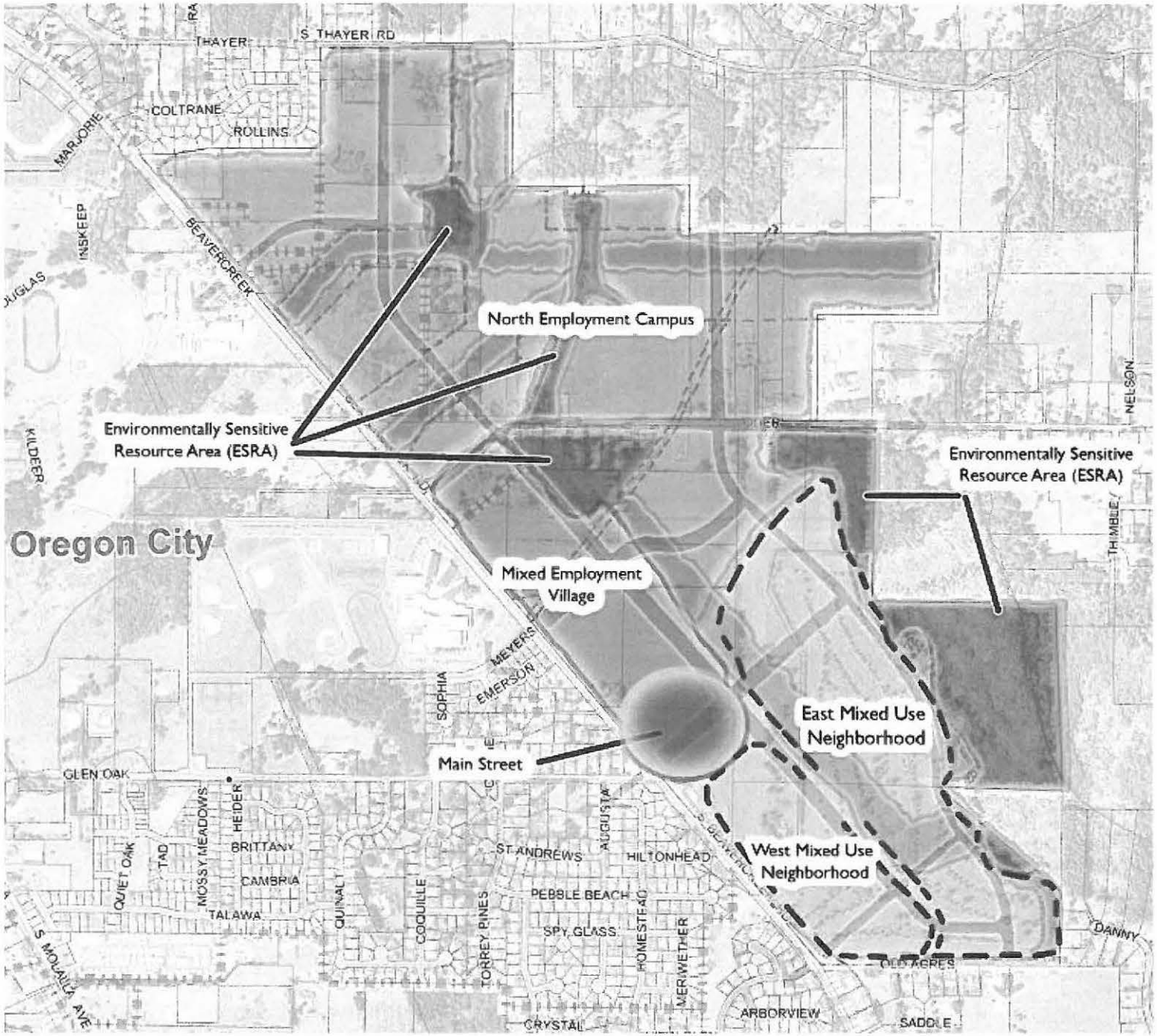


Figure 2: Beavercreek Zone Subdistricts

2006 – 2007 Process Summary

- 12 CAC/ TAC meetings
- Study Area Site Visit
- 2 Open Houses
- Meeting with Metro – Employment Discussion
- Community Design Workshop Meeting
- Market Focus Group
- Sustainability Focus Group
- Website
- Project posters, signs, mailers
- 10 City Commission hearings
- 4 Planning Commission hearings

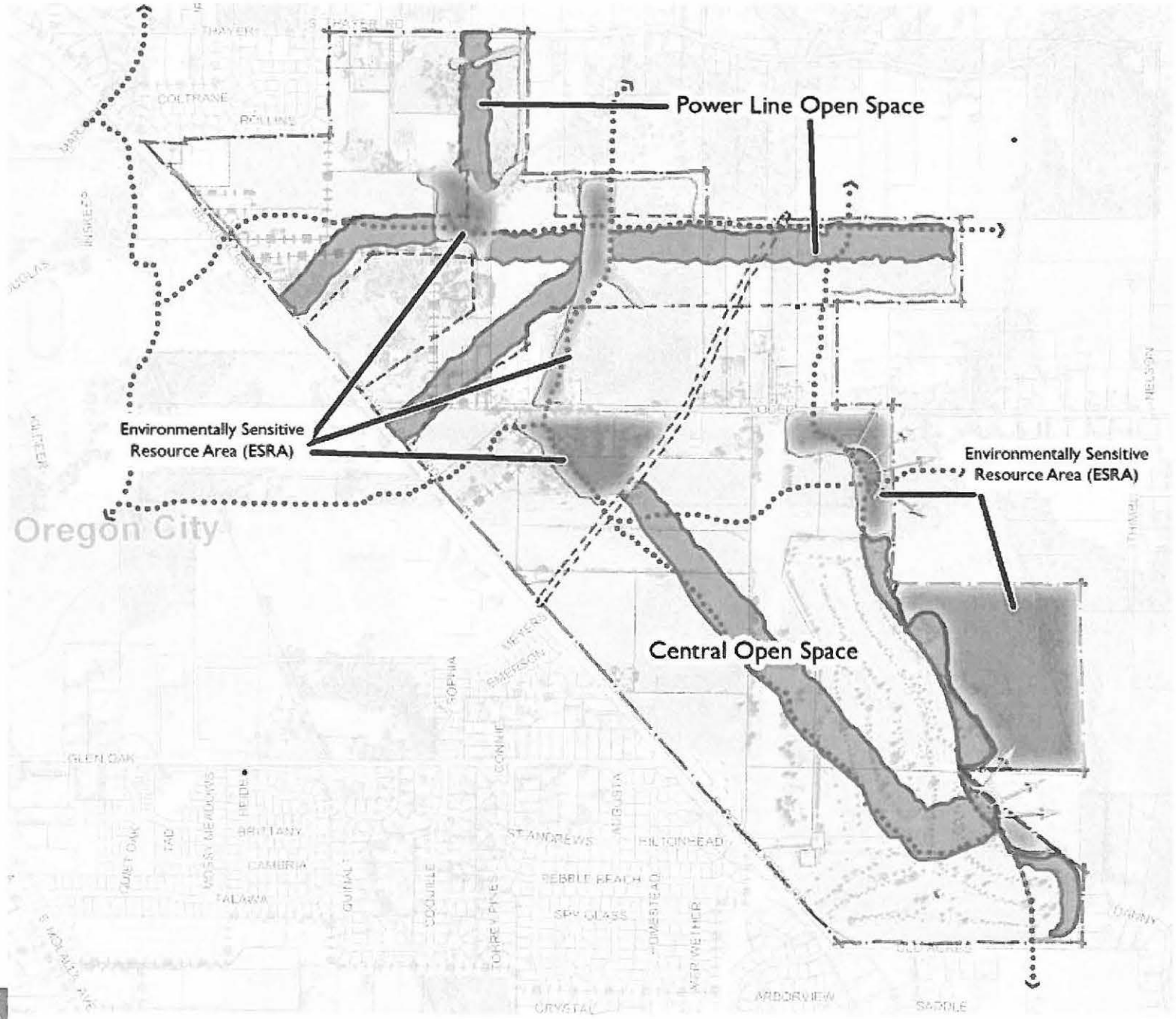
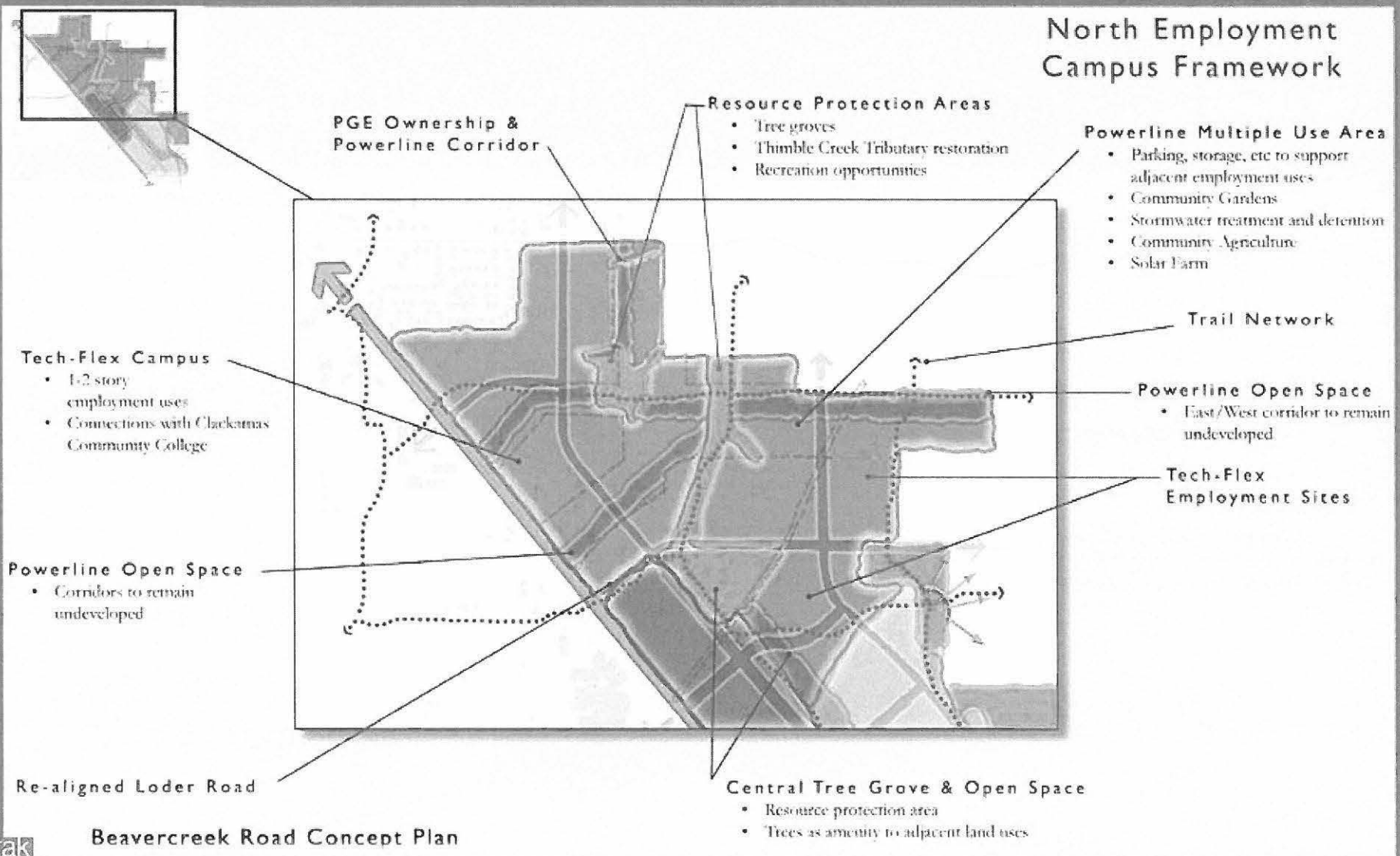
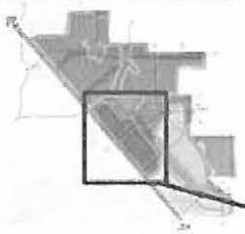


Figure 3: Beavercreek Zone Open Spaces and Natural Areas



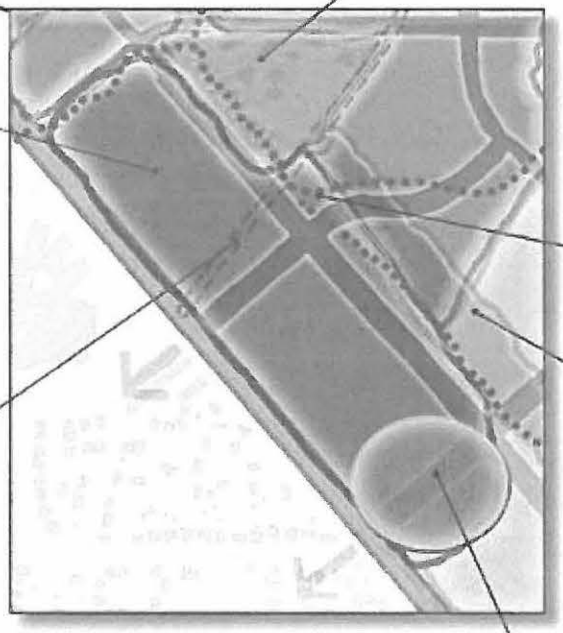
BEAVERCREEK ROAD CONCEPT PLAN

Central Mixed Employment Village Framework



Central Tree Grove
- Resource protection area
- Trees as amenity to adjacent land uses

Mixed Employment Center (West)
- 3-5 Story Buildings
- Active Street Level
- Program Connections to High School and College



Mixed Employment Center (East)
- Transition area between North Employment Campus and South Neighborhood

Central Open Space

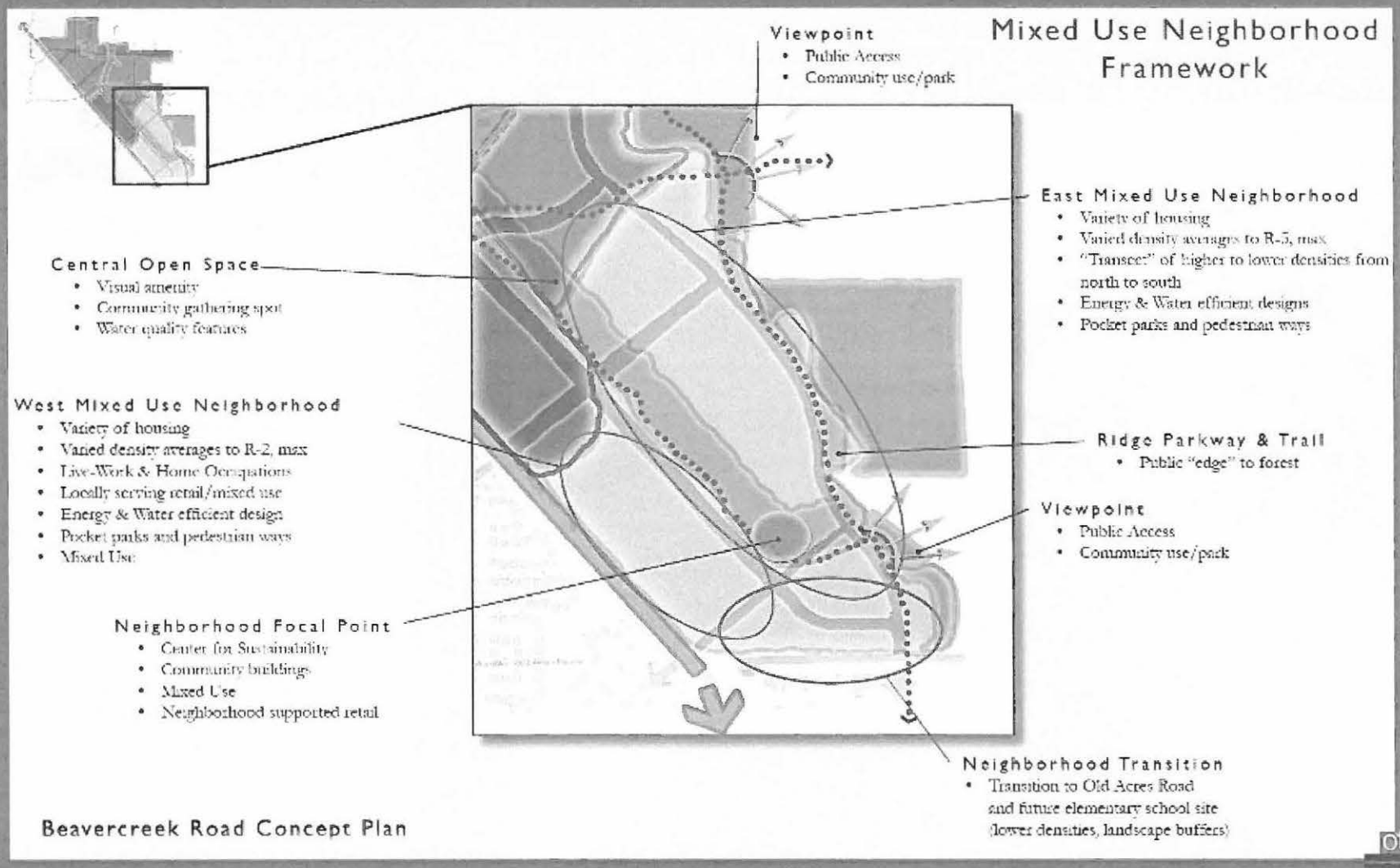
Gasline Easement/Entry Feature
- Open space and entry feature that identifies Beavercreek Road Concept Plan Area

Mixed Use Center - Main Street

Beavercreek Road Concept Plan

otak

BEAVERCREEK ROAD CONCEPT PLAN



BEAVERCREEK ROAD CONCEPT PLAN

Beavercreek Road Concept Plan

Figure 4:
Hybrid Alternative
Stormwater System

Legend

— Streams

Teir 1 - Site Specific

(Not Illustrated)

Tier 2 - Greenstreets

Conveyance & Treatment

Tier 3 - Regional Facilities

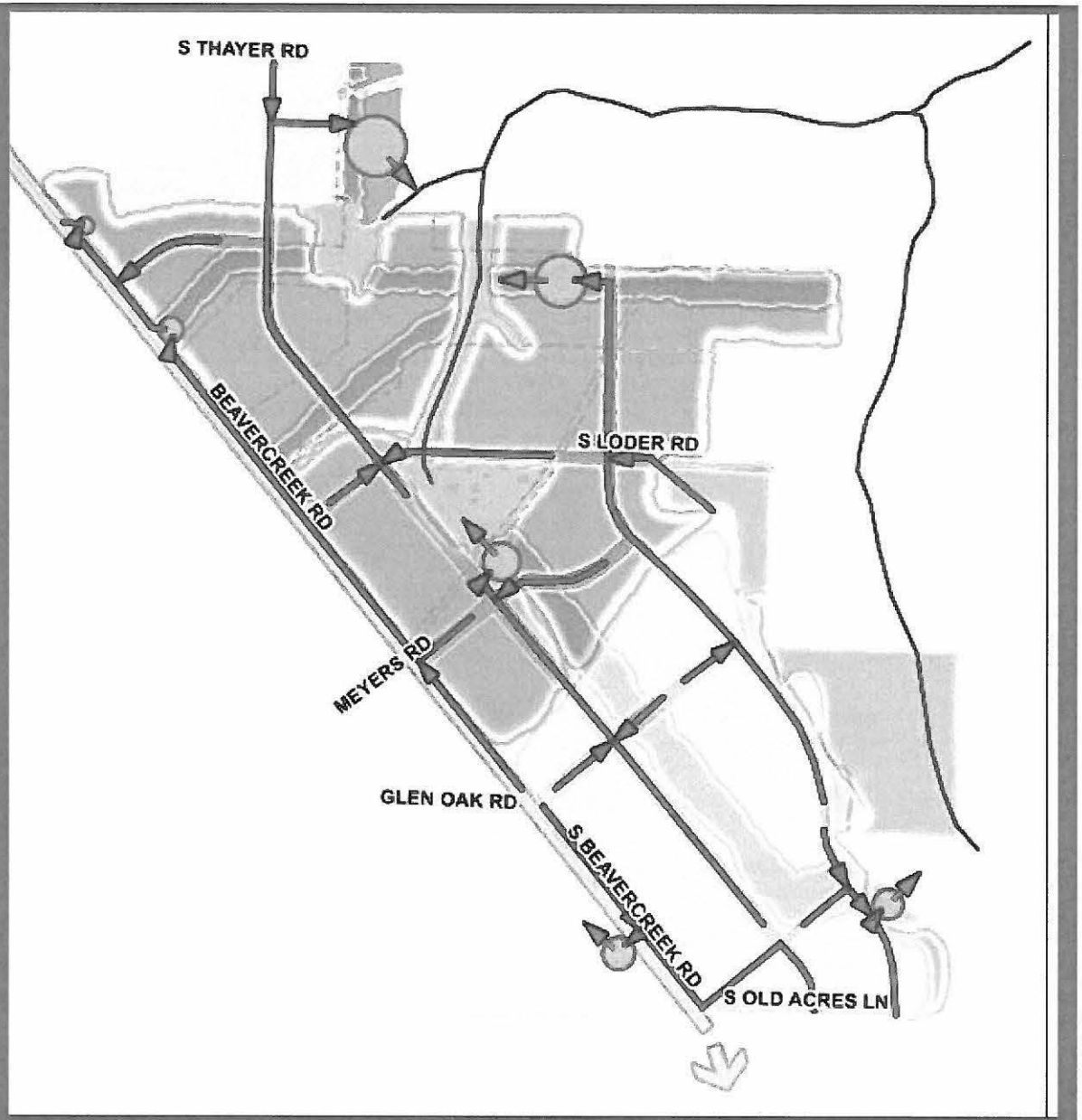
Detention

Detention Outfall

Map Creation Date: 03/01/07
(Based on CAD Data from 03/01/07)

0 250 500 1,000
Feet

Aerial Photography is 2 foot resolution, AE, LLC
All data on this map is derived from the Metro RLIS database. This information was developed at multiple scales and accuracies. No warranty is made with this map.



BEAVERCREEK ROAD CONCEPT PLAN

Stormwater System

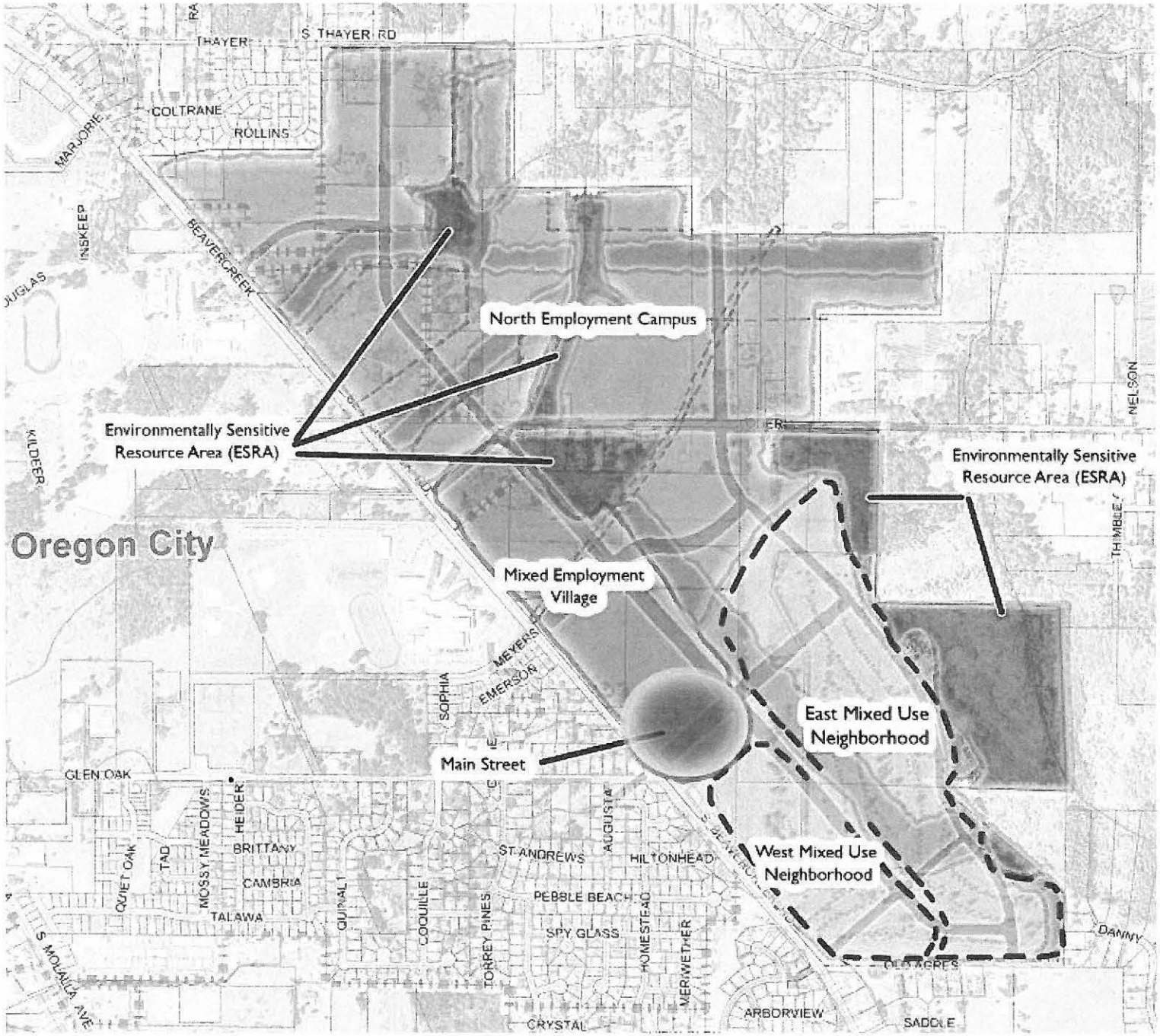


Figure 2: Beavercreek Zone Subdistricts

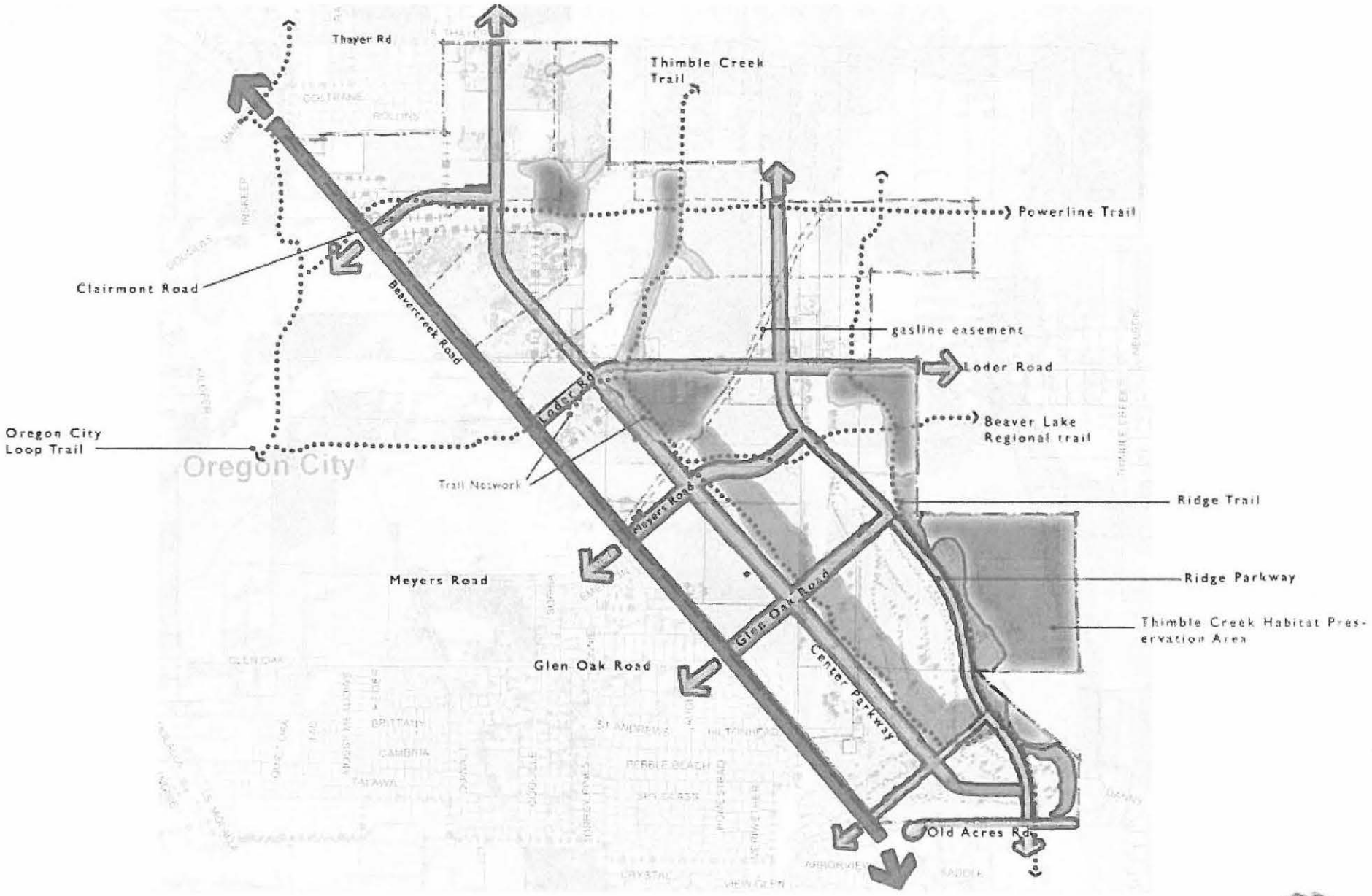


Figure 4: Beavercreek Zone Site Circulation

Consistent grid

Parallel to Beavercreek Road on West
Off-set grid solar orientation on east

Curved network responds
to site topography

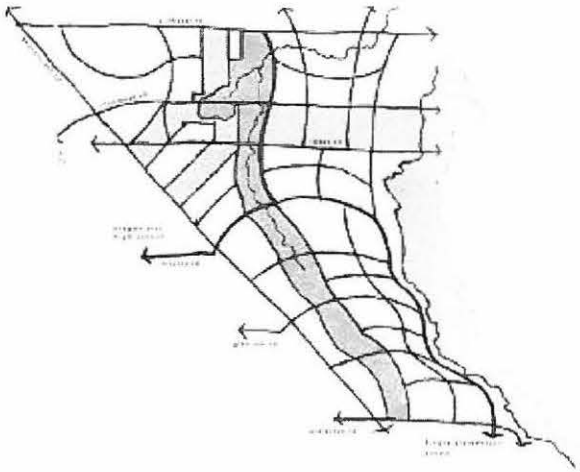
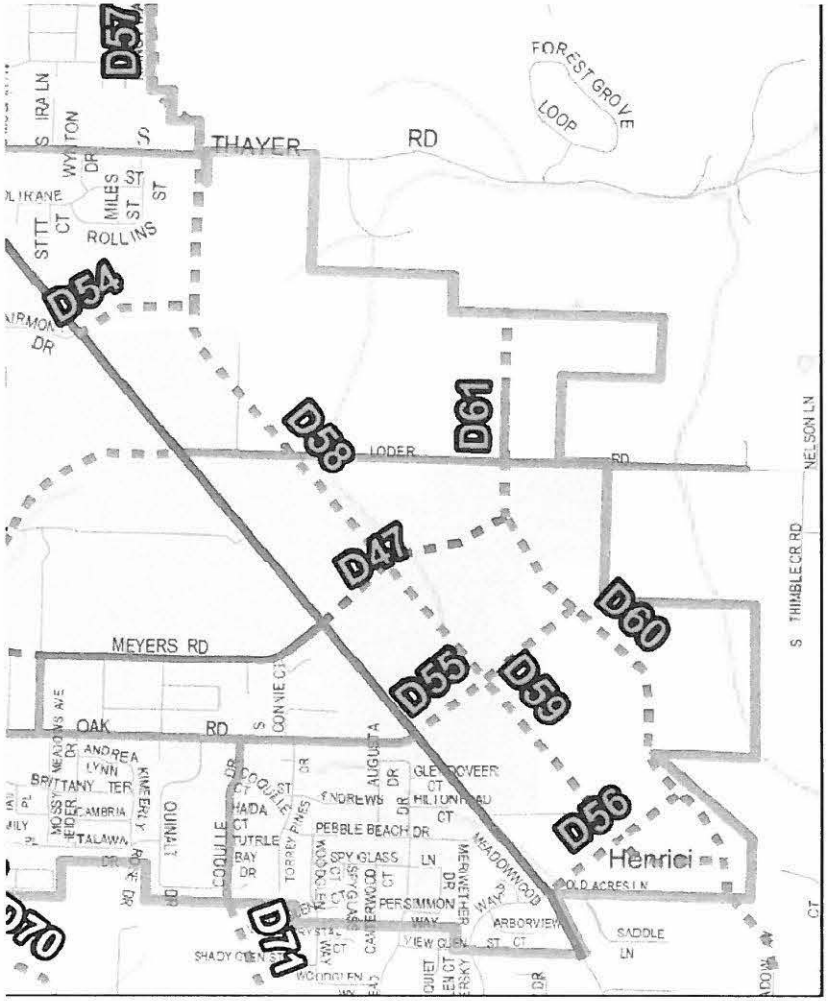


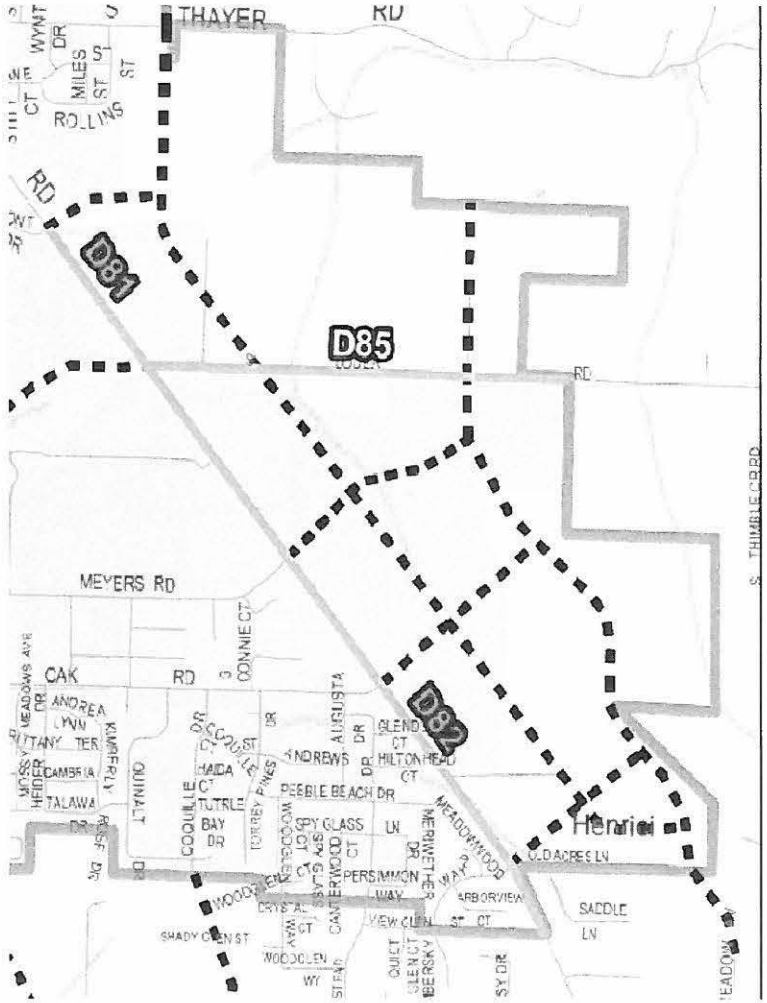
Figure 5: Beavercreek Zone Connectivity Options

Likely to be Funded TSP Projects

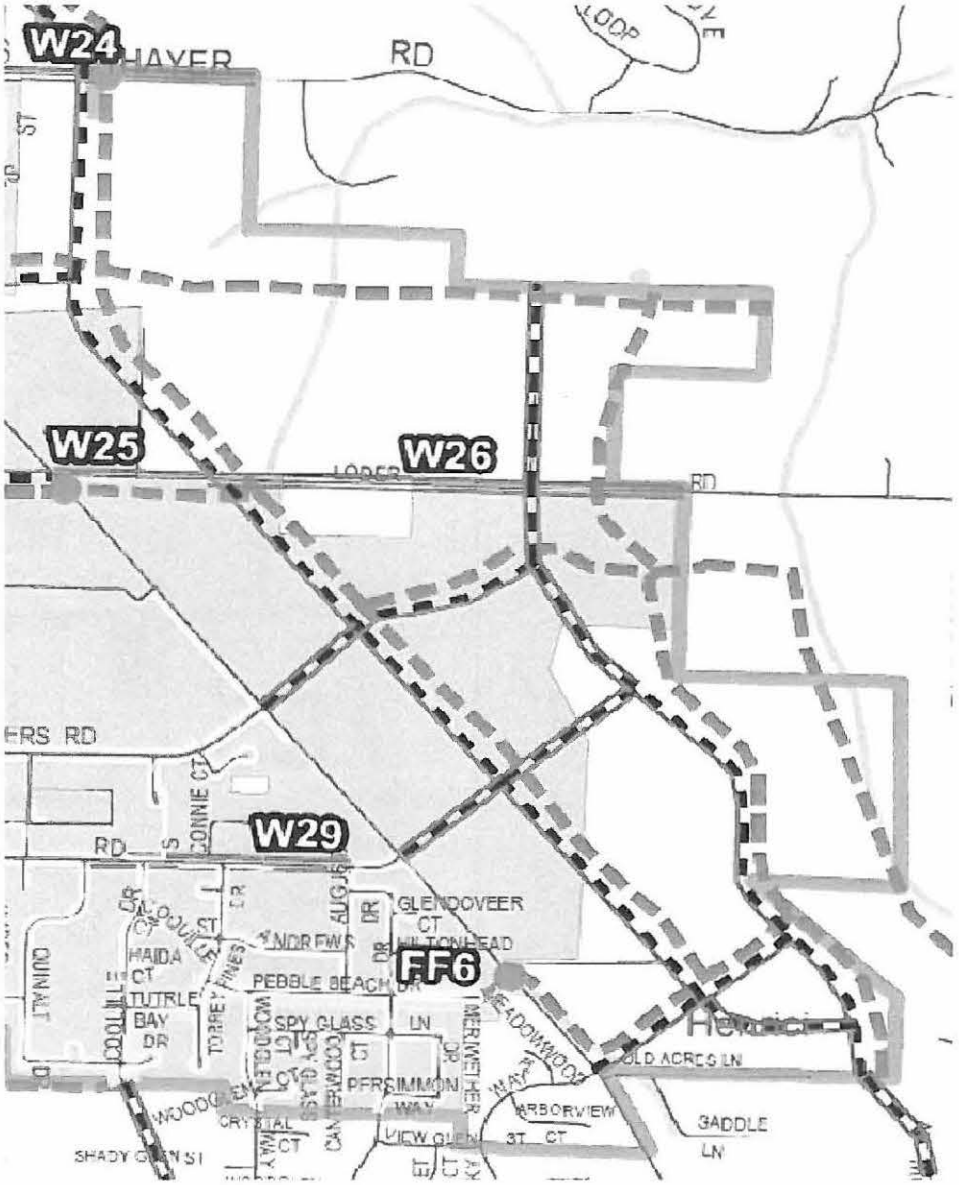
Project #	Project Description	Project Extent	Project Elements	Priority
D47	Meyers Road East extension	Beavercreek Road to the Meadow Lane Extension	Extend Meyers Road from Beavercreek Road to the Meadow Lane Extension as an Industrial Minor Arterial. Between the Holly Lane and Meadow Lane extensions, add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S19. Modify the existing traffic signal at Beavercreek Road	Medium-term
D54	Clairmont Drive extension	Beavercreek Road to Holly Lane South Extension	Extend Clairmont Drive from Beavercreek Road to the Holly Lane South extension as an Industrial Collector. Add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S17.	Long-term
D55	Glen Oak Road extension	Beavercreek Road to the Meadow Lane Extension	Extend Glen Oak Road from Beavercreek Road to the Meadow Lane Extension as a Residential Collector. Install a roundabout at Beavercreek Road (per project D39)	Long-term
D56	Timbersky Way extension	Beavercreek Road to the Meadow Lane Extension	Extend Timbersky Way from Beavercreek Road to the Meadow Lane Extension as a Residential Collector. Add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S20.	Long-term
D57	Holly Lane South extension	Maple Lane Road to Thayer Road	Extend Holly Lane from Maple Lane Road to Thayer Road as a Residential Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S14. Install a roundabout at Maple Lane Road (per project D37).	Medium-term
D58	Holly Lane South extension	Thayer Road to Meyers Road	Extend Holly Lane from Thayer Road to the Meyers Road extension as an Industrial Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S15.	Medium-term
D59	Holly Lane South extension	Meyers Road to the Meadow Lane Extension	Extend Holly Lane from the Meyers Road extension to the Meadow Lane Extension as a Mixed-Use Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S16.	Long-term
D60	Meadow Lane extension	Meadow Lane to Meyers Road	Extend Meadow Lane to the Meyers Road Extension as a Mixed-Use Collector. Between Old Acres Lane and the Glen Oak Road extension, add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S21.	Long-term
D61	Meadow Lane extension	Meyers Road to UGB (north of Loder Road)	Extend Meadow Lane from the Meyers Road Extension to the UGB (north of Loder Road) as an Industrial Collector	Medium-term
D81	Beavercreek Road Upgrade	Clairmont Drive (CCC Entrance) to Meyers Road	Improve to Industrial Major Arterial cross-section	Medium-term
D82	Beavercreek Road Upgrade	Meyers Road to UGB	Improve to Residential Major Arterial cross-section	Long-term

TSP Street & Intersection Expansions

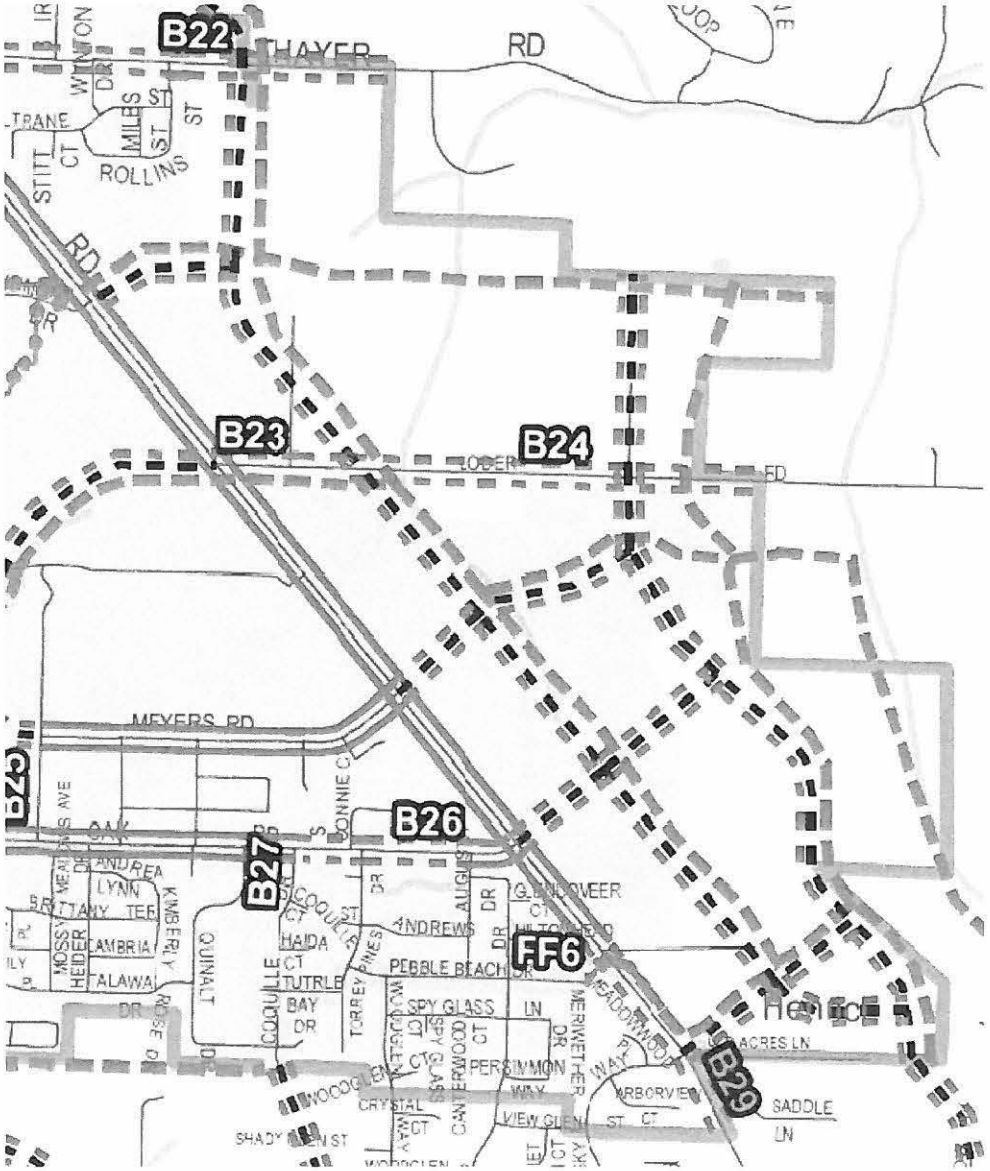




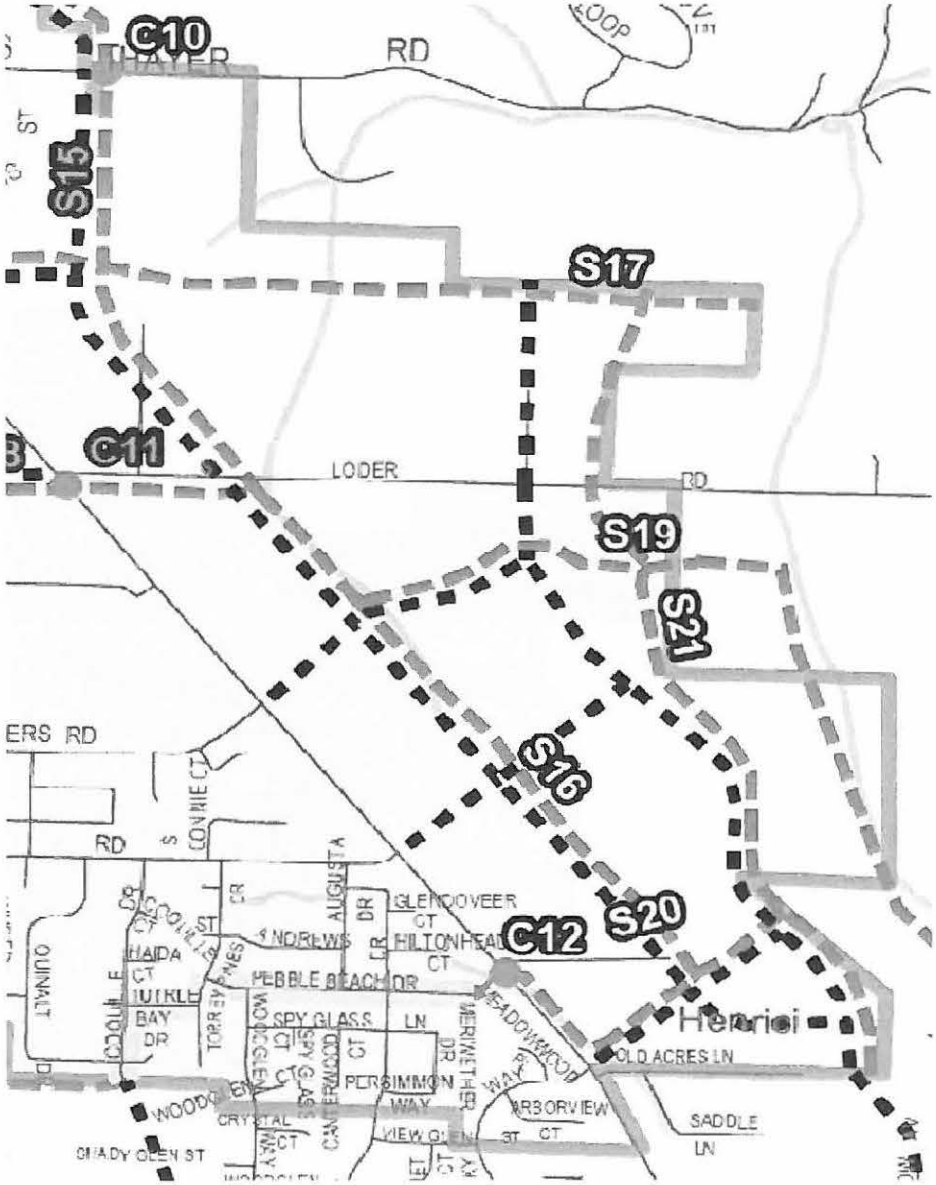
TSP Conceptual Walking Solutions



TSP Conceptual Biking Solutions



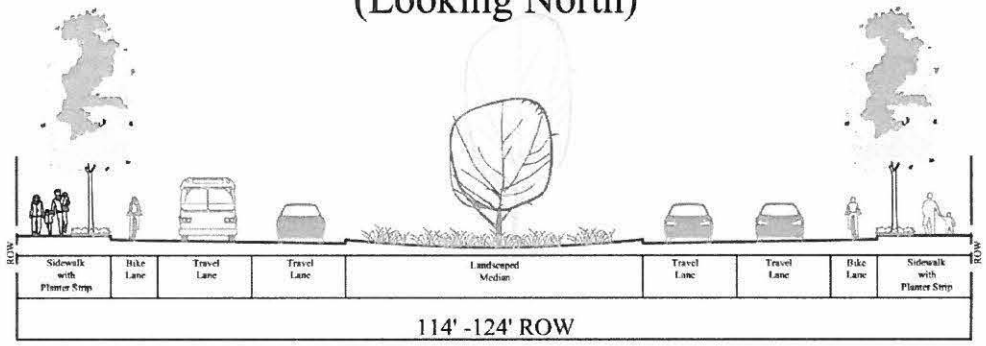
TSP Shared Biking and Walking Solutions



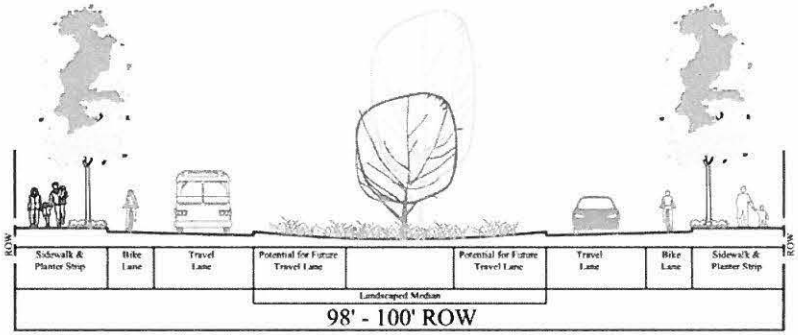
Beavercreek Road

- The concept plan specifies that Beavercreek Road will be improved as a green boulevard that will be a 5-lane arterial section to Clairmont, then a 3-lane arterial, with room for 5 lanes if needed, from Clairmont to the UGB. These projects on Beavercreek Road are included in TSP Table 2: Likely to Be Funded Transportation System as project D81 and D82.

Beavercreek Road Greenstreet - Option 3
5-lane Right-of-way
(Looking North)



Beavercreek Road Greenstreet - Option 2
3-lane Section in 5-lane Right-of-way
(Looking North)



Transportation System Plan / Traffic

- Transportation Projects within the concept plan area will be development-driven and funded
- The TSP expands upon the Concept Plan by including preliminary construction cost estimates & financing options
- Multi-modal transportation links will be connected within the site as well as to the surrounding areas
- Land use reviews will support bus service by ensuring a mix of land uses, densities and design options that support public transportation and other alternative transportation methods
- Ensure that local connectivity and off-street pedestrian routes link together in a highly connected pedestrian system that is safe, direct, convenient and attractive and improves pedestrian and bicycle safety along Beavercreek Road.
- Transportation Planning Rule. To meet the requirements of OAR 660-012-0060, needed improvements & funding mechanisms have been identified to mitigate impacts of development in the area and shows that the mobility standards prescribed by the TSP, except where exempted, will be met.

Transportation System Plan (TSP)

- The 2013 TSP also recognizes the limitations brought about by the limited availability of funding.
- Despite the investments to the transportation system, intersection operating conditions at a few intersections (including the OR 99E/I-205 Northbound, OR 99E/I-205 Southbound, OR 213/Beavercreek Road, and I-205/OR 213 intersections) will be continue to be congested by 2035.
- For purposes of evaluating the impact of proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, the OR 99E/I-205 SB Ramps, OR 99E/I-205 NB Ramps, OR 213/ Beavercreek Road, and I-205/OR 213 intersections shall be exempt from meeting the state mobility targets until solutions (beyond those included in the TSP) or alternative mobility targets are explored for the intersections.
- City and ODOT are to work together with Clackamas County to prepare and adopt alternative mobility standards.

Acres*	Gross	Net
North Employment Campus	149	127
Mixed Employment Village	26	21
Main Street	10	8
West Mixed Use Neighborhood	22	18
East Mixed Use Neighborhood	77	62
	284	235
Parks/ Open Space/ Natural	113	
Major ROW	56	
Total	~453	

*Acres are preliminary and rounded

	Jobs	Housing
North Employment Campus	3,678	
Mixed Employment Village	1,139	
Main Street	219	100
West Mixed Neighborhood	15	387
East Mixed Neighborhood	21	536
	5,073	1,023

Source: Table 2. BRCP Job & Housing Density Assumptions 7/10/2007

Meetings

• Planning Commission Work Session	9/28/2015
• Citizen Involvement Committee	10/05/2015
• Natural Resources Committee	10/14/2015
• Transportation Advisory Committee	10/20/2015
• Parks & Recreation Advisory Committee	10/22/2015
• Caufield Neighborhood Association	10/27/2015
• Hamlet of Beavercreek	10/28/2015
• City Commission Work Session	11/10/2015
• Planning Commission Hearing #1	11/23/2015
• City Commission Hearing #1	12/02/2015

Concept Plan: Land Use Areas

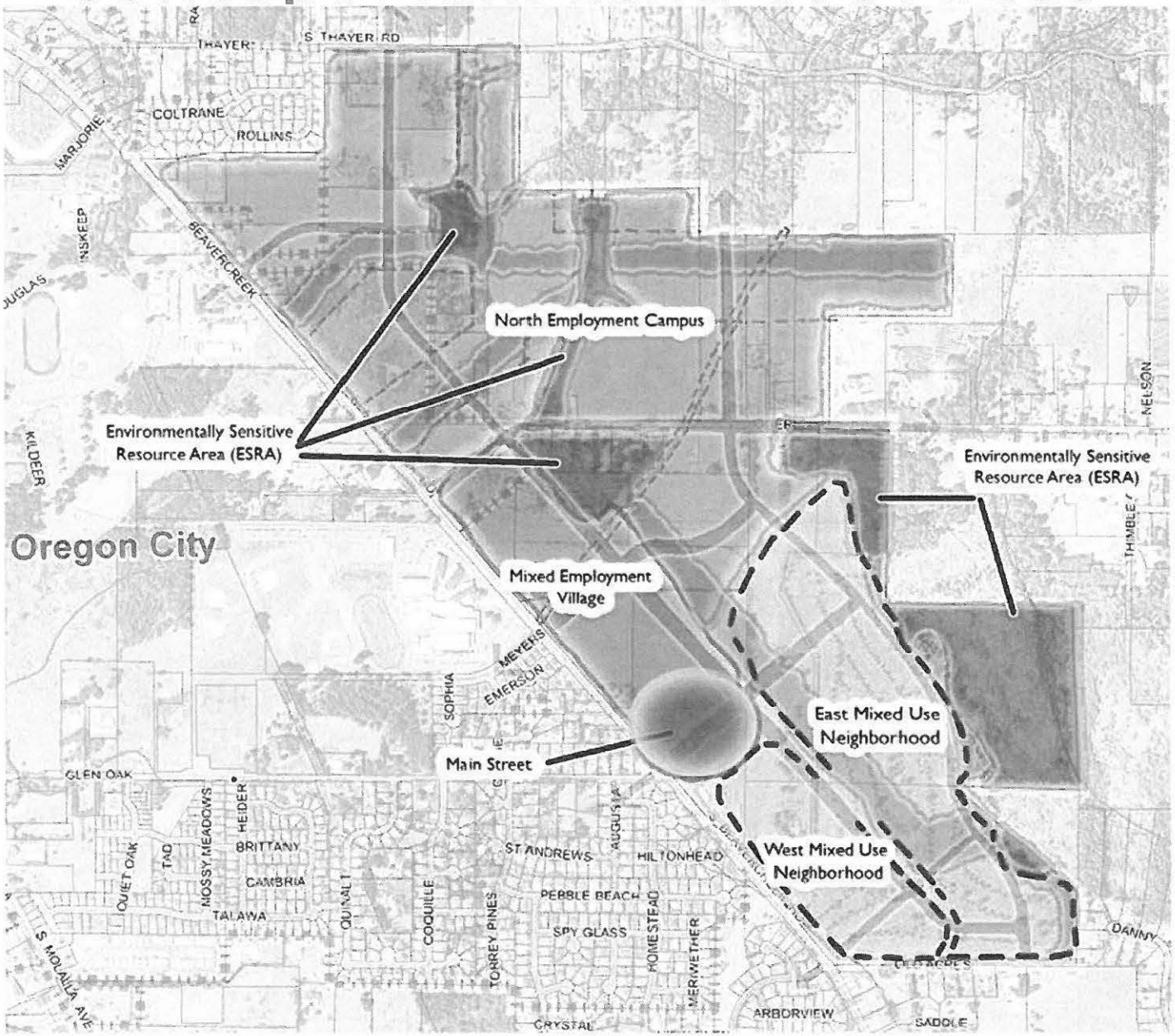


Figure 2: Beavercreek Zone Subdistricts

Recommendation

- Staff recommends that the Planning Commission provide approval of the Beavercreek Road Concept Plan, file LE-15-0003.
- Should the Planning Commission determine that additional information is required from staff, the Planning Commission should leave the public hearing open and continue the hearing to the December 14, 2015 Planning Commission date.

Thank You

- Website:
- http://www.orcity.org/planning/landuse case/le-15-0003-re-adoption-beavercreek-road-concept-plan
- Pete Walter, Associate Planner
- (503) 496-1568
- pwalter@orcity.org

From: Wes Rogers
To: Pete Walter
Cc: Larry Didway
Subject: Additional Info for Tonight
Date: Monday, November 23, 2015 4:38:23 PM

Larry is hoping to be at the Planning Commission meeting tonight. He is coming from parent/teacher conferences at Gardiner.

Some additional info that may be helpful (if someone asks and Larry is not there) about timing of the District's ability to bring additional school capacity online. The perfect scenario would be for District voters to approve a bond renewal in November 2017. Design/build process would start soon after. With a very aggressive construction window of 18 months, we could have additional capacity open Fall of 2019. That is the soonest. Otherwise it will be the following Fall of 2020. Hope that helps.

..wes

Wes Rogers, Director of Operations
Oregon City School District 62
PO Box 2110
Oregon City, OR 97045
503-785-8426 phone
503-657-2518 fax
wes.rogers@orecity.k12.or.us

ENTERED INTO THE RECORD
DATE RECEIVED: 11/23/15
SUBMITTED BY: STAFF
SUBJECT: LE-15-0003
EXHIBIT F

From:	Kattie Riggs
To:	Laura Terway; Pete Walter
Cc:	Jaime Reed; Tony Konkol
Subject:	FW: Planning File PC 15-229
Date:	Monday, November 23, 2015 1:27:51 PM
Attachments:	OCCCMinutes07202011.pdf

Laura and Pete,

Please see the e-mail below form Jim Nicita.

Thanks,
Kattie

From: James Nicita [mailto:james.nicita@gmail.com]
Sent: Monday, November 23, 2015 1:21 PM
To: Tony Konkol <tkonkol@ci.oregon-city.or.us>; Kattie Riggs <kriggs@ci.oregon-city.or.us>
Subject: Planning File PC 15-229

Greetings:

I write to request that the attached minutes be entered into the record for the above-referenced hearing this evening on readoption of the Beavercreek Road concept plan.

Thank you,

James Nicita
Oregon City

ENTERED INTO THE RECORD
DATE RECEIVED: NOV. 23, 2015
SUBMITTED BY: JAMES NICITA
SUBJECT: LE-15-0003
EXHIBIT G

CITY OF OREGON CITY
CITY COMMISSION
MEETING MINUTES

July 20, 2011

1. **Convene Regular Meeting of July 20, 2011, and Roll Call**

Mayor Neeley called the meeting to order at 7 p.m.

Roll Call: Mayor Doug Neeley; Commissioner Betty Mumm; Commissioner James Nicita; Commissioner Kathy Roth; and Commissioner Rocky Smith, Jr.

Staff Present: David Frasher, City Manager; Ed Sullivan, City Attorney; Mike Conrad, Police Chief & Public Safety Director; Scott Archer, Community Services Director; Tony Konkol, Community Development Director; David Wimmer, Finance Director; Jim Loeffler, Human Resources Director; Maureen Cole, Library Director; Nancy Ide, City Recorder; and Erik Wahrgren, Associate Engineer.

2. **Flag Salute**

3. **Ceremonies, Proclamations, Presentations**

4. **Citizen Comments**

Nathan Modlin, resident of Oregon City, was a Life Scout of Troop 258. His next step was to become an Eagle Scout and one of the requirements was to lead a service project. He proposed collaboration with the City to build and design a dog park.

Scott Archer, Community Services Director, stated the Parks and Recreation Advisory Committee had formed a dog park task force. An open house was scheduled in August. There was also a Friends of the Dog Park facebook page. He would help connect Mr. Modlin with the project.

Tom Geil, resident of Oregon City, presented Commissioner Smith a certificate from the Rose Festival Foundation for being an announcer at the Starlight Parade. He said there would be a change to the CIC bylaws to add a neighborhood association grievance process.

Christine Kosinski, resident of unincorporated Clackamas County, discussed safe and livable communities. She referred to a map as an example of several subdivisions in the City that would be affected by future development and cut through traffic. There was no park for these families. She wanted the Commission to think about the future for this area and to notify each homeowner in the Trail View subdivision of the City's plans for future development.

Amber Holveck, Chamber Director, announced the Oregon City Chamber of Commerce office move and ribbon cutting. She listed the elected leaders and community members who participated.

Rex Parks, resident of Oregon City, thought Commissioner Nicita's actions had been less than honorable especially in regard to the outcome of the Rivers project and the killing of Cabela's that would have brought jobs to the City. He submitted a petition for recall to the City Recorder.

Dan Holladay, resident of Oregon City, read an email from Scott Parker, owner of the Rossman Landfill, who discussed Commissioner Nicita's actions regarding the Rivers project and Mr. Parker's concern about the ability for any development on the property.

James Hamilton, resident of Oregon City representing the Common People of Oregon City, had previously proposed a charter amendment to elect the Municipal Court Judge and requested a public hearing to hear testimony regarding Code Enforcement practices. He took exception to Mr. Frasher's comments that the Commission could not protect the people's rights. He read from the Oregon Constitution and an email from Mr. Archer regarding this situation. They were asking for reform and an open forum to discuss these issues.

Elizabeth Graser-Lindsey, resident of Beavercreek, was surprised about the speakers stating one Commissioner was responsible for a decision that was made by the whole Commission and that someone thought Cabela's would bring career jobs to the City because these were retail jobs.

Mayor Neeley clarified the Commission did not make a decision on the Rivers project.

5. **Adoption of the Agenda**

The agenda was adopted as presented.

6. **Public Hearings**

7. **General Business**

a. **Ordinance for Introduction, No. 11-1008, Granting a Telecommunications Franchise to TCG Oregon to Occupy Certain Rights of Way within the City of Oregon City**

Nancy Ide, City Recorder, introduced Nancy Werner, Franchise Attorney.

Ms. Warner said this agreement was similar to those done in the past. It would be a ten-year term to allow telecommunications facilities for TCG Oregon to serve customers in the City. The franchise fees were similar to other telecommunication franchises in the City.

Motion by Commissioner Kathy Roth, second by Commissioner Rocky Smith, Jr. to approve Ordinance No. 11-1008, granting a telecommunications franchise to TCG Oregon to occupy certain rights of way within the City of Oregon City.

A roll call was taken and the motion passed with Mayor Doug Neeley, Commissioner Betty Mumm, Commissioner James Nicita, Commissioner Kathy Roth, and Commissioner Rocky Smith, Jr. voting aye. [5:0:0]

b. **Beavercreek Road Concept Plan Adoption Process**

Tony Konkol, Community Development Director, said this was continued from the last Commission meeting to allow for public comment. He summarized the three options and stated staff's recommendation was still the same, to remand the Beavercreek Concept Plan back to the Planning Commission with limited issues to address.

Christine Kosinski, resident of unincorporated Clackamas County, discussed her concern regarding traffic. The traffic plan proposed creating another thoroughfare was development the citizens did not want and would continue to vote down. Oregon City needed no more homes, but needed jobs. She continued to support an alliance between Clackamas Community College and Concordia which would help produce programs for incubator and local businesses.

Rose Holden, resident outside of Oregon City, was uncomfortable with Commissioner Nicita being a paid professional and interested party to the Beavercreek area annexation appeals and concept plan appeals. She explained the relevance of documents she had forwarded to the Commission which demonstrated the public involvement and positive development impacts of the Beavercreek Road Concept Plan. She thought it would be fiscally responsible to remand this issue to the Planning Commission on a limited basis to get this approved as soon as possible.

Paul Edgar, resident of Oregon City, said a lot of developers had looked at the area and the current industrial zoning might not be the right fit for Beavercreek. He thought they needed to take a more serious look at the appropriate zoning. He was in favor of a more open remand.

Elizabeth Graser-Lindsey, Beavercreek resident, stated this was an opportunity to get industrial land for good jobs and taxes. She passed out a handout that showed the lack of yield that came from the 2002 and 2004 expansions. The City's current Home Occupation Code allowed professionals to work at home providing services, but did not allow for occupations resulting in commodities. There was strong opposition from the Caufield Neighborhood to the dense residential proposed and consequences that could be expected such as crowding of roads and schools. If the City Code was modified to have a buffer, segregate compatible uses, and include provisions to protect neighbors from noise or toxins, that would make the neighbors feel more comfortable. The Citizen Advisory Committee that addressed the Concept Plan scarcely had any citizens on it and citizens did not have a chance to speak at meetings.

Ms. Holden requested the documents she gave to the Commission be included in the record.

Commissioner Nicita thought there was opportunity to come up with something new and different for this area and thought the Concept Plan needed to be revised. He suggested a new kind of mixed industrial and employment zoning and to examine the uses currently in the Concept Plan.

Ms. Holden thought a lot of time had been taken to address these issues with specialists' input. The framework was already there in the Concept Plan and the zoning that would be written could incorporate everything Commissioner Nicita was talking about.

The Commission reviewed the adopted Concept Plan map. There was discussion regarding the vision of the plan and future zoning.

Ms. Kosinski stated the economy and retail were in a different place than when the Concept Plan was done and might not be appropriate for the present day. They needed to build in more vitality and visionary thinking for what was needed in Oregon City.

Mr. Holladay was frustrated that they were still talking about this. Multiple Commissioners had looked over this plan. Those who created jobs needed certainty and it was time to move forward.

Mr. Edgar said the Commission was not in a position to make a decision until they knew what LCDC decided. He suggested ironing out the little differences there were and coming back to the next

meeting with a plan for how to proceed.

Ms. Graser-Lindsey said Oregon City and the region needed good jobs and local production. The Concept Plan did not envision having product making jobs in this area. The densities planned for the yellow areas were part of the appeal that questioned the ability of the infrastructure to support the high densities. They needed to consider how to have industry in this area.

Commissioner Nicita thought the plan should be more amenable to cottage industry and manufacturing and less of an emphasis on residential.

Ms. Holden said this Concept Plan was visionary and allowed for change. They had to be adaptable and should not get stuck in a decade old paradigm.

Commissioner Nicita suggested having an Option A, the Concept Plan proposal, and Option B, less dense but more cottage industry model, for the west and east mixed use neighborhoods.

Ed Sullivan, City Attorney, explained the reason the Concept Plan was remanded was the City relied on Metro staff regarding residential and industrial land, and LUBA found even though Metro said it was ok, Metro never changed their map. Staff asked for the limited remand because things had changed since the original adoption that needed to be included in the plan.

MAIN MOTION:
Motion by Commissioner Betty Mumm, second by Mayor Doug Neeley to remand the Beavercreek Road Concept Plan to the Planning Commission and reopen the record for a limited purpose of addressing the protection of industrial lands, transportation, utility and service adequacy, and that the public hearings would not commence until the Department of Land Conservation and Development staff report had been issued.

AMENDMENT #1:
Motion by Commissioner James Nicita, second by Commissioner Kathy Roth to amend the motion to add reconsideration of the yellow areas for greater cottage manufacturing in those zones.

VOTE ON AMENDMENT #1:
A roll call was taken and the motion passed with Commissioner James Nicita, Commissioner Kathy Roth, and Commissioner Rocky Smith, Jr. voting aye and Mayor Doug Neeley, Commissioner Betty Mumm voting no. [3:2:0]

VOTE ON MAIN MOTION, AS AMENDED:
A roll call was taken and the motion passed with Mayor Doug Neeley, Commissioner Betty Mumm, Commissioner James Nicita, Commissioner Kathy Roth, and Commissioner Rocky Smith, Jr. voting aye. [5:0:0]

c. **Canemah Neighborhood Park Playground Equipment Purchase and Install Agreement**

Mr. Archer stated construction was underway at Canemah Park. The playground was being done as a separate item to involve the neighborhood in the design. The neighborhood volunteered to install the playground equipment which would save $12,000. The purchase of the equipment was being done through the State procurement process. The total cost of the project was $92,118 and was well within the budget.

Paul Edgar, Land Use Chair of the Canemah Neighborhood Association, said the neighborhood appreciated the opportunity to install the equipment and encouraged the Commission to approve the agreement.

Motion by Commissioner Kathy Roth, second by Commissioner Rocky Smith, Jr. to approve the Canemah Neighborhood Park playground equipment purchase and install agreement.

A roll call was taken and the motion passed with Mayor Doug Neeley, Commissioner Betty Mumm, Commissioner James Nicita, Commissioner Kathy Roth, and Commissioner Rocky Smith, Jr. voting aye. [5:0:0]

8. **Consent Agenda**

a. **Contract for Construction 2011 Paving Projects**

b. **Public Improvement Contract for the Main Street Improvement Projects**

c. **Minutes of the July 6, 2011 Regular Meeting**

Motion by Commissioner Rocky Smith, Jr., second by Commissioner Betty Mumm to approve the Consent Agenda.

A roll call was taken and the motion passed with Mayor Doug Neeley, Commissioner Betty Mumm, Commissioner James Nicita, Commissioner Kathy Roth, and Commissioner Rocky Smith, Jr. voting aye. [5:0:0]

9. **Communications**

a. **City Manager**

Mr. Archer updated the Commission on permit parking for homeowners on residential streets. There was a residential parking permit program mainly around the McLoughlin neighborhood area. There was also a petition process for applying to the program. It did not give the permit holder the ability to violate other parking laws.

Mayor Neeley suggested this information be presented to the McLoughlin Neighborhood Association.

Mr. Archer reminded the Commission of upcoming meetings regarding the downtown parking plan implementation on July 26 and 27.

Mike Conrad, Police Chief and Public Safety Director, described a weeklong camp for disadvantaged youth in Oregon City.

David Frasher, City Manager, reported on a meeting with the bankruptcy trustee and marketing firm for the Blue Heron site. He had suggested calling this site the Willamette Falls property. He also discussed the reasons for Code Enforcement to be placed under the Police Department. This change would be effective August 1. He would be going on vacation beginning July 22 and Mr. Archer would be acting as City Manager in his absence.

b. **Mayor**

Mayor Neeley reported on the Metro Advisory Committee meeting.

c. **Commissioners**

Commissioner Smith reported on the O.C. Together meeting. He announced the fundraiser for infrastructure needs at the Rose Farm site with the production of *Oklahoma* on August 10. He thought Code Enforcement should be under the Police Department.

Commissioner Roth reported on a meeting between Clackamas Community College, Concordia, and the School District.

Commissioner Nicita also was in favor of the move of Code Enforcement and also attended the meeting of Clackamas Community College and Concordia.

Commissioner Mumm said there was a Concert in the Park on July 21. She would be at a C4 meeting and would not be able to attend.

10. **Adjournment**

Mayor Neeley adjourned the meeting at 9:34 p.m.

Respectfully submitted,

Nancy Ide

Nancy Ide, City Recorder

From: Kattie Riggs
To: Pete Walter; Laura Terway
Cc: Tony Konkol; Jaime Reed
Subject: FW: Planning File PC 15-229
Date: Monday, November 23, 2015 2:20:53 PM
Attachments: NorthPlains.docx
Importance: High

Please see the additional item for tonight's Planning Commission meeting.

From: James Nicita [mailto:james.nicita@gmail.com]
Sent: Monday, November 23, 2015 1:54 PM
To: Kattie Riggs <kriggs@ci.oregon-city.or.us>
Subject: Re: Planning File PC 15-229

Thanks, Kattie,

After further thought, I would also like to request that the attached LUBA case be entered into tonight's record on the Beavercreek Concept Plan file as well.

Thanks,

James Nicita

On Mon, Nov 23, 2015 at 1:28 PM, Kattie Riggs <kriggs@ci.oregon-city.or.us> wrote:

> James,
>
> Thank you. I have forwarded this to Laura Terway and Pete Walter in the Planning Department.
>
> Thanks,
> Kattie

Kattie Riggs
City Recorder
kriggs@orcity.org
City of Oregon City
PO Box 3040
625 Center Street
Oregon City, Oregon 97045
503-496-1505 Direct phone
503-657-0891 City phone
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Website: www.orcity.org | Recorder Page | Facebook | Twitter
PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: James Nicita [mailto:james.nicita@gmail.com]

ENTERED INTO THE RECORD
DATE RECEIVED: NOV. 23, 2015
SUBMITTED BY: JAMES NICITA
SUBJECT: LE-15-0003
EXHIBIT H

Sent: Monday, November 23, 2015 1:21 PM
To: Tony Konkol <tkonkol@ci.oregon-city.or.us>; Kattie Riggs <kriggs@ci.oregon-city.or.us>
Subject: Planning File PC 15-229

Greetings:

I write to request that the attached minutes be entered into the record for the above-referenced hearing this evening on readoption of the Beavercreek Road concept plan.

Thank you,

James Nicita
Oregon City

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1000 FRIENDS OF OREGON, Petitioner,
v.
CITY OF NORTH PLAINS, Respondent.
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT, Petitioner,
v.
CITY OF NORTH PLAINS, Respondent.
OREGON DEPARTMENT OF TRANSPORTATION, Petitioner,
v.
CITY OF NORTH PLAINS, Respondent.
LUBA No. 93-154.
LUBA No. 93-159.
LUBA No. 93-160.
Oregon Land Use Board of Appeals.
June 23, 1994.

Header ends here. Appeal from City of North Plains.

Mary Kyle McCurdy, Portland, filed a petition for review and argued on behalf of petitioner 1000 Friends of Oregon.

Celeste J. Doyle, Assistant Attorney General, Salem, filed a petition for review and argued on behalf of

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petitioner Department of Land Conservation and Development (DLCD). With her on the brief was Theodore R. Kulongoski, Attorney General; Thomas A. Balmer, Deputy Attorney General; and Virginia L. Linder, Solicitor General.

Lucinda Moyano, Assistant Attorney General, Salem, filed a petition for review and argued on behalf of petitioner Oregon Department of Transportation (ODOT). With her on the brief was Theodore R. Kulongoski, Attorney General; Thomas A. Balmer, Deputy Attorney General; and Virginia L. Linder, Solicitor General.

James M. Coleman, Portland, filed the response brief and argued on behalf of respondent. With him on the brief was O`Donnell, Ramis, Crew & Corrigan.

KELLINGTON, Chief Referee; HOLSTUN, Referee; SHERTON, Referee, participated in the decision.

REMANDED.

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

FINAL OPINION AND ORDER

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Opinion by Kellington.

NATURE OF THE DECISION

Petitioners appeal a city ordinance approving a comprehensive plan text amendment revising plan urbanization policies, approving a plan map amendment expanding the city's urban growth boundary (UGB) to add 306 acres, and amending the city's Urban Planning Area Agreement with Washington County.

FACTS

The petition for review of 1000 Friends of Oregon sets out the relevant facts as follows:

"This is a proposal to almost double the size of the North Plains [UGB], by adding 306 acres to its existing 418 acres. The 306 acres consists of farmland located west of the existing UGB. Currently, this land is designated Rural Resource Land in the Washington County Plan and is zoned for exclusive farm use (EFU). It consists primarily of Class I and II soils, is irrigated, and is presently in agricultural production. Crops grown on the land include wheat, corn, hay, clover, beans and vetch. There is one farm-related dwelling.

fastcase

"The [challenged] decision does not change the existing county plan and zone designations on the property; rather, re-designation will be made as the city annexes the land.

"The subject property is generally surrounded by other EFU lands. The land is bordered on the south by State Highway 26, and on a portion of its eastern border by the existing North Plains UGB.

"The city's * * * comprehensive land use plan * * * was updated through the periodic review process in 1988. It anticipated a year 1990 population of 1,110 and a year 2000 population of 1,720, using

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an annual growth rate of 4.5%. In fact, in 1990, the population of North Plains had reached only 972.

"The city's plan finds that the current UGB can accommodate a population of 4197, meaning the city has sufficient residential capacity until the year 2025. The plan also finds that there is enough land zoned commercial, and unconstrained by flood plain, to accommodate the 20 year planning period.

"In the periodic review process, the city also concluded that it lacked sufficient industrial land for the planning period; it could expect a shortfall of about 9.5 acres. Therefore, as part of periodic review, the city expanded its UGB to add 70 acres east of the city for industrial use. However, as the plan states, '[d]ue to an inadequate [water] storage and distribution system, industrial development will be somewhat restricted within the city limits.' This 70 acre parcel does not now have water or sewer services. The parcel has not yet been annexed to the city.

"Currently, not including this proposed UGB expansion, North Plains has more undeveloped land inside its UGB, in all use categories, than developed land.

"North Plains is not within the [Metropolitan Service District] regional urban growth boundary, but rather has its own UGB.

"The North Plains Planning Commission and City Council held hearings on this proposal, and adopted [the challenged decision] on September 7, 1993. * * *" (Record citations omitted.)

Petition for Review (1000 Friends) 3-5.

PRELIMINARY ISSUE

Petitioners contend, among other things, that the challenged decision is subject to reversal or remand because it is not supported by substantial evidence in the whole record. The city argues the proposal is a legislative

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planning action and, therefore, need not be supported by substantial evidence. We resolve this scope of review issue before addressing the merits of petitioners' claims.

ORS 197.835(7) makes no distinction between legislative and quasi-judicial land use decisions.[1] However, the Oregon Court of Appeals has held that the predecessor to ORS 197.835(7), written in substantially identical terms, does not, in itself, impose a substantive requirement that legislative decisions be supported by substantial evidence. Lima v. Jackson County, 56 Or App 619, 625, 643 P2d 355 (1982). Specifically, in Lima, the court determined that in the absence of an independent requirement that a legislative decision be supported by substantial evidence in the record, legislative planning and zoning decisions affecting

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numerous individual parcels are not subject to review for substantial evidence.

However, Lima says nothing about the independent requirement of Statewide Planning Goal 2 (Land Use Planning)[2] that planning actions have an adequate factual

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base.[3] The Goal 2 requirement for an adequate factual base applies regardless of the legislative or quasi-judicial nature of the challenged decision. Oregon Electric Sign Association v. Beaverton, 7 Or LUBA 68 (1982), rev'd on other grounds 66 Or App 436, rev den 296 Or 829 (1984). In addition, in League of Women Voters v. Klamath County, 16 Or LUBA 909, 914 (1988), this Board determined the Goal 2 requirement for an adequate factual base requires a legislative land use decision to be supported by substantial evidence:

"We do not agree with respondent's claim that there is no requirement that the [challenged legislative plan amendment decision] be supported by substantial evidence. [G]oal 2 * * * requires that there be an `adequate factual base' for any land use decision. Arguably, this adequate factual base may be different than substantial evidence. However, the parties do not argue that there is any such difference, and we do not see much point in making any such distinction. We conclude for the purposes of this review proceeding, that our responsibility is to review the decision for substantial evidence."

Here, as in League of Women Voters v. Klamath County, supra, the city does not explain the difference between a determination that the challenged decision is supported by an adequate factual base or that it is supported by substantial evidence in the whole record. Further, we find no principled basis upon which to distinguish these two

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concepts. Substantial evidence is evidence a reasonable decision maker would rely upon to support a conclusion. Younger v. City of Portland, 305 Or 346, 752 P2d 262 (1988). We see no reason to conclude that the Goal 2 requirement for an adequate factual base requires any less. We conclude the legislative or quasi-judicial nature of the challenged decision has no particular bearing on our review of the evidentiary support for the challenged decision.[4]

FIRST ASSIGNMENT OF ERROR (1000 FRIENDS)

"The city misconstrued the applicable law, failed to make adequate findings, and made a decision not supported by substantial evidence in determining that the expansion of the urban growth boundary satisfies factors 1 and 2 of Goal 14 [Urbanization]."

SECOND ASSIGNMENT OF ERROR (1000 FRIENDS)

"The city misconstrued the applicable law, failed to make adequate findings, and made a decision not supported by substantial evidence in the whole record in determining that the expansion of the urban growth boundary satisfies factors 3-7 of Goal 14."

FOURTH ASSIGNMENT OF ERROR (ODOT)

"The city failed to comply with the requirements of Goal 14 as it relates to transportation impacts."

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SEVENTH ASSIGNMENT OF ERROR (DLCD)

"The city misconstrued the applicable law and failed to comply with the requirements and criteria of Goal 14 in expanding its urban growth boundary by 306 acres."

fastcase

Petitioners contend the proposal to expand the city's UGB violates Goal 14 (Urbanization). To establish or change a UGB, Goal 14 requires consideration of seven factors.[5] The first two of those factors are called "need" factors. The remaining five factors are called "locational" factors. We address the "need" and "locational" factors separately below.

A. Goal 14, Factors 1 and 2 (Need Factors)

The Goal 14 need factors require the city to base a UGB

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amendment upon consideration of the following:

"(1) Demonstrated need to accommodate long-range urban population growth requirements consistent with [Land Conservation and Development (LCDC)] goals[.]

"(2) Need for housing, employment opportunities, and livability[.]"

The challenged decision determines that under the Goal 14 need factors, the proposed UGB amendment is required to enable the city to provide housing and employment opportunities for anticipated growth, to improve the livability of the community and to increase the city's tax base. Specifically, the challenged decision determines:

"[T]he proposed UGB expansion is necessary in order to improve the availability of housing and employment opportunities and improve the overall livability in North Plains. The reason is simple: the existing supply of land within the [North Plains] UGB is not sufficient, nor configured in large enough parcels, nor located to attract the new business and industry required to improve livability in North Plains." Record 32.

The determinations concerning anticipated growth relied on in the challenged decision are based on (1) projections of enhanced city growth assuming the proposed enlarged UGB will attract commerce and industry to the city, and (2) undisputed population growth projections for the Metropolitan Service District (Metro) UGB. Although the city is not located within the Metro UGB, the decision nevertheless relies upon the city's close proximity to the Metro UGB to justify the conclusion in the challenged

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decision that some of the anticipated Metro UGB growth can be captured by the city.[6]

Petitioners argue it is improper for the city to plan to capture growth otherwise planned to occur within the Metro UGB. Petitioners contend the city must establish it has a specific need for the proposed additional urbanizable land, at the proposed expansion site. Petitioners argue it is improper for the city to justify the proposed UGB amendment based on the theory that if the city has large blocks of undeveloped land, industry and people will move to the city.

The challenged decision determines:

"Opponents have said that the expansion creates the demand for more urban land, that without the expansion, there would be no need for more urban land. Opponents have said the City's experts say there is enough land already to serve the North Plains future needs.

"The [City] Council finds these arguments miss the point: the demand exists, without UGB expansion the City's status quo will be maintained and the status quo is not acceptable. Because of its prime location on a high capacity transportation corridor and just outside the Metro UGB, North Plains is going to grow along with the Metro region if urban

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land is available in the City UGB, but how the City grows up is up to the City. The City has the same obligation to plan for the future as Metro. The people of North Plains have problems. Solutions to those problems take public money. One piece of the solution is through a

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growth strategy that includes an expanded urban area with more and larger commercial and industrial sites to provide employment and services. The changes also include more residential property for more diverse housing opportunities. This addition to the City's land base will lead to a higher per capita tax base resulting from the larger urban land base. After the change, North Plains will be in a better position to compete with other communities in the Portland Metropolitan area for its fair share of economic opportunities that can translate into jobs, expanded commercial and retail services and a wider mix of housing; leading to enhanced livability." (Emphasis in original.) Record 31.

The city further explains in its brief:

"[T]he record shows a need for more urbanizable land in order to provide housing and employment opportunities necessary to enhance the City's livability. * * *

"* * * The city's property values are low. More important from a planning standpoint, they are stagnant even with the City's high growth. * * *

"The implications of this for the City's finances are clear. Depressed property values give the city a lower tax capacity than other governments in the region. This puts the City on a vicious cycle; having to overcome greater social problems with fewer resources. * * *" Respondent's Brief 35-36.

Reduced to its essentials, the parties' dispute under these assignments of error centers on two things. First, the dispute concerns whether the city may attempt to enhance its livability by expanding its UGB to create large blocks of land to attract commerce and industry to the city. Second, the dispute concerns whether the city may justify expanding its UGB by relying on growth planned to occur

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within the Metro UGB.[7]

Clearly, as a general proposition, a need to improve the livability of the city may provide a reason for adding land to the city's UGB. 1000 Friends of Oregon v. Metro Service Dist., 18 Or LUBA 311 (1989). Further, increased city population projections are not the only basis upon which the city may expand its UGB. Rather, we have stated:

"We find nothing in Goal 14 to suggest that enlargement of the acknowledged UGB necessarily must be preceded by an increase in projected population. We are cited to no authority holding otherwise. We believe that [a need consistent with Goal 14 factors 1 and 2] could be demonstrated by (1) increasing population projections; (2) amending the economic, employment and other assumptions [the local government] applied to those population figures in originally justifying the UGB, or (3) doing both." (Footnote and citation omitted.) BenjFran Development v. Metro Service Dist., 17 Or LUBA 30, 41-42, aff'd 95 Or App 22 (1988).

Here, the city undertook the third alternative identified by the above quoted portion of our decision in BenjFran to establish a need to enlarge the city's UGB.

The proper application of the livability element of the Goal 14 need analysis:

"* * * requires, in addition to identification of

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a significant livability problem, an evaluation of probable positive and negative livability impacts that may occur if the UGB is amended to solve the identified livability problem. Once the probable positive and negative livability impacts are identified [the local government] would be in a position to explain why the probable livability benefits of the UGB amendment outweigh any negative impacts on livability that could be expected if the amendment were approved." (Footnote omitted.) 1000 Friends of Oregon v. Metro Service Dist., 18 Or LUBA 311, 320 (1989).

The city identifies a number of socio-economic problems it hopes will be solved by the proposed UGB amendment. These problems include high unemployment of, and low job market participation by, city residents. The city essentially determines it must increase employment opportunities and its tax base to improve the quality of life enjoyed by city residents and its ability to deliver city services to residents.[8] The challenged decision reflects the city considered both the benefits of the proposed UGB expansion and the negative impacts associated with the proposal. Negative impacts are identified in the city decision as loss of resource land and "loss of small town feeling." Record 39-40. After balancing the benefits and burdens of the proposal, the challenged decision concludes that converting the subject rural land to

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urbanizable land outweighs the identified negative impacts associated with the proposal.

While the challenged decision follows the analytical mechanics required under 1000 Friends of Oregon v. Metro. Service Dist., supra, the factual base for the challenged decision is inadequate to support the city's analysis. The city decision relies in large part upon a study assuming a particular combination of land uses within the proposed UGB expansion area — housing (52 acres), commercial uses (150 acres) and industrial uses (104 acres).[9] Record 54. The city decision justifies the proposed UGB expansion based on the subject land becoming available for commercial and industrial development and, to a lesser extent, residential development. However, the challenged decision does nothing to ensure the planning designations and zoning districts applied to the land within the proposed UGB expansion area will accommodate those uses.[10] Instead, the challenged decision simply includes the following "condition":

"* * * The land use for the UGB area shall be a

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mixed use designed to implement the employment center concept. Land use shall be allocated for multi-family residential, industrial, and all types of commercial uses. The zoning for the area shall be fixed at annexation. * * *" Record 103.

This condition is inadequate. As stated above, the city's livability analysis is dependent upon a particular mix of uses. If it is contemplated that the proposed UGB expansion will provide large blocks of land for new commercial and industrial uses (employment center model), then the decision must limit the subject land to those uses.[11] If, on the other hand, the idea is to provide land for new housing developments and commercial uses (other than proposed under the employment center model), then the decision must limit the subject land to those uses. However, it is not possible for the city to justify a need to nearly double its UGB to solve a particular set of livability problems, when the decision provides no basis to conclude the UGB expansion area will actually be used to address those livability problems.[12] See Johnson v.

fastcase

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Tillamook County, supra.

On a related issue, as indicated above, the challenged decision states the proposed UGB expansion is needed, in part, to provide more housing for city residents. However, there is no dispute there is currently a surplus of residentially zoned land within the city. The challenged decision fails to explain why the existing residentially zoned land located within the city's existing UGB cannot satisfy the need for housing that the challenged decision identifies.

Further, the challenged decision's Goal 14 need analysis is flawed because it relies, in large part, upon growth otherwise planned to occur within the Metro UGB, of which the city is not a part. It is impermissible for one local government, such as the city, unilaterally to decide to capture growth otherwise planned to occur within another planning jurisdiction. If the city wishes to plan to capture growth currently anticipated to occur within the

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Metro UGB, it must specifically coordinate that desire with the affected units of government within the Metro UGB. See City of Portland v. City of Beaverton, ___ Or LUBA ___ (LUBA No. 92-225, May 6, 1994); City of Portland v. Washington County, ___ Or LUBA ___ (LUBA No. 93-195, May 6, 1994); Washington County v. City of Portland, ___ Or LUBA _____ (LUBA No. 93-142, May 6, 1994). Such coordination is particularly important within the Metro UGB, as the Metro UGB is based on a complex comprehensive planning scheme for three counties, as well as various cities and special districts, based upon a set of assumptions which may or may not include planned growth being captured by local governments located outside of the Metro UGB.[13] Because the city's proposed UGB amendment erroneously relies upon capturing growth otherwise planned for the Metro UGB, the city's decision must be remanded to allow the city either to coordinate its expanded UGB plan with Metro and other affected units of government or to attempt to justify the enlargement of its UGB without relying upon growth anticipated to occur within the Metro UGB.

We conclude the city's Goal 14 need analysis is

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inadequate.[14]

This subassignment of error is sustained.

B. Goal 14, Factors 3-7 (Locational Factors)

1. Preliminary Issue — Effect of Urban Planning Area Agreement (UPAA)

The challenged decision determines the proposed UGB amendment is consistent with UGB expansion criteria contained in the acknowledged UPAA between the city and Washington County. Record 30-31. The property to be added to the UGB under the challenged decision is identified as an "area of interest" under the UPAA.[15] Respondent's brief assigns special significance to the fact that the subject property is included within an area of interest under the UPAA. We resolve what bearing, if any, the subject property's designation as an "area of interest" under the UPAA has on the application of the Goal 14 locational factors to the proposed UGB amendment.

Section III of the UPAA agreement includes policies and definitions governing city UGB amendments as follows:

"Special Policies

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"A. Definitions

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"1. Urban Growth Boundary means the area within which urban development will occur as represented in the City of North Plains' Comprehensive Plan. The CITY is responsible for comprehensive planning within the Urban Growth Boundary.

"2. Area of Interest means the area adjacent to but outside of the existing Urban Growth Boundary which is not currently identified as needed for urban development by the CITY but is the most logical area for urban expansion should a future need be demonstrated. The COUNTY is responsible for comprehensive planning and development actions within the area of interest until such time as the CITY Urban Growth Boundary is expanded and the area annexed to the CITY.

"3. Urban Planning Area means the combined area of the Urban Growth Boundary and the Area of Interest. The CITY and the COUNTY shall notify one another of proposed comprehensive planning and development actions within the Urban Planning Area according to the provisions of this Agreement.

"B. Approval of any annexations outside the CITY`s Urban Growth Boundary must be preceded by or in conjunction with a comprehensive plan amendment to the CITY`s Urban Growth Boundary. Such amendments shall be subject to the major amendment provisions of the CITY Comprehensive Plan and shall adequately address all applicable LCDC Statewide Planning Goals.

"C. Amendments to the CITY Urban Growth Boundary within the identified Area of Interest shall not require an amendment to Exhibit `A' of this Agreement. Amendments to the Urban

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Growth Boundary outside of the identified Area of Interest shall require an amendment to Exhibit `A' as outlined in Section IV of this Agreement." (Emphases supplied.)

In its brief, the city contends the acknowledged UPAA creates a presumption that once a need is shown to exist for a UGB amendment, areas within an "area of interest" are proper locations for that UGB amendment. As we understand it, the city contends this alleged presumption means the Goal 14 locational factors are applied only to determine whether the Goal 14 factors undermine this presumption created by the UPAA.

In League of Women Voters v. Metro Service Dist., 17 Or LUBA 949, 965-68, aff'd 99 Or App 333 (1989), rev den 310 Or 70 (1990) (League), we determined that where a local government has an acknowledged process intended to implement the requirements of Goal 14 for certain UGB amendments, it is appropriate for the local government to apply that process in determining whether the UGB amendment complies with Goal 14, rather than to apply the Goal 14 factors directly to the proposal. Specifically, we stated:

"LCDC acknowledged the local adjustment ordinance as the chosen mechanism to carry out the goals for small locational adjustments of the Metro UGB. The ordinance does not apply factors 1 and 2 of Goal 14, does not require an exception pursuant to Goal 2, Part II and ORS 197.732 and does not apply the exact text of factors 3-7 of Goal 14. However, LCDC specifically concluded in the findings supporting its * * * order acknowledging the locational adjustment ordinance that '[t]he Metropolitan Service District complies with Goal

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14, Factors 1-7, * * * and Goal 2: Part II(C).' * * *

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"The time for appealing LCDC`s determination of the goal compliance of the locational adjustment ordinance has passed. ORS 197.650, ORS 183.482. If acknowledgment is to have any function it must mean that application of unamended and acknowledged plan or land use regulation criteria continues to `comply with the goals' until periodic review or some other event changes the acknowledged provisions. * * *" League, supra, 17 Or LUBA at 967-68.

We believe League is distinguishable from this case. In League, it was clear the Metro UGB adjustment process was acknowledged as the methodology for establishing the Goal 14 compliance of certain kinds of UGB amendments. Further, the UGB amendment provisions at issue in League made it clear they were intended to replace direct application of Goal 14 to certain Metro UGB amendments. In contrast, we are aware of nothing in the UPAA, or in any other document, establishing that the designation of a particular area as an "area of interest" is intended to replace the direct application of Goal 14 to a proposed UGB amendment, or to create any sort of presumption, as the city alleges in its brief. As far as we can tell, the UPAA does not clearly establish any standards other than Goal 14 to govern the addition of land, within an "area of interest, to the city's UGB."

In addition, the challenged decision directly applies the Goal 14 locational factors to the proposed UGB amendment. The challenged decision gives no indication the

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city interprets the UPAA to replace the direct application of any of the Goal 14 factors to the proposed UGB amendment, or to create a particular presumption concerning how those factors are to be applied.[16] Rather, the challenged decision specifically discusses the UPAA area of interest designation and directly applies the Goal 14 locational factors. This strongly suggests the city determined in the challenged decision that the UPAA area of interest designation creates neither a presumption concerning the manner in which the Goal 14 locational factors are to be applied, nor replaces the direct application of the Goal 14 locational factors to the proposed UGB amendment.

Even if the challenged decision does support the arguments advanced by the city in its brief, the argument that designation of land under the UPAA as an area of interest means the land is presumptively appropriate for a proposed UGB amendment under the Goal 14 locational factors, is unpersuasive. The city simply provides no legal basis for determining such a presumption is created by the UPAA "area of interest" designation, and we do not see any basis

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in the UPAA for such a conclusion.

Therefore, as relevant here, we determine no particular significance is attached to land being designated an "area of interest" under the UPAA.

2. Factor 3

Petitioners contend the challenged decision erroneously applies Goal 14, factor 3, requiring orderly and economic provision for public facilities and services, because the nature and intensity of the uses ultimately to be made of the subject land are uncertain. Specifically, petitioners contend the city cannot claim it is currently able, or in the future will become able, to provide public facilities and services to the UGB expansion area in an orderly and economic fashion. Petitioners contend this is so because the challenged decision provides no limitation on the planning designations and zoning districts that can ultimately be applied to the subject property. Petitioners contend the city's ability to provide public facilities and

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services depends upon it specifying the type and intensity of uses which may occur within the UGB expansion area. We agree with petitioners. Johnson v. Tillamook County, supra.

Petitioners also suggest the city is required to establish it currently has adequate capacity to serve uses to be made of the proposed UGB expansion area in the future. We are aware of no such requirement. Rather, we stated in City of La Grande v. Union County, supra, 25 Or LUBA at 60,

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that to justify a UGB amendment under Goal 14, factor 3, a local government must show its public facilities will have adequate capacity to serve the uses contemplated within a UGB expansion area over the local government's planning period. In addition, we stated a local government must establish that:

"* * * providing water and sewerage service to the subject property will not leave the [local government] unable to provide water and sewerage service to the land already included within the UGB." Id.

Thus, the city need only establish an adequate factual basis to conclude that public facilities and services can reasonably be provided to the UGB expansion area over the planning period, without leaving the area already included within the UGB with inadequate facilities and services.

The challenged decision includes findings that existing public facilities are adequate to "reasonably accommodate future development of the site." Record 43. Conversely, other findings state the existing capacity of public facilities and services will likely require enhancement to enable adequate service to accommodate development of the UGB expansion area. This apparent inconsistency between the findings may be attributable to the lack of specificity in the challenged decision (discussed above) concerning the type and intensity of development proposed for the subject UGB expansion area. On remand, consistent with our discussion above, the city must identify and limit the type

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and intensity of development allowable within the proposed UGB amendment area. Once the city takes that step, then it may be in a position to determine whether public facilities and services can be provided to serve those uses in an orderly and economic fashion, while maintaining adequate public facilities and services for the land already included within the existing UGB.

This subassignment of error is sustained.

3. Factor 4

Goal 14, factor 4 requires the city to establish the proposed UGB amendment maximizes the efficiency of land uses within, and on the fringe of, the existing urban area. We have previously determined this requires "the encouragement of development within urban areas before the conversion of urbanizable areas." Turner v. Washington County, 8 Or LUBA 234, 258 (1982).

The city concedes that 44% of its "developable property is currently available for development."[17] Further, an area recently added to the city's UGB (referred to by the parties as the eastside UGB), is not now currently developed or served with public facilities. As we explain above, the proposal does not specify the type or intensity of uses to be made of the subject land. Under these circumstances, we

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do not understand how the city can establish the proposed UGB amendment encourages development in urban areas of the city and

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will not result in the premature conversion of urbanizable areas to urban uses that Goal 14, factor 4 seeks to avoid.

This subassignment of error is sustained.

This subassignment of error is sustained.

4. Factor 5

Petitioners contend the challenged decision fails to include an adequate analysis of the proposal's environmental, social, energy, and economic (ESEE) consequences under Goal 14, factor 5. Petitioners contend the city's ESEE analysis is inadequate because the challenged decision does not limit the type of uses or identify the nature or intensity of the uses to be made of the subject land. We agree. Halvorson v. Lincoln County, 14 Or LUBA 730, 738, aff'd 82 Or App 302 (1986).

This subassignment of error is sustained.

5. Factor 6

Goal 14, factor 6 requires a determination that the proposal provides for retention of high priority agricultural land. There is no dispute the subject land consists of 20% U.S. Soil Conservation Survey Class I soils and 70% Class II soils, and that class I and II soils are the highest priority agricultural land.

The findings do not address whether there may be other

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less valuable agricultural land available elsewhere to accommodate the proposed UGB amendment. Instead, the findings simply determine UGB expansion must occur within the UPAA area of interest. However, we state above the fact that the subject land is included within the UPAA area of interest does not replace the necessity of the city determining the proposal is consistent with the Goal 14 factors. Simply put, the UPAA area of interest designation covering the subject land is not the equivalent of a determination that the proposal retains high priority agricultural land as required by Goal 14, factor 6.

We conclude the challenged decision fails to determine that other sites with less impact on high priority resource land are unavailable or unsuited to satisfy a particular need which justifies the proposed UGB amendment.

This subassignment of error is sustained.

6. Factor 7

This factor requires a determination concerning the proposed UGB expansion's compatibility with nearby farming activities. We agree with petitioners that a determination cannot be made under this factor regarding compatibility between the proposed UGB expansion and nearby farming activities until the city identifies and limits the type and intensity of uses allowed in the UGB expansion area.

This subassignment of error is sustained.

These assignments of error are sustained.

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FIRST ASSIGNMENT OF ERROR (DLCD)

"The City did not comply with the requirements of Goal 2 in that it * * * misconstrued the Goal 2 exceptions criteria."

THIRD ASSIGNMENT OF ERROR (1000 FRIENDS)

"The city misconstrued the applicable law, failed to make adequate findings, and made a decision not supported by the whole record in determining that the UGB amendment satisfied the requirements of Goal 2, Part II(c), ORS 197.732(1), and OAR 660-04-010(1)(c)(B)."

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Goal 14 includes a requirement that to approve an amendment to an acknowledged UGB, a local government must follow the procedures and requirements for a statewide planning goal exception. Those procedures and requirements are set out at ORS 197.732, Goal 2, Part II, and OAR 660-04-000 through 660-04-035. Among the requirements for a statewide planning goal exception of the type adopted here, is the requirement that the county determine that "[a]reas within the existing UGB cannot reasonably accommodate the use[.]" OAR 660-04-010(1)(c)(B)(ii); ORS 197.732(1)(c)(B); Goal 2, Part II(c)(2).

We pointed out in BenjFran Development v. Metro Service Dist., supra, 17 Or LUBA at 48, that consideration of alternative sites is largely "meaningless unless a need has already been shown under [Goal 14, factors 1 and 2]." We determine above the city's demonstration of need under Goal 14, factors 1 and 2 is erroneous. Nevertheless, we address some of petitioners' remaining arguments as we

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believe it will assist the parties on remand to do so.

The challenged decision reflects a city determination it was not required to address alternative sites for the proposed UGB expansion because the subject land is designated an "area of interest" under the UPAA. However, as we state above with regard to Goal 14 requirements, the fact that the subject land is designated as an area of interest does not relieve the city of its obligation under the statutory, goal and administrative rule requirements for exceptions to examine alternative sites for the proposed UGB amendment.

In BenjFran Development v. Metro Service Dist., supra, we concluded a local government should consider the potential of using lands already located within its UGB to satisfy an identified need for urbanizable land. Further, in BenjFran Development, we accepted an argument that a decision approving an expansion of a UGB to include more land for a large proposed industrial use must address the potential of consolidating existing industrially planned parcels within the UGB, even though such parcels by themselves might be smaller than needed for the particular proposed industrial use.[18] In addition, we concluded that under the circumstances presented in BenjFran Development, the local government was required to consider the

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possibility of redesignating lands already within the UGB, but planned for other than industrial uses.

On remand, the city should conduct an alternatives analysis consistent with the direction provided in BenjFran Development and this opinion.

These assignments of error are sustained.

FIRST ASSIGNMENT OF ERROR (DLCD)

"The city did not comply with the requirements of Goal 2 in that it (A) failed to carry out its land use planning obligation, (B) failed to coordinated [sic] its actions with other affected governmental units * * *."

Goal 2 requires that a county's comprehensive plan "and related implementing measures shall be coordinated with the plans of affected governmental units." (Emphasis added.) In Rajneesh v. Wasco County, 13 Or LUBA 202, 209-11 (1985), we explained that under Goal 2 and the statutory definition of "coordinated," the obligation to coordinate involves essentially two steps:

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"1. The makers of the [comprehensive] plan [must engage] in an exchange of information between the planning jurisdiction and affected governmental units, or at least invite such an exchange.

"2. The jurisdiction [must use] the information to balance the needs of all governmental units as well as the needs of citizens in the plan formulation or revision."

Coordination is achieved by balancing the needs of all affected governmental units and selecting a particular course of action from among the competing proposed courses

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of action. Clearly, the city may not, consistent with Goal 2, unilaterally take action to amend its acknowledged comprehensive plan to adopt a provision that is inconsistent with the provisions of the acknowledged comprehensive plan of an affected jurisdiction. City of Portland v. Washington County, supra. Thus, to maintain such consistency, affected local governments must be notified of the details of a proposed plan amendment so that they may provide comments concerning it. See Davenport v. City of Tigard, 23 Or LUBA 565 (1992).

Under these assignments of error, petitioners argue the city failed to coordinate the proposed UGB amendment with the Oregon Department of Environmental Quality (DEQ), Tri-Met, Unified Sewerage Agency (USA) and three school districts affected by the challenged decision.[19]

The city contends its coordination obligations were satisfied when it provided notice of the proposed UGB amendment to DLCD pursuant to ORS 197.610(1). Further, it contends it did coordinate with USA, by sending letters to it concerning the proposal. In addition, the city argues it was not required to specifically coordinate with DEQ, alleging DEQ`s interests were effectively represented by petitioner 1000 Friends of Oregon during the local proceedings. The city also contends it is not required to

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coordinate the challenged decision with Tri-Met because the city is not within Tri-Met's jurisdictional boundaries. Finally, the city maintains it is premature to coordinate the challenged decision with the school districts, because coordination with the school districts will occur when the subject land is annexed to the city. According to the city, the school districts are only affected when the land is annexed.

Providing notice to DLCD under ORS 197.610(1) is inadequate to satisfy a local government's coordination obligations. See Twin Rocks Water Dist. v. Rockaway Beach, 2 Or LUBA 36, 45-46 (1980). Further, the city is required to coordinate with affected units of government regardless of the fact that some of the persons appearing during the local proceedings may have interests aligned with those of a unit of government.

With regard to coordination with Tri-Met, the challenged decision states:

"[A]uto use can be limited through effective transportation planning and coordination of public transportation facilities and services with Tri-Met." Record 50.

Clearly, the above quoted finding from the challenged decision contemplates Tri-Met will likely be affected by the challenged decision. Therefore, Tri-Met is an "affected unit of government" and the city is required to coordinate the proposal with Tri-Met.

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The findings also explain the subject land is within the boundaries of three different school districts. The challenged UGB decision

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articulates (1) a need for a UGB amendment, and (2) the means chosen to satisfy that need. By identifying a need to be satisfied by particular planning actions that will result in changes to the acknowledged plan designations and zoning districts applied to the subject land, the city necessarily affects the school districts' planning efforts for providing service to the subject land. Therefore, the school districts are affected units of government with which the proposed UGB amendment must be coordinated.[20]

Finally, regarding whether the city adequately coordinated the proposed UGB amendment with USA, the city did submit a request to USA for specific information regarding current sewer flow and capacity at the Hillsboro Sewerage Treatment Plant. However, as far as we can tell, the city never provided USA with notice clearly explaining the nature of the proposal and soliciting comments concerning the proposal. Therefore, the city failed to coordinate the proposed UGB amendment with USA. See Davenport v. City of Tigard, supra, 23 Or LUBA at 576.

This assignment of error is sustained.

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FIRST ASSIGNMENT OF ERROR (ODOT)

"The city failed to comply with the requirements of Goal 12 and OAR 660-12-060(1) and (2)."

SECOND ASSIGNMENT OF ERROR (ODOT)

"The city failed to comply with Goal 12 and the interpretative provisions of the Transportation Planning Rule (TPR) by not undertaking the necessary planning to make its transportation plan consistent with the county and state plans."

THIRD ASSIGNMENT OF ERROR (ODOT)

"The city justified the expansion of the UGB on the existence of a transportation facility which is in violation of OAR 660-12-060(4)."

FOURTH ASSIGNMENT OF ERROR (1000 FRIENDS)

"The city erred in finding that the amendment to its urban growth boundary was consistent with the identified function, capacity, and level of service of the surrounding transportation facilities, as required by OAR 660-12-060."

SIXTH ASSIGNMENT OF ERROR (DLCD)

"The city failed to comply with the requirements of Goal 12 and the Goal 12 Implementing Rule."

The subject land is adjacent to state Highway 26, Dersham Road and the Dersham Road interchange with Highway 26. These transportation facilities are considered "rural" facilities and are not planned to carry an urban level of traffic. Record 443-44, 543-44. We do not understand these facts to be in dispute in this appeal proceeding.

Petitioners allege that changing the character of the subject land from rural to urban or urbanizable land is inconsistent with the functional capacity of these

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transportation facilities. Petitioners argue the city must comply with TPR standards concerning these transportation facilities in adopting a decision to amend the UGB in the manner proposed.

The parties' disagreement under these assignments of error primarily centers on

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whether a decision to amend the UGB is the time at which the city must address TPR requirements concerning impacts on Highway 26, Dersham Road and the Dersham Road interchange and, if so, what must be done to establish compliance with such TPR requirements. We first address whether and to what extent the TPR applies to the proposal and second, whether the decision demonstrates compliance with applicable TPR requirements.

A. Applicability of the TPR

The TPR was adopted by LCDC in 1991. The TPR purpose statement, OAR 660-12-000, explains the TPR serves the following purposes:

1. To implement Statewide Planning Goal 12 (Transportation).

2. To explain how local and state transportation planners may demonstrate compliance with the statewide planning goals.

3. To identify how transportation facilities may be provided on rural lands, consistent with the statewide planning goals.

4. To set "requirements for coordination among affected levels of government for preparation, adoption, refinement, implementation and amendment of transportation system plans."

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5. To establish that transportation system plans adopted under the TPR "fulfill the requirements for public facilities planning required under ORS 197.712(2)(e), Goal 11 and OAR Chapter 660, Division 11, as they relate to transportation facilities.

Transportation planning under the TPR is divided into three parts: (1) preparation of transportation system plans, (2) transportation project development and, as relevant here, (3) comprehensive plan and land use regulation amendments which "significantly affect a transportation facility." Specifically, OAR 660-12-060(1) requires:

"Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity and level of service of the facility. * * *

"* * * * *"

OAR 660-12-060(2) provides:

"A plan or land use regulation amendment significantly affects a transportation facility if it:

"* * * * *

"(c) allows types or levels of land uses which are inconsistent with the functional classification of a transportation facility[.]

"* * * * *"

As relevant here, under OAR 660-12-060(1)(a), an amendment significantly affecting a transportation facility is permissible so long as the decision affecting such facility:

"Limit[s] allowed land uses to be consistent with

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the planned function, capacity and level of service of the transportation facility[.]"

The city adopted alternative findings concerning the proposed UGB amendments' compliance with the TPR. The city first determined the proposal does not significantly affect a transportation facility. Second, the city determined that if the proposal does significantly affect a

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transportation facility, the proposal satisfies the TPR. We address these issues separately below.

B. Significant Effect on a Transportation Facility

The challenged decision determines:

"This plan amendment designates land in an area to be included within the North Plains UGB. The comprehensive plan amendment in and of itself will not significantly affect transportation facilities. Until annexation County resources designations will apply and the land remains urbanizable not urban land. At annexation, specific use types will be assigned to each parcel and the land is reclassified as urban. The UGB amendment is conditioned to ensure full compliance with the [TPR]. Moreover, the full impact of the plan amendment can only be measured through the build out period. This decision establishes the need for this urban land. The [TPR] must be applied in a manner which helps meet this need. * * *" Record 66.

We believe this finding reflects a misapplication of the TPR requirement specified in OAR 660-12-060(1), quoted supra. The TPR clearly states that plan amendments which significantly affect a transportation facility must be consistent with TPR provisions. The challenged decision is a plan amendment. Although it may be that some aspects of

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the TPR need not be addressed at this stage and are appropriately deferred to the time of annexation, the city does not explain why compliance with the TPR need not be addressed at all at the time the UGB is amended.

To comply with the Goal 14 need and locational factors, a decision amending the UGB must include limitations on the plan designations and zoning districts to be applied to the subject property to ensure that the property satisfies the identified need. We determine above that the challenged decision fails to establish such limitations. Once those limitations have been adopted, the city must consider whether amending its UGB will significantly affect Highway 26, Dersham Road and the Dersham Road interchange and, if so, must comply with applicable requirements of the TPR.

This subassignment of error is sustained.

C. Compliance with the TPR

1. OAR 660-12-060(1)(a)

Alternatively, the city determined the proposal significantly affects a transportation facility, but that application of the following limitations on development establishes compliance with OAR 660-12-060(1)(a):

"1. Urban zoning/land use designations for the UGB area shall be fixed by plan amendment at the time of annexation to the City. Until that time, the affected area shall retain the existing County land use designations unless changed pursuant to county process. In approving an annexation, the City shall make findings which demonstrate that: 1) the proposed land uses are consistent with the

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state's [TPR] (OAR 660-12-060), and 2) that adequate public facilities are assured. If annexation of the UGB area occurs incrementally, the estimated cumulative impacts of likely uses in the entire UGB annexation shall be considered. The land use for the UGB area shall be a mixed use designed to implement the employment center concept. Land shall be allocated for multi-family residential, industrial, and all types of commercial uses. The zoning for the area shall be fixed at the time of annexation.

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The allocation of mixed use urban designations to implement the employment center concept shall be consistent with the provisions of the [TPR] (OAR 660-12-060). The zoning actions may include conditions which are intended to mitigate the impacts of development allowed by the City zone and to ensure the provision of adequate public facilities and services.

"2. No development of land may be allowed on land within the UGB amendment area until annexation occurs and specific development impacts are assessed and mitigated. Development review of this area shall address impacts to state and County transportation facilities.

"3. No development of land may be allowed on land within the UGB amendment area unless a finding is made that allowed land uses are consistent with the identified function, capacity, and level of service of transportation facilities significantly affected by the development." Record 103.

We determine above that in adopting the challenged decision, the city must provide specific limitations on the plan designations and zoning districts ultimately applied to the subject property, in order to satisfy the Goal 14 need and locational factors. Conversely, to be consistent with

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OAR 660-12-060(1)(a), the adoption of such a limitation on allowable uses in the UGB amendment area must be consistent with the planned function and level of service of Highway 26, Dersham Road and the Dersham Road interchange.

This subassignment of error is sustained.

2. OAR 660-12-060(1)(b) and (c)

OAR 660-12-060(1)(b) and (c) provide the following alternative means for local governments to establish compliance with the requirement of OAR 660-12-060(1) for consistency with the identified function, capacity and level of service of an affected transportation facility:

"(b) Amending the [Transportation System Plan] to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of [the TPR]; or,

"(c) Altering the land use designations, densities, or design requirements to reduce demand for automobile travel needs and meet travel needs through other modes."

Petitioner ODOT argues as follows:

"* * * The city finds that it is `premature and unreasonable' to amend the various transportation plans since the development pattern [of the UGB amendment expansion area] is unknown. To support this finding, the city relies on the evidence that at least one potential scenario, [the Land Use Transportation Air Quality Connection (LUTRAQ)] model of development, would have no impact on the transportation facilities. The revised traffic impact study reviewed the use of the LUTRAQ model of development. [However, t]hroughout the UGB amendment, the city relies on the `employment center' scenario as justification for the [proposed UGB expansion]. [T]his scenario, which calls for 52 acres of residential property,

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104 acres of light industrial property and 150 acres of commercial property, is, according to the city, the `worst case' scenario from a traffic analysis viewpoint. As a result, the city denounces the use of such a development pattern in determining whether there will be impacts on the transportation system while relying on this pattern to justify the need for the UGB expansion. The city cannot have it

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both ways. If the UGB extension is needed based on the `employment center' scenario, then the impacts to the surrounding transportation facilities that result from this development scenario must be analyzed and appropriately planned for." Petition for Review (ODOT) 7-8. (Record citations and footnotes omitted.)

We agree with petitioner that the city's findings concerning the proposal's compliance with OAR 660-12-060(1)(b) and (c) are inconsistent with the findings relied on to establish a need for the proposed UGB amendment.

This subassignment of error is sustained.

3. OAR 660-12-060(3)

Under OAR 660-12-015, coordinated state, regional and local Transportation System Plans are required.[21] OAR 660-12-060(3) requires that plan amendments which significantly affect a transportation facility be "coordinated with transportation facility and service providers and other affected local governments." Because the city determined it was not required to establish current

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compliance with the TPR at this plan amendment stage, the city erroneously failed to address the coordination requirement of OAR 660-12-060(3). On remand, the city must do so.

This subassignment of error is sustained.

4. OAR 660-12-060(4)

OAR 660-12-060(4) provides as follows:

"The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-04-022 and [660-04-]028."

Petitioners contend the challenged decision relies to a great degree on the subject property's location adjacent to Highway 26 and nearby Dersham Road and the Dersham Road interchange. Petitioners argue the city improperly uses proximity of the subject property to these transportation facilities as a basis for rejecting consideration of alternative sites for a UGB amendment.

Petitioners cite the following findings to illustrate their point:

"* * * If North Plains is to improve its livability, there must be additional large parcels of commercial and industrial land within the UGB, with good access to and good visibility from Highway 26. If adequate sites were made available, the City would have an excellent opportunity to attract retailers who prefer to locate on the periphery of a metropolitan area. * * *" Record 60.

"The expansion area is ideally located adjacent to the Sunset Highway [Hwy. 26], with high visibility

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and access through the Dersham Road interchange. The industrial/commercial property in the existing inventory lacks these characteristics." Record 61.

OAR 660-12-060(4) prohibits using the existence of transportation facilities as a basis for approving certain kinds of exceptions. This would appear to mean OAR 660-12-060(4) prohibits justifying certain exceptions to allow particular uses on the basis of actual or proposed transportation facilities being near the exception area, or justifying certain exceptions on the basis that the area is located away from such transportation facilities.

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We have never interpreted the scope or meaning of OAR 660-12-060(4). However, we believe it is relatively clear that OAR 660-12-060(4) applies to (1) exceptions to the requirements of OAR 660-12-065 adopted under OAR 660-12-070, and (2) exceptions to statewide planning goals adopted under OAR 660-04-022 (reasons exceptions) or OAR 660-04-028 (committed exceptions). The challenged decision, on the other hand, approves an exception for a change to an established UGB under OAR 660-04-010. OAR 660-12-060(4) does not list exceptions adopted under OAR 660-04-010 as being within its prohibition against the consideration of transportation facilities. We conclude the exception approved in the challenged decision is not within the scope of OAR 660-12-060(4) and, therefore, that rule is not applicable to the challenged decision.

This subassignment of error is denied.

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These assignments of error are sustained.

FIFTH ASSIGNMENT OF ERROR (ODOT)

"The city failed to comply with Goal 6 and make findings not supported by substantial evidence in the record when it concluded that the proposed development of the expanded UGB would have no significant impacts on air or water quality."

SECOND ASSIGNMENT OF ERROR (DLCD)

"The city failed to comply with Goal 6 and made findings not supported by substantial evidence in the record when it concluded that the proposed development of the expanded UGB would have no significant impacts on air or water quality." Goal 6 (Air, Water and Land Resources Quality) is:

"To maintain and improve the quality of the air, water and land resources of the state." Goal 6 requires that

"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. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rule, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long-range needs; (2) degrade such resources; or (3) threaten the availability of such resources.

"Waste and Process Discharges — refers to solid waste, thermal, noise, atmospheric or water pollutants, contaminants or products therefrom. Included here also are indirect sources of air pollution which result in emissions of air contaminants for which the state has established standards."

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Petitioners argue the challenged decision violates Goal 6 because it fails to adequately establish the proposed UGB amendment will not adversely affect air and water quality. We address petitioners' arguments concerning air and water quality separately below.

A. Clean Air

Petitioners advance different arguments concerning the proposed UGB amendment's effect on air quality. Petitioners argue (1) the challenged decision fails to establish compliance with the Clean Air Act, and (2) the record lacks substantial evidence to support the determination in the challenged decision that the proposal will not have an adverse impact on air quality.

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1. Compliance With Clean Air Act

Petitioners argue the city erroneously failed to apply the requirements of the Clean Air Act, 42 USC §§7401 et seq., to the challenged decision.[22] Petitioners contend the Clean Air Act is applicable to the challenged decision through the requirement of Goal 6 that waste or process discharges not violate federal statutes, and through a

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provision of the TPR, OAR 660-12-035(3)(b).[23]

We do not understand the city to dispute the applicability of the Clean Air Act to the challenged decision.[24] Rather, the challenged decision expresses uncertainty as to how the Clean Air Act should be applied to the proposal. Specifically, the challenged decision determines:

"* * * The ODOT memo states that North Plains is within `the Air Quality Management Area.' Without more specific guidance from ODOT, the City does not understand how to apply the Clean Air Act to this UGB [amendment] proposal. * * *" Record 72.

The city also contends until there are specific development proposals, it cannot establish the UGB amendment complies with the Clean Air Act requirements of Goal 6.

We determine above that the city must coordinate the challenged decision with DEQ. After coordinating with DEQ, the city will become aware of at least DEQ`s view of the applicable requirements of the Clean Air Act. However, it is ultimately the city's responsibility to correctly apply

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the Clean Air Act under Goal 6. It is inadequate for the city to take the position that it does not know what it must do to establish such compliance.

Further, we state above that the city must provide limits on the uses to be made of the subject land, as a part of its decision to amend the UGB. Once the city does so, it will be in a better position to determine compliance with the Clean Air Act, as it will then have a better idea of the potential air quality impacts associated with those uses.

This subassignment of error is sustained.

2. Adverse Impact on Air Quality

The challenged decision determines the following:

"[T]he city has hired Chester Environmental and Peter Patterson (Professional Engineering Geologist) to provide a preliminary analysis of the impacts on air and water quality, respectively, that may be caused by development of the subject site. Both consultants conclude that the proposed development of the subject site will have no significant adverse impact on the air and water quality for the North Plains area or the region. * * *" Record 63.

Petitioners allege the record lacks evidentiary support for the above quoted city findings because:

"* * * (1) the Chester report addresses potential air quality impacts from automobile traffic only, disregarding the impacts from stationary sources and the fact that the City is within a non-attainment area for ozone; (2) the report considers impacts on ambient [carbon monoxide] concentrations only, and fails to address or consider other regulated air pollutants; (3) the report considers potential impacts only in the UGB expansion area; and (4) the report assumes that

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certain unspecified roadway improvements * * * will be made, even though such improvements are not planned or made a condition of development in the [UGB] expansion area. * * *" Petition for Review (DLCD) 18.

Petitioners do not contend the evidence relied upon by the city is inaccurate. Rather, petitioners argue the evidence supporting the city's Goal 6 findings is incomplete, and the Goal 6 analysis is, therefore, inadequate. Petitioners are correct that the city failed to consider (1) pollutant sources other than those associated with automobile emissions, and (2) the cumulative impacts of waste and process discharges from the uses to be established in the subject UGB amendment area and the existing discharges from existing sources. Therefore, although the existing findings are supported by substantial evidence, the record lacks an adequate factual base for determining the proposal complies with Goal 6 with regard to impacts on air quality.

This subassignment of error is sustained.

B. Clean Water

Petitioners argue the proposed UGB amendment has impermissible negative water quality consequences in two respects. First, petitioners allege that storm water runoff will be inadequately controlled. Petitioners contend the city misconstrued applicable law by concluding storm water runoff could be controlled by certain treatment methodologies. However, petitioners do not explain how the

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city misconstrued the law or why they believe the proposed storm water runoff will be inadequately controlled. We can see no violation of law, and it is not our function to make petitioners' arguments for them. Deschutes Development Corp. v. Deschutes County, 5 Or LUBA 218, 220 (1982). Petitioners' allegations regarding storm water runoff provide no basis for reversal or remand of the challenged decision.

Second, separate from their contentions concerning storm water runoff, petitioners contend the challenged decision does not determine the proposed UGB amendment will or could feasibly comply with various applicable state and federal water quality standards. We agree.

This subassignment of error is sustained, in part.

These assignments of error are sustained, in part.

THIRD ASSIGNMENT OF ERROR (DLCD)

"The city misconstrued the applicable law and failed to comply with the requirements of Goal 9 and the Goal 9 Rule * * *."

Petitioner DLCD offers a number of reasons why the challenged decision fails to comply with Goal 9 (Economy of the State). At the outset, we note we agree with petitioner DLCD that the city's Goal 9 analysis must be revised based on the kinds of uses to be made of the subject property to satisfy a specific need identified by the city. Accordingly, on remand, if the city establishes a need under the Goal 14 need factors and limits the kinds of uses that

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may be established on the subject property, the city will also be required to adjust its Goal 9 analysis. However, petitioner DLCD makes other points that we address below.

Petitioner DLCD argues the city failed to comply with OAR 660-09-025, which requires the city to adopt:

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"* * * measures to implement policies adopted pursuant to [OAR] 660-09-020. * * * Appropriate implementing measures include amendments to plan and zone map designations, land use regulations and public facilities plans."

We understand petitioner DLCD to argue the city is required to plan and zone the proposed UGB area for its ultimate uses as part of the UGB decision. We disagree. Although the city is required to limit the uses allowable in the area to be included within the UGB consistent with the city's needs analysis, we do not agree the only way this may be accomplished is by contemporaneously applying the ultimate plan and zoning required to allow those uses. Further, we do not read OAR 660-09-025 to require the adoption of the specific implementing plan designations and zoning districts, concurrent with the adoption of a UGB amendment, in all instances. OAR 660-09-020 simply establishes certain Goal 9 driven requirements that are applicable at the time the city adopts measures implementing a UGB amendment.

This assignment of error is sustained, in part.

FOURTH ASSIGNMENT OF ERROR (DLCD)

"The city did not comply with the requirements of Goal 10 in that it did not demonstrate a need for additional land within its urban growth boundary

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for housing."

Petitioner DLCD contends the challenged decision fails to comply with Goal 10 (Housing). As we understand it, petitioner DLCD contends the city may not justify expanding its UGB on the basis of a need for more housing, because the "needed housing" policies of Goal 10 do not apply to cities (such as the City of North Plains) having a population of less than 2,500.

We disagree. That the city is not required to apply the "needed housing" provisions of Goal 10, does not mean the city may not justify a UGB expansion to accommodate a mix of needed housing types within the city, so long as it provides an adequate factual basis for determining the city requires additional housing.

In the alternative, petitioner DLCD argues the city failed to establish a need for additional housing. Specifically, petitioner DLCD argues:

"* * * The City ignores its pre-UGB expansion inventory of lands for housing, which contains capacity for dwellings for approximately 3,000 new people. That inventory and capacity is well above the [year] 2010 population projection [for the UGB] of 1796 [people].

"The City's position that it has only 24 acres of land buildable for housing, and thus not enough to accommodate the projected [year] 2010 population, is unsupported. Although some of the City's land that is zoned for housing and currently undeveloped is in a flood plain and therefore not buildable, the city has a `density transfer' clause in its acknowledged plan. By that clause, the City can increase the density in another area

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of buildable land to make up for the planned for, but unbuildable housing in the floodplain area. The City did not analyze the impact of that clause. The City cannot justify a UGB expansion based on a need for housing when it has not analyzed its options to accommodate additional housing within its current boundaries." Petition for Review (DLCD) 30.

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We agree with petitioner DLCD.

This assignment of error is sustained, in part.

FIFTH ASSIGNMENT OF ERROR (DLCD)

"The city failed to comply with Goal 11 by not adequately inventorying current public facilities and services and by not adequately demonstrating that the UGB expansion area could be adequately served."

Petitioner DLCD argues the proposal fails to comply with Goal 11 (Public Facilities and Services).

We believe that because the challenged decision fails to provide adequate limitations on the kinds of planning designations and zoning districts to be applied to the subject land, the city has an inadequate factual basis for concluding that any particular level of public facilities can be provided. See Johnson v. Tillamook County, supra. Specifically, at this point, the city is not in a position to determine what public facilities and services will be required to serve the UGB expansion area or whether that level of service can be provided to that area.

Until the city establishes meaningful limitations on the planning designations and zoning districts potentially applicable to the subject property, it will not likely be

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able to establish compliance with Goal 11. Finally, we note that we agree with petitioner DLCD that in establishing compliance with Goal 11, the city must determine the adequacy of all public facilities and services, including elementary and secondary schools.

This assignment of error is sustained.

EIGHTH ASSIGNMENT OF ERROR (DLCD)

"The city's revised Annexation/Urbanization Policy is in violation of state law, ORS 222.111."

During the oral argument for this appeal, petitioner DLCD specifically withdrew this assignment or error. Therefore, we need not consider it further.

NINTH ASSIGNMENT OF ERROR (DLCD)

"The city has adopted an unenforceable condition on the challenged urban growth boundary expansion."

Petitioner DLCD challenges the three conditions adopted by the city generally requiring that no development of the UGB expansion area be allowed prior to annexation and that urban planning and zoning designations be applied to the subject land at the time of annexation.[25] We determine above that these conditions fail to provide an adequate limitation on possible uses that could be established on the subject property. Petitioner DLCD is correct that these conditions provide no enforceable limitation on the planning

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and zoning designations eventually applied to govern the mix of uses allowed on the subject property.

This assignment of error is sustained.

The city's decision is remanded.

Notes:

1. ORS 197.835(7)(a)(C) authorizes the Board to reverse or remand a land use decision if the local government:

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"Made a decision not supported by substantial evidence in the whole record[.]"

2. The purpose of Goal 2 is:

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

3. Apparently, in Lima, the parties did not raise an issue concerning the adequate factual base requirement of Goal 2.

4. We have stated in other cases that legislative land use decisions need not be supported by findings or substantial evidence in the whole record. See Alexiou v. Curry County, 22 Or LUBA 639 (1992). The independent Goal 2 requirement was not raised in those cases, and the point of those cases was there must be some basis independent of our scope of review statute for requiring legislative land use decisions to be subject to a requirement that they be supported by substantial evidence.

5. The Goal 14 "establishment" factors are as follows:

"(1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;

"(2) Need for housing, employment opportunities, and livability;

"(3) Orderly and economic provision for public facilities and services;

"(4) Maximum efficiency of land uses within and on the fringe of the existing urban area;

"(5) Environmental, energy, economic and social consequences;

"(6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,

"(7) Compatibility of the proposed urban uses with nearby agricultural activities."

6. The challenged decision specifically states the proposal is to attempt to capture .2% of the anticipated Metro UGB growth.

7. The challenged decision determines the city's supply of commercially and industrially zoned land is 73.5 acres short, based on existing demographic projections in the city's comprehensive plan. Record 40-41. Petitioners do not challenge this determination or that the city may expand its UGB to accommodate some growth. The issue here has to do with the scope of the proposed expansion — to nearly double the size of the city's existing UGB, based in large part on projected growth within the Metro UGB.

8. The city did not single out increasing its tax base as the reason for the proposed UGB expansion, as petitioners suggest. Rather, enhancing the city's tax base was identified as one important beneficial aspect of the proposal. There is nothing wrong with the city considering an improved tax base as one of the reasons justifying the expansion of its UGB.

9. This mix of uses is identified in a study supporting use of an employment center development model after the city UGB is enlarged as proposed. However, the challenged decision also appears to rely upon different development models to justify the challenged decision.

10. We note that while the city is not required to identify specific development proposals for the proposed UGB expansion area, a decision to expand the UGB must include some limitation on the uses to be made of the expansion area for the city to have a reasonable basis to conclude the proposal will do what the city adopts the proposal to

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accomplish. Johnson v. Tillamook County, 16 Or LUBA 855 (1988).

11. In particular, we note petitioners cite evidence in the record that based on recent planning and zoning actions (other than the challenged decision), the city has ten acres of "surplus" industrial land. We understand the challenged decision to take the position that ten acres is not a large enough block of industrial land to solve the city's need for such land. However, if this is the case, the city must take some action in the challenged decision to ensure that large block(s) of industrial land will result. Otherwise, the city fails to ensure implementation of its Goal 14 need analysis with regard to land needed and available for industrial use.

12. The city answers this issue in its brief, in part, as follows:

"Employment center mixed use development could occur under either scenario. The City is not required nor is it ready to pin down the exact square footages of particular use types as a part of this UGB amendment process. * * *" Respondent's Brief 45.

While the city is correct that it is not required to "pin down exact square footages of particular use types," it must determine in the challenged decision the general uses to be made of the proposed UGB expansion area, and provide a means to ensure those uses occur there. In other words, the city must choose and justify a city development model or plan, and limit permissible development within the UGB expansion area to uses consistent with the model chosen.

13. We address below petitioners' allegations concerning the city's failure to satisfy its coordination obligations in adopting the challenged decision.

14. We determine the city erroneously applied the Goal 14 need analysis. Therefore, we do not consider petitioners' remaining allegations concerning the evidentiary support for that analysis.

15. In addition to the disputed UGB amendment, the challenged decision amends the UPAA to include land other than the proposed UGB expansion area, as an "area of interest." No challenge is made to the city's decision to designate this additional land as an "area of interest" under the UPAA. The dispute here centers on the significance of the subject property's inclusion in the existing "area of interest" is established under the UPAA.

16. The challenged decision is 79 pages long and includes a number of appendices. It is possible that some findings to this effect may be buried somewhere in the decision. However, no party cites any such determination in the decision, and a cursory review by this Board reveals no such findings. We do not believe that we are required to search a lengthy decision, without assistance, to find material supporting a party's argument. See Eckis v. Linn County, 110 Or App 309, 313, 821 P2d 1127 (1991) (LUBA is not required to search the record to find evidence to support a challenged decision.)

17. Petitioners characterize the situation a little differently. Petitioners contend that over half of the land within all use categories inside the existing UGB is vacant.

18. The industrial use at issue in BenjFran Development required 500 acres.

19. There is no dispute ODOT, Washington County and Metro are "affected governmental units" within the meaning of Goal 2.

20. If the subject land is eventually annexed, that annexation decision must also be coordinated with the affected school districts.

21. The state Transportation System Plan is prepared by ODOT. As relevant here, the regional Transportation System Plan is prepared by the Metropolitan Service District.

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Washington County is responsible for preparing a local Transportation System Plan covering the subject property.

22. Petitioners also suggest the city erroneously failed to comply with the State Implementation Plan adopted under the federal Clean Air Act. See OAR 660-12-035(3)(b), quoted infra, at n 23. However, petitioners acknowledge the State Implementation Plan was not yet adopted at the time the challenged decision was made. We do not understand how the challenged decision can be erroneous for failing to comply with standards not in effect at the time the decision was adopted.

23. OAR 660-12-035(3)(b) provides:

"The transportation system shall be consistent with state and federal standards for protection of air, land and water quality including the State Implementation Plan under the Federal Clean Air Act and the State Water Quality Management Plan[.]"

24. The city does contend that it need not establish compliance with state clear air regulations that are not yet in place. While this may well be accurate, it does not answer petitioners' allegation that the city must, and did not here, establish the challenged decision is in compliance with Goal 6.

25. These conditions are quoted in full in the text, supra.

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Good evening Commissioners,

My name is Tammy Stevens & I reside in The Hamlet of Beavercreek.

Norm Andreen and I are here this evening representing the Board and Citizens of The Hamlet of BC. We both sit on the Board and have extensive experience as Clackamas County Planning Commissioners.

First, and importantly, we **are not against development**. We are, however, 100% for planned development that provides safety and livability regarding transportation and public services.

The BC Road Concept Plan has a **very long** and detailed history that we, unfortunately, cannot discuss here this evening. We understand that in order for our testimony to be accepted and shared with the City Commission, we must limit all testimony to transportation and public services.

Transportation is a great concern for us (and we hope for you too) especially in the face of the many development projects earmarked along BC Road and Highway 213. To see the big picture (map) this is BC Road and this is Highway 213. The BC Road Concept Plan development is in this area, the Evergreen (Meyers/BC Roads) 9 acre development is here, the new Oregon City School District bus barn is here, the CCC $111MM

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improvement/development area is here, the old bus barn development by Dan Fowler is here, the Linn, Leland and Meyers Road corridor/development is here and the economic enterprise zone is here, here, here and here. As you can see, this is a lot of development along BC Road & Hwy 213.

Mayor Dan Holladay at the October 27th Caufield Neighborhood Association meeting shared his vision of BC Road as Oregon City's economic future with a 5 lane highway from Hwy 213 to Henrici Road. It is no secret that both Highway 213 and BC Road (not to mention their intersection) are failing. Clackamas County has jurisdiction of BC Road, but has stated frequently the County's focus is on road maintenance throughout the County and not on the development of BC Road. Unfortunately, that leaves 6,500 BC rural residents (and the citizens in Colton, Molalla, Carus, Mulino, Clarkes, the Highlands, etc.) facing the same fate as that of the Happy Valley citizens many, many years ago.

As we all know, Happy Valley and the Clackamas area grew, and Sunnyside Road (under Clackamas County jurisdiction) became a parking lot. As a result, the federal government, ODOT, Metro and Clackamas County's Development Agency has spent over $150MM to fix poorly planned growth with the development of Sunnyside, the extensive creation of Sunnybrook, overpasses, fish habitat, etc.

Unfortunately, ODOT and Clackamas County don't have those types of funds any more to "fix" BC Road and Highway 213 due to poorly planned growth.

Before we move onto services, it is vital to note that the development of Highway 213 from Molalla Avenue to I-205's Environmental Impact Study resulted in Ordinance 92-1002 signed by Mayor Dan Fowler in 1992 agreeing that no development will occur if any roads in the vicinity of the Highway 213 and BC intersection (including the intersection) are operating at lower than a D level. And, if that happened, Oregon City would participate in a grade separation upgrade of the intersection. The current estimate to upgrade the intersection to a grade separation is $45MM and includes Dan Fowler's recently purchased old bus barn property. In addition, the State's Transportation Planning Rule #12 puts a moratorium of development with a failed intersection. To consider this amount of development without the plans or funds to fix roads and intersections is seriously irresponsible.

With regard to water, Clackamas River Water has been contacted regarding servicing of the BC area as Oregon City does not have the pressure to provide service. Normally, providing water through an intergovernmental agreement would not be a problem, however, after this year's drought and its devastating impact on the habitat of the Clackamas River,

the residents in BC are extremely concerned that water is available to existing clients and that the Clackamas River habitat is valued and protected. As stated in CRW's July 23, 2015, letter to the Clackamas County Commissioners, quote "It is our belief that as water providers on the Clackamas River we must begin to view the river less as an exclusive source of revenue and more as a valuable, finite resource that must be protected. To ignore the current river conditions and push off streamflow and temperature concerns would be irresponsible. While we do not discredit our collective utility's need to be financially stable, we believe that the long-term sustainability of the Clackamas River as a source of drinking water should trump the immediate needs of greener lawns and greater revenue," end quote.

For CRW to extend an IGA to Oregon City for all of the development planned in the next decade would most probably put the entire CRW southern service area into an annual drought conservation practice... not conducive for a successful timber, livestock, agricultural Mecca of Clackamas County and extremely devastating to any surviving habitat in the Clackamas River water area.

And, finally, sewer, the last we heard, to pursue just the 9 acre Evergreen development at Meyers and BC Roads, the sewer line lids along Glen Oak Road have to be bolted down so they

didn't overflow with sewer. In addition, residents along the sewer line testified of **frequent** sewer backfills into their basements. The City admitted that the sewer capacity for the development was problematic as there was a sewer bottleneck on Highway 213 at the College, but there are no funds to solve the problem. If you hear this about 9 acres of development along BC road, how can hundreds of acres along BC road and Highway 213 be serviced without extensive sewer planning and funding?

We repeat, **we are not against development,** only poorly planned development that will clearly put **all of us** traveling, working and living in and around this BC and Hwy 213 area into a bottleneck of transportation and no clear path to functional and environmentally responsible services.

Thank you for your time and consideration of our concerns!

Clackamas River Water

P.O. Box 2439
Clackamas, Oregon 97015-2439
(503) 722-9220
Fax (503) 656-7086
16770 SE 82nd Drive, Clackamas
customerservice@crwater.com

TM

To: Board of Commissioners of Clackamas County

From: Clackamas River Water

Date: July 23, 2015

Re: Water Use on the Clackamas River

On July 21, 2015 Clackamas River Water received a memorandum, *Re: Water Use on the Clackamas* written by Ernest Hayes of Clackamas County Administration. The policy question proposed was "Is the Clackamas River impacted by water shortage?" The memo ultimately concluded that, "After receiving feedback from several of the managers of local water districts, including Clackamas River Water Providers, there does not seem to be a present risk of a water shortage on the lower Clackamas River. Further, should a shortage occur, human consumption would not be limited until truly dire circumstances were met. There is no fear of this transpiring in the foreseeable future. "Clackamas River Water disagrees with Mr. Hayes' conclusion.

The state of Oregon is facing its worst drought in decades. Governor Brown has declared drought emergencies in 23 of 36 counties. Although Clackamas County eluded a drought declaration to date, it is not immune to the environmental pressures exerted upon it by low snowpack and hot, dry days. The Clackamas River, a vital resource for Clackamas County's urban centers, serves as a source of high quality drinking water for over 200,000 people and is no exception.

It is true that despite record low snowpack on Mt. Hood in the Upper Clackamas River Basin, the precipitation rate remained stable. Precipitation fell as rain, rather than snow. This is due to above average temperatures in the region. The elevation of the Upper Clackamas Basin is located near the current mid-winter snowline, as a result even minor deviations toward greater than normal temperatures can limit snow accumulation. While the Clackamas River is influenced by groundwater from large aquifers in the Upper Clackamas River Basin, the River will likely experience greater loss of streamflow and continued strain is put on the aquifer system. Trends toward warmer winters with more rain than snowpack will result in low flows on the River occurring earlier and increased stream temperatures. 2015 may very well be a preview of years to come.

Abnormally warm temperatures and record low snowpack in the Clackamas River Basin should be of great concern to water providers as the dense network of streams in the Upper Basin are strongly influenced by melting snow during the spring and summer, which in turn helps to maintain river flow and temperature. As early as May the effects could be observed on the river. Streamflows were at their

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lowest in over a decade (Figure 1), and temperature was elevated (Figure 2). By mid-June fish kills were observed at the confluence of the Clackamas and Willamette Rivers, due primarily to elevated water temperatures (Figure 2), prompting the Oregon Department of Fish and Wildlife to restrict fishing on the Clackamas River below the I-205 bridge.

Currently the streamflow of the Clackamas River is well below average, at levels not seen in more than a decade, and dropping. Water providers, as good stewards of the watershed, are subject to minimum allowable flows for fish persistence and passage. The State of Oregon requires each drinking water provider to develop a Water Management Conservation plan with a clearly defined curtailment plan that would maintain fish flows while allowing for sustainable water consumption. On the Clackamas River after September 15th that flow is 640 CFS. For Clackamas River Water and one other member of the Clackamas River Water Providers, as per our adopted Water Management Conservation Plans, Stage 3 Water Curtailment (mandated water conservation) would be implemented at streamflows less than 730 CFS after September 15th. While this is not the first time water providers have seen low streamflows in July, it is important to note that currently the streamflow of the Clackamas River is below 750 CFS with prolonged periods of hot dry weather predicted in combination with the development of an El Niño event (Figure 1). The likelihood of water providers having to implement curtailment practices come September is strong.

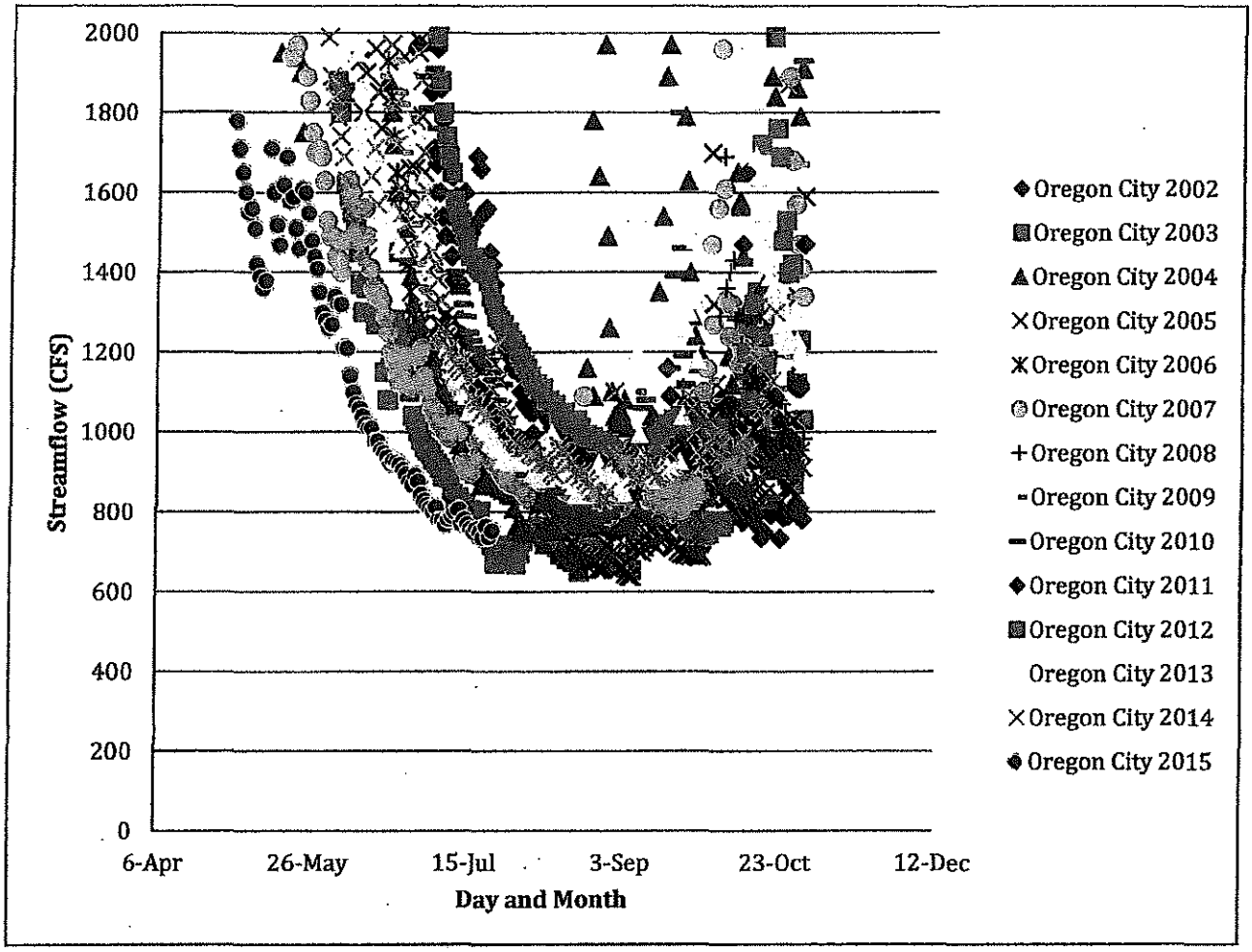

Figure 1. Streamflow (CFS) recorded at USGS Oregon City gauge from 2002-2015

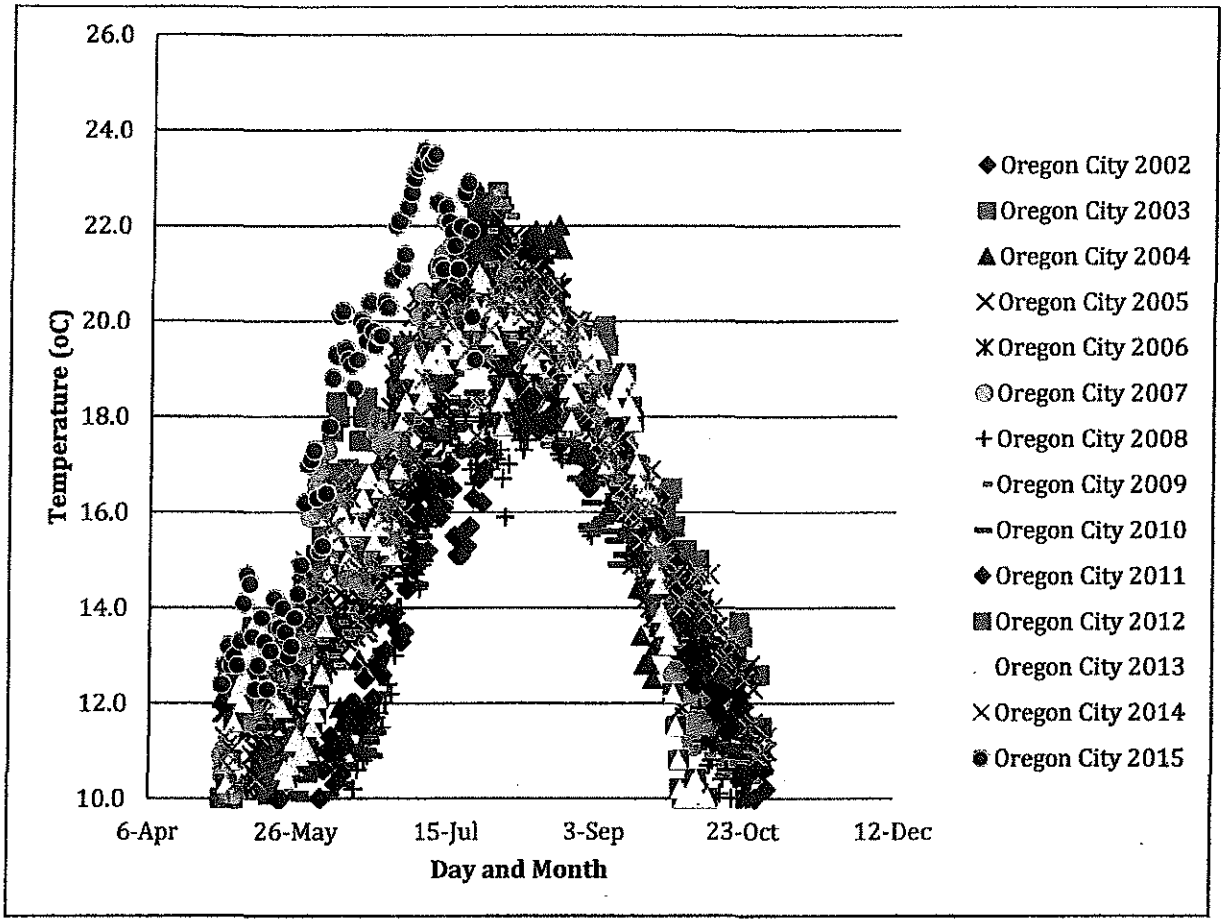

Figure 2. Water temperature (°C) recorded at the USGS Oregon City gauge from 2002-2015

Clackamas River Water issued a Stage 1 Water Advisory encouraging its customers to conduct voluntary water conservation measures in early June as dictated by our Water Management Conservation Plan upon observation of below average streamflows. Continued low flows, or a declaration of drought, will soon prompt CRW to issue a Stage 2 Water Advisory with more stringent conservation measures.

While there may not be an immediate water shortage on the Clackamas River, elevated temperatures and low streamflow suggest that mandated conservation measures for water providers may be on the horizon. It is our belief that as water providers on the Clackamas River we must begin to view the river less as an exclusive source of revenue and more as a valuable, finite resource that must be protected. To ignore the current river conditions and push off streamflow and temperature concerns would be irresponsible. While we do not discredit our collective utility's need to be financially stable, we believe that the long-term sustainability of the Clackamas River as a source of drinking water should trump the immediate needs of greener lawns and greater revenue. Responsible management of a water source does not mean simply navigating into maximum withdrawals allowed by the State of Oregon. It means preserving a drinking water source for a

larger portion of Clackamas County, preserving fish habitat and recreation, and ensuring our water source for the future.

Clackamas River Water is a special district that serves over 50,000 people in unincorporated Clackamas County, which includes Clackamas, and parts of Oregon City, Beavercreek, Milwaukie, and Portland.

We would like to offer our thanks to the Board of Commissioners for affording the water providers the opportunity to comment on this critical issue. As you are aware it is the County's role to notify the Governor when more extreme action is warranted.

Sincerely,

Lee E. Moore Sr.
General Manager
Clackamas River Water District

On behalf of the Board of Commissioners and Staff:

Ken Humberston; President
Hugh Kalani; Secretary
Naomi Angier; Treasurer
Larry Sowa; Commissioner
David McNeel; Commissioner

September 10, 1993

MEMORANDUM

TO: Charlie Leeson, Henry Mackenroth, Denyse McGriff, City of Oregon City
Mark Greenfield

FROM: John Spencer, Oregon City Urban Renewal Agency

RE: HWY. 213/BEAVERCREEK ROAD INTERSECTION (Revised from 9/9/93)

As a follow-up to the meeting on June 24 with Clackamas County and ODOT officials, I agreed to summarize our discussions which will be the basis for a revised Memorandum of Understanding between the City, County, and ODOT.

Overall Intent

It is the intent of all parties to provide for and implement the various transportation projects called for in the Draft Warner-Parrott Rd.-Oregon City Bypass Environmental Assessment. These projects include an at-grade interchange improvement of the Highway 213/Beavercreek Road intersection, and the future construction of a grade-separated interchange. All parties agree that existing traffic congestion at this intersection is at unacceptable levels. Until intersection and other improvements have been constructed, any new development permitted in the vicinity of this intersection should not increase the congestion problems beyond current levels. It is also agreed that if the sponsors of new development can prove that proposed development will not increase the congestion problems, then development will be allowed only when in compliance with adopted plans for an at-grade interchange at the Highway 213/Beavercreek Road intersection.

Proposed Modifications to the Draft MOU of 2/92

The Draft Memorandum of Understanding is attached. The following changes are proposed:

Paragraph 4.a., add the following:

The State, County and City consider the interchange project as high priority.

Delete paragraph 4.b.

Delete paragraph 7 and add the following:

The County and City agree that grade-separated interchange improvements for Highway 213/Beavercreek Road are adopted as part of their Comprehensive Plans. The County and City also agree that their respective Comprehensive Plans require that major intersections operate at Level of Service (LOS) D or better. The County

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and City agree that when new developments are proposed for properties along Beavercreek Road prior to construction of grade-separated interchange improvements, a professional traffic analysis shall be required prior to the issuance of any land use permits. Land use permits shall not be approved unless the traffic analysis demonstrates that the Highway 213/Beavercreek Road intersection and other nearby intersections will operate at Level of Service D or better with the proposed development. If the traffic analysis demonstrates that the Highway 213/Beavercreek Road intersection will operate at LOS D or better with the proposed development, the development plan, including access to Beavercreek Road, will not interfere with, impede the implementation of, or substantially increase the cost of the adopted grade-separated interchange improvements for Highway 213/Beavercreek Road.

First Draft Comprehensive Plan Amendments

In order to meet the obligations outlined in the paragraph above, Oregon City will need to amend the transportation element of its Comprehensive Plan. The first obligation is to adopt the interchange plan. That has been done with Ordinance 92-1002 attached. Following are draft policies to meet the other obligations outlined above.

a. *All intersections requiring full signals as shown on Figure 2, Traffic Signal Locations, Oregon City Transportation Master Plan, 1989, and any other intersections where full traffic signals are warranted, shall operate at Level of Service D or better. Level of Service (LOS) is defined in Appendix B of the Oregon City Transportation Master Plan, 1989.*

b. *A professional traffic analysis shall be required prior to the issuance of any land use permits when new developments are proposed for properties in the vicinity of fully signaled intersections. Land use permits shall be approved only when the traffic analysis demonstrates that the signalized intersection will operate at Level of Service D or better with the proposed development, and that the development plan will not interfere with, impede the implementation of, or substantially increase the cost of any adopted transportation improvements identified in the City's Comprehensive Plan*

c. *Right-of-way shall be required as a condition of approval when developments are proposed near adopted transportation improvements identified in the City's Comprehensive Plan.*

Please provide comments on these proposed plan amendments to me by the end of next week. Thanks,

John

MEMORANDUM OF UNDERSTANDING
Between the
STATE OF OREGON,
CLACKAMAS COUNTY,
And
CITY OF OREGON CITY

(1) The Oregon Department of Transportation, Highway Division, hereinafter referred to as "State"; CLACKAMAS COUNTY, a political subdivision of the State of Oregon, acting by and through its Board of Commissioners, hereinafter referred to as "County"; CITY OF OREGON CITY, a municipal corporation of the State of Oregon, acting by and through its City Officials, hereinafter referred to as "City"; enter into this Memo of Understanding to set forth the principles of mutual commitment to the proposed Cascade Highway South at Beavercreek Road Interchange.

(2) State and County previously entered into a construction finance agreement No. 8119, on June 21, 1984 for the Warner-Parrott Rd. - Oregon City Bypass project.

(3) When the Warner-Parrott Rd. - Oregon City Bypass project is constructed, State, County, and City agree the increased traffic flow will cause congestion at the Cascade Highway South / Beavercreek Rd. intersection, and all parties agree that improvements may be necessary. Proposed at this time is an at-grade interchange at Cascade Hwy. South / Beavercreek Rd.

(4) State, County, and City agree to the following conditions in preparation for the proposed interchange agreement:

(a) State will support County and City in seeking the necessary funds from Metro to construct the interchange project.

(b) The County and/or City will be responsible for the survey, writing the descriptions, and the acquisition of any necessary right-of-way for construction of at-grade interchange.

(c) The County will have the lead role in project engineering and construction management.

(d) Prior to construction of the Cascade Hwy. South / Beavercreek Rd. Interchange, State, County, and City shall enter into a cooperative improvement agreement for construction and maintenance responsibilities for the at-grade interchange.

CITY OF OREGON CITY

Incorporated 1844

DEVELOPMENT SERVICES DEPARTMENT
Planning, Building, Engineering
320 Warner-Milne Road
Oregon City, OR 97045
(503) 657-0895
FAX (503) 657-3339

May 27, 1993

Ron Weinman
Clackamas County
902 Abernethey Road
Oregon City, Oregon, 97045-1100

Mr. Weinman:

The Oregon City Commission, at its May 19th meeting, rescinded its approval given on February 17th, of the Memorandum of Understanding between the State of Oregon, Clackamas County and the City regarding the proposed interchange on Cascade Highway South at Beavercreek Road, effective immediately.

The Commission is concerned about the provisions and implications of the paragraph addressing the prevention of development on private lands. They further understood that the agreement was in it's final form when they originally authorized signing.

The City Commission has directed staff to reopen negotiations regarding this agreement. An identical letter is being transmitted to Ted Keasy at Region 1, of Oregon State Highway Division.

Please contact me to arrange further discussions on this matter.

Charles Leeson
City Manager

cc: City Commission
Ed Sullivan, City Attorney
Henry Mackenroth, Project Manager

COPY

ORDINANCE 92-1002

AN ORDINANCE AMENDING THE TRANSPORTATION MASTER PLAN AND THE TRANSPORTATION ELEMENT PLAN OF THE COMPREHENSIVE PLAN TO ADD TWO FUTURE ROAD PROJECTS AND A POLICY FOR COLLECTOR STREETS.

WHEREAS, the State Highway Division has requested that a proposed road project at Highway 213 and Beavercreek Road be included in the Oregon City Comprehensive Plan, and

WHEREAS, based on development patterns a future collector street needs to be designated outside of the City limits, but in the Urban Growth Boundary, and

WHEREAS, a policy on access management is needed to guide development along collector streets, and

WHEREAS, the Oregon City Planning Commission, on December 12, 1991, conducted a public hearing to consider the adoption of these proposals, and

WHEREAS, the proposed amendments to the Transportation Master Plan and Transportation Element of the Comprehensive Plan is designed to best meet the land use planning needs of the City.

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That the Transportation Master Plan and the Transportation Element of the Comprehensive Plan are hereby amended to add the following to read as follows:

1. Add the grade separation of Highway 213/Beavercreek Road.

   a. The State Highway Division has forwarded a request to add the grade separation at Highway 213/Beavercreek Road. The proposal would include maps of the proposed Phase 1 and 2 project to page 63 of the Transportation Master Plan as an addition to the roadway laneage and access control map.

   b. Roadway Laneage/Access Control Plan, page 64 of the Transportation Master Plan - Widen Highway 213 to six lanes between Beavercreek Road and I-205, with a grade separation at Beavercreek Road (to include Phase 1 and Phase 2 roadway and laneage needs).

2. Add S. Caufield Road as a future collector street - (For approximately 500 feet from Highway 213 to a proposed street that would be located between S. Caufield Road and S. Canyon Ridge Drive; added to page 60 of the Transportation Master Plan.

3. Add a policy - Regarding access management on collector streets to Policy 4 on page L-35 of the Transportation Element of the Comprehensive Plan:

   New subdivision/residential development shall minimize access on collector streets unless infeasible. If feasible, lots shall be oriented to have frontage on local streets with back yards to the collector street.

Read first time at a regular meeting of the City Commission held on the 5th day of February, 1992, and the foregoing ordinance was finally enacted by the City Commission this 5th day of February, 1992.

Jean K. Elliott

JEAN K. ELLIOTT, City Recorder

ATTESTED this 5th day of February, 1992.

Daniel W. Fowler

DANIEL W. FOWLER, Mayor

ORDINANCE NO. 92-1002

Effective: March 6, 1992

BC

E

OBB

E

BRCP

CCC

#1111111

213

E

NBB

OCHS

E

EXHIBIT L

ENTERED INTO THE RECOR

DATE RECEIVED: Nov. 2

SUBMITTED BY: HAMLE

SUBJECT:

LE-15-0003

Public Hearing on the Beavercreek Road Concept Plan Re-Adoption
Planning Commission
Nov. 23, 2015
Elizabeth Graser-Lindsey

The City and its Industrial Land Commitment

City Attorney 11-20-15 memo to you errs: "After LUBA's decision, the City Commission decided not to revise the BRCP to designate more industrial land." (p. 1 final paragraph). The City Commission minutes show that the City Commission itself did not make this decision and were not aware that it was made (11-9-2010, 7-20-2011) despite Tony Konkol telling you and Metro that the City Commission had made such a decision. Rather the City Commission instructed staff to consider more industry (specifically cottage industry). That is, a simple re-adoption with expanded findings violates the official instructions that the City Commission last gave to staff.

The memo further distorts the matter (p. 1 final paragraph to p. 2 first paragraph). Without the authority of the city, your staff (Tony Konkol) asked Metro to change its Industrial lands map. It was purported that Oregon City no longer needed the industrial land; however, no evidence of that has ever been presented. In fact even now, the Oregon City News reports (10-28-15 p. A1, A11): "Clackamas county… officials… are looking for more industrial and employment lands… Clackamas County has a shortage of employment land." "50-100 acre", "flat, continguous sections of land" are particularly lacking -- just the type of land that this airport and golf course present. OCCP Policy 2.6.1, 2.6.2, 2.6.3 and others require ensuring there is enough industrial land in the UGB, that land planned for industrial is so used and

ENTERED INTO THE RECORD
DATE RECEIVED: 11/23/2015
SUBMITTED BY: Elizabeth G.L.
SUBJECT: LE-15-0003
EXHIBIT M.

protected, and that citizens should have an opportunity to be close to their workplace.

Because of confusion about the legislature's "grand bargain" on urban and rural reserves, the court failed consider this case, which allows Metro's error to stand.

In your staff report (p. 3) the acreages of the concept plan sub-districts are compared with the 2002 and 2004 UGB expansions for industrial land and the now-shrunken Metro Title 4 Industrial Land. The staff report fails to mention that the 2002 and 2004 308-acre expansion, justified soley to meet industrial need, yielded 0 net acres (or 0%) for the 2004 portion and 75 net acres (or 30.6%) for the 2002 expansion (or 24% overall). Even the shrunken Title 4 industrial lands continue to be 22% wasted with NEC campus being 47 acres smaller (173 of the 220 acres or 78.6%). The NEC industrial subdistrict is on the mostly unbuildable part of the concept plan area, dissected by canyons and crossed by a network of regional transmission line corridors. (See the Buildable Lands map from p. 13 Fig. 7 of the remanded BRCP).

The BRCP violate Statewide Planning Goal 9: Economic Development in that it does not contribute to a stable an healthy Oregon City in terms of the job:housing ratio and it does not "include an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends" an it does not "provide for... an adequate supply of suites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies."

The Planning Commission should honor the justification given to the public for these expansions yield industrial lands; it should honor LUBA's decision that the yield is insufficient; and it should honor the City's commissions instructions that more industrial land be considered in the "yellow" residential zone. The staff needs to do this right.

Citizen Involvement and Public Comment

The City has not fulfilled its Goal 1 Citizen Involvement responsibilities regarding this concept plan, because the 15-member Citizen Advisory Committee did not have its couple citizen seats filled with citizens, but instead was filled with developers and officials, because surveys of the public, including the city's own, indicated strong public opposition to this plan which violates Criteria 3, and because of similar reasons previously given before LUBA.

Infrastructure Funding

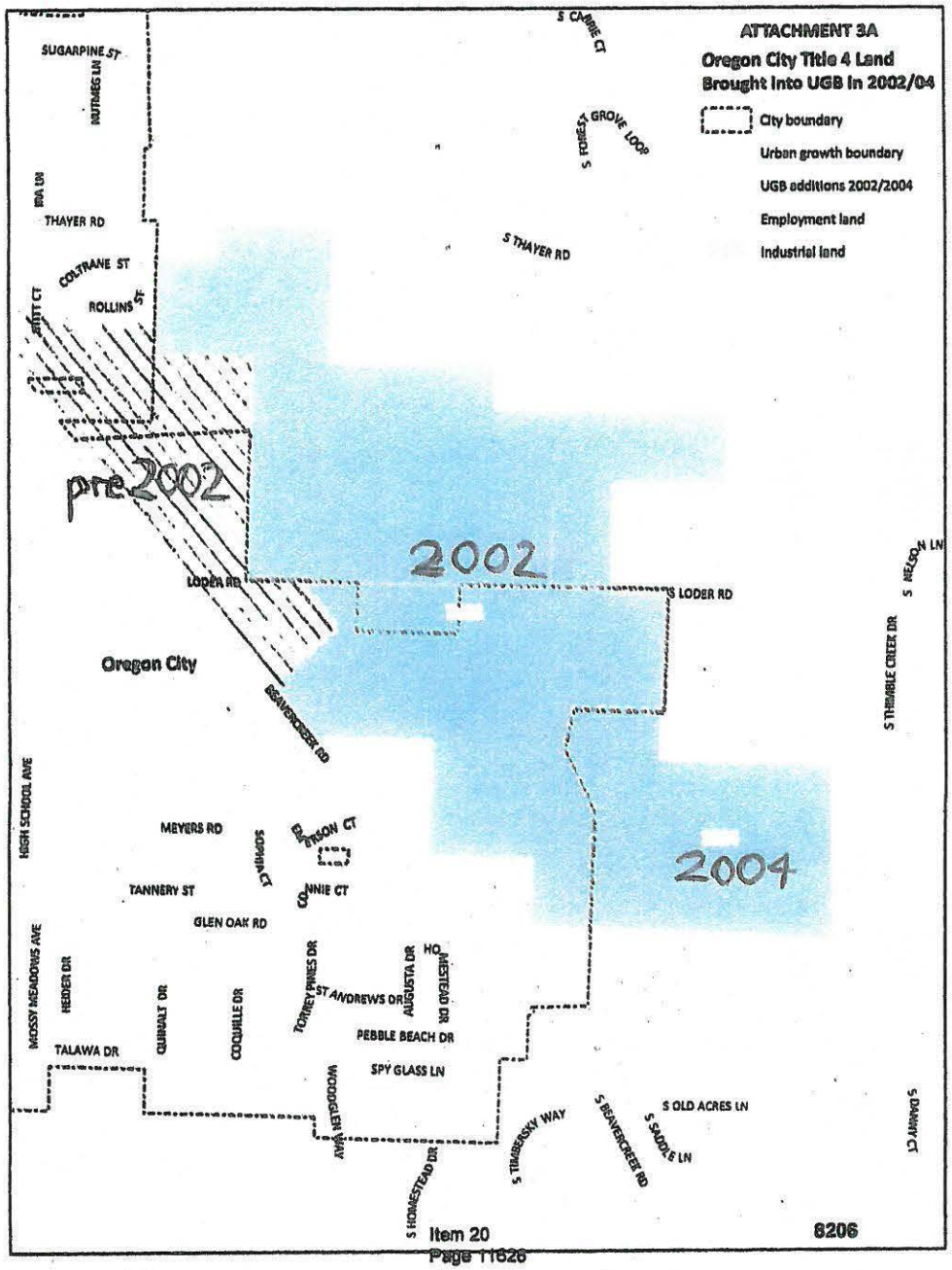
The City has not yet determined how it could fund the Beavercreek Rd. Concept Plan infrastructure and violates Title 11 #8 ("provision for the financing") Its recent master plans on water, sewer and transportation were unable to find a funding mechanism adequate to fund the necessary infrastructure.

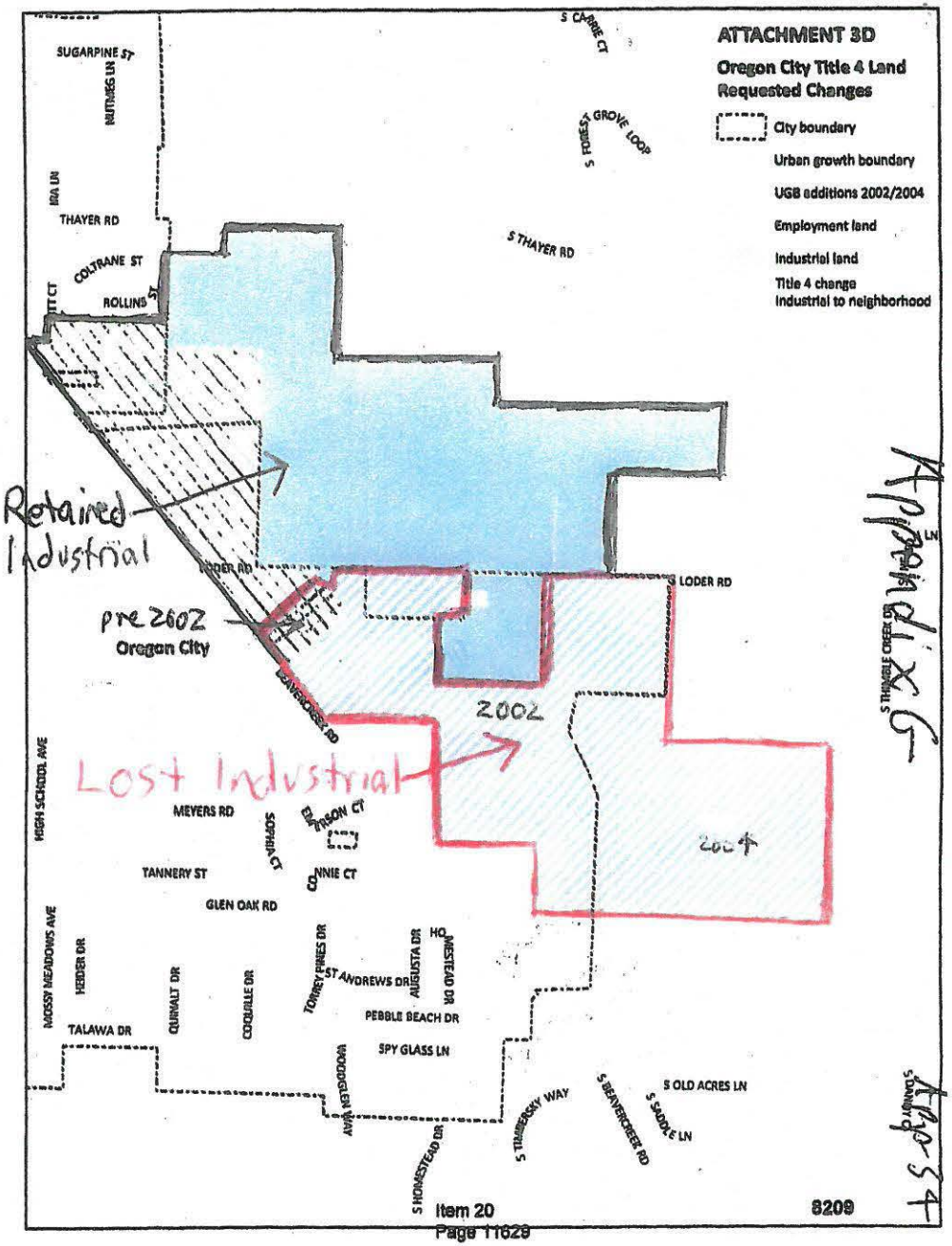
The water master plan is unable to decisively determine how $2 million in annual maintenance can be funded; it makes no effort to determine how new water infrastructure could be funded e.g. a water reservoir that would be needed to provide water pressure to the BRCP area. As the Beavercreek Apts, within the BRCP area, were approved, it was based on out-of-district water. Although the Water Master Plan anticipated need would trigger

the provision of infrastructure, that trigger failed to operate in its first test – with the Beavercreek Apts.

The sewer master plan does not provide a working, funding mechanism to get the sewer into Beavercreek Rd. as would be needed to build out the BRCP. As the Beavercreek Apts, in the BRCP area, were approved, their sewage was diverted to an adjacent drainage basin despite that capacity being needed for the adjacent basin's own buildout. The conditions of approval determined that the first BRCP development will not have to help fund its portion of the Beavercreek Rd. sewer. (Staff Report, p.21 errors in paragraph 2). It also will not have to fund removal of constriction in the 213 portion of the system where the City nearly declared a moratorium according to the City.

The transportation system plan shows that the cost of providing needed road infrastructure is more than tens of millions beyond the city's available finances. Beavercreek Rd. will be constricted to 3 lanes by the Beavercreek Apts; however, the parallel roads in the BRCP cannot be built out due to lack of funding and the TSP shows these roads do not have funding in a time frame relevant to the BRCP. Some of these failures are already serious with current city capacity e.g. the Hwy 213/Beavercreek Rd. intersection, further intersections down Hwy 213, Beavercreek Rd. capacity, and I205. Proceeding with the BRCP violates Statewide Planning Goal 12: Transportation because of the "adverse social, economic and environmental impacts" that result from the congestion increasing further above standards. Title 11 #9 is violated by the failure to protect the capacity and function of state highway interchanges.


ATTACHMENT 3A
Oregon City Title 4 Land
Brought Into UGB In 2002/04
City boundary
Urban growth boundary
UGB additions 2002/2004
Employment land
Industrial land
pre2002
2002
2004
Oregon City
SUGARPINE ST
NUTMEG LN
IRA LN
THAYER RD
COLTRANE ST
ROLLINS ST
S CARRIE CT
S FOREST GROVE LOOP
S THAYER RD
LODER RD
S LODER RD
BEAVERCREEK RD
S NELSON LN
S TRIMBLE CREEK DR
HIGH SCHOOL AVE
MEYERS RD
ELLERSON CT
SOPHIA CT
TANNERY ST
CONNIE CT
GLEN OAK RD
MOSSY MEADOWS AVE
HERDER DR
QUINALT DR
COQUILLE DR
TORREY PINES DR
ST ANDREWS DR
AUGUSTA DR
HOMESTEAD DR
TALAWA DR
PEBBLE BEACH DR
SPY GLASS LN
WOODGLEN AVE
S HOMESTEAD DR
S TIMBERSKY WAY
S BEAVERCREEK RD
S SADDLE LN
S OLD ACRES LN
S SAWAY CT
Item 20
Page 11626
8206


ATTACHMENT 3D
Oregon City Title 4 Land
Requested Changes
City boundary
Urban growth boundary
UGB additions 2002/2004
Employment land
Industrial land
Title 4 change
Industrial to neighborhood
Retained Industrial
pre 2002
Oregon City
2002
Lost Industrial
2004
SUGARPINE ST
NUTMEG LN
IRA LN
THAYER RD
COLTRANE ST
ROLLINS ST
S CARRIE CT
S FOREST GROVE LOOP
S THAYER RD
LODER RD
S LODER RD
BEAVERCREEK RD
S NELSON LN
S TRIMBLE CREEK DR
HIGH SCHOOL AVE
MEYERS RD
ELLERSON CT
SOPHIA CT
TANNERY ST
CONNIE CT
GLEN OAK RD
MOSSY MEADOWS AVE
HERDER DR
QUINALT DR
COQUILLE DR
TORREY PINES DR
ST ANDREWS DR
AUGUSTA DR
HOMESTEAD DR
TALAWA DR
PEBBLE BEACH DR
SPY GLASS LN
WOODGLEN AVE
S HOMESTEAD DR
S TIMBERSKY WAY
S BEAVERCREEK RD
S SADDLE LN
S OLD ACRES LN
Item 20
Page 11629
8209

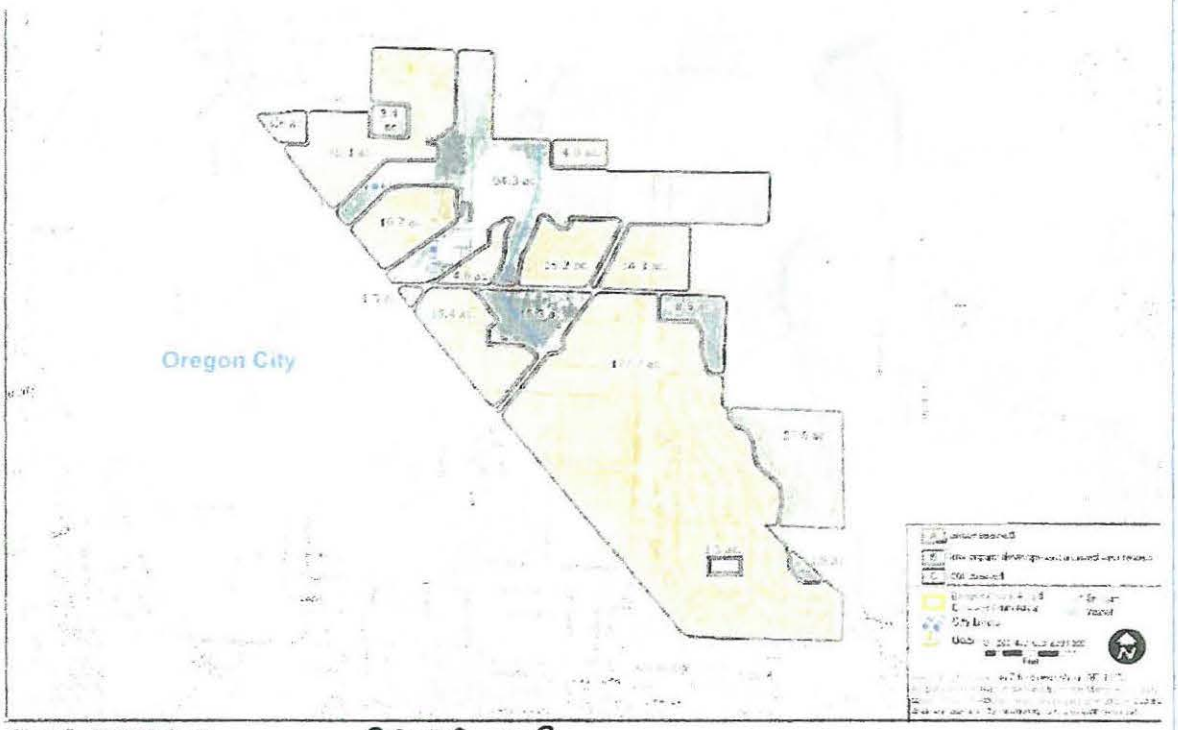


Figure 7 - Buildable Lands

BRCP, p.13

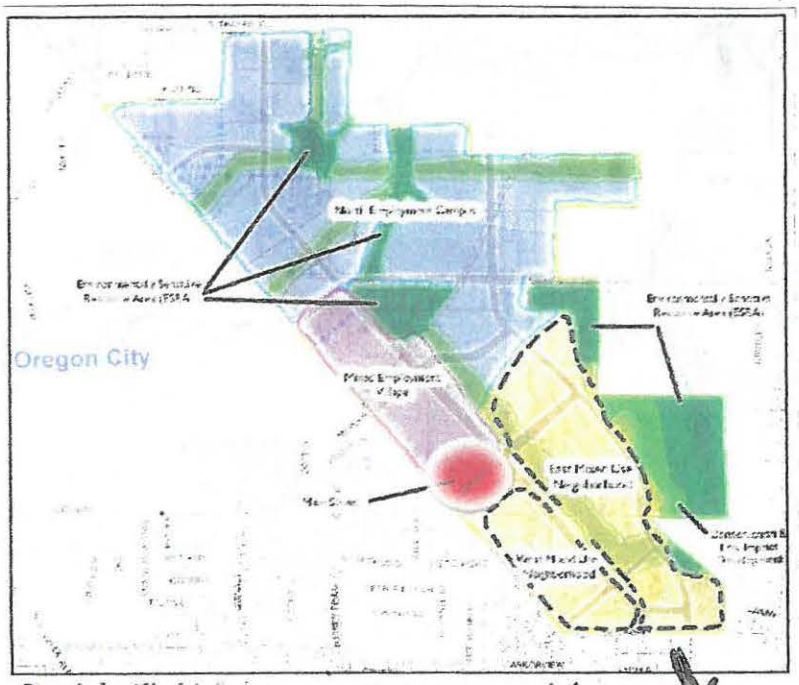
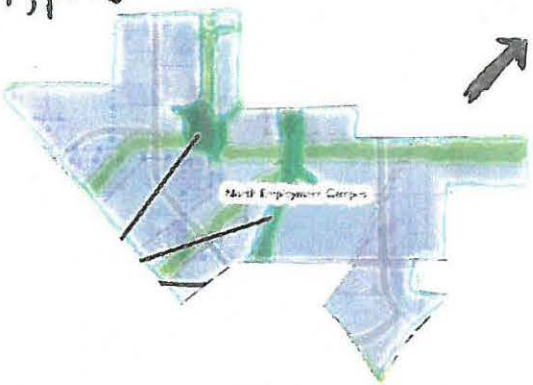


Figure 8 - Land Use Sub-districts

BRCP, p. 16

Industrial Lands are unbuildable



County: Ludlow blasts Eagle Landing project

From page 1

that a similarly long battle lies ahead between the county and Tri-City's member cities.

"It's all about producing the lowest rate possible," Savas said. "But unfortunately politics enters a lot of decisions."

On Dec. 10, the regional wastewater committee will have its last meeting of the year, when Savas sees an urgent need to find some consensus.

"I don't see a lot of fame or fortune in controlling a local wastewater district," Savas said.

Ludlow argued that the fact that all three cities have interim managers has led to a steep learning curve for county officials to get city leaders in the loop on sewer issues.

"Sooner or later we are going to have to agree on the facts," Ludlow said. "The last thing that this county needs is that M-word called moratorium."

Enough sites for development?

The next question about a perceived local shortage of lands for job creation struck a nerve among commissioners, who are divided on the regional government's position that the Portland metropolitan area currently has enough developable sites.

Recommendations recently issued by Martha Bennett, chief operating officer of Metro, calls for no further expansion of the urban growth boundary at this time. The report sparked controversy among Clackamas County and Washington County officials who are looking for more industrial and employment lands.

The majority of the county commission, including Ludlow, recommended that Commissioner Martha Schrader vote against the report as the county's representative to the Metro Policy Advisory Committee. She decided to vote in its favor, after an amendment to the report passed addressing some of Clackamas County's concerns. She resigned from her position as Clackamas County's representative to Metro after Ludlow expressed his dismay at her vote.

Metro President Tom Hughes donated $1,000 to Schrader's re-election campaign on Aug. 13, just three weeks before her vote. Schrader is being challenged by Steve Bates, a former chairman of the Boring Community Planning Organization. While Bates accuses her of Metro over the trust of her colleagues, Schrader has explained that she needed to tailor her vote to changing circumstances.

Schrader acknowledged that Clackamas County has a shortage of employment land. However, she said the county has a great economic development team to help developers find shovel-ready sites. The team also identifies future land-use needs and what rules might need to change to accommodate new development.

"I do think this county will be successful," Schrader said.

Standing with Schrader on the issue, Commissioner Jim Bernard said if "we keep creeping out into our valuable farmland," it would be at the cost of ignoring available land that's underdeveloped and well-served by public transportation and other transportation infrastructure.

"McLoughlin Boulevard is an opportunity that is not unlike Kruse Way," Bernard said.

"There are no 50 or 100-acre sites on McLoughlin," Savas retorted, although he agreed that there were some good opportunities on the thoroughfare.

"None of us can even imagine," Bernard argued, what the future of business needs will be, so he called into question county commissioners who argued that the county needed flat contiguous sections of land for development.

"Are we planning for the future or are we just looking at the status quo?" Ludlow asked.

Eagle Landing project

County commissioners expressed fears that the Eagle Landing project would not be going forward, but they declined to elaborate on the reasons that the developer might be getting cold feet.

"$10 million is a lot of money, but in the scheme of things of 100 million square feet, it's chump change," Ludlow said of the county's potential contribution to the project. "I got a real problem," Ludlow said, with traffic and density at the site of what he called a "corporate giveaway."

When Ludlow added that the county needed to look at other ways to help working people and create jobs, Bernard joked, "You sound like a liberal there, John."

Savas, Schrader, and Commissioner Tootie Smith took issue with Ludlow's "giveaway" interpretation. Savas called the project a "great deal" for Clackamas County, and Schrader pointed out that the deal would not go through if the project doesn't work out. Schrader said that the county's offer to forgive certain project fees if the project moves forward gained the support of the nearby city.

"Our partners in Happy Valley were very, very interested in seeing a deal like this unfold," she said.

Oregon City Commission Meeting – Public Comments
August 19, 2015
Elizabeth Graser-Lindsey

I was surprised to hear Tony Konkol tell the Planning Commission on June 22, 2015 that in the fall the Beavercreek Road Concept Plan, remanded by LUBA, will be re-adopted rather than revised and adopted. The City Commission never decided in favor of a simple re-adoption.

In 2002 and 2004 Oregon City and Metro said more industrial land was needed in Oregon City. 308 acres were added to the UGB for industrial (2002: 245 acres and 2004: 63 acres). 453 acres were planned as the Beavercreek Rd. Concept Plan which included this and pre-existing industrial land. The concept plan yielded only 54.7 industrial acres of the 308 new industrial acres, none of which is from the 2004 UGB expansion[1]. This low acreage yield was not reported to the PAC (committee), City Commission or the public, so they didn't know. The concept plan said that it had the 120 acres of industrial land as Metro wanted, but this industrial land largely pre-dated the new land. The concept plan also placed those few new industrial acres in the most unbuildable, dissected part of the site. (Attachments A and B). LUBA remanded the concept plan decision for not

[1] *Graser-Lindsey v. Oregon City*, 59 Or LUBA 388 (2009), 407, 412. LUBA's numbers range from 54.7 to 74 to 81 acres.

protecting the industrial land (according to Metro Title 4). *Graser-Lindsey v. Oregon City*, 59 Or LUBA 388 (2009).

Oregon City continues to need those industrial land as the City continues to have a very poor job:housing ratio. Consequently City residents have to commute out of the City to often distant jobs, congesting the roadways. The lack of jobs deprives the City of business taxes which are more lucrative than residential taxes, because business uses less services than residential.

In response to the remand of the Beavercreek Rd. Concept Plan, the Oregon City Commission never decided to have Metro shrink the City's industrial land on Metro's map by making the industrial land residential. (Attachments C and D). That was done behind the scenes by Tony Konkol and Metro staff. A transcript of the Nov. 9, 2010 City Commission Work Session (Attachment E) shows that the commission did not make the decision on how the remand was handled and they were not informed about what the staff was doing – including after their request. By false answers[2] and vagueness Tony Konkol prevented the commission from

---

[2] For example, when Mayor Neeley (00:05:05) and Commissioner Nicita (00:03:35) think the City could revise its concept plan rather than Metro revise its design type designations and question how the City will decide, Konkol doesn't reveal to them that he has told Metro that the Oregon City Commission has requested this design type change. He is acting without authority and lying to the commission and Metro about it.

Tony Konkol (00:02:29) says to the commission, "most likely in January" when the Metro schedule (Attachment F) shows the decision will be made Dec. 16, 2010.

learning what he was about finished doing with Metro without the commission's awareness or approval.

At the July 20, 2011 City Commission meeting it was decided how to proceed. "Reconsideration of the yellow areas for greater cottage manufacturing in those zones" was decided to be part of the city's remand process. (Attachment G). However, in summarizing the Commission's decision on Jan. 11, 2013, Tony Konkol omitted the Commission's decision to look at cottage manufacturing. (Attachment H). That omission continued on June 22, 2015 when Tony said to the Planning Commission that the concept plan would come up for re-adoption in the fall. He claimed erroneously that that was the City Commission's decision and he determined that none of the Planning Commissioners had institutional memory of the previous decision making.

It is false that the previous City Commission wanted a simple re-adoption. In addition, residential use of land included in the UGB for industrial use harms the City which needs the full measure of family wage jobs. It violates OCCP Policy 2.6.8 "... lands east of Clackamas Community College... should be designated in a manner that encourages family-wage jobs in order to generate new jobs and move towards the city's employment goals." And it violates the public trust. Finally, the concept

plan industrial lands should be useable and not fragmented by unbuildable canyons and easements.

Oregon City could be run with just staff, but the City needs the City Commission to oversee what is happening and ensure that it is in the public interest. When you disregard your instincts and don't guide staff, the City loses[3]. LUBA will defer to you, but if you go against your better judgment, it can harm Oregon City. If you let staff ignore the need for the full measure of industrial land, the City loses its opportunity to improve its job:housing ratio and its budget.

---

[3] Recently, the commission agreed Beavercreek Rd. needs 5 lanes of right of way, but you didn't require this relatively easy modification; harm, such as degradation of mobility and liveability, can come from your deferring to staff. You let the BC apartments take sewage capacity needed for Glen Oaks buildout; that could choke off build out of that neighborhood. You allowed the BC apartment developer not to contribute to the Beavercreek Rd. sewer line; that could compromise that line, needed by the concept plan area, ever being built.

Much of your staff themselves seem concerned as indicated in their reports. They indicated the similarity of Glen Oaks to sewage moratorium areas, untested I&I needed for Glen Oaks itself, the 213/Beavercreek Rd. intersection unable to meet state standards and so forth.

ATTACHMENTS

A. Buildable Lands (Beavercreek Rd. Concept Plan, p. 13)

B. Land Use Sub-districts (Beavercreek Rd. Concept Plan, p. 16)

C. "Attachment 3D Oregon City Title 4 Land Requested Changes"

D. Metro Design Types Compared with BRCP Sub-districts

E. Transcript of City Commission Nov. 9, 2010 Work Session

F. Metro schedule for "2010 proposed capacity ordinance"

G. Minutes of City Commission July 20, 2011 Meeting

H. 1/11/2013 Staff Report on Beavercreek Rd. Concept Plan

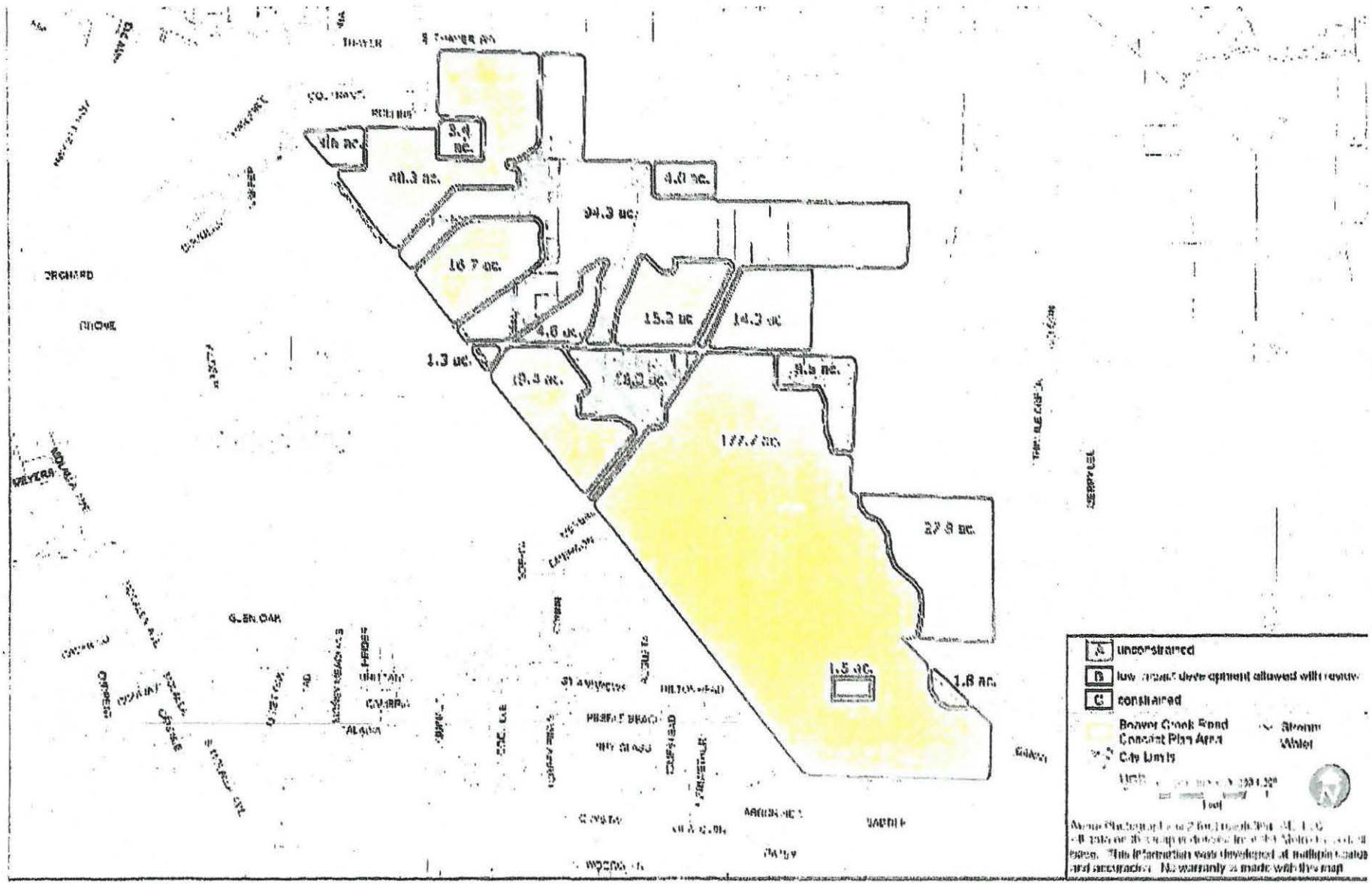


Figure 7 - Buildable Lands

ATTACHMENT A

Land Use Sub-Districts

Figure 8 illustrates the five land-use "sub-districts" of the concept plan area. Each has a specific focus of land use and intended relationship to its setting and the plan's transportation and open space systems. Each is briefly described below and illustrated on Figures 9 through 12.

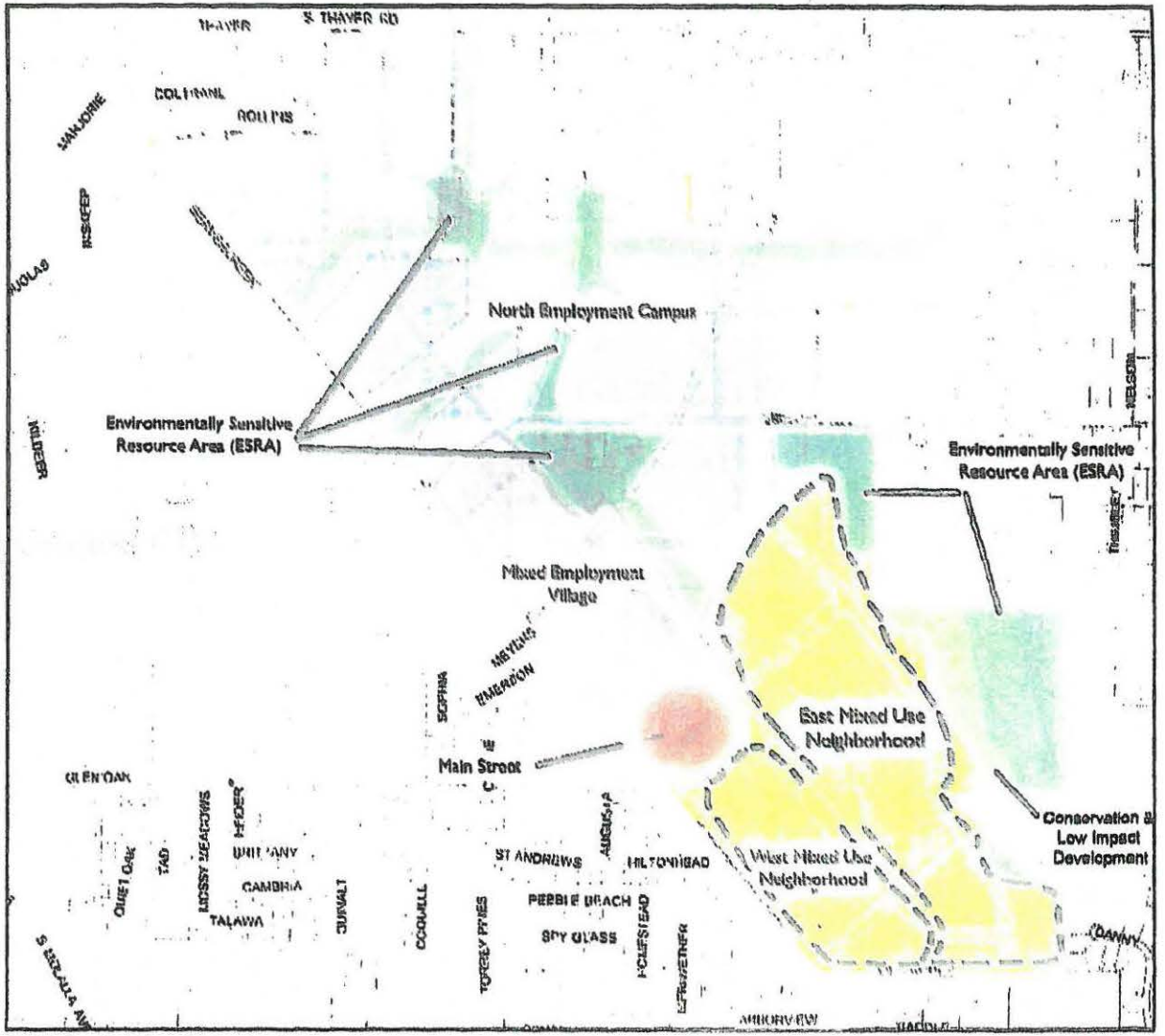
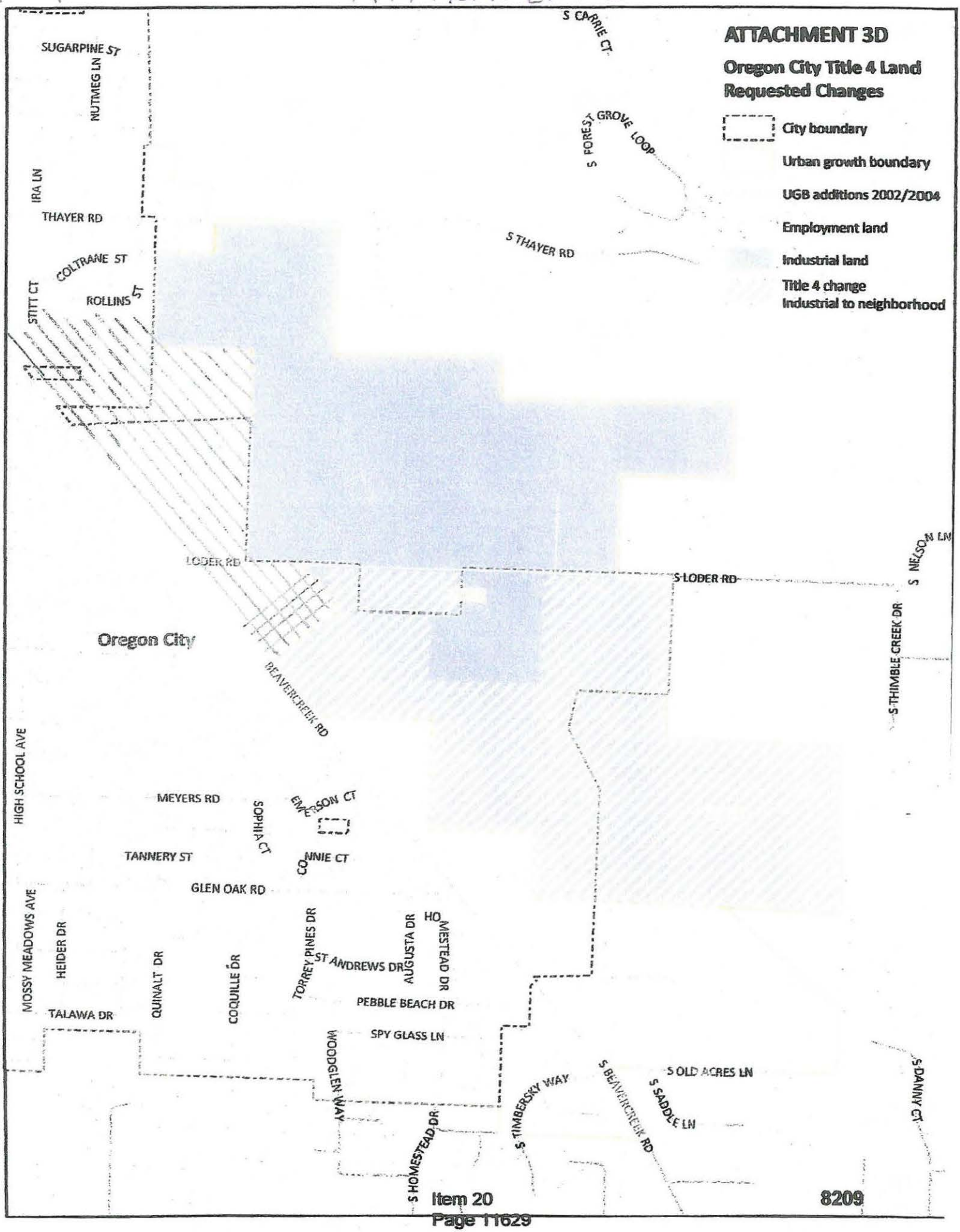


Figure 8 - Land Use Sub-districts

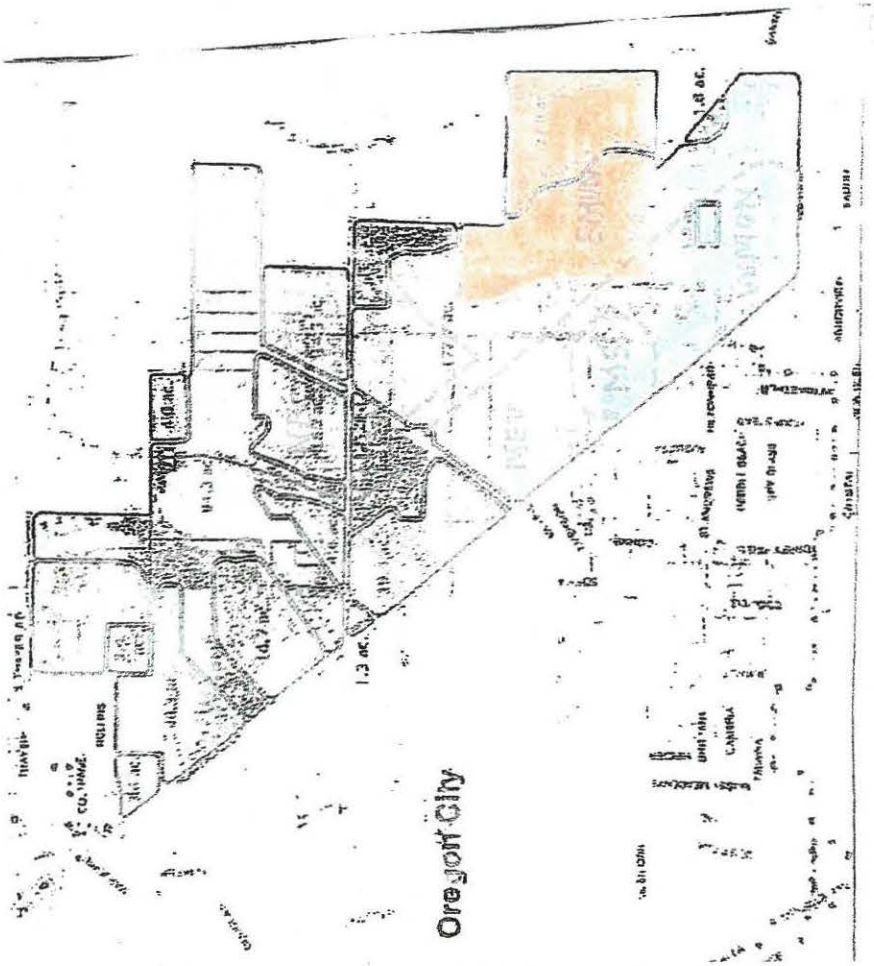
ATTACHMENT B

App-18-7

ATTACHMENT C



ATTACHMENT D



Map Color	Metro 2040 Growth Concept Design Type	UGB Expansion	City Zoning or County	Acreage	Record page
Pink	Industrial	2002		245	42, 1524 & 725, Appendix B
Orange	Industrial	2004		63	42, 1524 & 725, Appendix B
Yellow	Employment	Pre-existing	Campus Industrial	~50	44, Appendix B, 1524
Green	Employment	Pre-existing	County	~14	Appendix B
Blue	Outer Neighborhood	Pre-existing	County	~74 ~2	1524 & 725, 42, 801, 1525, Appendix B
			Loder Rd.	5	Rec. 44

ATTACHMENT E

City Commission Work Session

November 9, 2010
http://oregon-city.granicus.com/MediaPlayer.php?view_id=6&clip_id=519

Doug Neeley, City Commission President 00:00: 17 ....And with that we will go ahead and convene the work session. And have the roll call.

[Roll Call: Wuest, Smith, Nicita, Neeley]

Neeley: Does anyone have any future agenda items for the current commission?

Jim Nicita, City Commissioner (00:00:39): Uhm, I do. Uhm I'd like to uhm There has been some discussion recently. And I have just caught glimpses of it being mentioned and I'd like to have a fuller discussion and what it relates to is the effort of City to work with Metro on having uhm whatever its standards are regarding what they have set up for the Beavercreek Concept Plan area to be reconfigured and rezoned to conform to with the Beavercreek Concept Plan. I have never been completely sure what that is all about uhm but I think I would like to have a deeper discussion of that.

Neeley: I think that's fine. And I think we'll have our attorney here to participate in that study session

Nicita: What's the timeline on that?

[City Administrator] (00:01:40): So just so I am clear you want a work session perhaps on the Metro plans and how they mess with our Beavercreek concept plan.

Neeley (00:01:4): Yah, in terms of the appeal, right?.

Nicita: Yah, there is a land use appeal that got remanded to us regarding Beavercreek and we have to address that some how. And the discussion that I think I have heard from you Tony was that part of one of the options and there are actually going to be some Metro hearings on this in the not too distant future about whether we are going to conform to Metro's prototypes or we're going to have to ask Metro to change theirs to conform to ours. I am not sure what all that is

about and I would like to have a deeper discussion about that uhm and I was wondering if you know the time lines are for the Metro hearings on that.

Konkel (00:02:29): So, so, right now we have these design types from Metro and one of the main findings on the remand from LUBA was that the concept plan didn't conform to the design types on the Metro urban design type map. So right now Metro is going through their hearing process and they're going to change the employment designation on their 2040 map that we need to comply with to match the Beavercreek concept plan so that's what they are going through right now. They're going to start their hearings in uhm mid December, it's probably, most likely in January I imagine uhm in order to get through all the information so that would be then Metro would make that decision to amend their 2040 design type map and then obviously their decision is appealable through that process. Once that decision is final, we would come back through the city commission to make new findings demonstrating compliance with the 2040 map as newly adopted.

Nicita (00:03:35): I think the issue that I am confronting that I want to discuss either during a work session in December or before hand and if that is what Metro's hearing schedule is on is I don't know that uhm the commission ever, ever requested… I can't remember during my tenure. Or whether it might have happened before hand. I am not sure how this city arrived at the decision to ask Metro to change its design type to conform to the Beavercreek [microphone dimmed] concept plan rather than us reconforming the concept plan according to the LUBA remand to conform with their design type. I don't know what is preferable I am just I am just completely unaware of what the processes have been what the considerations have been. Uhm And I think that is a commission decision, uhm but I don't know when or how that decision was made. And that is why I want to go into it in some detail.

[City Administrator]: Well let me let me suggest that we can do a little research on that and get back to the council with something in writing for you first. And then if you get the information you need from that in the meantime it looks like Metro they're going to be getting closer to making some decisions on that too. So why don't we produce that first and then if you still want if there is a need for more discussion at a workshop or another decision we can accommodate that too.

Neeley (00:05:05): I just have one question of follow up that I will address to Mr. Konikl. Did the remand go back to Metro though and not to us? Or do you know? If you don't know that off hand.

Koncl: I don't know that off hand. It was a Metro requirement but it was our decision so we were remanded.

Neeley: It's just that Metro is the one that is addressing it and not us.

Konkol: It was a Metro code criteria that was very vague.

Neeley: Alright, well, is that alright for you?

Nicita (00:05:36): Yes, I have another item.

ATTACHMENT F

Metro | *Making a great place*

2010 proposed capacity ordinance

The Metro capacity ordinance proposes to amend regional policies with the intent of focusing more of the region's residential and employment growth, over the next 20 years, inside the current urban growth boundary to create safe, livable communities, promote economic development and good jobs, and protect our natural areas.

The capacity ordinance includes policies aimed at:

- Prioritizing regional investments to support development in town and regional centers, employment areas and transportation corridors, in order to promote compact urban form, reduce greenhouse gas emissions, and get more out of investments already made in these areas
- Protecting industrial lands from conversion to non-industrial uses, such as for places of assembly, schools and parks, in order to preserve that land to meet needs for new manufacturing jobs
- Making town centers and areas along major streets and transit corridors more walkable and convenient for all modes of travel
- Planning more thoughtfully for future expansions of the urban growth boundary, ensuring that there are public structures and financing available – from private and public sources – before the UGB is expanded so that growth and development can be supported once a UGB expansion occurs
- Providing more housing choices for people at all income levels in future UGB expansion areas

It is anticipated that, by adopting the capacity ordinance, the Metro Council will accommodate at least half of the expected residential and employment growth that our region will see over the next 20 years, within the current urban growth boundary. Any remaining amount of growth not accommodated by the capacity ordinance will be considered by the Metro Council through possible UGB expansions sometime in 2011.

Public hearing schedule for capacity ordinance

5 p.m. Monday, Nov. 29 – Clackamas County Public Services Building, 2051 Kaen Rd., Oregon City

5 p.m. Thursday, Dec. 2 – Hillsboro Civic Center Auditorium, 150 E. Main St., Hillsboro
First read of ordinance

5 p.m. Thursday, Dec. 9 – Metro Council Chamber, 600 NE Grand Ave., Portland
Vote on amendments

2 p.m. Thursday, Dec. 16 – Metro Council Chamber, 600 NE Grand Ave., Portland
Second read of ordinance, review of public testimony, final decision

Written and oral public testimony will be taken at each public hearing. Comments may also be sent to 2040@oregonmetro.gov. The Metro Council is scheduled to vote on the proposed capacity ordinance at its Dec. 16 meeting.

ATTACHMENT G

p. 4 of 4

CITY OF OREGON CITY
CITY COMMISSION
MEETING MINUTES

July 20, 2011

1. Convene Regular Meeting of July 20, 2011, and Roll Call

Mayor Neeley called the meeting to order at 7 p.m.

Roll Call: Mayor Doug Neeley; Commissioner Betty Mumm; Commissioner James Nicita; Commissioner Kathy Roth; and Commissioner Rocky Smith, Jr.

Staff Present: David Frasher, City Manager; Ed Sullivan, City Attorney; Mike Conrad, Police Chief & Public Safety Director; Scott Archer, Community Services Director; [illegible] Community Development Director; David Wimmer, [illegible] Human Resources Director; [illegible] Recorder; and Eric [illegible]

cept Plan was remanded was the City relied industrial land, and LUBA found even though Metro said it changed their map. Staff asked for the limited remand because things had ged since the original adoption that needed to be included in the plan.

MAIN MOTION:
Motion by Commissioner Betty Mumm, second by Mayor Doug Neeley to remand the Beavercreek Road Concept Plan to the Planning Commission and reopen the record for a limited purpose of addressing the protection of industrial lands, transportation, utility and service adequacy, and that the public hearings would not commence until the Department of Land Conservation and Development staff report had been issued.

AMENDMENT #1:
Motion by Commissioner James Nicita, second by Commissioner Kathy Roth to amend the motion to add reconsideration of the yellow areas for greater cottage manufacturing in those zones.

VOTE ON AMENDMENT #1:
A roll call was taken and the motion passed with Commissioner James Nicita, Commissioner Kathy Roth, and Commissioner Rocky Smith, Jr. voting aye and Mayor Doug Neeley, Commissioner Betty Mumm voting no. [3:2:0]

VOTE ON MAIN MOTION, AS AMENDED:
A roll call was taken and the motion passed with Mayor Doug Neeley, Commissioner Betty Mumm, Commissioner James Nicita, Commissioner Kathy Roth, and Commissioner Rocky Smith, Jr. voting aye. [5:0:0]

c. Canemah Neighborhood Park Playground Equipment Purchase and Install Agreement

Mr. Archer stated construction was underway at Canemah Park. The playground was being done as a separate item to involve the neighborhood in the design. The neighborhood volunteered to install the playground equipment which would save $12,000. The purchase of the equipment was being done through the State procurement process. The total cost of the project was $92,118 and was well within the budget.

ATTACHMENT H 1/11/13 13-049

City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Staff Report

File Number: 13-049

Agenda Date: 1/11/2013

Status: Agenda Ready

To: City Commission

Agenda #: 9a

From: Community Development Director Tony Konkol

File Type: Report

SUBJECT:
Beavercreek Road Concept Plan

RECOMMENDED ACTION (Motion):
Goal 4: Enhance the Livability of the Community
Milestone: Complete the adoption process of the Beavercreek Road Concept Plan

BACKGROUND:
The Beavercreek Road Concept Plan was adopted by the City Commission in September of 2007 and was subsequently appealed to the Land Use Board of Appeals and remanded to the City in August, 2008. In December, 2010 the Metro Council adopted Ordinance 10-1244B, which reduced the amount of land designated for industrial use in the Title 4 Employment and Industrial Areas map to conform to the City's Beavercreek Road Concept Plan, reflecting the determination that the region had sufficient employment capacity for the next 20 years. Ordinance 10-1244B, which also includes the expansion of the Urban Growth Boundary throughout the region, was submitted to the Land Conservation and Development Commission (LCDC) in May of 2012. A decision was issued by LCDC in December of 2012, and is premised on a separate issue, the urban and rural reserves decision, which is currently pending a hearing before the Court of Appeals. The deadline to appeal the LCDC decision is January 11, 2013, through there is a possibility that the court will hold the UGB/Title 4 appeal in abeyance until the urban and rural reserve decision is issued.

In July of 2011, the Beavercreek Road Concept Plan adoption process was discussed with the City Commission and the recommendation was to remand the concept plan to the Planning Commission and re-open the record for the limited purpose of addressing the protection of industrial lands and transportation, utility and service adequacy and that the public hearings would not commence until Department of Land Conservation and Development staff report had been issued.

In light of the reliance of the UGB/Title 4 decision on the outcome of the urban and rural reserves decision, additional delays in processing the concept plan are expected.

City of Oregon City
City Commission Meeting

November 23rd, 2015

Testimony of Christine Kosinski, Unincorporated Clackamas County

RE: File LE 15-0003 Re-Adoption of The Beavercreek Road Concept Plan
State Goal 7, Failure to meet State Goal 12
Title 4
ORS 105.465 – Real Estate Disclosure Law

I request that the City keep the hearing open and continue it, giving the Planning Commission the time needed to research and validate the fact that homeowners in the Holly Ln neighborhood, as well as many other citizens of Oregon City, are unable to obtain Landslide and Earthquake Insurance to cover any losses they may incur. Your research will lead you to understand that the City and County must go to the State and Federal Government to legislate plans for Hazard/Landslide/and Earthquake insurance. Until this is done, for the City to approve continuous development in hazardous areas and not tell new property owners that their property lies in a landslide zone and NO Landslide or Earthquake insurance is available, this would simply be perpetuating a lie. See attached article from "Professor Scott Burns" which validates that Landslide insurance does not exist.

The City has NO Transportation System Plan to move traffic from Beavercreek Road to the I-205 transportation corridor.

Your Number ONE priority "is to protect the safety of the people", but you fail miserably. The people of Holly Ln came before you many times, filling your chambers, testifying to the many Landslide and Safety Issues existing on Holly Ln, they begged you to take Holly Ln out your TSP, but the City refused, even knowing future expansion of Holly Ln would jeopardize the safety and the lives of the people living here. (failure to meet requirements of Goal 7)

The Landslide in Oso, Washington, took the lives of 43 innocent people. These people lost everything, their lives, their homes, their families, absolutely everything because they COULD NOT get Landslide Insurance. The State of Washington now has a task force working to vastly improve their regulations over hazardous areas of landslides.

Two weeks ago, I testified that Lloyd's of London will not underwrite Landslide/Earthquake coverage if property is within one mile of a previous landslide. Therefore, the numerous landslides on Henrici Rd, at Beaver Lake, on Thayer & Hwy 213, all of these will virtually make it impossible for homeowners in the Beavercreek Plan to obtain Landslide/Earthquake Insurance. (failure to meet requirements of Goal 7)

All developments in the hilltop area, Beavercreek & Meyers, the Enterprise Zone, Beavercreek Rd Concept Plan, Old Bus Barn, all are affected by the inability to purchase Landslide/Earthquake insurance, Thus, my suggestion to Oregon City to meet with the State and Federal Governments to develop a plan to cover these areas with risk insurance. This must be done prior to any approvals for development. The City is tasked, by State Law, to "protect life and property from natural disasters and hazards." (failure to meet requirements of Goal 7)

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SUBMITTED BY: CHRISTINE KOSINSKI
SUBJECT: LE-15-0003
N

Your Number One responsibility is to "protect the people." If you approve this plan then you are just continuing to perpetuate a big lie to the people. You are not protecting them when you approve development in hazardous areas and where the people can't get insurance to cover their losses. By your reluctance to act, you are killing citizens should a disaster strike. You are placing people in dangerous situations without their knowledge. Let me ask you, just how many SDC's in money is worth a human life? In Oso, Washington, 43 human lives were lost due to government's failure to act and protect the people. Will you do the same? State Law demands more of you, it demands the full truth!

The Beavercreek Rd Concept Plan should not be approved for all the above reasons, as well as all additional reasons listed below:

Failure to meet requirements of Goal 7
Failure to meet requirements of Goal 12
Failure to upgrade City Comprehensive Plan (must be done every 5 years)
Failure to Protect the Safety of the People
Failure to support State Law ORS 105.465 – Real Estate Disclosure Law
Beavercreek Plan approved by City against the will of the people
Failure to listen to the people and allowing them to participate in every part of development
City has NO Transportation Plan to move traffic from hilltop to the I-205 Transportation Corridor
City continues to refuse to take Holly Ln out of the TSP, even realizing the danger to their lives.
City should take Thayer Rd, Maplelane, Morton Rd, Holly Crest, Donovan out of TSP for slides.
City continues to approve development in hazardous areas of steep slopes and landslides
City has failed to upgrade their Landslide Regulations, using City of Salem Template
City has not changed Landslide Regulations as suggested by GRI Consultants – Park Place Plan

City has not been pro active in meeting with State/Federal Government to provide insurance coverage for homeowners living in hazardous areas who are unable to obtain insurance for their losses.

City has not placed a temporary stop on development in risk areas, pending legislation from the State.

City lacks Infrastructure to develop in the Hilltop area, not enough water, close to moratorium in some areas due to sewer incapacities as well as storm water, no roads, no transportation system.

City continues to develop on Beavercreek Rd even though Beavercreek & Hwy 213 is failing.

Comply with SB 1211 (1997)

A Call For Landslide Insurance For Homeowners

By DAVID HYDE (/PEOPLE/DAVID-HYDE) & MARCIE SILLMAN (/PEOPLE/MARCIE-SILLMAN) •
MAR 26, 2014

Twitter (http://twitter.com/intent/tweet?url=http%3A%2F%2Fwww.tinyurl.com%2Fk9hh9uk&text=A%20Call

(http://mediad.publicbroadcasting.net/p/kuow/files/styles/x_large/public/201403/osomudslide-GovInsleeaerial1.jpg)

The death toll continues to rise as crews search under the debris after Saturday's mudslide in Oso.

FLICKR PHOTO/GOVINSLEE (CC-BY-NC-ND)

Listen
6:31

Marcie Sillman talks with Scott Burns (http://geology.pdx.edu/node/67), a geologist and landslide expert at Portland State University, about how he hopes the tragedy in Oso will lead to landslide insurance for homeowners and better landslide hazard maps to prevent future devastation.

Sillman: Where in Washington state do we have good landslide hazard maps?

Burns: One of the best ones is down in Cowlitz County. They had the 1998 landslide, the Kelso landslide, which was an incredible landslide that destroyed 60 houses. [Department of Natural Resources] in Washington responded and put out what I think is an excellent example of landslide susceptibility or hazard mapping for that county.

Sillman: It sounds like a great idea in response to a tragedy. Why don't more cities or counties act proactively to get good landslide hazard mapping?

Burns: I wish they would, but every county budget or city budget is stressed. They just don't have enough money. Unless they are pushed to the point of being asked to do that, they won't spend money for that.

We have the ability to make really, really good maps because we have LIDAR, which is this laser imaging system where we can see right through the trees, see the ground, and see where past landslides have occurred. That's the first step in making a really good quality map.

Sillman: The Army Corps of Engineers did have a report on the risk of a catastrophic slide [near Oso] that dated back to 1999. We spoke to the author of that particular report, Dan Miller, yesterday. Would better information or better mapping necessarily have made people safer?

Burns: It's all a communication thing. Dan Miller's report was excellent. So, the county had the information. The problem is that it did not get communicated to the commissioners in the county or the land-use planners. And they should have not allowed those permits to have been given.

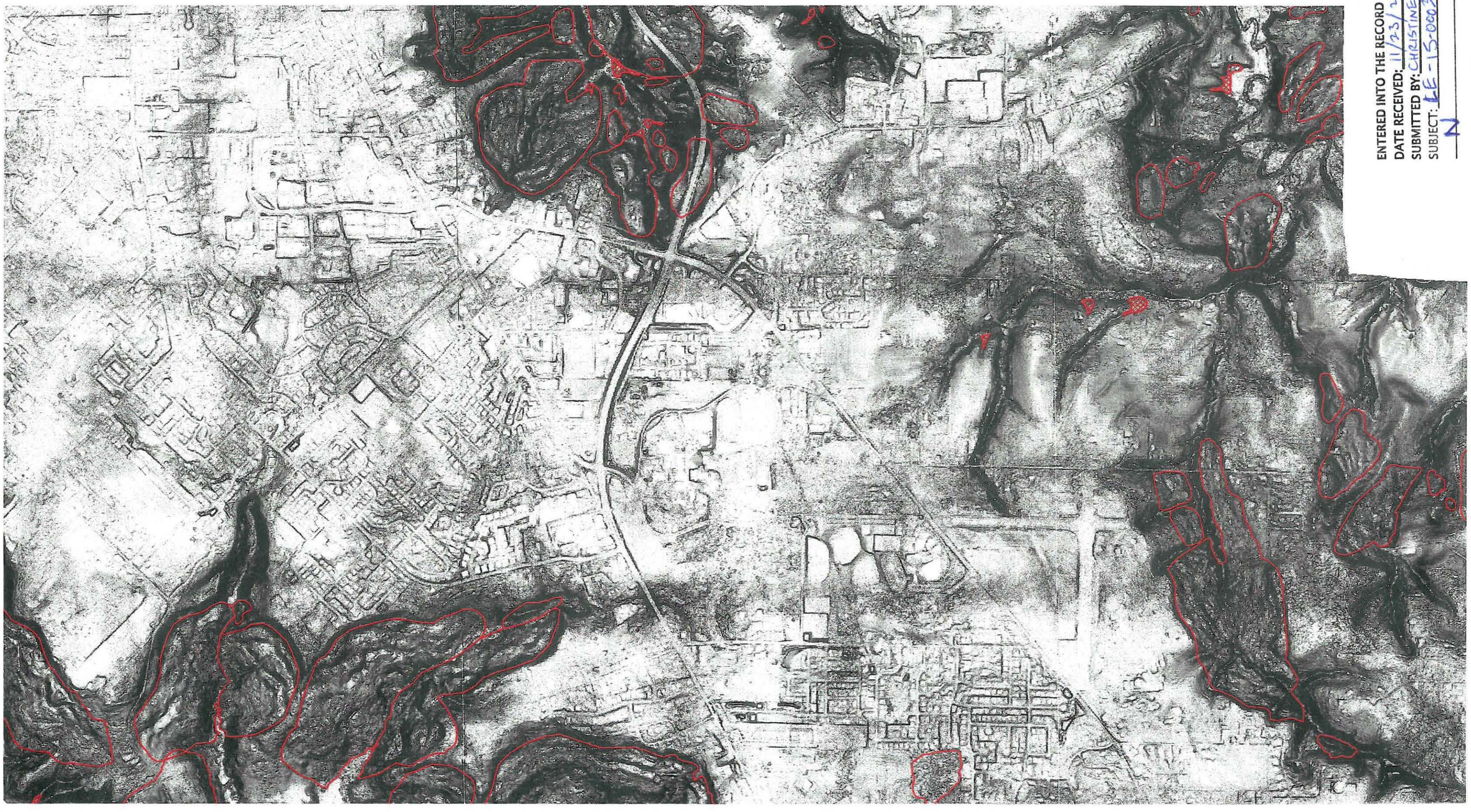
Sillman: One of the issues in this whole tragedy is landslide insurance. Why do you think that landslide insurance is a key to make people safer?

Burns: This is the last of the major geological hazards that normal homeowner's insurance does not cover, and it is rare that people will get landslide insurance. You can buy it through Lloyd's of London. They're the ultimate insurers, but it's so expensive — a minimum of $1,000 a year and it goes up from there.

All those people who lost their houses in the Oso landslide have lost everything, and there's no insurance covering them. We lost lives. That is the worst thing. But then property is the second thing. Hopefully, this will be enough of an impetus to take us to the next level and put more pressure on insurance companies to possibly come forward with landslide insurance.

A great example is New Zealand, where I used to live. I was down in the country when they had the big earthquake a couple of years ago. Every house in the country has all-hazard insurance, which covers earthquakes, floods, volcanic eruptions, tsunamis and landslides. Everybody pays into this, so if you have an event you're covered. I'm hoping that someday we get to that level here in the United States. It's going to take time.

MAP OF LANDSLIDE GEOMORPHOLOGY OF OREGON CITY, OREGON, AND VICINITY INTERPRETED FROM LIDAR IMAGERY AND AERIAL PHOTOGRAPHS



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SUBMITTED BY: CHRISTINE KOSINSKI
SUBJECT: LE-15-0003
4

COMMENT FORM

OREGON CITY

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- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 11/23/15

Item Number From Agenda PC 15-229 LE-15-0003

NAME: ROBERT KREWSON

ADDRESS: **Street:** _____

City, State, Zip: _____

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

SIGNATURE: _____

(1)

COMMENT FORM

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OREGON CITY

Date of Meeting 11/23/15

Item Number From Agenda 2a. LE-15-0003

NAME: Tammy Stevens, The Hamlet of Beavercreek

ADDRESS: **Street:** PO Box 736

City, State, Zip: Beavercreek OR 97004

PHONE NUMBER: 503 632 3552

E-MAIL ADDRESS:

SIGNATURE: Tammy Stevens

(2)

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OREGON CITY

Date of Meeting 11-23-15

Item Number From Agenda 2a LE-15-0003

NAME: Norm Andreen

ADDRESS: **Street:** 15331 S. Tioga Rd.

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER: 503-632-4338

E-MAIL ADDRESS: nandreen@bctonline.com

SIGNATURE: Norm Andreen

(3)

COMMENT FORM

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Date of Meeting _____

Item Number From Agenda ____ BEAVERCREEK RD LE-15-0003

NAME: PAUL EDGAR

ADDRESS: **Street:** _____

City, State, Zip: _____

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

SIGNATURE: _____

(4)

COMMENT FORM

OREGON CITY

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Date of Meeting 11/23/2015 LE-15-0003

Item Number From Agenda 2a. Beaver creek

NAME: James Nicita

ADDRESS: **Street:** 302 Bluff St.

City, State, Zip: Oregon City OR 97045

PHONE NUMBER: 5037290725

SIGNATURE:

COMMENT FORM

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OREGON CITY

Date of Meeting 11-23-15

Item Number From Agenda 2a LE-15-0003

NAME: Elizabeth Graser-Lindsey

ADDRESS: **Street:** 21341 S. Ferguson Rd.

City, State, Zip: Beavercreek OR 97004

PHONE NUMBER: 503 632-5568

SIGNATURE: Elizabeth Graser-Lindsey

COMMENT FORM

OREGON CITY

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- Give to the City staff in the Chambers ***prior*** to the meeting.

Date of Meeting Nov 23, 2014 LE-15-0003

Item Number From Agenda → Readoption of Beaverreek Concept Plan

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NAME: Doug Neeley

ADDRESS: **Street:** 11614 Parrish Rd

City, State, Zip: Oregon City, Oregon 97045

PHONE NUMBER: 503-650-5035

SIGNATURE: Doug Neeley

COMMENT FORM

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OREGON CITY

Date of Meeting 11-23-15

Item Number From Agenda 3 BEAVER CREEK PLAN LE-15-0003

NAME: CHRISTINE KOSINSKI

ADDRESS: **Street:** HOLLY LN

City, State, Zip: OC

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE: Christine Kosinski

COMMENT FORM

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- Give to the City staff in the Chambers ***prior*** to the meeting.

Date of Meeting ~~11-23-20~~ 11-23-2015

Item Number From Agenda LE-15-0003

2a. PC-15-229

NAME: Rose Holden

ADDRESS: **Street:** 20124 S Beavercreek Rd

City, State, Zip: Oregon City OR 97045

PHONE NUMBER: 503 807 8865

SIGNATURE: RoseHolden

EXHIBITS ENTERED INTO THE RECORD AT A HEARING

Community Development Department, 221 Molalla Avenue, Suite 200, P.O. Box 3040, Oregon City, OR 97045, (503) 722.3789
www.orcity.org

Hearing Date: 11/23/2015

File Number: LE-15-0003 - Beavercreek Road Concept Plan Readoption

Exhibit Number:	Description of Exhibit:	Submitted By:
A	LUBA No 2008-170. FINAL OPINION & ORDER	STAFF
B	COPIES OF ALL POWERPOINTS GIVEN TO COMMITTEES (ELECTRONIC)	STAFF
C	HOME OCCUPATION CODE OCMC 17.04.580	STAFF
D	LETTER FROM TIM O'BRIEN - METRO	STAFF
E	POWERPOINT PRESENTATION	STAFF
F	EMAIL RE - OCSD - Wes Rogers	STAFF
G	JULY 20, 2011 CITY COMMISSION MINUTES	JAMES NICITA
H	LUBA # NO. 93-154	JAMES NICITA
I	TAMMY STEVENS TESTIMONY	HAMLET OF BEAVERCREEK
J	CRW MEMO, JULY 23, 2015	"
K	213/ BRCR RD INTERSECTION O.C. URBAN RENEWAL MEMO 9/9/93	"
L	FLIP CHART OF TRANSPORTATION/DEVELOPMENT 30" x 40"	"
M	TESTIMONY	Elizabeth Graser-Lindsey

EXHIBITS ENTERED INTO THE RECORD AT A HEARING

Community Development Department, 221 Molalla Avenue, Suite 200, P.O. Box 3040, Oregon City, OR 97045, (503) 722.3789
www.orcity.org

Hearing Date: 11/23/2015

File Number: LE-15-0003 - Beavercreek Road Concept Plan Re-adoption.

Exhibit Number:	Description of Exhibit:	Submitted By:
N	Landslide Map Testimony about Landslide Insurance	Christine Kosinski

GARVEY SCHUBERT BARER

MEMORANDUM

TO: Oregon City Planning Commissioners

FROM: Carrie Richter, Deputy City Attorney

DATE: November 20, 2015

RE: Beavercreek Road Concept Plan Summary

A number of Planning Commissioners have asked for a quick outline of LUBA's decision and how staff is recommending that the City respond to LUBA's decision. This memorandum is intended to provide a summary of the arguments made by petitioner Graser-Lindsey, the City's response and how the findings respond to LUBA's decision.

In the LUBA case, the petitioner raised three assignments of error. The first addressed the amount of industrial lands in the plan, the second with utility and natural resource issues and the third with the process for adoption. LUBA did not reach several of the arguments, finding that the concept plan did not designate sufficient industrial lands to meet a Metro requirements. A copy of LUBA's decision is attached for your reference.

Applicable Standards

Before turning the petitioner's arguments, it is important to identify the standards that the City must meet in adopting a concept plan. The BRCP is an amendment to the City's comprehensive plan and, when the City amends its plan, it must make findings that the amendments are consistent with the statewide planning goals, Metro code requirements and the City's existing Comprehensive Plan - including any ancillary transportation and utility master plans. In addition to those requirements, when Metro amended the UGB bringing rural land into the urban area, the City was also obligated to plan those areas consistently with Metro's Urban Growth Management Functional Plan Title 11. Part of Title 11 planning requires compliance with the Regionally Significant Industrial, Industrial or Employment design types, set forth in Metro's UGMFP Title 4.

LUBA's Decision & Title 4 Industrial Lands

When LUBA reviewed the BRCP, the Metro Title 4 map identified 308 acres with an Industrial design concept and the Beavercreek Road Concept Plan designated only 121 net acres - the North Employment Campus - for industrial uses. LUBA found that the City failed to designate sufficient industrial lands to comply with the Title 4 design type requirements.

After LUBA's decision, the City Commission decided not to revise the BRCP to designate more industrial land. Instead, in 2010, as part of adopting a new regional population and employment range forecast, Metro found that the identified deficiency in industrial lands would be remedied

by including additional lands for industrial uses north of the City of Hillsboro. Metro went on to identify a shortage in residential lands that justified reducing the amount of Title 4 designated industrial lands within the City of Oregon City to 220.41 gross acres that is estimated to yield approximately 123 acres for industrial uses. As a result of Metro's Title 4 map amendment, the BRCP, as adopted in 2010, now complies with Metro's Title 4 land designations.

Transportation and Utility Plans

In addition, to the industrial land issue, the petitioner challenged the adequacy of the City's findings in the inventory of infrastructure demands. The challenges included challenges to the financing approaches for transportation, parks, police, fire and sold waste, and schools and whether serving the Beavercreek area would impact services and costs on the city as a whole.

When the BRCP was originally adopted, it was evaluated against transportation and other utility plans in place at that time, which did not contemplate development demands in the areas covered by the BRCP. As a result, the BRCP attempted to analyze those impacts in the first instance but because LUBA did not weigh in on those issues, we do not know if those findings were adequate.

Since that time, the City has adopted new transportation system, water, sewer master plans as well as new low impact development stormwater standards. These utility master plans assumed development at the levels set out in the BRCP and included updated lists of projects and costs necessary to serve the BRCP area. As a result, these master plans more fully flesh out service demand, their costs, and explain how utilities will be funded so as not to increase costs to existing City residents.

The findings for the BRCP have been revised to include consideration of these updated plans. Since the City decided to open the record to allow consideration of these new plans, it made sense to revisit the provision of parks, schools, police and fire adequacy issues as well.

Natural Resources and Landslides

The petitioner also argued that the City failed to adequately protect streams and wetlands as well as protect for natural hazards and landslides. As the draft findings provide, the City's natural resource and hazard overlay zone protections already in the City's code will be applicable to all development within the BRCP area responds to these issues.

Public Process

Finally, with regard to public process, the petitioner argued before LUBA that the hybrid BRCP put forward by the Citizen Involvement Committee (CIC) did not consider "community input [or] adequately reflect community desires." As pointed out in the findings, the CIC held multiple meetings to consider three different concept plans. The CIC voted to put forward the hybrid plan which was fully vetted by the Planning Commission and City Commission over numerous public hearings. Petitioner was given a full and fair opportunity to present oral and

written testimony during the previous proceedings and will have the same opportunity during the City's limited review of the record on remand.

Conclusion

It is important to remember that staff has not made any amendments to the Beavercreek Concept Plan document. Rather, the only revisions appear in the findings supporting the concept plan as originally drafted and with new, more current evidence addressing the Title 4 map issues, the utility and natural feature issues raised by the petitioner in the LUBA appeal.

We look forward to discussing this issue with you further during the hearing.

GSB:7394391.2

City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Staff Report

File Number: PC 15-247

Agenda Date: 1/11/2016

Status: Agenda Ready

To: Planning Commission

Agenda #: 3b.

From: Planner Laura Terway

File Type: Planning Item

SUBJECT:
ZC 15-04: Zone Change, PZ 15-02: Amendment to the Comprehensive Plan and CP 15-02: Master Plan Amendment

RECOMMENDED ACTION (Motion):
Staff recommends the Planning Commission recommend approval of ZC 15-04, PZ 15-02 and CP 15-02 to the City Commission.

BACKGROUND:
Providence Willamette Falls Medical Center is seeking to amend a previously approved Concept (Master Plan) as well as the Comprehensive Plan Map and Zoning Map for two properties from Low Density Residential/"R-6" Single-family Dwelling District to Mixed Use Employment/"MUE" Mixed Use Employment District. The Master Plan amendment includes;
1. Expanding the Master Plan boundary approximately one acre
2. Consolidating two medical office buildings into one and reducing the square footage of the facility
3. Amending the phasing plan by removing references to Phase 3 and allow the project previously identified in Phase 3 to be constructed in Phase 2. All remaining development projects may occur in any order during existing Phase 2 (Years 2012 - 2021).

BUDGET IMPACT:
Amount:
FY(s):
Funding Source:

City of Oregon City

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Oregon City, OR 97045
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BUDGET IMPACT:
Amount:
FY(s):
Funding Source:

OREGON CITY

Community Development – Planning

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

TYPE IV APPLICATION
STAFF REPORT AND RECOMMENDATION
January 4, 2016

FILE NUMBER:	ZC 15-04: Zone Change PZ 15-02: Amendment to the Comprehensive Plan CP 15-02: Master Plan Amendment
APPLICANT/ OWNER:	Providence Willamette Falls Medical Center, c/o Russell Reinhard 1500 Division Street, Oregon City, Oregon 97045
REPRESENTATIVE:	Harper Houf Peterson Righellis Inc., c/o Stefanie Slyman, AICP 205 SE Spokane Street, Suite 200, Portland, Oregon 97202
REQUEST:	Providence Willamette Falls Medical Center (PWF) is seeking to amend a previously approved Master Plan and change the Oregon City Comprehensive Plan and Zoning Map for two properties from Low Density Residential/"R-6" Single-family Dwelling District to Mixed Use Employment/"MUE" Mixed Use Employment District.
LOCATION:	Clackamas County 2-2E-32AB, Tax Lots 1201, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2800, 2900, 3000, 3100, 3900, 4000, 4100, 4200, Clackamas County 2-2E-32AA, Tax Lot 400, Clackamas County 2-2E-32AC, Tax Lots 101, 201, 7200
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 15-04, PZ 15-02 and CP 15-02

(DS) = Verify that condition of approval has been met with the Development Services Division.
(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. Future development shall comply with Planning file CP 11-01 and any amendments within this application.
2. Upon submission of a Detailed Development Plan for the adjacent property, the design and construction of the adjacent public improvements shall be analyzed and implemented prior to issuance of permits. *(DS)*
3. Prior to issuance of permits associated with a Detailed Development Plan the applicant shall demonstrate that the Providence Willamette Falls campus associated with the Master Plan complies with the with the number of parking spaces required in OCMC 17.52.020. *(P)*

I. BACKGROUND:

1. Land Use History

The applicant indicated that:

> *The PWF Master Plan was approved in 2012 per CP-11-01: Master Plan. A concurrent application for Phase 1 of the master plan, the Division Street Parking Lot, was also approved in 2012 per DP11-03: Detailed Development Plan; NR 11-05: Natural Resource Overlay Exemption; and LL-07: Lot Line Adjustment. Prior to the 2012 Master Plan, PWF received approvals for Site Plan and Design Review and Conditional Use Permit for Hospital Building Expansion with Hospital and Nursing Home Site Improvements. File numbers: CU 03-03 & SP 03-19.*

Figure 1. Vicinity Map

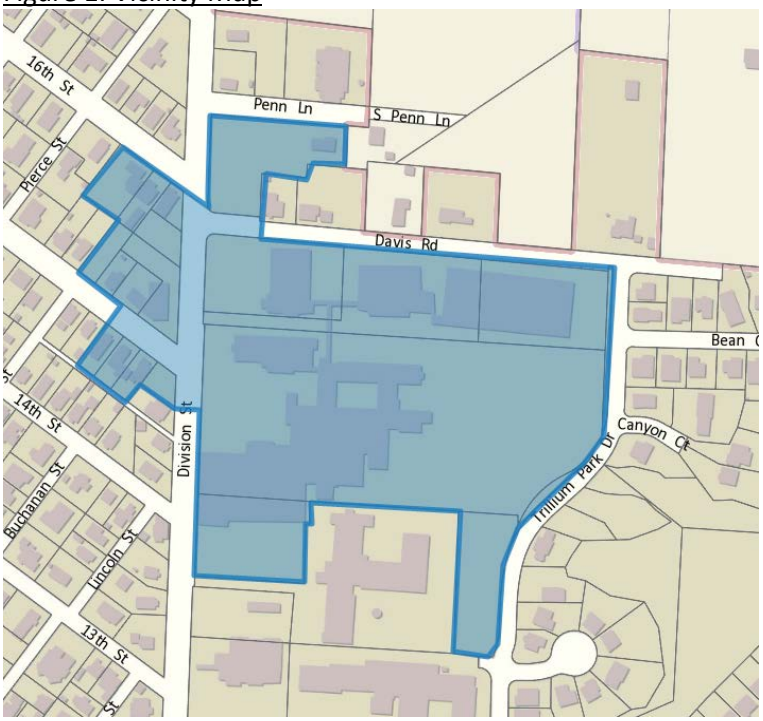


Figure 2: Existing Conditions – Aerial Image

2. Project Description

Providence Willamette Falls Medical Center (PWF) is seeking amend a previously approved Master Plan and change the Oregon City Comprehensive Plan and Zoning Map for two properties from Low Density Residential/"R-6" Single-family Dwelling District to Mixed Use Employment/"MUE" Mixed Use Employment District (Exhibit 2). The applicant indicated that:

> *Since the time the Master Plan was approved in 2012, PWF's updated growth projections indicate patient needs will be best met by one medical office building (MOB) up to 35,000 square feet (sf) in size instead of two MOBs totaling up to 50,000 sf, shown in the 2012 Master Plan as West MOB and East MOB. PWF therefore proposes to consolidate these future medical office uses at the West MOB location which is more accessible to patients and more centrally-located within the PWF campus relative to the East MOB location. To achieve this, PWF proposes to increase the site area of the West MOB through the addition of six adjacent properties to provide adequate site area for a 30,000 – 35, 000 sf MOB and parking in proximity to the MOB. This will reduce the net amount of total new development approved in the 2012 Master Plan from 104,000 sf to 89,000 sf, and a total buildout of 440,181 sf instead of 455,181 sf.*
>
> *The intent of this modification is to improve patient access to the West MOB while reducing parking impacts on McLoughlin neighborhood streets by locating parking in proximity to the West MOB. Moreover, the proposal will result in fewer traffic impacts and less parking demand overall from buildout of the master plan due to a net reduction of 15,000 sf of building space on campus.*
>
> *Subject to approval of this request, PWF intends to submit an application for the West MOB and associated parking at which time it will be reviewed for compliance with applicable design and development standards via the City's detailed development plan process. These standards include building height, setbacks, site coverage, landscaping, and buffering between uses. At that time, a Traffic Impact Analysis will also be submitted to identify any needed transportation safety or capacity improvements, such as improvements to the intersection of Division and 15th Streets. The West MOB will*

continue to be subject to Conditions of Approval resulting from CP 11-01: Master Plan, as revised by this master plan modification, or the future detailed development plan.

Master Plan Amendment:
The following modifications to the 2012 Master Plan (Exhibit 8) are requested.

- Expand Master Plan Boundary. This proposal would add six properties on the west side of Division Street to the Master Plan boundary. These expansion area includes two properties on 16th Street (1714 and 1716 16th Street) and four properties on the south side of 15th Street (1806, 1808, 1810, 1812 15th). This will increase the area of the campus boundary from 746,513 square feet to 791,276 square feet, an addition of 44,763 square feet (approximately 1 acre). These six properties, together with the existing West MOB site as shown in the 2012 Master Plan, will serve as the site of the future West MOB and parking. The intent is to provide parking for patients in closer proximity to the West MOB and to minimize on-street neighborhood parking impacts. No PWF campus development other than the West MOB and parking is proposed in the expanded boundary area.

- Consolidate Medical Office uses and Decrease Overall Campus Development. This proposal would reduce the total amount of MOB square footage in the master plan. The 2012 master plan identified an East and West MOB (20,000 – 25,000 square feet each) for a total of approximately 50,000 square feet. PWF proposes to consolidate these uses at the West MOB location with a building size of 30,000 - 35,000 square feet, resulting in a in a net reduction from the approved 2012 master plan. This will result in a campus-wide reduction from the approved 104,000 square feet of new building area to 84,000 - 89,000 square feet. The applicant provided the following comparison of the 2012 and 2015 Master Plan in Exhibit 2.

COMPARISON OF 2012 APPROVED MASTER PLAN AND 2015 PROPOSED MASTER PLAN

	2012 APPROVED MASTER PLAN	2015 PROPOSED MASTER PLAN
Total Site Area	746,513 sf	Existing = 746,513 sf New = 44,763 sf Total = 791,276 sf
Building Square Footage	Existing = 351,181 sf New = 104,000 sf Total = 455,181 sf	Existing = 351,181 sf New = 89,000 sf Total = 440,181 sf
Floor Area Ratio	0.61	0.56
Total Impervious Area	78%	78%
Total Landscaping	22%	22%
Total Parking Supply	888 spaces (PWF campus-wide parking ratio = 1.95 spaces/1,000sf)	874 – 894 spaces (PWF campus-wide parking ratio = 1.96 – 2.03 spaces/1,000sf)

- Revise Development Phasing. This proposal would remove references to Phase 3 and allow the project previously identified in Phase 3 to be constructed in Phase 2. All remaining development projects may occur in any order during existing Phase 2 (Years 2012 - 2021).

Comprehensive Plan Amendment / Zone Change for 1714 & 1716 16th Street. This application proposes to change the Comprehensive Plan and Zoning Designation of two properties (approximately 0.5 acre) from Low Density Residential/"R-6" Single-Family Dwelling District to Mixed Use Employment/"MUE" Mixed Use Employment District.. The request is proposed so the land may be added to the existing Master Plan boundary to accommodate the modified West MOB and associated

parking. The MUE District is currently applied within the entire master plan boundary, as well as the west side of Division Street for a depth of one to two blocks from 12th and 17th Streets. The two properties proposed for rezoning are bordered by MUE-zoned properties to the east and north, and partially to the south.

Figure 3: Proposed Amendment

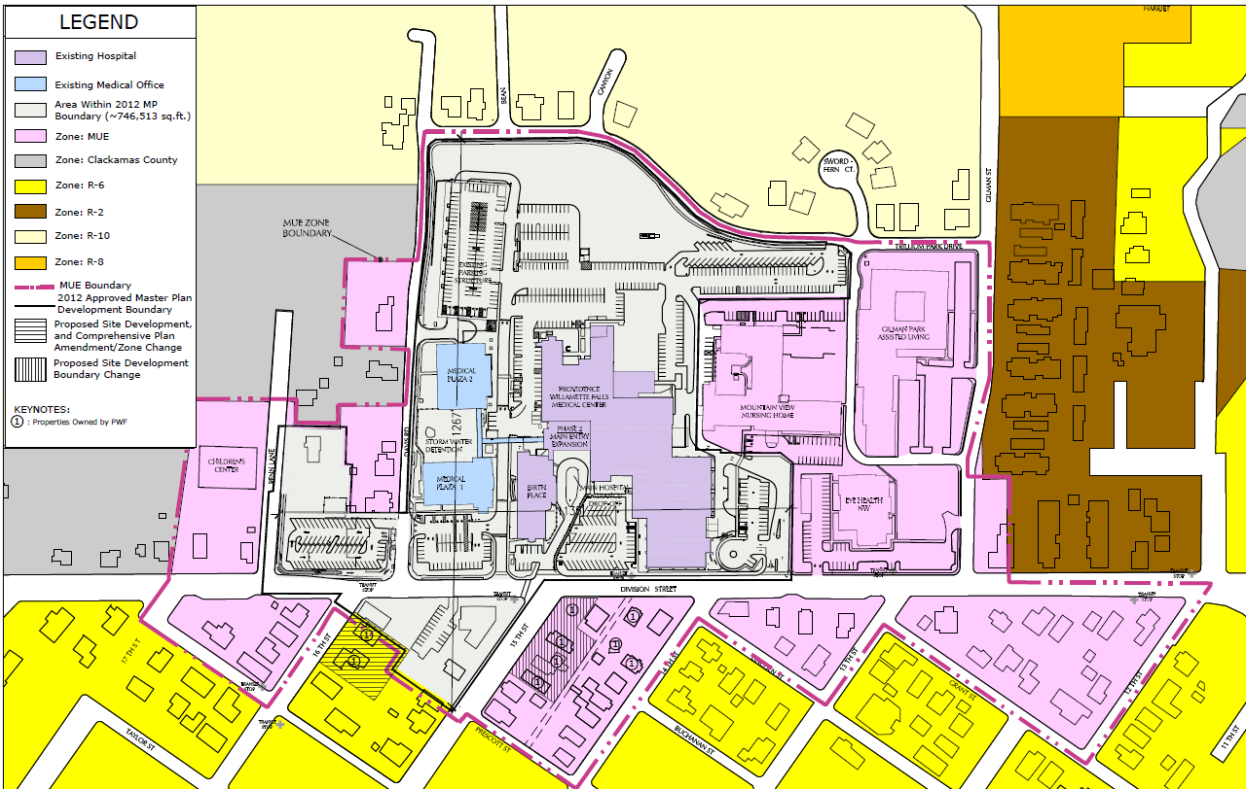


Figure 4: Approved Master Plan

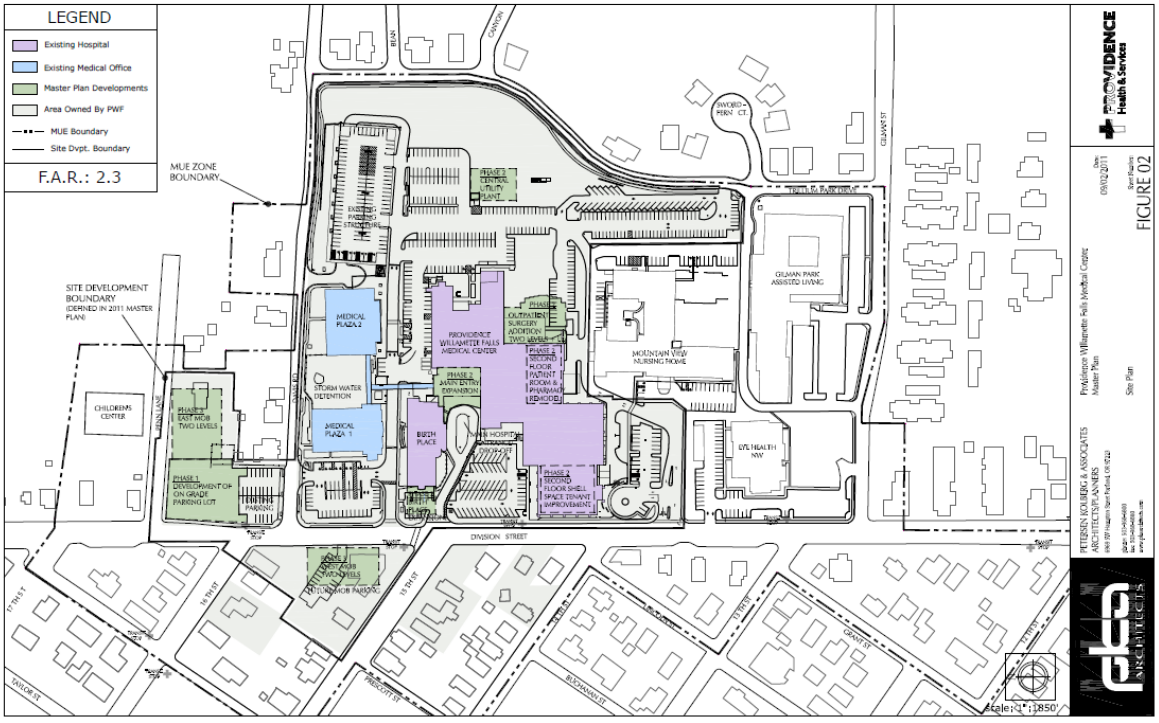


Figure 5: Excerpt from Approved Master Plan

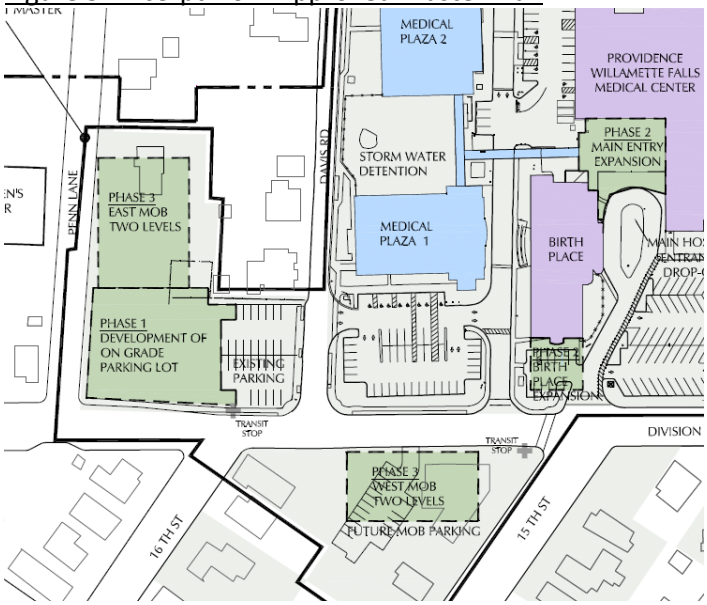


Figure 6: Current Zoning Map

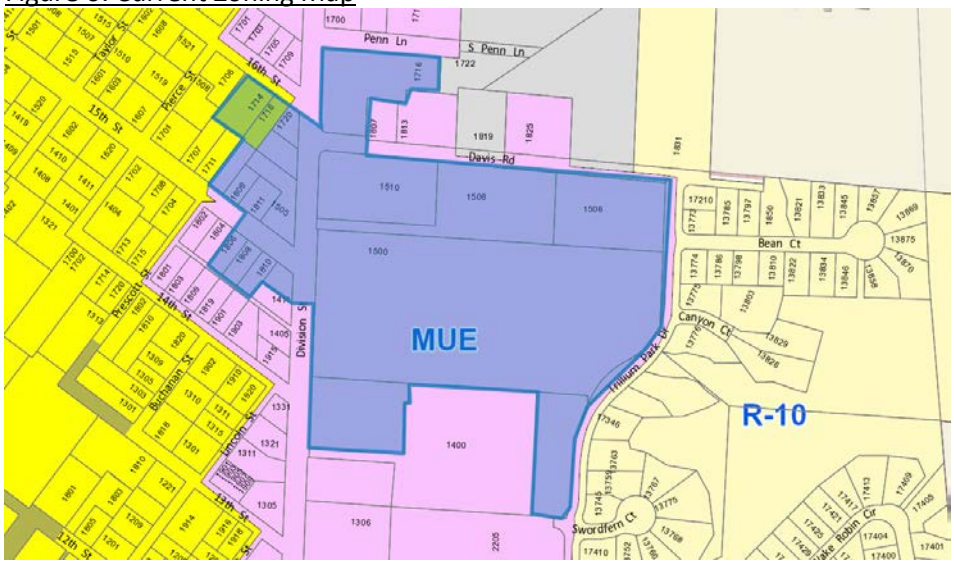
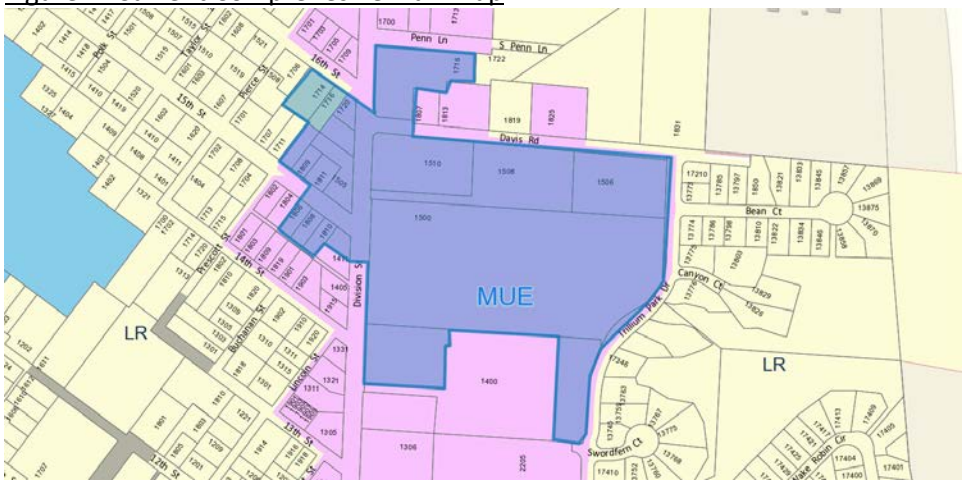


Figure 7: Current Comprehesive Plan Map



3. **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 Places
    12.08 - Public and Street Trees
    13.12 – Stormwater Management
    15.48 – Grading, Filling and Excavating
    17.12 –"R-6" Single-Family Dwelling District
    17.31 – "MUE" Mixed Use Employment District
    17.41- Tree Protection Standards
    17.44- Geologic Hazards Overlay District
    17.49 – Natural Resource Overlay District
    17.50 – Administrative Processes
    17.52 – Off-Street parking and Loading
    17.62 – Site Plan and Design Review
    17.54 – Supplemental Zoning Regulations and Exceptions
    17.65 - Master Plans
    17.68 - Zoning Changes and Amendments.

    The City Code Book is available on-line at www.orcity.org.

II. ANALYSIS AND FINDINGS:

CHAPTER 17.12 - "R-6" SINGLE-FAMILY DWELLING DISTRICT

Finding: Not Applicable. 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. The standards within this criterion are not applicable.

CHAPTER 17.31 - "MUE" MIXED USE EMPLOYMENT DISTRICT

Finding: Complies as Proposed. A vast majority of the subject site is within the "MUE" Mixed Use Employment District, though the application includes a request to amend the zoning designation and Comprehensive Plan designation of 1714 and 1716 16th Street from "R-6" Single-Family Dwelling District to MUE. The zone change would accommodate the placement of a medical office building, a use permitted in OCMC 17.31.020.E.

The Master Plan amendment will result in a campus-wide reduction from the approved 104,000 square feet of net, new building area to 84,000 - 89,000 square feet. With the increase in campus size and decrease in development square footage, the floor area ratio (FAR) will decrease from 0.61 to 0.55 - 0.56; nonetheless it will continue to exceed by more than twofold the minimum FAR of 0.25 in the MUE District. Compliance with the dimensional standards of the future building will be reviewed upon submittal of a development application.

CHAPTER 17.68.020 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:

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. The applicant's responses indicate that three meetings were held with McLoughlin Neighborhood Association and that the project was presented to the Citizen Involvement Committee (CIC), in addition to meeting city code requirements for notice.

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 McLoughlin Neighborhood Association prior to submitting this application and once the application was deemed complete. Twice, the City noticed the application to property owners within 300 feet of the subject site, neighborhood associations, the Citizens 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 policy is met.

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 a Comprehensive Plan Amendment and Zone Change from "R-6" Single-Family Dwelling District to "MUE" Mixed Use Employment District as well as an amendment to the existing Providence Willamette Falls Master Plan to include the site for use as a future medical office building. The proposal would utilize the residential properties in a manner which is more intensive and thus efficient than the current zoning designation and that the entire subject site can serve a variety of medical needs to the public in one location so less travel between facilities is needed. This goal is met.

Goal 2.3: Corridors: *Focus transit-oriented, higher intensity, mixed-use development along selected transit corridors.*
Finding: Complies as Proposed. TriMet bus route 32 currently travels directly adjacent to the subject site on 16th Street and though the Providence Master Plan boundary on Division Street.

The Master Plan amendment would replace two proposed medical office buildings (one of which is located further from a transit street) with a single medical office building directly adjacent to a transit street. Grant O'Connell, with TriMet submitted comments indicating that the proposal does not conflict with the agencies interests (Exhibit 7).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 as Proposed. The proposed application will not dramatically change the neighborhood. The proposal would expand the boundary of the Master Plan by approximately 0.53 of an acre within the MUE district and approximately 0.5 acres currently within the "LR" Low Density Residential Development Comprehensive Plan designation and the "R-6" Single-Family Dwelling District, an extremely small percentage of the 18.52 acre Master Plan site and of the 157 acres of MUE zoned properties within the City. Single-family homes are not a permitted use within the MUE district and the three homes are legally nonconforming. The transition from a single-family dwelling to the proposed use would allow the site to comply with the permitted uses identified in MUE. In addition, the application includes the consolidation of two medical office buildings totaling 50,000 square feet into a single structure which is approximately 35,000 square feet. The applicant indicated that "The intent of this modification is to improve patient access to the West MOB while reducing parking impacts on McLoughlin neighborhood streets by locating parking in proximity to the West MOB. Moreover, the proposal will result in fewer traffic impacts and less parking demand overall from buildout of the master plan due to a net reduction of 15,000 sf of building space on campus" (Exhibit 2).

The proposal provides certainty to the neighborhood and adjacent properties. The three properties (approximately 0.5 acre) currently within MUE may be developed to the dimensional standards allowed with the MUE District which would result in buildings which are taller (up to 60 feet) and larger than many of those within the neighborhood. The proposal would limit the area south of 15th Street to parking associated with the medical office building. In addition, the applicant proposed to limit the medical office building to 2 stories in height and the Site Plan and Design Review requirements of the Oregon City Municipal Code assure that the proposed structure will be located near Division Street, likely providing a buffer between the medical office building and adjacent residential properties. This goal is met.

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.*
Policy 2.7.1 Maintain a sufficient land supply within the city limits and the Urban Growth Boundary to meet local, regional, and state requirements for accommodating growth.
Policy 2.7.2 Use the following 11 land-use classifications on the Oregon City Comprehensive Plan Land-Use Map to determine the zoning classifications that may be applied to parcels:
Finding: Complies as Proposed. The proposal would expand the boundary of the Master Plan by approximately 0.53 of an acre within the MUE district and approximately 0.5 acres currently within the "LR" Low Density Residential Development Comprehensive Plan designation and the "R-6" Single-Family Dwelling District. As shown within this report, the amendment complies

with the goals and policies of the Comprehensive Plan. In addition, the applicant indicated that "this proposal is consistent with this policy by reinforcing the role of the hospital in the community and focusing growth in an established location which will promote vibrancy and access to care while remaining compatible with the surrounding residential areas". This goal is met.

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 4: *Forest Lands*
Finding: Not Applicable. The subject site is within the Oregon City limits and is not designated as forest lands. 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 though the Natural Resource Overlay District as well as the Geologic Hazards Overlay District, which includes protection of sensitive lands. Though portions of the Master Plan boundary are within the Natural Resource Overlay District as well as the Geologic Hazards Overlay District, which will be addresses upon submittal of an application for development of the site, the proposed expansion area is not within any overlay district and does not contain a historic structure. The proposed zone change and comprehensive plan amendment do not amend or affect any City-designated open space, scenic and historic area, or natural resource inventories which have been previously deemed consistent with Statewide Planning Goal 5. 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 Air Quality- Promote the conservation, protection and improvement of the quality of the air in Oregon City.
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 goal 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 Providence Willamette Falls Medical Center provides a variety of employment opportunities for nearby residences and services which nearby residences would be accessible by bicycle, foot, or transit thus reducing the dependence on single occupancy vehicles. As the overall master plan building square footage will be decreased and the medical office uses will be consolidated in one location, no long term impacts on air quality or noise are anticipated. This goal is met.

Policy 6.1.4: *Encourage the maintenance and improvement of the city's tree canopy to improve air quality.*
Finding: Not Applicable. No tree removal is proposed with this application. The preservation and mitigation of trees is addressed upon submittal of Detailed Development application in Chapters 17.41, 17.44 and 17.49 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 6.2.1 *Prevent erosion and restrict the discharge of sediments into surface and groundwater by requiring erosion prevention measures and sediment control practices.*

Finding: Not Applicable. Future development of the site will be reviewed upon submittal of a development application, whereby standard erosion prevention and sediment control measures will be implemented during construction. No construction is proposed with this development application. This policy is not applicable.

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. Light pollution is addressed in Chapter 17.62.065 of the Oregon City Municipal Code upon submittal of a Detailed Development application. This policy is not applicable.

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. Noise is addressed in Chapter 17.62.050.A.13 of the Oregon City Municipal Code, as well as in adopted Nuisance Ordinances. Future development of the site will be reviewed upon submittal of a development application. This policy is not applicable.

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. The Oregon City Municipal Code protects natural hazards through a variety of overlay districts. Though portions of the Master Plan boundary are within the Geologic Hazards Overlay District, the proposed expansion area is not within any overlay district. 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. The proposed zone change and comprehensive plan amendment do not amend or affect any natural hazards. This goal is not applicable.

Goal 8: *Parks and Recreation*

Finding: Complies as Proposed. This goal is designed to provide recreational opportunities and sites for all residents of Oregon City. The development proposal will 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. This goal is met.

Goal 9: Economic Development

Improve Oregon City's Economic Health - Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy.

Finding: Complies as Proposed. The proposal will reinforce the role of the hospital in the community in an established location that will continue to promote economic vibrancy in the City. The proposal will facilitate development of the hospital to best serve patients and support continued success of the hospital and yield economic benefits for the City through job creation, community partnerships, and access to care. Once development occurs, taxes will be levied for support of services and facilities. This goal is met.

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". This proposal would remove two single-family homes from the R-6 Single-Family Dwelling District (approximately 0.5 acre) and three single-family homes from MUE Mixed Use Employment District (approximately 0.5 acre). Single-family homes are not a permitted use within the MUE District and the three homes currently within the MUE District are legally nonconforming and subject to compliance with the standards for lawful nonconforming uses in OCMC 17.58. 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 (referred to as the "Housing Technical Report (2002)") full buildout under the then available buildable lands capacity would only result in 4,593 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 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 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.[1]

In addition, the City adopted a 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 is estimated at a potential 8,000 dwelling units within the City limits. Approximately 68% of the City is currently within the R-10, R-8, R-6, R-3.5 and R-2 zoning designations. Approximately 14% of the City is within the R-6 Single-Family Dwelling District while approximately 3% is within the MUE District. Approximately 3% of the City is within the MUE District and the proposal to add land to the MUE District would provide a greater mix of uses within the City, while the loss of land available for housing would be nominal. Staff finds this application meets Goal 10.1.

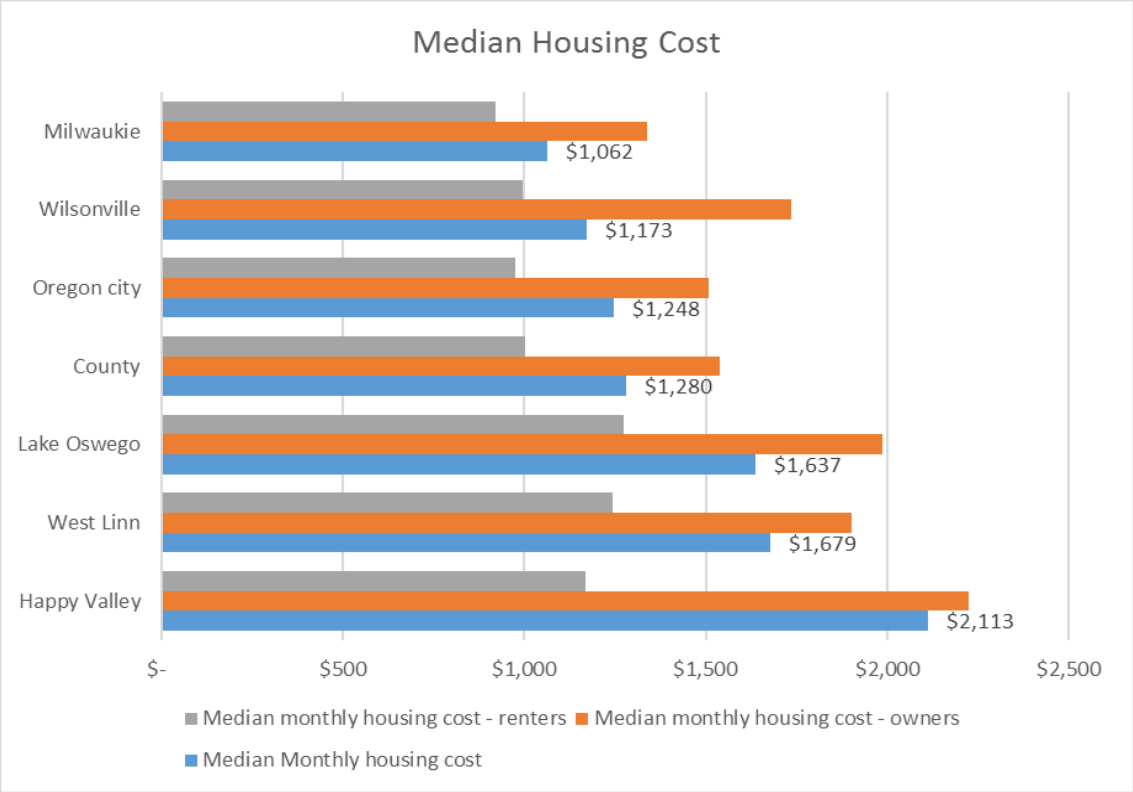
[1] 2,136 new single-family dwelling units; 253 new townhouses; 23 accessory dwelling units; and 26 multi-family units.

Goal 10.2 *Provide and maintain an adequate supply of affordable housing.*
Finding: Complies as Proposed. The development proposal entails expanding the Master Plan boundary by approximately 1 acre for hospital associated uses where there are currently five homes (two in the R-6 zone, and three in the existing MUE zone). 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 8). 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 9).

Figure 8: Median Sale Prices from Zillow.com

Figure 9: American Community Survey (2010-2015)



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.*

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

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.*

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.*

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.*

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: Complies as Proposed. The subject area is presently served or capable of being served adequately by extension of nearby facilities. Utility extensions to serve future development on the subject site will be required with future development applications. The provision of public facilities and services will be consistent with 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.

Oregon City School District provides education services and has adequate levels of service available (Exhibit 4). Police and fire protection are provided by the City of Oregon City. The site will be required to pay Park SDCs (System Development Charges) for each new unit to pay for future parks to serve the area if indicated in the parks master plan.

Policy 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 and 11.12, Library

Finding: Complies as Proposed. The proposal will not negatively impact public facilities and services within the City. All public facilities necessary to serve this project are available at adequate levels to meet the proposed MUE zoning. 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 redevelopment opportunity.

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.
Policy 12.1.1
Maintain and enhance citywide transportation functionality by emphasizing multi-modal travel options for all types of land uses.
Policy 12.1.2
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.
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.
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.
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.
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 as Proposed. The City's Transportation System Plan (TSP), adopted in 2013, implements the goals and policies of the Comprehensive Plan. There are three projects on Division Street identified in the TSP (D80, W70, and B60), which are also addressed in the existing and proposed PWF Master Plans, CP 11-01 and CP 15-02. Improvements will be required as part of future Detailed Development Plan applications, consistent with future traffic analyses and the PWF Master Plan. Each Detailed Development Plan submitted within the Master Plan will require an additional traffic study to determine the specific traffic impacts and identify appropriate mitigation to demonstrate compliance with the standards in the Oregon City Municipal Code.

Per Oregon Administrative Rule 660-012-0060, also known as the Transportation Planning Rule (TPR), a zone change and Comprehensive Plan amendment must not create an unmitigated significant effect on an existing or planned transportation system. If a significant effect is expected to occur, it must be mitigated within the planning horizon. The City of Oregon City Transportation System Plan (TSP) planning horizon is year 2035.

The applicant submitted a Transportation Impact Analysis (TIA) dated July 23, 2015 prepared under the direction of Julia Kuhn, P.E. of Kittleson and Associates, Inc. The analysis reviewed the impact of adding 0.5 acre of property within the MUE District into the Master Plan and 0.5 acre of land currently zoned R-6 to be changed to MUE District, added to the Master Plan and a worst case scenario of a 6,000 square foot medical office building. The inclusion of the 0.5 acre currently within the MUE district would not have an increased traffic impact by including the land within the Master Plan boundary because the current zoning designation would allow a use more intensive than the use proposed.

The TIA was reviewed by a City consultant John Replinger, P.E., of Replinger and Associates. Mr. Replinger concluded, that the TIA provides an adequate basis upon which to assess the impacts of the proposed rezoning and the impact of the proposal is minor and thus does not have a significant impact as described in the Transportation Planning Rule. The proposal does not change the functional classification of any existing or planned transportation facility, alter the standards for implementing the functional classification system, alter the level of travel, or degrade the performance of the transportation system such that it would not meet applicable performance standards (Exhibit 3).

With the adoption of the Transportation System Plan (TSP) in 2013, the City approved transportation projects 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 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 at 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 proposed application is too small to have an identifiable impact on any of the exempted locations identified within this section.

Staff finds the application meets Goal 12.

Goal 13: *Energy Conservation*

Policy 13.2.1- Promote mixed-use development, increased densities near activity centers, and home-based occupations (where appropriate).

Finding: Complies as Proposed. This section requires the conservation of energy in all forms through efficient land-use patterns, public transportation, building siting and construction standards, and city programs, facilities and activities. The policies promote energy conservation through the promotion of mixed-use developments and increased densities near activity centers, and the construction of bikeways and sidewalks to improve connectivity. The proposed amendment will result in an efficient land use pattern by increasing the amount of development

which may occur onsite adjacent to existing infrastructure such as streets and utilities. Allowing the applicant to utilize this location will result in increased energy efficiency. The co-location of medical uses on a single campus instead of multiple sites reduces vehicular travel and particularly conserves energy. In addition, the site includes the Providence Willamette Falls Hospital which is a neighborhood activity center that may provide employment or opportunities and/or access to medical services for nearby residences.

Goal 14.2: *Orderly Redevelopment of Existing City Areas- Reduce the need to develop land within the Urban Growth Boundary by encouraging redevelopment of underdeveloped or blighted areas within the existing city limits.*
Policy 14.2.1 - Maximize public investment in existing public facilities and services by encouraging redevelopment as appropriate.
Policy 14.2.2 - Encourage redevelopment of city areas currently served by public facilities through regulatory and financial incentives.
Policy 14.3.1 - Maximize new public facilities and services by encouraging new development within the Urban Growth Boundary at maximum densities allowed by the Comprehensive Plan.
Finding: Complies as Proposed. This proposal will contribute to achieving this Section (Goal) by increasing the re-development potential of the properties within the R-6 Single-Family Dwelling District within the City limits and the expansion of the Master Plan boundary will allow the site to be utilized with greater efficiency. Future development of the site will result in 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 as Proposed. The applicant has not proposed any development at this time. As demonstrated within this report, the proposed site may be served by public facilities and services.

Water: Water infrastructure exists within the 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 exists within the 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 exists within the 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 refer 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 who did not identify any concerns regarding this application.

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.

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: Please refer to the analysis of Goal 1 in the Comprehensive Plan findings, above.

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, Zone Change and Master Plan amendment requests are being reviewed for consistency with all applicable City Code sections, the City Comprehensive Plan, and Statewide Planning Goals within this report. The analysis provides a factual base to which the application is being reviewed. City staff has coordinated with affected agencies by providing written notice of the application and identification of the public hearing dates.

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: Please refer to the analysis in Goal 5 of the Comprehensive Plan.

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 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.

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: Please refer to the analysis in Goal 7 of the Comprehensive Plan.

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: Please refer to the analysis in Goal 8 of the Comprehensive Plan.

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: Please refer to the analysis in Goal 9 of the Comprehensive Plan.

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: Please refer to the analysis of Goal 10 in the Comprehensive Plan findings, above.

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: Please refer to the analysis of Goal 12 in the Comprehensive Plan.

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: Please refer to the analysis in Goal 13 of the Comprehensive Plan.

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: Please refer to the analysis in Goal 12 of the Comprehensive Plan.

OAR Chapter 660, Division 7, "Metropolitan Housing Rule"
Finding: Please refer to the analysis 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: Please refer to the analysis in the Goal 12 analysis of the Comprehensive Plan.

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 17.65 MASTER PLANS

17.65.050.A Existing Conditions Submittal Requirements

17.65.050.A.1. *Narrative statement. An applicant must submit a narrative statement that describes the following:*
a. Current uses of and development on the site, including programs or services.
b. History or background information about the mission and operational characteristics of the institution that may be helpful in the evaluation of the general development plan.

Finding: Complies as Proposed. The applicant submitted the following in Exhibit 2:

> *PWF is a full service medical center that provides emergency medicine, labor and delivery, surgical services, inpatient treatment, as well as many other inpatient and outpatient services. Since opening in 1954, PWF has grown and gone through numerous developments, additions, and remodels to better provide healthcare services to Oregon City and Clackamas County.*
>
> *In 2012, Oregon City approved the Master Plan which defined the growth and development strategies for PWF over a 10-year period including public improvements to be made as conditions of approval. (Appendix D) The Master Plan consists of updates and modernization projects, Birthplace expansion, and two medical office buildings for outpatient procedures. In total, the Master Plan approved 104,000 sf of new hospital and medical office uses with associated parking.*
>
> *Since the time the master plan was approved, PWF developed the 66-space Division Street Parking Lot and made public improvements per the master plan conditions of approval. No other development in the 2012 Master Plan has been initiated to date.*

17.65.050.A.1.c*. A vicinity map showing the location of the General Development Plan boundary relative to the larger community, along with affected major transportation routes, transit, and parking facilities. At least one copy of the vicinity map must be eight and one-half inches × eleven inches in size, and black and white reproducible.*
d. Non-institutional uses that surround the development site. May also reference submitted maps, diagrams or photographs.

Finding: Complies as Proposed. The application included a Vicinity Map in Figure 01 and a Proposed Site Plan: Circulation/Access & Parking in Figure 07 of Exhibit 2.

17.65.050.A.1.e*. Previous land use approvals within the General Development Plan boundary and related conditions of approval.*

Finding: Complies as Proposed. The application identified that the Providence Willamette Falls Master Plan was approved in 2012 by Planning file CP-11-01 with Phase 1 (the Division Street Parking Lot, file DP11-03) Natural Resource Overlay Exemption (file NR 11-05) and Lot Line Adjustment (file LL 11-07). Conditions of Approval associated with the approval of those concurrent applications are provided in Appendix D: Notice of Land Use Decision of Exhibit 2. The previous Master Plan and associated conditions of approval were reviewed and the proposed amendments do not conflict with any portions of the plan or necessitate further adjustments to the approved plan.

Prior to the 2012 Master Plan, PWF received a Site Plan and Design Review and Conditional Use Permit for Hospital Building Expansion with Hospital and Nursing Home Site Improvements under Planning files CU 03-03 & SP 03-19.

17.65.050.A.1.f*. Existing utilization of the site. May also reference submitted maps, diagrams or photographs.*
17.65.050.A.1.g*. Site description, including the following items. May also reference submitted maps, diagrams or photographs.*

1. Physical characteristics;
2. Ownership patterns;
3. Building inventory;
4. Vehicle/bicycle parking;
5. Landscaping/usable open space;
6. FAR/lot coverage;
7. Natural resources that appear on the city's adopted Goal 5 inventory;
8. Cultural/historic resources that appear on the city's adopted Goal 5 inventory; and
9. Location of existing trees six inches in diameter or greater when measured four feet above the ground. The location of single trees shall be shown. Trees within groves may be clustered together rather than shown individually.

Finding: Complies as Proposed. The application included the following Figures in Appendix E of Exhibit 2:

Figure 01: Vicinity Map and Existing Zoning
Figure 02: Existing Ownership Patterns
Figure 03: Existing Natural Resources, Hazards, and Topography
Figure 04: Existing Light Locations
Figure 05: 2012 Approved Master Plan

No cultural or historic resources that appear on the city's adopted Goal 5 inventory are located on the site.

17.65.050.A.1.h. *Existing transportation analysis, including the following items. May also reference submitted maps, diagrams or photographs.*
1. Existing transportation facilities, including highways, local streets and street classifications, and pedestrian and bicycle access points and ways;
2. Transit routes, facilities and availability;
3. Alternative modes utilization, including shuttle buses and carpool programs; and
4. Baseline parking demand and supply study (may be appended to application or waived if not applicable).

Finding: Complies as Proposed. The application included Figure 07: Proposed Site Plan: Circulation/Access & Parking which shows both existing and proposed conditions, and site photos in Appendix E. A Transportation Impact Analysis conducted by Kittleson and Associates was included in the application concluding "sufficient transportation and capacity is available, or can be made available, with buildout of the master plan" and that "the previously-submitted documentation remains in effect and provides the required documentation" due to the proposed reduction in square footage of full-buildout of the site Exhibit 2. The analysis was reviewed by the City and the findings may be found in the analysis of Goal 12.

17.65.050.A.1.i. *Infrastructure facilities and capacity, including the following items.*
1.Water;
2.Sanitary sewer;
3.Stormwater management; and
4.Easements.

Finding: Complies as Proposed. The applicant submitted Civil Engineering (public infrastructure) information with 2012 Master Plan which demonstrate that sufficient capacity is available, or can be made available, to accommodate the full build-out of the Master Plan.

17.65.050.B. Proposed Development Submittal Requirements.
1. Narrative statement. An applicant shall submit a narrative statement that describes the following:
a. The proposed duration of the general development plan.

Finding: Complies as Proposed. The applicant indicated that no change to the duration of the original Master Plan is proposed. The duration of the 10 year Master Plan will conclude in 2021.

17.65.050.B.1.b. *The proposed development boundary. May also reference submitted maps or diagrams.*

Finding: Complies as Proposed. Figure 06 of the submittal includes the proposed boundary expansion (Exhibit 2).

17.65.050.B.1.c. *A description, approximate location, and timing of each proposed phase of development, and a statement specifying the phase or phases for which approval is sought under the current application. May also reference submitted maps or diagrams.*
Finding: Complies as Proposed. Figure 06 of the application identifies that the 2015 Proposed Master Plan displays that all remaining master plan development is to occur under Phase 2, which runs from Years 2012 – 2021. Phase 3 (Years 2014 – 2021) is proposed to be eliminated as it is redundant with Phase 2. The modification also seeks to clarify that improvements within Phase 2 may be undertaken in any order.

17.65.050.B.1.d. *An explanation of how the proposed development is consistent with the purposes of Section 17.65, the institutional zone, and any applicable overlay district.*
Finding: Complies as Proposed. The application included findings analyzed within this report.

17.65.050.B.1.e. *A statement describing the impacts of the proposed development on inventoried Goal 5 natural, historic or cultural resources within the development boundary or within two hundred fifty feet of the proposed development boundary.*
Finding: Complies as Proposed. The applicant indicated that proposal does not impact inventoried natural, historic, or cultural resources within the proposed development boundary. Figure 03 of the application in Exhibit 2 displays the existing Natural Resources, Hazards, and Topography. Removal of the East MOB and consolidation of medical office uses at the West MOB location will provide a greater distance from both natural resources and natural hazards mapped on the east side of the campus.

17.65.050.B.1.f. *An analysis of the impacts of the proposed development on the surrounding community and neighborhood, including:*
1. Transportation impacts as prescribed in subsection g. below;
2. Internal parking and circulation impacts and connectivity to sites adjacent to the development boundary and public right-of-ways within two hundred fifty feet of the development boundary;
3. Public facilities impacts (sanitary sewer, water and stormwater management) both within the development boundary and on city-wide systems;
4. Neighborhood livability impacts;
5. Natural, cultural and historical resource impacts within the development boundary and within two hundred fifty feet of the development boundary.
Finding: Complies as Proposed. The applicant indicated that "existing analyses for the approved 2012 Master Plan have documented transportation impacts, parking and circulation impacts, connectivity, public facilities, and natural resource impacts which remain applicable and unchanged by the proposed master plan modification, especially as the proposed master plan will result in less 15,000 sf less development than is currently approved.

Regarding item 4. Neighborhood livability impacts, PWF representatives attended a meeting with the McLoughlin Neighborhood Association (MNA) on June 4, 2015 to present the proposal and seek to solicit neighborhood input. Documentation of the first meeting, which satisfied the neighborhood meeting requirement, is included in Appendix F. At the request of the MNA, PWF representatives met a second time with a subgroup of the MNA on June 30, 2015 at which time PWF presented a modified proposal which removed property on 14th Street from the proposal. There are no anticipated impacts to neighborhood livability from this proposal as the overall amount of development and associated traffic and parking impacts will decrease from the current master plan" (Exhibit 2).

17.65.050.B.1.g. *A summary statement describing the anticipated transportation impacts of the proposed development. This summary shall include a general description of the impact of the entire development on the local*

street and road network, and shall specify the maximum projected average daily trips, projected AM and PM peak hour traffic and the maximum parking demand associated with build-out each phase of the master plan.
17.65.050.B.1.h. *In addition to the summary statement of anticipated transportation impacts, an applicant shall provide a traffic impact study as specified by city requirements. The transportation impact study shall either:*
1. Address the impacts of the development of the site consistent with all phases of the general development plan; or
2. Address the impacts of specific phases if the city engineer determines that the traffic impacts of the full development can be adequately evaluated without specifically addressing subsequent phases.
17.65.050.B.1.i. *If an applicant chooses to pursue option h.1., the applicant may choose among three options for implementing required transportation capacity and safety improvements:*
1. The General Development Plan may include a phasing plan for the proposed interior circulation system and for all on-site and off-site transportation capacity and safety improvements required on the existing street system as a result of fully implementing the plan. If this option is selected, the transportation phasing plan shall be binding on the applicant.
2. The applicant may choose to immediately implement all required transportation safety and capacity improvements associated with the fully executed general development plan. If this option is selected, no further transportation improvements will be required from the applicant. However, if a general development plan is later amended in a manner so as to cause the projected average daily trips, the projected AM or PM peak hour trips, or the peak parking demand of the development to increase over original projections, an additional transportation impact report shall be required to be submitted during the detailed development plan review process for all future phases of the development project and additional improvements may be required.
3. The applicant may defer implementation of any and all capacity and safety improvements required for any phase until that phase of the development reaches the detailed development plan stage. If this option is selected, the applicant shall submit a table linking required transportation improvements to vehicle trip thresholds for each development phase.

Finding: Complies as Proposed. The application included a transportation impact study for the proposed Zone Change and amendment to the Comprehensive Plan as well as a copy of the transportation impact study from the previously approved Master Plan (Exhibit 2). Additional traffic studies will be conducted with each Detailed Development application.

17.65.050.B.1.j. *The applicant or city staff may propose objective development standards to address identified impacts that will apply within the proposed development on land that is controlled by the institution. Upon approval of the general development plan, these standards will*
supersede corresponding development standards found in this code. Development standards shall address at least the following:
1. Pedestrian, bicycle and vehicle circulation and connectivity;
2. Internal vehicle and bicycle parking;
3. Building setbacks, landscaping and buffering;
4. Building design, including pedestrian orientation, height, bulk, materials, ground floor windows and other standards of Chapter 17.62; and
5. Other standards that address identified development impacts.

Finding: Not Applicable. No alternate development standards are proposed.

17.65.050.B.2 *Maps and diagrams. The applicant must submit, in the form of scaled maps or diagrams, as appropriate, the following information:*
a. A preliminary site circulation plan showing the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas or, in the alternative, proposed criteria for the location of such facilities to be determined during detailed development plan review.
b. The approximate location of all proposed streets, alleys, other public ways, sidewalks, bicycle and pedestrian access ways and other bicycle and pedestrian ways, transit streets and facilities, neighborhood activity centers and easements on and within two hundred fifty feet of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.

c. The approximate location of all public facilities to serve the proposed development, including water, sanitary sewer, stormwater management facilities.
d. The approximate projected location, footprint and building square footage of each phase of proposed development.
e. The approximate locations of proposed parks, playgrounds or other outdoor play areas; outdoor common areas and usable open spaces; and natural, historic and cultural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use.
Finding: Complies as Proposed. The application included all necessary items.

17.65.050.C. *Approval Criteria for a General Development Plan. The planning commission shall approve an application for general development plan approval only upon finding that the following approval criteria are met.*
1. The proposed General Development Plan is consistent with the purposes of Section 17.65.
Finding: Please refer to the analysis within Chapter 17.65 of this report.

17.65.050.C.*2. Development shall demonstrate compliance with Chapter 12.04, Streets, Sidewalks and Public Places.*
Finding: Please refer to the analysis in chapter 12.04 of this report.

17.65.050.C.*3. Public services for water supply, police, fire, sanitary waste disposal, and storm-water disposal are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.*
Finding: Please refer to analyses within this report.

17.65.050.C.*4. The proposed General Development Plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of applicable overlay districts.*
Finding: Not Applicable. The Oregon City Municipal Code implements Goal 5 though a variety of overlay districts. Portions of the Master Plan boundary are within the Natural Resource Overlay District as well as the Geologic Hazards Overlay District, which will be addresses upon submittal of an application for development of the site. There are no historic structures located on the subject site. This goal is not applicable.

17.65.050.C.*5. The proposed General Development Plan, including development standards and impact mitigation thresholds and improvements adequately mitigates identified impacts from each phase of development. For needed housing, as defined in ORS 197.303(1), the development standards and mitigation thresholds shall contain clear and objective standards.*
Finding: Complies with Condition. The approved Master Plan includes the design of the public improvements within the Master Plan boundary and an identification of when each improvement would occur. This proposal would add additional lands into the Master Plan boundary but the design of the infrastructure improvements and timing to construct the improvements was not identified. Upon submission of a Detailed Development Plan for the adjacent property, the design and construction of the adjacent public improvements shall be analyzed and implemented prior to issuance of permits. **The applicant may comply with this criterion with the conditions of approval.**

17.65.050.C.*6. The proposed general development plan is consistent with the Oregon City Comprehensive Plan and its ancillary documents.*
Finding: Please refer to the analysis within this report.

D. Duration of General Development Plan. A general development plan shall involve a planning period of at least five years and up to twenty years. An approved general development plan shall remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superseded, or the plan expires under its stated expiration date.

Finding: Not Applicable. The applicant did not propose to amend the timeframe of the approved 10-year master plan with an end date of 2021.

17.65.80 *Amendments to Approved Plans*
Finding: Complies. This application is being reviewed as a Type III amendment to the Master Plan.

17.65.090 *Regulations that Apply*
An applicant is entitled to rely on land use regulations in effect on the date its General Development Plan application was initially submitted, pursuant to ORS 227.178(3), as that statute may be amended from time to time. After a General Development Plan is approved, and so long as that General Development Plan is in effect, an applicant is entitled to rely on the land use regulations in effect on the date its General Development Plan application was initially submitted, as provided above, when seeking approval of detailed development plans that implement an approved General Development Plan. At its option, an applicant may request that a detailed development plan be subject to the land use regulations in effect on the date its detailed development plan is initially submitted.
Finding: Complies as Proposed. The application is subject to the code in effect at the time of submittal of this application.

CHAPTER 12.04 – STREETS, SIDEWALKS AND PUBLIC PLACES
Finding: Complies with Condition. The applicant indicated that the proposed reduction in square footage within the Master Plan will decrease vehicular trip generation due to the reduced building square footage. As discussed in the findings in Goal 12, City staff concurs with this conclusion. Each future Detailed Development Plan will be reviewed for compliance with applicable mobility standards.

The approved Master Plan specifies the design of the public improvements within the Master Plan boundary and identifies when each improvement will occur. This proposal would add additional land into the Master Plan boundary but the design of the infrastructure improvements and timing to construct the improvements was not identified. Upon submission of a Detailed Development Plan for the adjacent property, the design and construction of the adjacent public improvements shall be analyzed and implemented prior to issuance of permits.

The analysis within the previous Master Plan demonstrating compliance with Chapter 12.04 remains unchanged. Future development shall comply with Planning file CP 11-01 and any amendments within this application. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 12.08 – PUBLIC AND STREET TREES
Finding: Complies with Condition. The approved Master Plan specifies the design of the public improvements within the Master Plan boundary and identifies when each improvement will occur. This proposal would add additional land into the Master Plan boundary but the design of the infrastructure improvements and timing to construct the improvements was not identified. Upon submission of a Detailed Development Plan for the adjacent property, the design and construction of the adjacent public improvements shall be analyzed and implemented prior to issuance of permits.
The analysis within the previous Master Plan demonstrating compliance with Chapter 12.08 remains unchanged. Future development shall comply with Planning file CP 11-01 and any amendments within this application. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 13.12 – STORMWATER MANAGEMENT
Finding: Not Applicable. The analysis of compliance with this chapter will be analyzed upon submittal of a Detailed Development Plan application. No issues have been identified that will preclude compliance with this chapter.

CHAPTER 15.48 – GRADING, FILLING AND EXCAVATING

Finding: Not Applicable. The analysis of compliance with this chapter will be analyzed upon submittal of a Detailed Development Plan application. No issues have been identified that will preclude compliance with this chapter.

CHAPTER 17.41- TREE PROTECTION STANDARDS

Finding: Not Applicable. The analysis of compliance with this chapter will be analyzed upon submittal of a Detailed Development Plan application.

CHAPTER 17.44- GEOLOGIC HAZARDS OVERLAY DISTRICT

Finding: Not Applicable. The analysis of compliance with this chapter will be analyzed upon submittal of a Detailed Development Plan application. No issues have been identified that will preclude compliance with this chapter.

CHAPTER 17.49 – NATURAL RESOURCE OVERLAY DISTRICT

Finding: Not Applicable. The analysis of compliance with this chapter will be analyzed upon submittal of a Detailed Development Plan application.

CHAPTER 17.52 – OFF-STREET PARKING AND LOADING

Finding: Complies with Condition. Chapter 17.52.020.A identifies a minimum and maximum a number of parking stalls for the Master Plan. The application included a site plan in Figure 7 of Exhibit 2 which identified the number of parking stalls onsite. The proposed reduction of a minimum of 15,000 square feet of Master Plan at full build out would result in an equivalent parking ratio of 1.96 – 2.03 spaces/1,000 square feet based on a total projected parking supply of 874-894 spaces. Though the Oregon City Municipal Code provides opportunities for reductions in the parking onsite, the minimum requirement identified in OCMC 17.52.020 is 2 parking stalls for every 1,000 of net leasable area. Prior to issuance of permits associated with a Detailed Development Plan the applicant shall demonstrate that the Providence Willamette Falls campus associated with the Master Plan complies with the with the number of parking spaces required in OCMC 17.52.020. All other standards within this chapter will be reviewed upon submittal of a Detailed Development Plan. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.62 – SITE PLAN AND DESIGN REVIEW

Finding: Not Applicable. The analysis of compliance with this chapter will be analyzed upon submittal of a Detailed Development Plan application.

CHAPTER 17.54 – SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

Finding: Not Applicable. The analysis of compliance with this chapter will be analyzed upon submittal of a Detailed Development Plan application.

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, Amendment to the Master 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, Amendment to the Master 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.

17.50.050 *Preapplication Conference*

Finding: Complies as Proposed. The applicant held a pre-application conference (file PA 15-13) on May 13, 2015. The land use application was submitted a few months later on August 11, 2015. This standard is met.

17.50.055 *Neighborhood Association Meeting*

Finding: Complies as Proposed. The applicant's representatives attended a meeting with the McLoughlin Neighborhood Association (MNA) on June 4, 2015 to present the proposal and seek to solicit neighborhood input (Appendix F of Exhibit 2). At the request of the MNA, PWF representatives held a follow up meeting with a subgroup of the MNA on June 30, 2015 at which time PWF presented a modified proposal which removed property on 14th Street from the proposal. This standard is met.

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: Complies as Proposed. The application was deemed complete on September 14, 2015, 120 days following the completeness of the application is January 12, 2016.

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 or 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:

> Alex Bursheim, Early Head Start Family Coach for the Clackamas County Children's Commission submitted comments regarding the timing of the Master Plan (Exhibit 5).
>
> Craig and Tiffany Gillespie submitted comments supporting the application (Exhibit 6).
>
> Grant O'Connell, with TriMet submitted comments indicating that the proposal does not conflict with the agencies interests (Exhibit 7).

Mike Roberts, Building Official for the City of Oregon City submitted comments regarding applicable construction regulations (Exhibit 8).

Jim Nicita provided the following testimony on and 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.
  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 and standards for stormwater detention and water quality facilities adopted to protect such water features.

The Oregon City Chamber of Commerce submitted written comments in Exhibit 9 which support the application. The comments noted that the facility provides critical services to residences and visitors as well as employment. In addition, it noted that the applicant has worked with residences and the neighborhood association to reduce impacts of the proposed development.

Jesse buss submitted written comments on behalf of the McLoughlin neighborhood Association in Exhibit 9 which request a continuance to allow more time for public comment.

The Oregon City Business Alliance submitted written comments in Exhibit 9 supporting the application because it would improve access to care and increase the number of jobs in Oregon City as well as accommodate parking while reducing the impact to the neighborhood with a reduction in square footage within the Master Plan boundary.

Callie Edwards provided testimony before the Planning Commission on November 9, 2015 (Exhibit 9). She expressed the stress this application has caused regarding a concern for the displacement of residences within the Master Plan boundary expansion and a lack of affordable housing in the area. A concern regarding traffic hazards was identified and a desire to construct within the existing Master Plan boundary rather than rather than expand.

J. Pierce provided testimony before the Planning Commission on November 9, 2015 (Exhibit 9) in favor of the application because of the quality of care and the type of facility proposed in the medical office building, and the local access to care without detracting the amount of housing available.

Tiffany Munma provided testimony before the Planning Commission on November 9, 2015 (Exhibit 9) which supports the application as a whole but does not support the inclusion of the properties on 15th into the Master plan because it disrupts the continuity of the neighborhood, has traffic impacts, increasing existing sight hazards and decreases affordable housing. The location on 16th is supported because of access and the need to replace an existing building.

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 exceeding than the minimum requirement.

CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above, Staff concludes that the proposed Zone Change, Comprehensive Plan Amendment and Master Plan Amendment located at Clackamas County 2-2E-32AB, Tax Lots 1201, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2800, 2900, 3000, 3100, 3900, 4000, 4100, 4200, Clackamas County 2-2E-32AA, Tax Lot 400, Clackamas County 2-2E-32AC, Tax Lots 101, 201, 7200, can meet the requirements as described in the Oregon City Municipal Code provided in this report with the conditions of approval. Therefore, the Community Development Director recommends the Planning Commission and City Commission approve ZC 15-04, PZ 15-02 and CP 15-02 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 Alex Bursheim, Early Head Start Family Coach for the Clackamas County Children's Commission
6. Comments from Craig and Tiffany Gillespie
7. Comments from Grant O'Connell with TriMet
8. Comments from Mike Roberts, Building Official for the City of Oregon City
9. Staff Report for Master Plan file CP 11-01 with Excerpt Exhibits
10. Information submitted and Video from the November 9, 2015 Planning Commission Hearing (Please refer to the video of the hearing)
11. Housing Technical Report (2002)

LEGEND

- Existing Hospital
- Existing Medical Office
- Area Within 2012 MP Boundary (~746,513 sq.ft.)
- Zone: MUE
- Zone: Clackamas County
- Zone: R-6
- Zone: R-2
- Zone: R-10
- Zone: R-8
- MUE Boundary
- 2012 Approved Master Plan Development Boundary
- Proposed Site Development, and Comprehensive Plan Amendment/Zone Change
- Proposed Site Development Boundary Change

KEYNOTES:
① : Properties Owned by PWF

MUE ZONE BOUNDARY
BEAN
CANYON
SWORD - FERN CT.
GILMAN ST
HARRIET
TRILLIUM PARK DRIVE
EXISTING PARKING STRUCTURE
GILMAN PARK ASSISTED LIVING
MEDICAL PLAZA 2
PROVIDENCE WILLAMETTE FALLS MEDICAL CENTER
MOUNTAIN VIEW NURSING HOME
PHASE 2 MAIN ENTRY EXPANSION
STORM WATER DETENTION
MEDICAL PLAZA 1
BIRTH PLACE
MAIN HOSPITAL ENTRANCE / DROP-OFF
EYE HEALTH NW
CHILDREN'S CENTER
PENN LANE
DAVIS RD
1267
1135
TRANSIT STOP
DIVISION STREET
17 TH ST
16 TH ST
15 TH ST
14 TH ST
13 TH ST
12 TH ST
11 TH ST
TAYLOR ST
POLK ST
PIERCE ST
PRESCOTT ST
BUCHANAN ST
GRANT ST
N
scale: 1":2330'

PROVIDENCE Health & Services

Date: 07/28/2015

Sheet Number: FIGURE 01

Providence Willamette Falls Medical Center
Master Plan Amendment and Comprehensive Plan Amendment/Zone Change Application

Vicinity Map and Existing Zoning

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+

PROVIDENCE WILLAMETTE FALLS MEDICAL CENTER

MASTER PLAN MODIFICATION
COMPREHENSIVE PLAN AMENDMENT / ZONE CHANGE

Submitted to:
The City of Oregon City
221 Molalla Ave, Suite 200
PO Box 3040
Oregon City, OR 97045

Harper Houf Peterson Righellis Inc
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Portland, OR 97202

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Figure 02: Existing Ownership Patterns
Figure 03: Existing Natural Resources, Hazards, and Topography
Figure 04: Existing Light Locations
Figure 05: 2012 Approved Master Plan
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Figure 07: Proposed Site Plan: Circulation/Access & Parking
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APPENDICES

A. 2012 Master Plan Transportation Impact Analysis
B. 2012 Civil Engineering Narratives
C. 2015 Transportation Impact Analysis for Comprehensive Plan Amendment/Zone Change
D. 2012 Notice of Decision and Conditions of Approval
E. Photos of Existing Conditions
F. Neighborhood Meeting Documentation
G. Pre-Application Notes

I. SUMMARY OF PROPOSAL

Applicant/Owner: Providence Willamette Falls Medical Center
C/o Russell Reinhard
1500 Division Street
Oregon City, Oregon 97045

Representative: Harper Houf Peterson Righellis Inc.
C/o Stefanie Slyman, AICP
205 SE Spokane Street, Ste. 200
Portland, OR 97202

Request: Providence Willamette Falls Medical Center (PWF) is seeking approval of two concurrent land use requests to 1) Modify the 2012 Master Plan and 2) Amend the Oregon City Comprehensive Plan and Zoning Map for two properties from Residential/R-6 to Mixed Use Employment (MUE).

Location: 1714 and 1716 16th Street
Clackamas County Map 22E32AB Tax Lots 3100, 3000

1806, 1808, 1810, and 1812 15th Street
Clackamas County Map 22E32AB Tax Lots 3900, 4000, 4100, 4200

1500 Division Street – PWF Medical Center
Clackamas County Map 22E32AB, Tax Lots 1201, 1900, 2000, 2100, 2200, 2400, 2500, 2800, 2900, 3100, 4400, 4600 [1],
Clackamas County Map 22E32AA, Tax Lot 400
Clackamas County Map 22E32AC, Tax Lots 101, 201

Zoning: Mixed Use Employment (MUE) and R-6 – Single Family Dwelling District

Land Use History: The PWF Master Plan was approved in 2012 per CP-11-01: Master Plan. A concurrent application for Phase 1 of the master plan, the Division Street Parking Lot, was also approved in 2012 per DP11-03: Detailed Development Plan; NR 11-05: Natural Resource Overlay Exemption; and LL-07: Lot Line Adjustment. Prior to the 2012 Master Plan, PWF received approvals for Site Plan and Design Review and Conditional Use Permit for Hospital Building Expansion with Hospital and Nursing Home Site Improvements. File numbers: CU 03-03 & SP 03-19.

[1] Tax Lots 4400 and 4600 are owned by PWF but are not part of the proposed modification or Comprehensive Plan/Zone Change.

Proposal Summary:

Since the time the Master Plan was approved in 2012, PWF's updated growth projections indicate patient needs will be best met by one medical office building (MOB) up to 35,000 square feet (sf) in size instead of two MOBs totaling up to 50,000 sf, shown in the 2012 Master Plan as West MOB and East MOB. PWF therefore proposes to consolidate these future medical office uses at the West MOB location which is more accessible to patients and more centrally-located within the PWF campus relative to the East MOB location. To achieve this, PWF proposes to increase the site area of the West MOB through the addition of six adjacent properties to provide adequate site area for a 30,000 – 35, 000 sf MOB and parking in proximity to the MOB. This will reduce the net amount of total new development approved in the 2012 Master Plan from 104,000 sf to 89,000 sf, and a total buildout of 440,181 sf instead of 455,181 sf.

The intent of this modification is to improve patient access to the West MOB while reducing parking impacts on McLoughlin neighborhood streets by locating parking in proximity to the West MOB. Moreover, the proposal will result in fewer traffic impacts and less parking demand overall from buildout of the master plan due to a net reduction of 15,000 sf of building space on campus.

Subject to approval of this request, PWF intends to submit an application for the West MOB and associated parking at which time it will be reviewed for compliance with applicable design and development standards via the City's detailed development plan process. These standards include building height, setbacks, site coverage, landscaping, and buffering between uses. At that time, a Traffic Impact Analysis will also be submitted to identify any needed transportation safety or capacity improvements, such as improvements to the intersection of Division and 15th Streets. The West MOB will continue to be subject to Conditions of Approval resulting from CP 11-01: Master Plan, as revised by this master plan modification, or the future detailed development plan.

II. DETAILED PROPOSAL AND REQUESTED APPROVALS

A. Modification of the 2012 Master Plan. The following modifications to the 2012 Master Plan are requested.

Expand Master Plan Boundary. Add six PWF-owned properties on the west side of Division Street to the master plan boundary. These properties include two properties located at 1714 and 1716 16th Street and four properties on the south side of 15th Street (1806, 1808, 1810, 1812). This will increase the area within the campus boundary from 746,513 sf to 791,276 sf, an addition of 44,763 sf but will not increase the amount of new development approved in the Master Plan, and will in fact decrease it as described below. These six properties, together with the existing West MOB site as shown in the 2012 Master Plan, will serve as the site of the future West MOB and parking. The intent is to provide parking for patients in closer proximity to the West MOB and to minimize on-street neighborhood parking impacts. No PWF campus development other than the West MOB and parking is proposed in the expanded boundary area.

Consolidate Medical Office uses and Decrease Overall Campus Development. Subject to approval of the boundary expansion and concurrent Comprehensive Plan Amendment and Zone Change, PWF proposes to reduce the total amount of MOB square footage in the master plan from 50,000 sf to a maximum of 35,000 sf. The 2012 master plan identified two MOBs, East and West, with 20,000 – 25,000 sf each for a total of 50,000 sf. PWF proposes to consolidate these uses at the West MOB location at a building size no larger than 35,000 sf, resulting in a in a net reduction of 15,000 sf from the approved 2012 master plan. This will result in a campus-wide reduction from the approved 104,000 sf of net, new building area to 89,000 sf. With the increase in campus size and decrease in development square footage, the floor area ratio (FAR) will decrease from 0.61 to 0.56; nonetheless it will continue to exceed by more than twofold the minimum FAR of 0.25 in the MUE zone.

This reduction in campus square footage will also decrease vehicular trip generation and parking demand as a function of the reduced building square footage. The 2012 Master Plan Transportation Impact Analysis (Appendix A) and 2012 Civil Engineering Narratives documented the impacts of campus buildout at a greater amount of development than is currently proposed, therefore the findings of those analyses remain applicable to this proposal[2].

[2] A separate Transportation Impact Analysis for the Comprehensive Plan Amendment/Zone Change request for 1714 and 1716 16th Street has been submitted to satisfy Transportation Planning Rule (TPR) requirements. This is a stand-alone analysis for the rezoning of these two properties specifically, not overall campus buildout. Development of specific projects in the Master Plan will require subsequent Transportation Impact Analyses at the time of development review.

Revise Development Phasing. Remove references to Phase 3 from the development phasing schedule and clarify that all remaining development projects may occur in any order during existing Phase 2 (Years 2012 – 2021). No change to the 10-year master plan duration or end date of 2021 is requested.

COMPARISON OF 2012 APPROVED MASTER PLAN AND 2015 PROPOSED MASTER PLAN

	2012 APPROVED MASTER PLAN	2015 PROPOSED MASTER PLAN
Total Site Area	746,513 sf	Existing = 746,513 sf New = 44,763 sf Total = 791,276 sf
Building Square Footage	Existing = 351,181 sf New = 104,000 sf Total = 455,181 sf	Existing = 351,181 sf New = 89,000 sf Total = 440,181 sf
Floor Area Ratio	0.61	0.56
Total Impervious Area	78%	78%
Total Landscaping	22%	22%
Total Parking Supply	888 spaces (PWF campus-wide parking ratio = 1.95 spaces/1,000sf)	874 – 894 spaces (PWF campus-wide parking ratio = 1.96 – 2.03 spaces/1,000sf)

B. Comprehensive Plan Amendment / Zone Change for 1714 & 1716 Division Street.

These two properties, which are two of the six proposed to be brought into the master plan boundary per the master plan modification request, are proposed for a Comprehensive Plan/Zone Change from Residential/R-6 to MUE. The existing R-6 zone does not allow for medical office uses or associated parking. Rezoning these properties to MUE will allow for these properties to be included in the site for the modified West MOB and associated parking.

The MUE zone permits employment-intensive uses such as offices, research and development, light manufacturing, and associated commercial uses, to include hospitals and medical office buildings. This zone is currently applied within the entire master plan boundary, as well as the west side of Division Street for a depth of one to two blocks from 12th and 17th Streets. The two properties proposed for rezoning are bordered by MUE-zoned properties to the east and north, and partially to the south.

Although PWF does not propose to increase the amount of new development approved in the 2012 Master Plan, and in fact, proposes to reduce it by 15,000 sf for a net total of 89,000 sf new campus buildout, for purposes of addressing Oregon's Transportation Planning Rule (TPR) a traffic analysis is required to demonstrate whether the Comprehensive Plan and Zone Change could result in a significant impact on the transportation system developed for stand-alone MUE uses. Accordingly, a 2015 Transportation Impact Analysis (Appendix C) has been submitted with this application and demonstrates there are no significant impacts associated with the zone change, even under these circumstances which PWF does not propose.

III. MASTER PLAN MODIFICATION SUBMITTAL REQUIREMENTS AND RESPONSES TO APPROVAL CRITERIA

SUBMITTAL REQUIREMENTS

17.65 – Master Plans

17.65.050 - General Development Plan.

A. Existing Conditions Submittal Requirements.

1. *Narrative statement. An applicant must submit a narrative statement that describes the following:*

a. Current uses of and development on the site, including programs or services.

b. History or background information about the mission and operational characteristics of the institution that may be helpful in the evaluation of the general development plan.

RESPONSE: PWF is a full service medical center that provides emergency medicine, labor and delivery, surgical services, inpatient treatment, as well as many other inpatient and outpatient services. Since opening in 1954, PWF has grown and gone through numerous developments, additions, and remodels to better provide healthcare services to Oregon City and Clackamas County.

In 2012, Oregon City approved the Master Plan which defined the growth and development strategies for PWF over a 10-year period including public improvements to be made as conditions of approval. (Appendix D) The Master Plan consists of updates and modernization projects, Birthplace expansion, and two medical office buildings for outpatient procedures. In total, the Master Plan approved 104,000 sf of new hospital and medical office uses with associated parking.

Since the time the master plan was approved, PWF developed the 66-space Division Street Parking Lot and made public improvements per the master plan conditions of approval. No other development in the 2012 Master Plan has been initiated to date.

c. A vicinity map showing the location of the General Development Plan boundary relative to the larger community, along with affected major transportation routes, transit, and parking facilities. At least one copy of the vicinity map must be eight and one-half inches × eleven inches in size, and black and white reproducible.

d. Non-institutional uses that surround the development site. May also reference submitted maps, diagrams or photographs.

RESPONSE: See Figure 01: Vicinity Map and Figure 07: Proposed Site Plan: Circulation/Access & Parking.

e. Previous land use approvals within the General Development Plan boundary and related conditions of approval.

RESPONSE: The PWF Master Plan was approved in 2012 per CP-11-01: Master Plan. A concurrent application for Phase 1 of the master plan, the Division Street Parking Lot, was also approved in 2012 per DP11-03: Detailed Development Plan; NR 11-05: Natural Resource Overlay Exemption; and LL-07: Lot Line Adjustment. Conditions of Approval associated with the approval of those concurrent applications are provided in Appendix D: Notice of Land Use Decision.

Prior to the 2012 Master Plan, PWF received approvals for Site Plan and Design Review and Conditional Use Permit for Hospital Building Expansion with Hospital and Nursing Home Site Improvements. File numbers: CU 03-03 & SP 03-19.

f. Existing utilization of the site. May also reference submitted maps, diagrams or photographs.

g. Site description, including the following items. May also reference submitted maps, diagrams or photographs.

1. Physical characteristics;

2. Ownership patterns;

3. Building inventory;

4. Vehicle/bicycle parking;

5. Landscaping/usable open space;

6. FAR/lot coverage;

7. Natural resources that appear on the city's adopted Goal 5 inventory;

8. Cultural/historic resources that appear on the city's adopted Goal 5 inventory; and

9. Location of existing trees six inches in diameter or greater when measured four feet above the ground. The location of single trees shall be shown. Trees within groves may be clustered together rather than shown individually.

RESPONSE: This information is in photographs provided in Appendix E and the following figures. No cultural or historic resources that appear on the city's adopted Goal 5 inventory are located on the site.

Figure 01: Vicinity Map and Existing Zoning
Figure 02: Existing Ownership Patterns
Figure 03: Existing Natural Resources, Hazards, and Topography
Figure 04: Existing Light Locations
Figure 05: 2012 Approved Master Plan

h. Existing transportation analysis, including the following items. May also reference submitted maps, diagrams or photographs.

1. Existing transportation facilities, including highways, local streets and street classifications, and pedestrian and bicycle access points and ways;

2. Transit routes, facilities and availability;

3. Alternative modes utilization, including shuttle buses and carpool programs; and

4. Baseline parking demand and supply study (may be appended to application or waived if not applicable).

RESPONSE: See Figure 07: Proposed Site Plan: Circulation/Access & Parking which shows both existing and proposed conditions, and site photos in Appendix E. See also Appendix A which includes the Transportation Impact Analysis and Parking Study submitted with 2012 Master Plan. This analysis demonstrated sufficient transportation and capacity is available, or can be made available, with buildout of the master plan. As the proposed master plan modification will result in a net reduction in buildout square footage, the previously-submitted documentation remains in effect and provides the required documentation.

i. Infrastructure facilities and capacity, including the following items.

1.Water;

2.Sanitary sewer;

3.Stormwater management; and

4.Easements.

RESPONSE: See Appendix B for Civil Engineering (public infrastructure) Narratives submitted with 2012 Master Plan and which demonstrate that sufficient capacity is available, or can be made available, for the master plan. As the proposed improvements will result in a net reduction in campus development, the previously-submitted narratives are still applicable to the modified master plan.

B. Proposed Development Submittal Requirements.

1. Narrative statement. An applicant shall submit a narrative statement that describes the following:

a. The proposed duration of the general development plan.

RESPONSE: No change is proposed with this modification. The duration remains 10 years with an end date of 2021.

b. The proposed development boundary. May also reference submitted maps or diagrams.

RESPONSE: The proposed boundary expansion is shown on Figure 06.

c. A description, approximate location, and timing of each proposed phase of development, and a statement specifying the phase or phases for which approval is sought under the current application. May also reference submitted maps or diagrams.

RESPONSE: See Figure 06: 2015 Proposed Master Plan which shows that all remaining master plan development is to occur under Phase 2, which runs from Years 2012 – 2021. Phase 3 (Years 2014 – 2021) is proposed to be eliminated as it is redundant with Phase 2. The modification also seeks to clarify that improvements within Phase 2 may be undertaken in any order.

d. An explanation of how the proposed development is consistent with the purposes of Section 17.65, the institutional zone, and any applicable overlay district.

RESPONSE: The 2012 Master Plan demonstrated consistency with the purposes of Section 17.65 which states the intent of master plans is to foster the growth of major institutions and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The proposed modification of the 2012 Master Plan remains consistent with this intent.

e. A statement describing the impacts of the proposed development on inventoried Goal 5 natural, historic or cultural resources within the development boundary or within two hundred fifty feet of the proposed development boundary.

RESPONSE: The proposed master plan modification does not impact inventoried natural, historic, or cultural resources within the proposed development boundary. See Figure 03: Existing Natural Resources, Hazards, and Topography which shows the existing approved Master Plan relative to these inventoried resources. Removal of the East MOB and consolidation of medical office uses at the West MOB location will provide a greater distance from both natural resources and natural hazards mapped on the east side of the campus.

f. An analysis of the impacts of the proposed development on the surrounding community and neighborhood, including:

1. Transportation impacts as prescribed in subsection g. below;

2. Internal parking and circulation impacts and connectivity to sites adjacent to the development boundary and public right-of-ways within two hundred fifty feet of the development boundary;

3. Public facilities impacts (sanitary se[w]er, water and stormwater management) both within the development boundary and on city-wide systems;

4. Neighborhood livability impacts;

5. Natural, cultural and historical resource impacts within the development boundary and within two hundred fifty feet of the development boundary.

RESPONSE: Existing analyses for the approved 2012 Master Plan have documented transportation impacts, parking and circulation impacts, connectivity, public facilities, and natural resource impacts which remain applicable and unchanged by the proposed master plan modification, especially as the proposed master plan will result in less 15,000 sf less development than is currently approved.

Regarding item 4. Neighborhood livability impacts, PWF representatives attended a meeting with the McLoughlin Neighborhood Association (MNA) on June 4, 2015 to present the proposal and seek to solicit neighborhood input. Documentation of the first meeting, which satisfied the neighborhood meeting requirement, is included in Appendix F. At the request of the MNA, PWF representatives met a second time with a subgroup of the MNA on June 30, 2015 at which time PWF presented a modified proposal which removed property on 14th Street from the proposal.

There are no anticipated impacts to neighborhood livability from this proposal as the overall amount of development and associated traffic and parking impacts will decrease from the current master plan.

g. A summary statement describing the anticipated transportation impacts of the proposed development. This summary shall include a general description of the impact of the entire development on the local street and road network, and shall specify the maximum projected average daily trips, projected AM and PM peak hour traffic and the maximum parking demand associated with build-out each phase of the master plan.

RESPONSE: As noted in the existing conditions section, Appendix A includes the Transportation Impact Analysis and Parking Study submitted with 2012 Master Plan. This analysis demonstrated sufficient transportation and capacity is available, or can be made available, with buildout of the master plan. As the proposed improvements will result in a net reduction in campus development, no further documentation is needed for the requested master plan modification.

h. In addition to the summary statement of anticipated transportation impacts, an applicant shall provide a traffic impact study as specified by city requirements. The transportation impact study shall either:

1. Address the impacts of the development of the site consistent with all phases of the general development plan; or

2. Address the impacts of specific phases if the city engineer determines that the traffic impacts of the full development can be adequately evaluated without specifically addressing subsequent phases.

RESPONSE: A traffic impact study for the Comprehensive Plan and Zone Change application for two of the subject properties has been prepared (Appendix C) and is addressed in the approval criteria for that land use request. As previously noted, development of the West MOB and associated parking will be subject to a future traffic study specific to this development when an application for development review is submitted.

i. If an applicant chooses to pursue option h.1., the applicant may choose among three options for implementing required transportation capacity and safety improvements:

1. The General Development Plan may include a phasing plan for the proposed interior circulation system and for all on-site and off-site transportation capacity and safety improvements required on the existing street system as a result of fully implementing the plan. If this option is selected, the transportation phasing plan shall be binding on the applicant.

2. The applicant may choose to immediately implement all required transportation safety and capacity improvements associated with the fully executed general development plan. If this option is selected, no further transportation improvements will be required from the applicant. However, if a general development plan is later amended in a manner so as to cause the projected average daily trips, the projected AM or PM peak hour trips, or the peak parking demand of the development to increase over original projections, an additional transportation impact report shall be required to be submitted during the detailed development plan review process for all future phases of the development project and additional improvements may be required.

3. The applicant may defer implementation of any and all capacity and safety improvements required for any phase until that phase of the development reaches the detailed development plan stage. If this option is selected, the applicant shall submit a table linking required transportation improvements to vehicle trip thresholds for each development phase.

RESPONSE: A traffic study for the master plan modification request is not required; therefore, this is not applicable.

j. The applicant or city staff may propose objective development standards to address identified impacts that will apply within the proposed development on land that is controlled by the institution. Upon approval of the general development plan, these standards will

supersede corresponding development standards found in this code. Development standards shall address at least the following:

1. *Pedestrian, bicycle and vehicle circulation and connectivity;*
2. *Internal vehicle and bicycle parking;*
3. *Building setbacks, landscaping and buffering;*
4. *Building design, including pedestrian orientation, height, bulk, materials, ground floor windows and other standards of Chapter 17.62; and*
5. *Other standards that address identified development impacts.*

RESPONSE: No alternate development standards are proposed.

2. Maps and diagrams. The applicant must submit, in the form of scaled maps or diagrams, as appropriate, the following information:

a. A preliminary site circulation plan showing the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas or, in the alternative, proposed criteria for the location of such facilities to be determined during detailed development plan review.

b. The approximate location of all proposed streets, alleys, other public ways, sidewalks, bicycle and pedestrian access ways and other bicycle and pedestrian ways, transit streets and facilities, neighborhood activity centers and easements on and within two hundred fifty feet of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.

c. The approximate location of all public facilities to serve the proposed development, including water, sanitary sewer, stormwater management facilities.

d. The approximate projected location, footprint and building square footage of each phase of proposed development.

e. The approximate locations of proposed parks, playgrounds or other outdoor play areas; outdoor common areas and usable open spaces; and natural, historic and cultural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use.

RESPONSE: See the following figures which show the proposed 2015 Master Plan elements.

Figure 06: 2015 Proposed Master Plan
Figure 07: Proposed Site Plan: Circulation/Access & Parking

Figure 08: Proposed Site Plan: Landscaped and Impermeable Area

See also Appendix A in the Transportation Impact Analysis and Parking Study submitted with 2012 Master Plan and Appendix B which includes the Civil Engineering (Public Infrastructure) Narrative, which remain in effect with the modified 2015 Master Plan.

RESPONSES TO APPROVAL CRITERIA

17.04 Definitions

17.04.710 - Major modification.

"Major modification" means any of the following changes from a previously approved permit, requiring the application to return through the same process as the original review:

3. For any site plan or design review approval, a reduction in the amount of landscaping, open space or land reserved for a protected feature of ten percent or more or the relocation of buildings, streets, access points onto the existing public right-of-way, utility easements, pedestrian/bicycle accessways, parking lots, landscaping, or other site improvements away from the previously approved general location;

RESPONSE: The proposed modification to the Master Plan meets the definition of a major modification as it involves modifications to building and parking locations.

17.65 Master Plans

17.65.040 - Procedure.

A. Preapplication Review. Prior to filing for either general development plan or detailed development plan approval, the applicant shall file a pre-application conference pursuant to Section 17.50.030.

RESPONSE: A preapplication meeting was held on May X, 2015. Preapplication notes are provided in Appendix G.

B. General Development Plan. An application for a General Development Plan describing the long-term buildout of the site shall be reviewed through a Type III procedure. An applicant must have an approved General Development Plan before any detailed development plan may be approved, unless both are approved or amended concurrently. Amendments to an approved General Development Plan shall be reviewed under a Type III procedure pursuant to Section 17.65.080.

RESPONSE: The Master Plan modification is proposed concurrently with a Comprehensive Plan Amendment and Zone Change, a Type IV review, which elevates the review of the master plan modification to a Type IV review.

C. Detailed Development Plan. An application for a detailed development plan, is processed through a Type II procedure, as long as it is in conformance with the approved general development plan. Amendments to an approved detailed development plan shall be processed pursuant to Section 17.65.080. Once a development has an approved detailed development plan, Chapter 17.62 Site Plan and Design Review is not required.

RESPONSE: Subject to approval of the concurrent master plan modification and Comprehensive Plan Amendment and Zone Change, PWF intends to submit a detailed development plan for the West MOB and associated parking in conformance with the 2015 Master Plan.

D. Concurrent Review. An applicant may concurrently apply for a general development plan and a detailed development plan, or any phase of a detailed development plan. Such a concurrent application is reviewed through a Type III procedure. (Ord. 03-1014, Att. B3 (part), 2003)

RESPONSE: PWF has not applied for concurrent review of the master plan modification and detailed development plan.

17.65.80 - Amendments to approved plans.

A. When Required. An amendment to an approved General Development Plan or detailed development plan is required for any use or development that is not in conformance with the applicable plan, as provided below. The approval criteria contained in Section 17.65.050 will apply to general development plan amendments, the approval criteria contained in Section 17.65.060 will apply to detailed development plan amendments. The thresholds and procedures for amendments are stated below.

B. Type III Procedure. Unless the approved general development plan or detailed development plan specifically provides differently, amendments to either plan that require a Type III procedure are:

RESPONSE: The Master Plan modification is subject to the approval criteria contained in Section 17.65.060 as demonstrated in the following section. Although the proposal meets the threshold for a Type III review, because it is proposed concurrently with a Comprehensive Plan Amendment and Zone Change, a Type IV review, this elevates the review of the master plan modification to a Type IV procedure.

C. Approval Criteria for a General Development Plan. The planning commission shall approve an application for general development plan approval only upon finding that the following approval criteria are met.

1. The proposed General Development Plan is consistent with the purposes of Section 17.65.

RESPONSE: The 2012 Master Plan demonstrated consistency with the purposes of Section 17.65 which states the intent of master plans is to foster the growth of major institutions and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties

and public infrastructure. The proposed modification of the 2012 Master Plan remains consistent with this intent; therefore this criterion is met.

2. *Development shall demonstrate compliance with Chapter 12.04, Streets, Sidewalks and Public Places*

RESPONSE: The 2012 Master Plan was found to be in compliance with Chapter 12.04 as proposed or through conditions of approval. The proposed modification of the master plan reduces the total amount of campus development, and makes otherwise de minimis changes; therefore, the master plan remains in compliance with Chapter 12.04 and this criterion is met.

3. *Public services for water supply, police, fire, sanitary waste disposal, and storm-water disposal are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.*

RESPONSE: The 2012 Master Plan was found to capable of serving the proposed development, or able to be made capable with future detailed development plans. As the proposed modification reduces the amount of overall campus development, the finding that public services can be provided remains in effect with the master plan modification and this criterion is met.

4. *The proposed General Development Plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of applicable overlay districts.*

RESPONSE: Removal of the East MOB and consolidation of medical office uses at the West MOB location will provide a greater distance from natural resources and natural hazards mapped on the east side of the campus, thereby providing greater protection of natural resources than the current Master Plan. There are no historic or cultural resources within the proposed development boundary. This criterion is met.

5. *The proposed General Development Plan, including development standards and impact mitigation thresholds and improvements adequately mitigates identified impacts from each phase of development. For needed housing, as defined in ORS 197.303(1), the development standards and mitigation thresholds shall contain clear and objective standards.*

RESPONSE: The 2012 Master Plan Notice of Decision includes conditions of approval that address mitigation that will remain in effect except where revisions are made to reflect removal of the East MOB, the increased size of the West MOB, the parking to be provided on the west side of the campus, and the overall reduction in campus development and related trip generation and parking demand. No housing is proposed. This criterion is met.

6. *The proposed general development plan is consistent with the Oregon City Comprehensive Plan and its ancillary documents.*

RESPONSE: The approved 2012 Master Plan was deemed to be consistent with the Oregon City Comprehensive Plan and its ancillary documents. The de minimis modifications proposed for the 2015 Master Plan do not change this consistency; therefore, this criterion is met.

IV. COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE SUBMITTAL REQUIREMENTS AND RESPONSES TO APPROVAL CRITERIA

SUBMITTAL REQUIREMENTS

17.68.010 - Initiation of the amendment.

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

A. A resolution request by the 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.

RESPONSE: A complete application has been filed with the planning division to initiate the request.

RESPONSES TO APPROVAL CRITERIA

17.68 Zoning Changes and Amendments

17.68.020 - Criteria.

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

RESPONSE: The properties on 16th Street which are proposed for a Comprehensive Plan Amendment from Residential to Employment and Zoning District change from R-6 to Mixed Use Employment are subject to the following Oregon City Comprehensive Plan polices as identified at the Preapplication conference.

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,

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.

RESPONSE: Section 1 establishes goals and policies that the City should strive to implement and meet but it does not impose requirements on a master plan application. The application will be advertised in the local newspaper, the master plan site will be posted with a notice of the Planning Commission hearing and surrounding property owners, and the CIC will be mailed notice of the application and the public hearing. This section can be satisfied.

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.

RESPONSE:

Policy 2.7.1 Maintain a sufficient land supply within the city limits and the Urban Growth Boundary to meet local, regional, and state requirements for accommodating growth.

Policy 2.7.2 Use the following 11 land-use classifications on the Oregon City Comprehensive Plan Land-Use Map to determine the zoning classifications that may be applied to parcels:

RESPONSE: This Goal and policies directs the City to maintain neighborhood livability while implementing other goals and policies of other sections of the Comprehensive Plan. This proposal is consistent with this policy by reinforcing the role of the hospital in the community and focusing growth in an established location which will promote vibrancy and access to care while remaining compatible with the surrounding residential areas. The rezoning of two properties will not negatively affect the City's 870 acre supply of R-6 zoned property, and is a de minimis addition of MUE zoned property in a location which the City has already identified for such uses.

Goal 6.1 Air Quality- Promote the conservation, protection and improvement of the quality of the air in Oregon City.

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.

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

RESPONSE: The proposed comprehensive plan amendment and rezoning of two of the subject properties will support a land use pattern that facilitates the development of the West MOB building directly on Division Street where it has direct access to public transit and sidewalks. As the overall master plan building square footage will be decreased and the medical office uses will be consolidated in one location, no impacts on air quality or noise are anticipated.

Goal 9.1 Improve Oregon City's Economic Health - Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy.

RESPONSE: Section 9 establishes goals and policies that the City should strive to implement and meet but does not impose mandatory approval standards for a master plan application. The comprehensive plan amendment and rezoning of the two subject properties with concurrent master plan modification will reinforce the role of the hospital in the community and contribute to the community's economic development.

Goal 10.1 Diverse Housing Opportunities - Provide for the planning, development and preservation of a variety of housing types and lot sizes.

RESPONSE: The proposal will remove two single family homes from the City's housing stock which will have de minimis effect on the City's housing opportunities. The City has a current inventory of 870.34 acres of R-6 zoned property in the City which will not be affected by the approximate 0.5 acres of R-6 rezoned to MUE in this location.

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.

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.

Goal 11.6 Transportation Infrastructure - Optimize the City's investment in transportation infrastructure.

RESPONSE: This section addresses the need for the City to provide public services in accordance with the community's needs as a whole rather than be forced to respond to individual developments as they occur. Oregon City has adopted master plans to address public infrastructure. The master plan application will satisfy these master plans and the Oregon City Municipal Code. Appropriate conditions of approval can be included to address any needed mitigation to ensure that adequate infrastructure is provided.

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

RESPONSE:
This section provides for a safe, convenient and economic transportation system that functions well and contributes to the city's well-being, enhances the quality of life and increases the opportunity for growth and development. The July 23, 2015 Transportation Impact Analysis provided in Appendix C demonstrates that the proposed comprehensive plan amendment and rezoning will not adversely affect public streets.

Goal 13.2 Energy Conservation- Plan public and private development to conserve energy.

Policy 13.2.1- Promote mixed-use development, increased densities near activity centers, and home-based occupations (where appropriate).

RESPONSE: This section requires the conservation of energy in all forms through efficient land-use patterns, public transportation, building siting and construction standards, and city programs, facilities and activities. The policies promote energy conservation through the promotion of mixed-use developments and increased densities near activity centers, and the construction of bikeways and sidewalks to improve connectivity. The proposed comprehensive plan amendment and rezoning meets this section because it encourages the continued development of the medical campus at a location which is easily reached from other city areas.

Goal 14.2 Orderly Redevelopment of Existing City Areas- Reduce the need to develop land within the Urban Growth Boundary by encouraging redevelopment of underdeveloped or blighted areas within the existing city limits.

Policy 14.2.1 - Maximize public investment in existing public facilities and services by encouraging redevelopment as appropriate.

Policy 14.2.2 - Encourage redevelopment of city areas currently served by public facilities through regulatory and financial incentives.

Policy 14.3.1 - Maximize new public facilities and services by encouraging new development within the Urban Growth Boundary at maximum densities allowed by the Comprehensive Plan.

RESPONSE: The addition of properties and rezoning will facilitate the PWF master plan development and allow for at the densities intended for MUE that maximize public investment in existing public facilities and services.

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

RESPONSE: The site is currently served by public facilities and services and the range of uses and development allowed by the zone is capable of being served prior to issuance of a certificate of occupancy.

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.

RESPONSE: As documented in the July 23, 2015 Transportation Impact Analysis provided in Appendix C, the proposed rezoning will not result in significant impacts on the transportation system.

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

RESPONSE: The Oregon City Comprehensive Plan contains specific policies and provisions which control the proposed Comprehensive Plan Amendment and Zone Change; therefore, statewide planning goals do not need to be addressed.

LEGEND

- Existing Hospital
- Existing Medical Office
- Master Plan Developments
- Area Owned By PWF
- MUE Boundary
- 2015 Proposed Master Plan Development Boundary

F.A.R.: 0.56

MUE ZONE BOUNDARY

EXISTING PARKING STRUCTURE

PHASE 2 CENTRAL UTILITY PLANT

MEDICAL PLAZA 2

PROVIDENCE WILLAMETTE FALLS MEDICAL CENTER

PHASE 2 OUTPATIENT SURGERY ADDITION TWO LEVELS

PHASE 2 SECOND FLOOR PATIENT ROOM & PHARMACY REMODEL

PHASE 2 MAIN ENTRY EXPANSION

STORM WATER DETENTION

MEDICAL PLAZA 1

BIRTH PLACE

MAIN HOSPITAL ENTRANCE / DROP-OFF

PHASE 2 BIRTH PLACE EXPANSION

PHASE 2 SECOND FLOOR SHELL SPACE TENANT IMPROVEMENT

PHASE 2 WEST MOB TWO LEVELS 30-35K SF

PHASE 2 MOB PARKING

PHASE 2 PARKING

MOUNTAIN VIEW NURSING HOME

GILMAN PARK ASSISTED LIVING

EYE HEALTH NW

CHILDREN'S CENTER

SWORD - FERN CT.

BEAN

CANYON

DAVIS RD

PENN LANE

GILMAN ST

TRILLIUM PARK DRIVE

DIVISION STREET

17 TH ST

16 TH ST

15 TH ST

14 TH ST

13 TH ST

12 TH ST

LINCOLN ST

GRANT ST

TAYLOR ST

PRESCOTT ST

BUCHANAN ST

TRANSIT STOP

scale: 1":1850'

PROVIDENCE Health & Services

Date: 07/28/2015

Sheet Number: FIGURE 06

Providence Willamette Falls Medical Center
Master Plan Amendment and Comprehensive Plan Amendment/Zone Change Application
2015 Proposed Master Plan

PETERSEN KOLBERG & ASSOCIATES
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6969 SW Hampton Street Portland, OR 97223
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www.pkaarchitects.com

pka ARCHITECTS

LEGEND

- Existing Hospital
- Existing Medical Office
- Master Plan Developments
- Area Owned By PWF
- MUE Boundary
- 2012 Approved Master Plan Development Boundary

F.A.R.: 0.61

BEAN

CANYON

SWORD - FERN CT.

GILMAN ST

TRILLIUM PARK DRIVE

PHASE 2 CENTRAL UTILITY PLANT

EXISTING PARKING STRUCTURE

GILMAN PARK ASSISTED LIVING

MEDICAL PLAZA 2

PROVIDENCE WILLAMETTE FALLS MEDICAL CENTER

PHASE 2 OUTPATIENT SURGERY ADDITION TWO LEVELS + LL

PHASE 2 SECOND FLOOR PATIENT ROOM & PHARMACY REMODEL

MOUNTAIN VIEW NURSING HOME

PHASE 2 MAIN ENTRY EXPANSION

STORM WATER DETENTION

CHILDREN'S CENTER

PENN LANE

DAVIS RD

PHASE 3 EAST MOB TWO LEVELS

MEDICAL PLAZA 1

BIRTH PLACE

MAIN HOSPITAL ENTRANCE/ DROP-OFF

PHASE 2 BIRTH PLACE EXPANSION

PHASE 2 SECOND FLOOR SHELL SPACE TENANT IMPROVEMENT

EYE HEALTH NW

TRANSIT STOP

DIVISION STREET

PHASE 3 WEST MOB TWO LEVELS

FUTURE MOB PARKING

17 TH S T

16 TH ST

15 TH ST

14 TH ST

13 TH ST

12 TH ST

TAYLOR ST

PRESCOTT ST

BUCHANAN ST

TAGGART ST

GRANT ST

scale: 1":1850'

PROVIDENCE Health & Services

Providence Willamette Falls Medical Center
Master Plan Amendment and Comprehensive Plan Amendment/Zone Change Application
2012 Approved Master Plan

Date: 07/28/2015

Sheet Number: FIGURE 05

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LEGEND

- Existing Hospital
- Existing Medical Office
- Area Within 2012 MP Boundary (~746,513 sq.ft.)
- Zone: MUE
- Zone: Clackamas County
- Zone: R-6
- Zone: R-2
- Zone: R-10
- Zone: R-8
- MUE Boundary
- 2012 Approved Master Plan Development Boundary
- Proposed Site Development, and Comprehensive Plan Amendment/Zone Change
- Proposed Site Development Boundary Change

KEYNOTES:
① : Properties Owned by PWF

MUE ZONE BOUNDARY
BEAN
CANYON
SWORD - FERN CT.
GILMAN ST
HARRIET
TRILLIUM PARK DRIVE
EXISTING PARKING STRUCTURE
GILMAN PARK ASSISTED LIVING
MEDICAL PLAZA 2
PROVIDENCE WILLAMETTE FALLS MEDICAL CENTER
MOUNTAIN VIEW NURSING HOME
PHASE 2 MAIN ENTRY EXPANSION
STORM WATER DETENTION
MEDICAL PLAZA 1
BIRTH PLACE
MAIN HOSPITAL ENTRANCE / DROP-OFF
EYE HEALTH NW
CHILDREN'S CENTER
PENN LANE
DAVIS RD
1267
1135
TRANSIT STOP
DIVISION STREET
17 TH ST
16 TH ST
15 TH ST
14 TH ST
13 TH ST
12 TH ST
11 TH ST
TAYLOR ST
POLK ST
PIERCE ST
PRESCOTT ST
BUCHANAN ST
GRANT ST
N
scale: 1":2330'

PROVIDENCE Health & Services

Date: 07/28/2015

Sheet Number: FIGURE 01

Providence Willamette Falls Medical Center
Master Plan Amendment and Comprehensive Plan Amendment/Zone Change Application

Vicinity Map and Existing Zoning

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LEGEND

- Existing Hospital
- Existing Medical Office
- Tax Lots Owned By PWF
- MUE Boundary
- 2012 Existing Master Plan Development Boundary

Tax Lot ID's

A: ID:583489 Area: 6098sq.ft.	F: ID:583336 Area: 4791sq.ft.	K: ID:583504 Area: 8712sq.ft.
B: ID:583461 Area: 5277sq.ft.	G: ID:583327 Area: 7840sq.ft.	L: ID:C149966 Area: 7499sq.ft.
C: ID:583274 Area: 15681sq.ft.	H: ID:583452 Area: 5662sq.ft.	N: ID:C150271 Area: 15000sq.ft.
D: ID:583292 Area: 4791sq.ft.	I: ID:583443 Area: 5662sq.ft.	M: ID:C150283 Area: 7500sq.ft.
E: ID:583309 Area: 7405sq.ft.	J: ID:583434 Area: 5662sq.ft.	

ID:583023
Area: 57499sq.ft.

ID:583265
Area: 363726sq.ft.

ID:583577
Area: 38332sq.ft.

ID:583256
Area: 74293sq.ft.

ID:583247
Area: 58806sq.ft.

ID:583167
Area: 55321sq.ft.

ID:1324258
Area: 50529sq.ft.

F G C M L N D E

B A H K I J

scale: 1":1850'

PROVIDENCE Health & Services

Providence Willamette Falls Medical Center
Master Plan Amendment and Comprehensive Plan Amendment/Zone Change Application

Existing Ownership Patterns

Date: 07/28/2015

Sheet Number: FIGURE 02

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LEGEND

- Existing Hospital
- Existing Medical Office
- Area Owned By PWF
- Forested Area
- Natural Resource Overlay
- Natural Hazard Area
- River
- MUE Boundary
- 2012 Approved Master Plan Development Boundary

scale: 1":1850'

PROVIDENCE Health & Services

Date: 07/28/2015

Sheet Number: FIGURE 03

Providence Willamette Falls Medical Center
Master Plan Amendment and Comprehensive Plan Amendment/Zone Change Application

Existing Natural Resources, Natural Hazard and Topography

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LEGEND

- Existing Hospital
- Existing Medical Office
- Area Owned By PWF
- Light
- Lit Area
- MUE Boundary
- 2012 Approved Master Plan Development Boundary

scale: 1":1850'

PROVIDENCE Health & Services

Date: 07/28/2015

Providence Willamette Falls Medical Center
Master Plan Amendment and Comprehensive Plan Amendment/Zone Change Application

Existing Light Location

Sheet Number: FIGURE 04

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fax: 503-968-6860
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LEGEND

- Existing Hospital
- Existing Medical Office
- Master Plan Developments
- Area Owned By PWF
- MUE Boundary
- 2015 Proposed Master Plan Development Boundary
- Pedestrian Pathway
- Bicycle Pathway
- Bus Line
- Vehicle Access

(A) MOB Parking Lot between Penn Lane and Davis Road - 66 vehicles
(B) Medical Plaza 1 Parking Lot - 47 vehicles
(C) Birthing Center Parking Lot - 10 vehicles
(D) Main Hospital Entrance Parking Lot - 54 vehicles
(E) Main Hospital South Parking Lot between 13th and 14th Street - 25 vehicles
(F) Outpatient Surgery Parking Lot - 128 vehicles
(G) Medical Plaza 2 Parking Lot - 193 vehicles
(H) Parking Structure - 226 vehicles
(I) Future Parking on 15th Street - 40-50 vehicles
(J) MOB Parking Lot - 85-95 vehicles

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Date: 07/28/2015

Sheet Number: FIGURE 07

Providence Willamette Falls Medical Center
Master Plan Amendment and Comprehensive Plan Amendment/Zone Change Application

Proposed Site Plan: Circulation/ Access and Parking

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scale: 1" : 1850'

LEGEND

- Landscaped Area
- Area Owned By PWF
- MUE Boundary
- 2015 Proposed Master Plan Development Boundary

2012 EXISTING CONDITIONS
TOTAL AREA OF SITE: 746,513sq.ft.
LANDSCAPED AREA: 277,632sq.ft
SITE: 37% LANDSCAPED
SITE: 63% IMPERMEABLE

2012 PROPOSED MASTER SITE PLAN
TOTAL AREA OF SITE: 746,513sq.ft.
LANDSCAPED AREA: 167,193sq.ft
SITE: 22% LANDSCAPED
SITE: 78% IMPERMEABLE

2015 PROPOSED MASTER SITE PLAN
TOTAL AREA OF SITE: 791,276sq.ft.
LANDSCAPED AREA: 171,909sq.ft
SITE: 22% LANDSCAPED
SITE: 78% IMPERMEABLE

PHASE 2 CENTRAL UTILITY PLANT

PHASE 2 OUTPATIENT SURGERY ADDITION TWO LEVELS + LL

PHASE 2 MAIN ENTRY EXPANSION

PHASE 2 BIRTH PLACE EXPANSION

PHASE 2 WEST MOB TWO LEVELS 30-35K SF

PHASE 2 MOB PARKING

PHASE 2 PARKING

N

scale: 1":1850'

PROVIDENCE Health & Services

Date: 07/28/2015

Sheet Number: FIGURE 08

Providence Willamette Falls Medical Center
Master Plan Amendment and Comprehensive Plan Amendment/Zone Change Application

Proposed Site Plan: Landscaped and Impermeable Area

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OREGON CITY

Community Development – Planning

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

LAND USE APPLICATION 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): _____

Proposed Land Use or Activity: Master Plan Modification and Comprehensive Plan Amendment/Zone Change

Project Name: Providence Willamette Falls (PWF) Medical Center **Number of Lots Proposed (If Applicable):** _____

Physical Address of Site: 1500 Division Street, Oregon City, OR 97045

Clackamas County Map and Tax Lot Number(s): 22E32AB TL 3100, 3000; 22E32AB TL 3900, 4000, 4100, 4200

Applicant(s):

Applicant(s) Signature: Russell Reinhard

Applicant(s) Name Printed: Russell Reinhard, Chief Executive; PWF Medical Center **Date:** 8/7/2015

Mailing Address: 1500 Division Street, Oregon City, OR 97045

Phone: 503-656-1631 **Fax:** _____ **Email:** Russell.Reinhard@providence.org

Property Owner(s):

Property Owner(s) Signature: Russell Reinhard

Property Owner(s) Name Printed: Russell Reinhard, Chief Executive; PWF Medical Center **Date:** 8/7/2015

Mailing Address: 1500 Division Street, Oregon City, OR 97045

Phone: 503-656-1631 **Fax:** _____ **Email:** Russell.Reinhard@providence.org

Representative(s):

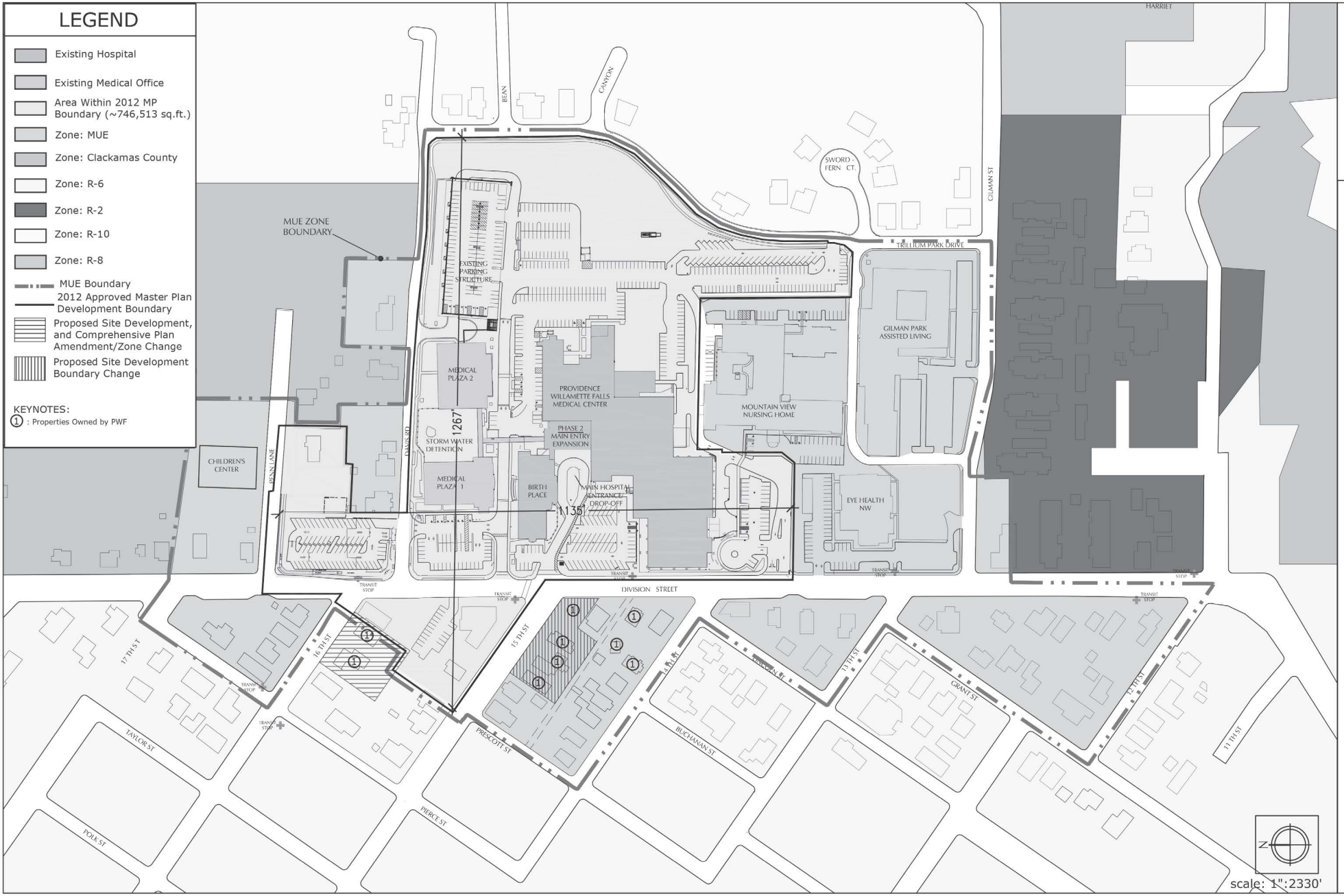
Representative(s) Signature: Stefanie Slyman

Representative (s) Name Printed: Stefanie Slyman, AICP; Harper Houf Peterson Righellis Inc. **Date:** 8/7/2015

Mailing Address: 205 SE Spokane Street, Suite 200; Portland, OR 97202

Phone: 503-221-1131 **Fax:** _____ **Email:** stefanies@hhpr.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.



PROVIDENCE Health & Services

Date: 07/28/2015

Sheet Number: FIGURE 01

Providence Willamette Falls Medical Center
Master Plan Amendment and Comprehensive Plan Amendment/Zone Change Application

Vicinity Map and Existing Zoning

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APPENDIX A-2012 Master Plan

Transportation Impact Analysis

Transportation Impact Analysis

Providence Willamette Falls Medical Center

Oregon City, Oregon

August 2011

KITTELSON & ASSOCIATES, INC.
TRANSPORTATION ENGINEERING/PLANNING

Transportation Impact Analysis

Providence Willamette Falls Medical Center

Oregon City, Oregon

Prepared For:
Providence Health & Services
Real Estate & Construction Development
4400 NE Halsey Street
Building 1, Suite 160
Portland, OR 97213
(503) 215-6575

Prepared By:
Kittelson & Associates, Inc.
610 SW Alder Street, Suite 700
Portland, OR 97205
(503) 228-5230

Project Manager: Julia Kuhn, P.E.
Project Principal: Chris Brehmer, P.E.

Project No. 10567.0

August 2011

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Appendix C Year 2011 Existing Conditions Level-of-Service Worksheets

Appendix D Crash Data

Appendix E Year 2021 Background Level-of-Service Worksheets

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Appendix G Sight Distance Analysis

Appendix H Parking Utilization Data

Section 1 Executive Summary

EXECUTIVE SUMMARY

Providence Health & Services is preparing a Master Plan and Detailed Development Plan (DDP) for its Providence Willamette Falls Medical Center (PWFMC) campus. The Master Plan will include development of the property between Division Street, Davis Road, Trillium Park Drive, and Gilman Drive, in addition to the property immediately west of Division Street between 14th Street and 16th Street and the property immediately east of Division Street between Penn Lane and Davis Road.

As part of the Master Plan, the existing campus buildings will remain intact and operational. PWFMC is seeking approval to increase the amount of development on-campus by a net addition of 104,000 square feet, which accounts for two additional medical office buildings (MOBs), expansions to the existing hospital building, and a central utility plant (CUP). The DDP includes the upgrading of the existing gravel parking lot adjacent to Penn Lane. As part of the upgrading, the parking lot will be paved and stormwater, landscaping and curbs will be added. No traffic impacts are anticipated by the paving of the parking lot. All other planned additions to the campus will require separate DDP submissions and subsequent traffic analyses.

This report summarizes the transportation and parking analyses needed to support the Master Plan. The pertinent findings and recommendations are summarized below.

Findings

EXISTING TRANSPORTATION SYSTEM OPERATIONS AND SAFETY

- Under existing conditions, all study intersections meet operating standards during both the a.m. and p.m. peak hours.
- Only five of the study intersections have any reported crashes over the past five years. No safety mitigation needs have been identified based on the crash data alone.
- Several mitigations have been identified that would improve sight distance at the PWFMC accesses and the roadways that intersect Division Street across from the PWFMC campus. In order to provide adequate sight distance, PWFMC should move the hospital sign at the intersection of Division Street/Davis Road and restrict on-street parking and consider bulb-outs for the accesses and intersections along Division Street, particularly at the intersections of Division Street/Davis Road, Division Street/15th Street, and the Division Street/PWFMC Access Road (between 13th Street and 14th Street). The City and property owners should consider trimming and maintaining the shrubs near the roadway.

YEAR 2021 TRANSPORTATION SYSTEM OPERATIONS

- The 104,000 square feet of net building space proposed as part of the Master Plan is estimated to generate 87 weekday a.m. and 91 weekday p.m. peak hour trips, assuming no additional reduction in campus-related drive-alone travel is realized during the next ten years.

- Assuming year 2021 background conditions without an increase in campus-related uses, the Redland Road/Anchor Way and Molalla Avenue/7th Street intersections do not meet City of Oregon City operating standards. The Molalla Avenue/7th Street intersection is anticipated to operate acceptably for the next five years (through the year 2016) whereas the Redland Road/Anchor Way intersection is anticipated to operate acceptably for the next six years (through the year 2017) with increases in background growth.
- Assuming year 2021 total build-out conditions, the Master Plan does not cause any intersections to not meet City of Oregon City operating standards.
    - The City has been evaluating the potential for a roundabout at the Molalla Avenue/7th Street intersection. With a roundabout in-place, this intersection would meet City standards at full build-out of the Master Plan.
    - The Redland Road/Anchor Way intersection is anticipated to warrant a traffic signal within the next six years. This improvement has been identified in the Oregon City TSP. With a signal in-place, this intersection would meet standards.

MODE SPLIT AND PARKING

- The 2011 Employee Commute Options (ECO) survey results represent a slight decrease in the drive-alone mode split from the July 2010 survey (a decrease from 89 to 88 percent). PWFMC's efforts to reduce the drive-alone rate will continue to lessen both parking and traffic impacts associated with the campus over time.
- There is sufficient on-campus parking today to accommodate the existing peak daily demand. During the highest hour of parking utilization, approximately 78 percent of the spaces are full within the existing Master Plan boundaries. This level of utilization still provides sufficient opportunities for patients and visitors to easily and efficiently find a parking space without unnecessary circulating through the garages or parking lots.
- Based on the existing parking demand, a campus-wide rate of 1.95 spaces per 1,000 square feet of building space should be supplied on-campus throughout the next ten years. Accounting for an excess of parking today, 138 new spaces would be needed campus-wide upon build-out of the Master Plan uses.
- PWFMCshould monitor the need for supplying a campus-wide rate of 1.95 spaces per 1,000 square feet of buildings space to ensure that this ratio remains applicable as the drive-alone rate to campus continues to decrease over time.
- There is limited use of the first block of 15th Street (west of Division Street) by hospital staff and visitors. Neighborhood feedback indicated that hospital staff and visitors also frequently park on the first blocks of 14th Street and 16th Street (west of Division Street). PWFMCshould continue to monitor this situation and work with the neighborhood to ensure any impacts are mitigated.

Recommendations

- In order to achieve adequate sight distance at the PWFMC accesses and roadways intersecting Division Street, the hospital sign at the intersection of Division Street/Davis Road should be moved east. Parking restrictions and bulb-outs should also be considered in order to acquire additional sight distance, specifically at the intersections of Division Street/Davis Road, Division Street/15th Street, and the Division Street/PWFMC Access Road (between 13th Street and 14th Street). The City and property owners should consider trimming and maintaining the shrubs near the roadway.
- Based on existing parking demand, 1.95 parking spaces should be provided per 1,000 square feet of total building space on-campus. This ratio should be monitored over time to ensure its application remains appropriate as the campus experiences further reductions in the drive-alone rate. This ratio results in a total campus need of 138 new parking spaces.
- PWFMCshould work with the City of Oregon City to contribute a pro rata share of improvements at the Redland Road/Anchor Way and Molalla Avenue/7th Street intersections. The timing of and need for these pro rata share improvements should be determined as part of subsequent DDP submittals. Improvements at these locations are not anticipated to be needed for five to six years, and the timing of expansions to the hospital that are included in the Master Plan have not yet been defined.
    - Based on current estimates, build-out of the Master Plan uses would contribute approximately 1.1 percent of the p.m. peak hour traffic volumes in the year 2021 at the Molalla Avenue/7th Street intersection.
    - At the Redland Road/Anchor Way intersection, build-out of the Master Plan uses would contribute approximately 2.3 percent of the p.m. peak hour traffic volumes in the year 2021.

Section 2 Introduction

INTRODUCTION

Project Description

As part of the Master Plan, Providence Willamette Falls Medical Center (PWFMC) is proposing a net increase of 104,000 square feet of new space on campus. The new Master Plan will include development of the property between Division Street, Davis Road, Trillium Park Drive, and Gilman Drive, in addition to the property immediately west of Division Street between 14th Street and 16th Street and the property immediately east of Division Street between Penn Lane and Davis Road. Figure 1 illustrates the site vicinity and updated campus boundary. Figure 2 shows the Master Plan conceptual uses.

There are a number of public roadways and private accesses that serve the campus today. The majority of these will be maintained as part of future development. One additional access point along Penn Lane is proposed as part of future campus development and will serve a parking lot that has an existing access to Division Street that will be closed.

Construction activities are expected to occur over the course of several years, depending on fiscal resources and operational needs. For the purposes of this report, a ten-year planning horizon was used to understand transportation impacts associated with build-out of the Master Plan uses.

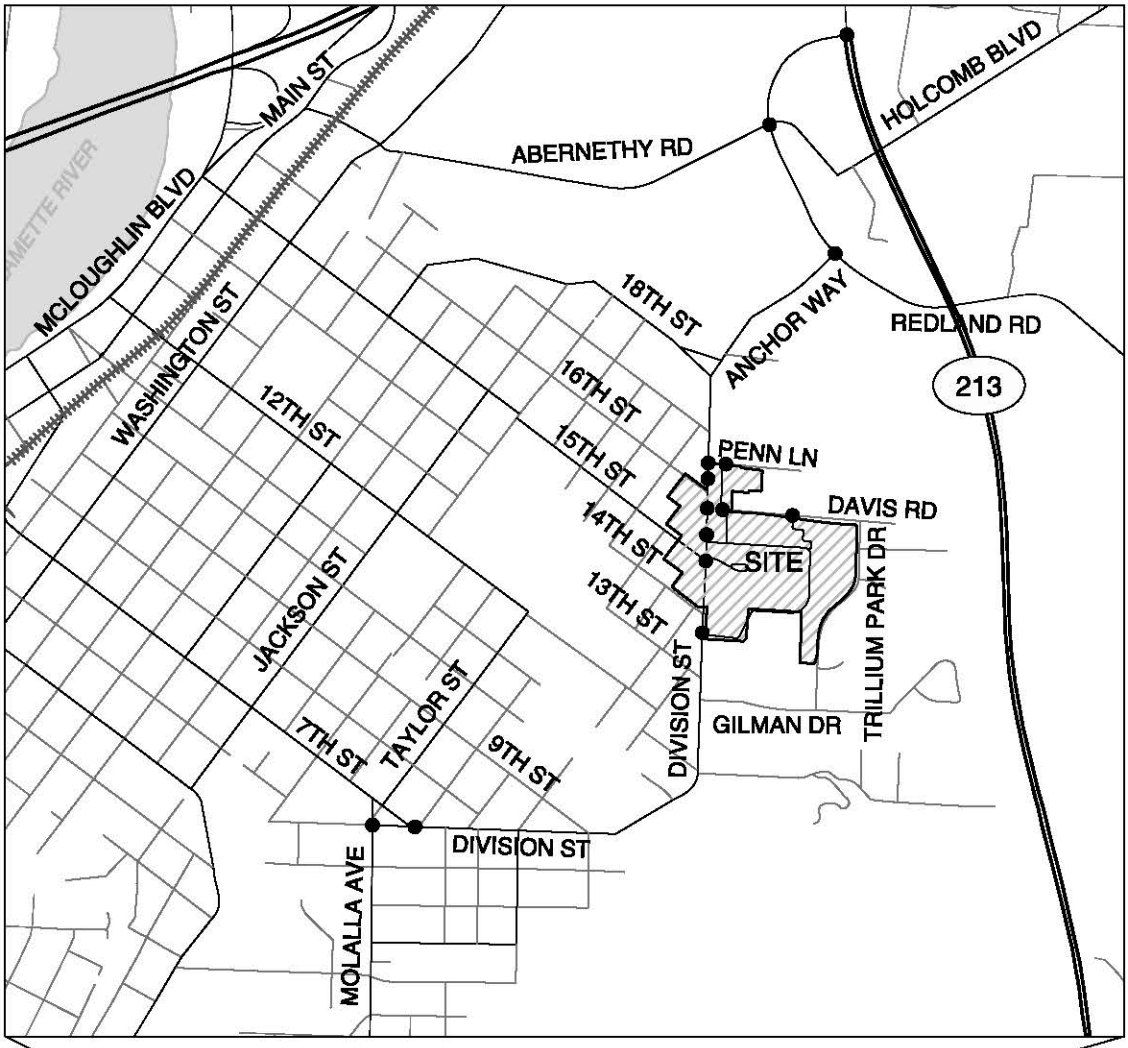
A Detailed Development Plan (DDP) is being submitted concurrently with the Master Plan. As part of this DDP, PWFMC proposes to upgrade the parking lot adjacent to Penn Lane. No traffic impacts are anticipated with the paving of this parking lot.

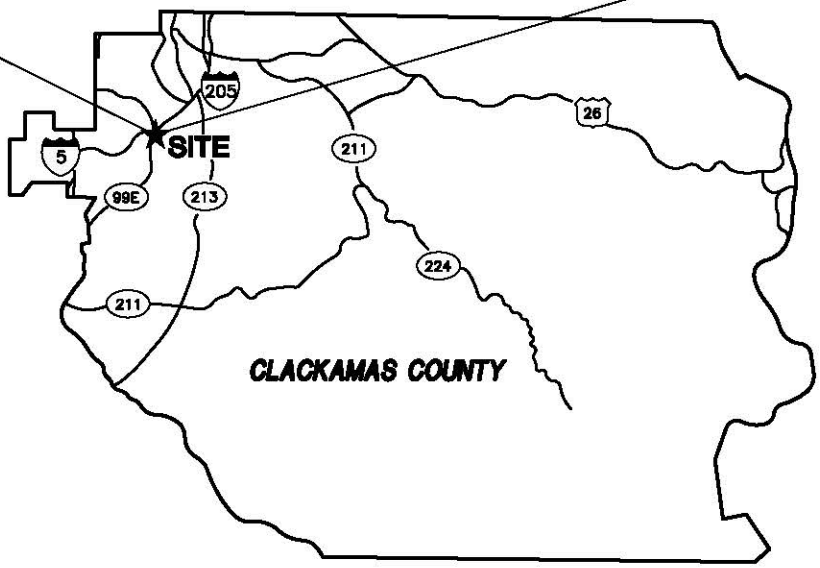
Scope of the Report

This report identifies the transportation-related impacts associated with development of an additional 104,000 square feet of net new campus space proposed as part of the Master Plan update and was prepared in accordance with the City of Oregon City standards. The study intersections and scope of this project were selected based on a review of the local transportation system and direction provided by City staff. Operational analyses were performed for the weekday a.m. and p.m. peak hours at the following locations:

Off-Site Locations

1. Cascade Highway (OR 213)/Redland Road
2. Redland Road/Holcomb Boulevard-Abernethy Road
3. Redland Road/Anchor Way
4. Molalla Avenue/7th Street
5. Molalla Avenue/Division Street
6. 7th Street/Division Street





LEGEND

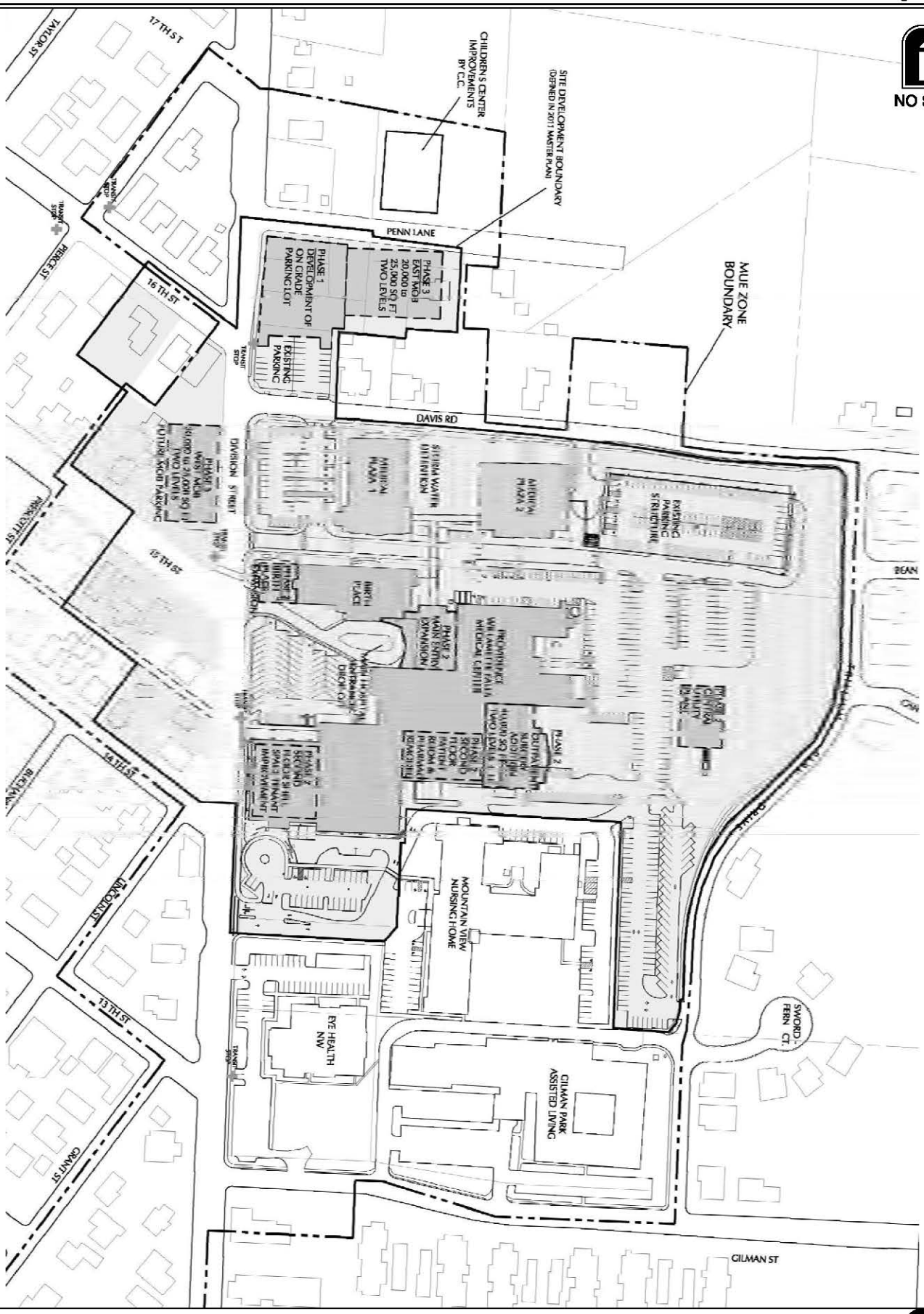
● - STUDY INTERSECTIONS

SITE VICINITY MAP
OREGON CITY, OREGON

FIGURE 1

KITTELSON & ASSOCIATES, INC.
TRANSPORTATION ENGINEERING / PLANNING

C:\Documents and Settings\atanaka\Desktop\10567_Fig02.dwg Aug 21, 2011 - 10:14am - atanaka Layout Tab: 01



CONCEPTUAL SITE PLAN
OREGON CITY, OREGON

FIGURE 2

Campus Adjacent Locations

7. Division Street/Davis Road
8. Division Street/Penn Lane (Total Traffic Conditions Only)

Campus Accesses

A1E. Access #1 (Existing Location): Division Street/Between 16th Street and Penn Lane (Existing Traffic Conditions Only)

A1F. Access #1 (Future Location): Penn Lane/East of Division Street (Total Traffic Conditions Only)

A2. Access #2: Davis Road/West Access between Division Street and Trillium Park Drive (This access point contains two driveways with (A) access to the parking lot between Penn Lane and Davis Road and (B) access to the parking lot south of Davis Road.)

A3. Access #3: Davis Road/East Access between Division Street and Trillium Park Drive

A4. Access #4: Division Street/Between Davis Road and 15th Street

A5. Access #5: Division Street/15th Street

A6. Access #6: Division Street/Between 13th Street and 14th Street

This report summarizes these transportation areas:

- Existing land-use and transportation-system conditions within the site vicinity during the weekday a.m. and p.m. peak periods;
- Year 2021 traffic conditions during both peak periods;
- Trip generation and distribution estimates for the proposed Master Plan uses;
- Campus parking demand and supply analyses;
- On-street parking analyses; and
- Conclusions and recommendations.

Section 3 Existing Conditions

EXISTING CONDITIONS

The existing conditions analysis identifies the site conditions and current multimodal, operational, functional, and safety characteristics of the transportation system within the vicinity of the campus. These conditions are compared with future conditions later in this report.

Kittelson & Associates, Inc. (KAI) staff collected information regarding site conditions, adjacent land uses, existing traffic operations, and transportation facilities in the study area during the spring and summer of 2011.

Campus Conditions and Adjacent Land Uses

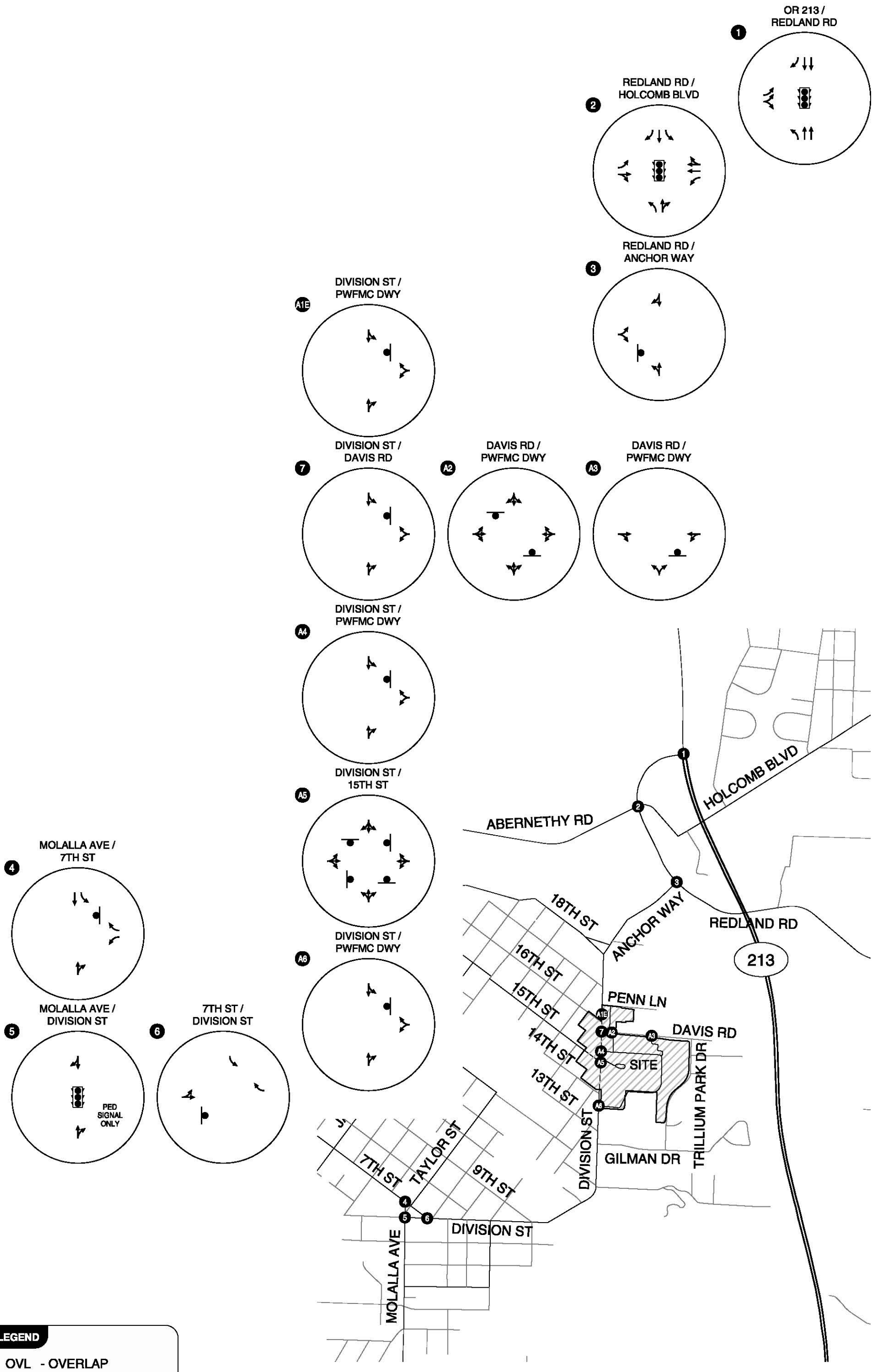
The main Providence Willamette Falls Medical Center (PWFMC) campus encompasses the area between Division Street, Davis Road, Trillium Park Drive, and Gilman Drive. The main campus includes 335,076 square feet of medical and administrative/support uses today. In addition, 16,105 square feet of shelled space has been constructed within the hospital but is not yet in use.

Structured parking and surface parking are available on the campus today. The parking structure is located on the northeast corner of the campus near the intersection of Davis Road and Trillium Park Drive. The parking structure has two accesses that are located off of Davis Road (to the north) and through the surface parking lot (to the south). There are surface parking lots currently surrounding the campus. Two of the parking lots are located on the northeast and southeast corners of the Division Street/Davis Road intersection. Another surface parking lot is located on the west side of the campus, near the Division Street/15th Street intersection, and wraps around the east side of the Hospital, extending to Trillium Park Drive. A gated driveway is located on the southeast corner of the campus connecting to Trillium Park Drive and is for emergency use only.

The PWFMC campus is zoned Mixed Use Employment (MUE). The MUE zoning extends beyond the PWFMC campus to the north, south, and west. There is a Children's Center on Penn Lane outside of the Master Plan boundary to the north. Other medical providers are located to the south of the Master Plan boundary, including the Mountain View Nursing Home, Eye Health Northwest, and Gilman Park Assisted Living. While Eye Health Northwest and Gilman Park Assisted Living have their own surface parking lots and accesses, Mountain View Nursing Home shares the PWFMC Division Street access between 13th Street and 14th Street. The surrounding properties beyond the MUE zoned area are generally residentially zoned as single family (R-6 and R-10) to the west and east and multi-family (R-2) to the south.

Transportation Facilities

Table 1 provides a summary of the transportation facilities included in the analyses. This table outlines the operational characteristics of the streets, as well as the modal functional classifications identified in the City of Oregon City *Transportation System Plan* (TSP, Reference 1). Figure 3 identifies the lane configurations and traffic control devices at the study intersections.



YEAR 2011 EXISTING LANE CONFIGURATIONS AND TRAFFIC CONTROL DEVICES
OREGON CITY, OREGON

FIGURE 3

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Table 1 Existing Transportation Facilities

Roadway	Classification	Number of Lanes	Posted Speed (MPH)	Sidewalks	Bicycle Lanes	On-Street Parking	Transit Route
Cascade Highway (OR 213)	Expressway	4 - 5	45	No	Yes	No	No
Redland Road	Minor Arterial	2 - 5	45	Partial[1]	Yes	No	No
Holcomb Boulevard	Minor Arterial	2 - 4	40	Yes	Yes	No	Yes
Anchor Way	Minor Arterial	2	25	Partial[2]	Partial[2]	No	No
Division Street	Minor Arterial	2	25	Partial[3]	Partial[4]	Partial[5]	Yes
Penn Lane	Local Street	2	NP[6]	Yes	No	Yes	No
Davis Road	Local Street	2	NP[6]	Yes	No	Yes	No
15th Street	Collector	2	25	Yes	No	Yes	No
7th Street	Minor Arterial	2	25	Yes	No	Yes	Yes
Molalla Avenue	Major Arterial	2 - 3	25	Yes	Yes	No	Yes

[1] Sidewalks are provided along Redland Road to the south of Holcomb Boulevard-Abernethy Road.
[2] Sidewalks and bicycle lanes are provided along Anchor Way west of Redland Road (for approximately 250 feet only).
[3]Sidewalks are provided along Division Street to the south of 16th Street.
[4]Bicycle lanes are provided along Division Street between 13th Street and 15th Street.
[5]On-street parking is available along Division Street to the west of 9th Street and between 16th Street and Gilman Drive.
[6]Not posted; assumed to be 25 miles per hour.

PEDESTRIAN AND BICYCLE FACILITIES

The PWFMC campus and surrounding neighborhood are generally well served by a grid network of streets and sidewalks today. Sidewalks are available adjacent to the campus on both Division Street and Davis Road, as well as along the major connecting roadways near the campus, including Molalla Avenue, 7th Street, and 15th Street. Additional sidewalk connectivity is planned in the vicinity of the PWFMC campus, as identified in the City of Oregon City TSP. The need for new sidewalks has been identified for Division Street, Anchor Way, Redland Road, Holcomb Boulevard-Abernethy Road, 15th Street, and Molalla Avenue.

Bicycle lanes are currently provided on Division Street between 13th Street and 15th Street and along some of the major surrounding roadways, including Redland Road and Molalla Avenue. According to the TSP, bicycle lane improvements are needed on Division Street, 15th Street, Cascade Highway (OR 213), Anchor Way, Holcomb Boulevard- Abernethy Road, 7th Street, and Molalla Avenue.

Bicycle parking counts were conducted once per day on the PWFMC campus around 11:00 a.m. from Monday, July 18, 2011, through Thursday, July 21, 2011. The results are summarized in Table 2. The bicycle counts revealed that, on average, there are two bicycles parked in the designated bicycle racks per day. There may be additional bicycles parked elsewhere on campus, as PWFMC staff could take their bicycles in to their offices.

Table 2 PWFMC Campus Bicycle Count

Day	Number of Bicycles Parked in Designated Bicycle Racks
Monday, July 18, 2011	0
Tuesday, July 19, 2011	2
Wednesday, July 20, 2011	2
Thursday, July 21, 2011	3

TRANSIT FACILITIES

Two fixed-route bus stops are located within one block of the main entrance of the PWFMC campus on Division Street; a total of four stops are located within one block of the overall PWFMC campus. Service to these stops is provided by TriMet Bus Route 32. Route 32 provides service between Clackamas Community College, Oregon City, Gladstone, and Milwaukie. As of August 2011, the bus operates Monday through Friday between 5:30 a.m. and 7:30 p.m. on 30-minute headways, Saturdays between 9:30 a.m. and 5:30 p.m. on 60-minute headways, and does not offer service on Sundays. The Oregon City Transit Center provides connections to several additional bus routes and services. Other bus service in the area of the PWFMC campus is provided by TriMet Bus Routes 33, 34, and 99 (Reference 2).

Existing Campus Mode Split

The Employee Commute Options (ECO) Program is mandated by the Department of Environmental Quality (DEQ). The program requires employers with more than 100 employees to provide commute options that will reduce the number of work-commute trips made by car in Portland and the surrounding area. The ECO Program is part of the Portland-Vancouver Air Plan to meet federal health-based ozone standards (Reference 3).

Per the 2011 Employee Commute Options (ECO) survey, the existing employee mode split for the PWFMC campus is as follows:

- 88 percent single-occupancy-vehicle travel (drive-alone)
- 4 percent carpool
- 3 percent bus
- 1 percent bike
- 1 percent walk
- 0 percent telecommute
- 3 percent compressed work week

The 2011 results show a decrease in the drive-alone mode split from the July 2010 survey, which showed a rate of 89 percent. Since the baseline ECO survey was conducted in August 1997, there

has been a seven-percent reduction in drive-alone trips. PWFMC's efforts to reduce the drive-alone rate will continue to lessen both parking and traffic impacts associated with the campus over time.

Traffic Volumes and Peak Hour Operations

Peak period vehicular, pedestrian, and bicycle counts were collected on June 2, 2011, at the study intersections and PWFMC accesses.

ODOT requires that a seasonal factor be applied to traffic volumes on ODOT facilities. Seasonal factors adjust traffic counts based on trends seen during the peak month of the year. Because the traffic counts for this study were taken in June, a seasonal factor of 1.01 was applied to the volumes on OR 213 at the OR 213/Redland Road intersection.

Figure 4 and Figure 5 provide a summary of the existing turning-movement counts during the weekday a.m. and p.m. peak hours, respectively. *Appendix "A" contains the traffic counts used in this study*.

The PWFMC campus currently generates 339 trips during the a.m. peak hour and 356 trips during the p.m. peak hour, as shown in Table 3.

Table 3 Measured Trip Generation for PWFMC Based on Traffic Counts

Weekday AM Peak Hour Trips			Weekday PM Peak Hour Trips		
In	Out	Total	In	Out	Total
257 (76%)	82 (24%)	339	89 (25%)	267 (75%)	356

CURRENT LEVELS OF SERVICE

Level-of-service (LOS) analyses described in this report were performed in accordance with the procedures stated in the *2000 Highway Capacity Manual* (Reference 4). All intersection level-of-service evaluations used the peak 15-minute flow rate during the peak hour. Using the peak 15-minute flow rate ensures that this analysis is based on a reasonable worst-case scenario. *A description of level of service and the criteria by which it is determined is presented in Appendix "B."*

Per the City of Oregon City *Guidelines for Transportation Impact Analyses* (Reference 5):

- The minimum acceptable LOS is defined as follows for signalized intersections located outside the Regional Center boundaries:
  - LOS "D" or better for the intersection as a whole *and n*o approach operating at worse than LOS "E" *and* a volume-to-capacity (v/c) ratio not higher than 1.0 for the sum of the critical movements.
- For signalized intersections within the Regional Center boundaries, the following minimum LOS standards will be allowed:
  - LOS "D" can be exceeded during the a.m. and p.m. peak hour; however, during the second hour of each two-hour peak period, LOS "D" or better will be required for

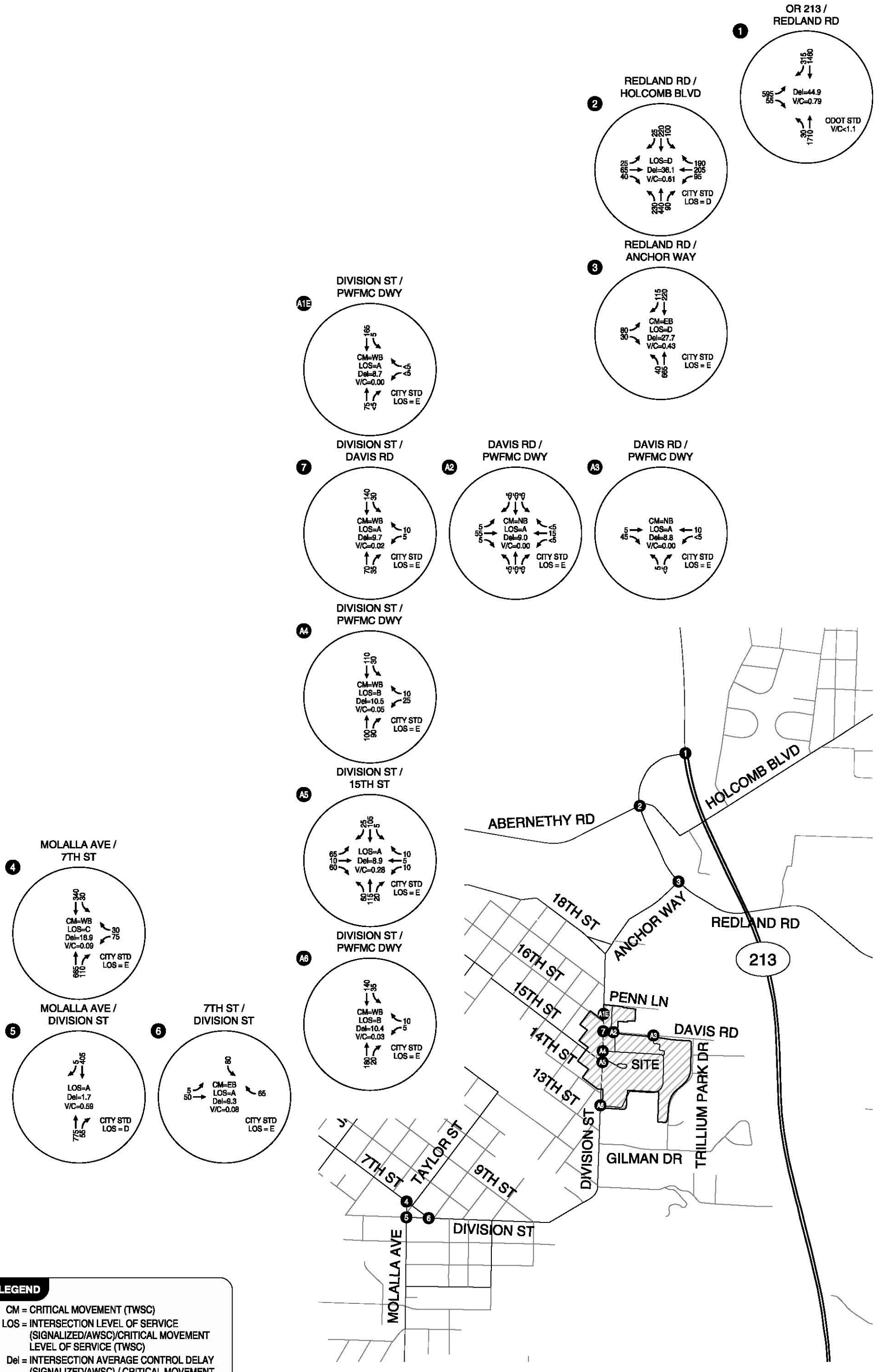
the intersection as a whole *and* no approach operating at worse than LOS "E" *and* a v/c ratio not higher than 1.0 for the sum of the critical movements.

- Oregon City's minimum acceptable LOS is defined as follows for unsignalized intersections throughout the City:
    - LOS "E" or better for the poorest operating approach *and* with no movement serving more than 20 peak hour vehicles operating at worse than LOS "E." In other words, LOS "F" will be tolerated for minor movements during a peak hour.

Operations at the OR 213/Redland Road intersection are governed by ODOT, which operates and maintains the intersection. The v/c mobility standard from the Oregon Highway Plan (OHP, Reference 6) is 1.10 for the first peak hour and 0.99 for the second peak hour.

Figures 4 and 5 summarize the level-of-service analyses for the study intersections. The OR 213/Redland Road intersection currently operates acceptably during the a.m. and p.m. peak periods using ODOT standards. The Redland Road/Holcomb Boulevard-Abernethy Road intersection is located within the Regional Center boundaries, and it currently operates acceptably during the a.m. and p.m. peak periods using City standards.

The signalized study intersections located outside of the Regional Center boundaries and the unsignalized study intersections also operate acceptably during both peak periods. *Appendix "C" includes the level-of-service worksheets for the existing traffic conditions.*



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TWSC = TWO-WAY STOP CONTROL
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YEAR 2011 EXISTING TRAFFIC CONDITIONS
WEEKDAY AM PEAK HOUR
OREGON CITY, OREGON

FIGURE 4

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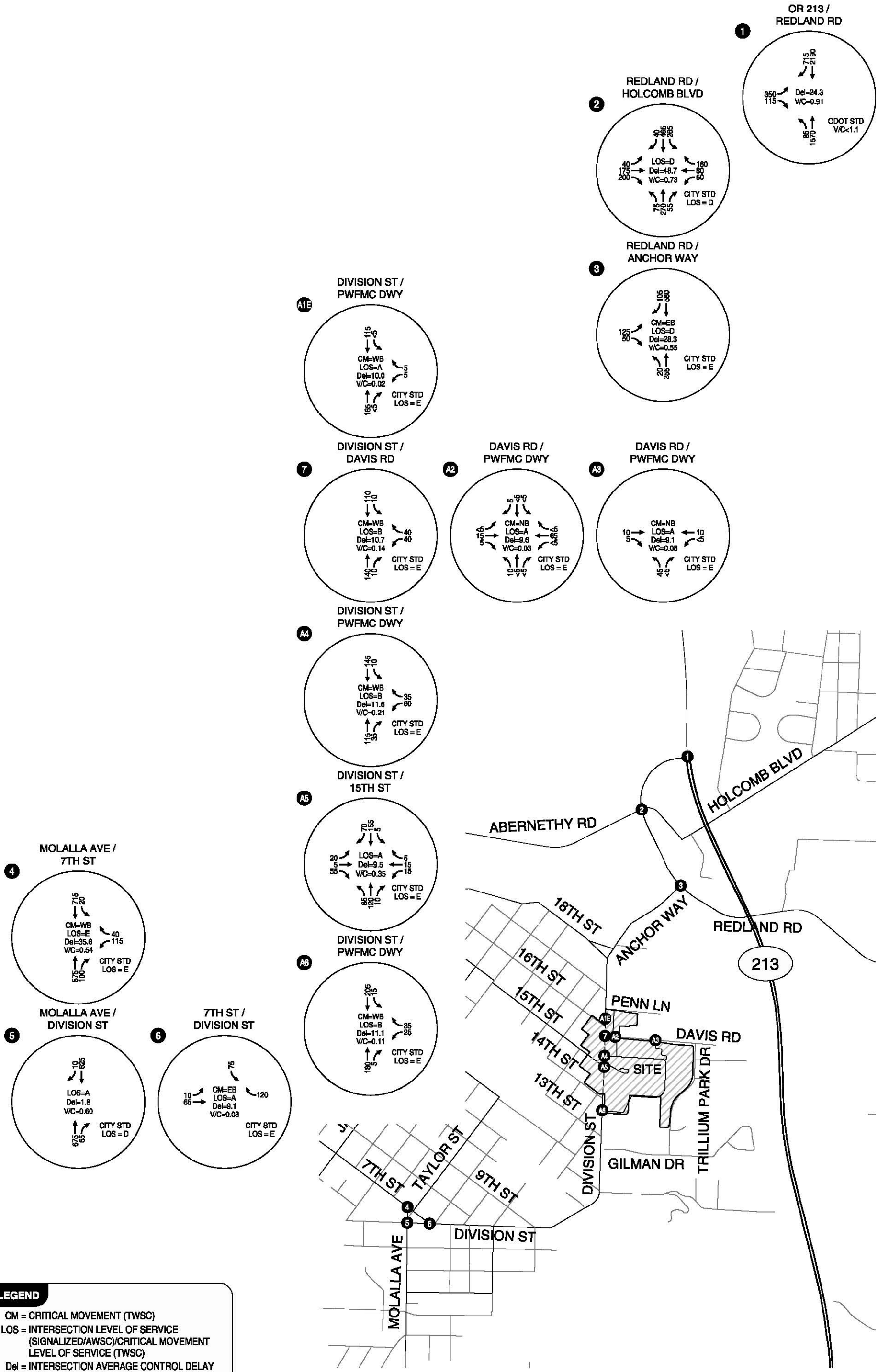

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YEAR 2011 EXISTING TRAFFIC CONDITIONS
WEEKDAY PM PEAK HOUR
OREGON CITY, OREGON

FIGURE 5

KITTELSON & ASSOCIATES, INC.
TRANSPORTATION ENGINEERING / PLANNING

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Safety Analyses

CRASH RECORDS

The crash history of each study intersection was reviewed in an effort to identify potential safety issues. Crash records were obtained from ODOT for the five-year period from January 1, 2005, through December 31, 2009. Table 4 displays the crashes reported at the study intersections and access points during the five-year period. *Appendix "D" contains the crash records obtained from ODOT.*

Table 4 Intersection Crash History (January 1, 2005 – December 31, 2009)

Intersection	Collision Type				Severity			Total	Crash Rate[2]
	Rear-End	Turning	Angle	Other	PDO[1]	Injury	Fatal		
Cascade Hwy (OR 213)/Redland Road	2	6	-	-	4	4	-	8	0.09
Redland Road/Holcomb Boulevard-Abernethy Road	3	-	-	-	2	1	-	3	0.09
Redland Road/Anchor Way	1	4	1	-	4	2	-	6	0.29
Division Street/7th Street	-	-	-	-	-	-	-	0	0.00
Molalla Avenue/Division Street	-	-	1	1	1	1	-	2	0.07
Molalla Avenue/7th Street	-	2	2	-	2	2	-	4	0.14
Division Street/Davis Road	-	-	-	-	-	-	-	0	0.00
Access A1E: Division Street/South of Penn Lane	-	-	-	-	-	-	-	0	0.00
Access A2: Davis Road/West Access between Division Street and Trillium Park Drive	-	-	-	-	-	-	-	0	0.00
Access A3: Davis Road/East Access between Division Street and Trillium Park Drive	-	-	-	-	-	-	-	0	0.00
Access A4: Division Street/Between Davis Road and 15th Street	-	-	-	-	-	-	-	0	0.00
Access A5: Division Street/15th Street	-	-	-	-	-	-	-	0	0.00
Access A6: Division Street/Between 13th Street and 14th Street	-	-	-	-	-	-	-	0	0.00

[1] PDO – Property Damage Only.

[2] Crash Rate = Crashes per million entering vehicles.

As shown in Table 4, the study intersections and campus access points have experienced relatively low crash rates.

Based on a review of the crash records, six of the eight crashes that occurred at the signalized OR 213/Redland Road intersection were turning crashes. Four of the six turning crashes at that location involved eastbound vehicles turning left, and four of the six crashes occurred during dark conditions. One of the turning crashes involved a bicyclist. ODOT is currently rebuilding this intersection, as will be discussed later in this report.

The majority of crashes reported at the unsignalized Redland Road/Anchor Way intersection involved turning and angle crashes. Three of those turning and angle crashes involved eastbound vehicles turning left from Anchor Way on to Redland Road. The most common cause was cited as vehicles not yielding the right-of-way. However, there are no discernable patterns related to time of day or weather conditions.

While left turns are not permitted at the Molalla Avenue/Division Street intersection, the angle crash involved a right-turning vehicle and a bicyclist. The other crash reported at this location was caused by a vehicle backing up into another vehicle.

Overall, there are no discernable patterns related to time of day or weather conditions at the study area intersections.

DRIVEWAY SIGHT DISTANCE

A sight distance investigation was conducted at the PWFMC accesses and the public roadways across from the campus that intersect Division Street. Table G1 (in *"Appendix G"*) contains information on the available sight distance at each intersection. *More detailed information and pictures from each access and roadway are also provided in "Appendix G."*

Based on the posted speed limit along Division Street (25 miles per hour), 280 feet of intersection sight distance is required in both directions, in accordance with the AASHTO *Policy on Geometric Design of Highways and Streets* (Reference 7) that is referenced in the City of Oregon City *Guidelines for Transportation Impact Analysis*. Measurements were based on an eye height of 3.5 feet and an object height of 3.5 feet above the road; and were assumed to be 6.5 feet from the near edge of pavement to the front of a stopped vehicle (actual measurements were taken 14.5 feet from the travel edge).

Sight distance is limited by parked vehicles to the south of the following intersections:

- Division Street/Penn Lane;
- Division Street/16th Street;
- Division Street/Davis Road; and
- Division Street/PWFMC Access (at 15th Street).

Sight distance is limited by parked vehicles to the north of the following intersections:

- Division Street/Davis Road;

- Division Street/PWFMC Access (Between 15th Street and Davis Road);
- Division Street/14th Street; and
- Division Street/PWFMC Access Road (Between 13th Street and 14th Street).

Sight Distance Recommendations

Sight distance could be improved at these locations by restricting on-street parking along Division Street immediately adjacent to the intersections. In addition to signing and striping options, bulb-outs could be constructed to accommodate pedestrians and facilitate sight distance. In particular, bulb-outs at the Division Street/Davis Road, Division Street/15th Street, and Division Street/PWFMC Access Road (between 13th and 14th Street) intersections would improve sight distance compliance.

Even if on-street parking is restricted, sight distance would still be obstructed by a hospital sign to the north of the Division Street/Davis Road intersection. In order to have 280 feet of sight distance at that location, the sign would need to be moved further east.

While PWFMC could adjust on-street parking and the hospital sign, the City or property owners should consider implementing the following additional recommendations. Sight distance is limited by shrubs to the east of the PWFMC West Access located on the north side of Davis Road, and in addition to the shrubs, sight distance is limited by a mailbox and fence at the PWFMC East Access located on the north side of Davis Road. The shrubs should be trimmed and maintained to accommodate the required sight distance at the West Access. Plans for the parking lot located between Penn Lane and Davis Road include restricting the East Access to an inbound-only access, which this analysis confirms would improve sight lines at that location.

Shrubs are also a sight-distance obstruction for eastbound drivers facing to the north and south of the Division Street/14th Street intersection and to the south of the Division Street/PWFMC Access Road (between 13th Street and 14th Street) intersection. The shrubs should be trimmed and maintained to achieve adequate sight distance at those locations.

Existing Conditions Summary

The key findings from the existing conditions analysis are summarized below.

- The PWFMC campus currently produces 339 trips during the a.m. peak hour and 356 trips during the p.m. peak hour.
- The 2011 ECO survey results represent a slight decrease in the drive-alone mode split from the July 2010 survey (a decrease from 89 to 88 percent). PWFMC's efforts to reduce the drive-alone rate are expected to continue to lessen both parking and traffic impacts associated with the campus over time.
- The OR 213/Redland Road intersection operates acceptably during the a.m. and p.m. peak hours under ODOT standards.
- The Redland Road/Holcomb Boulevard-Abernethy Road intersection is located within the Regional Center boundaries, and it operates acceptably during the a.m. and p.m. peak periods, according to City of Oregon City standards.

- All of the signalized study intersections and access points within the Regional Center boundaries and all of the unsignalized intersections and access points meet City operating standards during both the weekday a.m. and p.m. peak hours.
- A review of historical crash records revealed that only five of the study intersections have any reported crashes over the past five years. No safety mitigation needs have been identified based on the crash data alone.
- Several mitigations have been identified that could improve sight distance at the PWFMC accesses and the roadways that intersect Division Street across from the PWFMC campus. PWFMC should move the hospital sign at the intersection of Division Street/Davis Road and restrict on-street parking and consider bulb-outs for the accesses and intersections along Division Street, particularly at the intersections of Division Street/Davis Road, Division Street/15th Street, and Division Street/PWFMC Access Road (between 13th Street and 14th Street). The City and property owners should consider trimming and maintaining shrubs near the roadway.

Section 4 Transportation Impact Analysis

TRANSPORTATION IMPACT ANALYSIS

The transportation impact analysis identifies how the study area's transportation system is forecast to operate in 2021, which is representative of when the proposed campus modifications within the updated Master Plan are likely to be complete. The transportation impacts associated with the updated Master Plan were examined as follows:

- Planned developments and transportation improvements in the site vicinity were identified and reviewed;
- Year 2021 background traffic conditions were analyzed at each of the study intersections during the weekday a.m. and p.m. peak hours;
- Site-generated trips were estimated for the net increase in building square footage proposed under the updated Master Plan;
- A site trip-distribution pattern was developed and the site-generated trips were assigned to the study intersections and access points;
- Year 2021 total traffic conditions were analyzed during both peak periods; and
- On-site circulation issues and access operations were evaluated.

Year 2021 Background Traffic Conditions

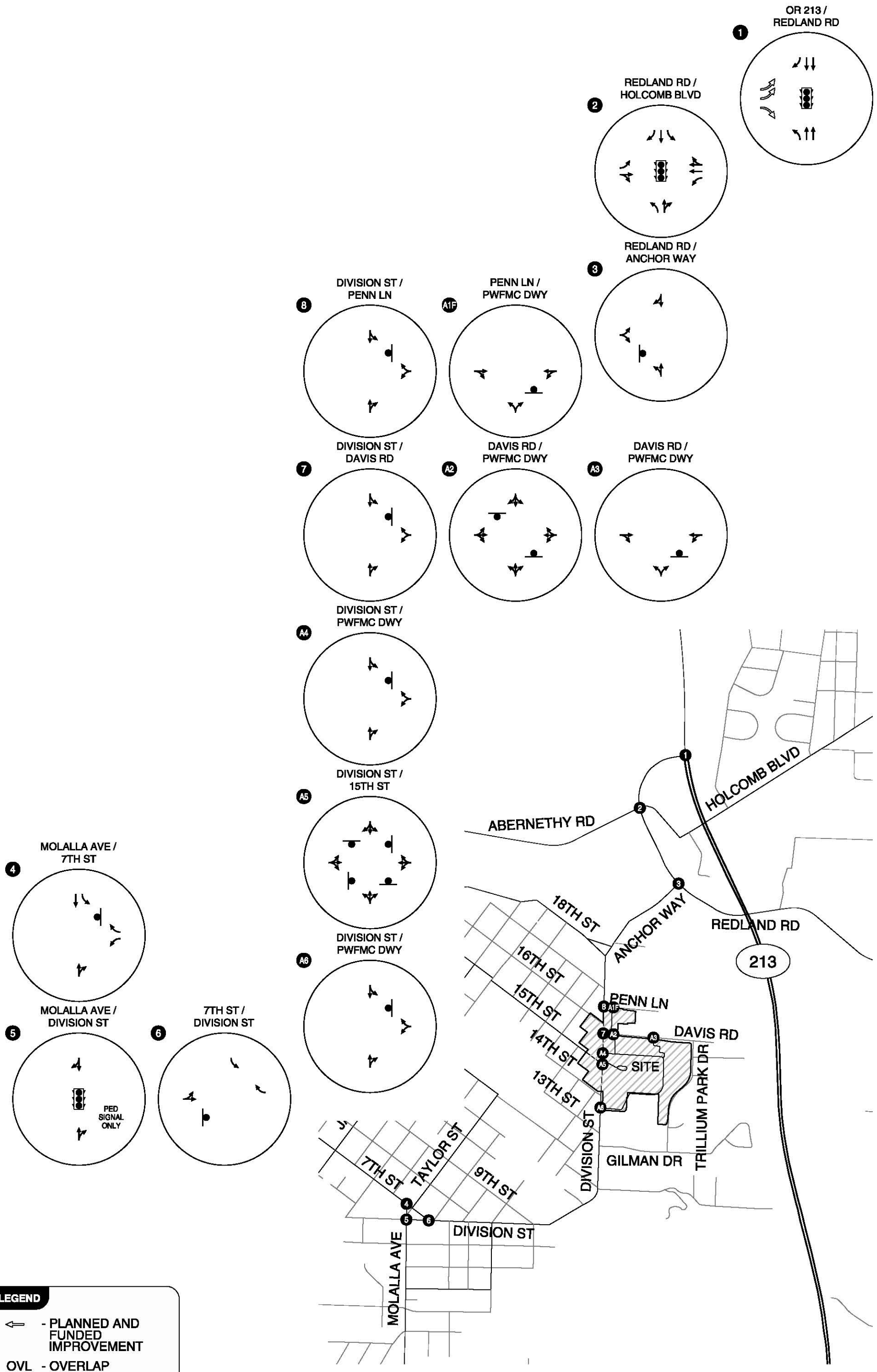
The year 2021 background traffic conditions analysis identifies how the study area's transportation system will operate without the additional uses proposed as part of the updated Master Plan. This analysis includes traffic attributed to PWFMC building space that is approved and constructed but not currently used and to general growth in the region.

TRANSPORTATION FACILITIES

Most of the study intersections are expected to have the same lane configurations and traffic control devices in 2021. ODOT is currently constructing improvements on OR 213 that will include widening the eastbound approach at the OR 213/Redland Road intersection to provide two left-turn lanes and a separate right-turn lane with an overlap phase. Figure 6 shows the anticipated 2021 lane configurations and traffic control devices. The future signal timing plan for the reconstructed approach has not been completed on the OR 213 project. The existing signal timing plan was used for the background and future conditions analyses at the OR 213/Redland Road intersection, in order to maintain the existing green time on OR 213.

BACKGROUND GROWTH ASSUMPTIONS

PWFMC previously secured approval for 16,105 square feet of "shelled" space that has been constructed but is not yet in use. For traffic study purposes, the future trips associated with the shelled space were included in the background growth, as shown in Figures E1 and E2 in "*Appendix E.*"



YEAR 2021 LANE CONFIGURATIONS AND TRAFFIC CONTROL DEVICES
OREGON CITY, OREGON

FIGURE 6

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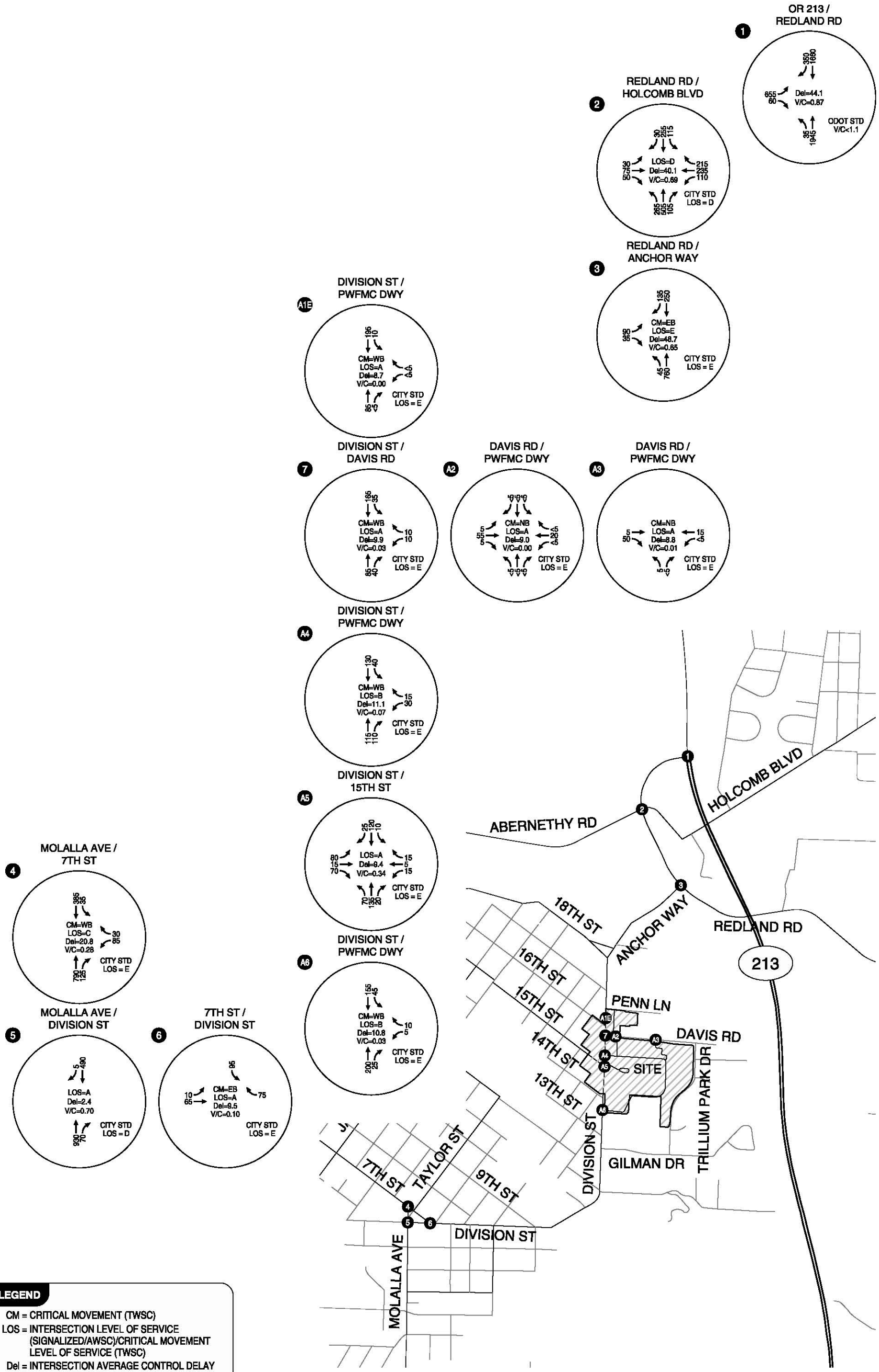
In addition to the inclusion of traffic associated with the shelled PWFMC space, annual growth rates were applied to the existing traffic counts at the study intersections to reflect local and regional growth. The assumed annual growth rates were based on historic patterns and direction from City staff.

Specifically, a 2008 study related to the OR 213/Redland Road intersection applied a 1.37-percent annual growth rate on OR 213 based on the City's *Transportation System Plan*, ODOT's *I-205 Reconnaissance Study (June 2006)* (Reference 8), and the *Highway 213 Urban Corridor Design Study* (Reference 9). A two percent annual growth rate was applied on Molalla Avenue because it is a major arterial, while a 1.5 percent annual growth rate was applied to the remaining study area streets because they are minor arterials, collectors, or local streets.

TRAFFIC VOLUMES & LEVEL-OF-SERVICE ANALYSIS

The year 2021 background traffic volumes are illustrated in Figure 7 and Figure 8. These figures also show the corresponding operating standards and the anticipated levels of service at the study intersections and access points in the year 2021. As indicated by the figures, the background traffic analysis determined that most of the study intersections are forecast to continue to operate acceptably, as discussed below.

- The Redland Road/Holcomb Boulevard-Abernethy Road intersection operates at LOS E during the p.m. peak hour (which is below City standards for signalized intersections within the Regional Center boundaries). However, during the second hour of the peak period, the Redland Road/Holcomb Boulevard-Abernethy Road intersection operates at LOS D. These operations are within acceptable City standards.
- The Molalla Avenue/7th Street intersection operates at LOS F during the p.m. peak period as a result of the westbound approach. This does not meet City standards. Based on the applied growth rates, the Molalla Avenue/7th Street intersection is anticipated to meet City standards through the year 2016. In 2017, the westbound left at this intersection is anticipated to operate at LOS F with more than 50 seconds of delay.
- The Redland Road/Anchor Way intersection operates at LOS F during the p.m. peak hour as a result of the eastbound approach. These operations also do not meet City standards. Based on the applied growth rates, the Redland Road/Anchor Way intersection is anticipated to meet City standards through the year 2017. In 2018, the northbound left at this intersection is anticipated to operate at LOS F with more than 50 seconds of delay.
- The operations of the remaining intersections and access points meet the applicable standards through the year 2021. *Appendix "E" contains the year 2021 background traffic level-of-service worksheets*.



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YEAR 2021 BACKGROUND TRAFFIC CONDITIONS
WEEKDAY AM PEAK HOUR
OREGON CITY, OREGON

FIGURE 7

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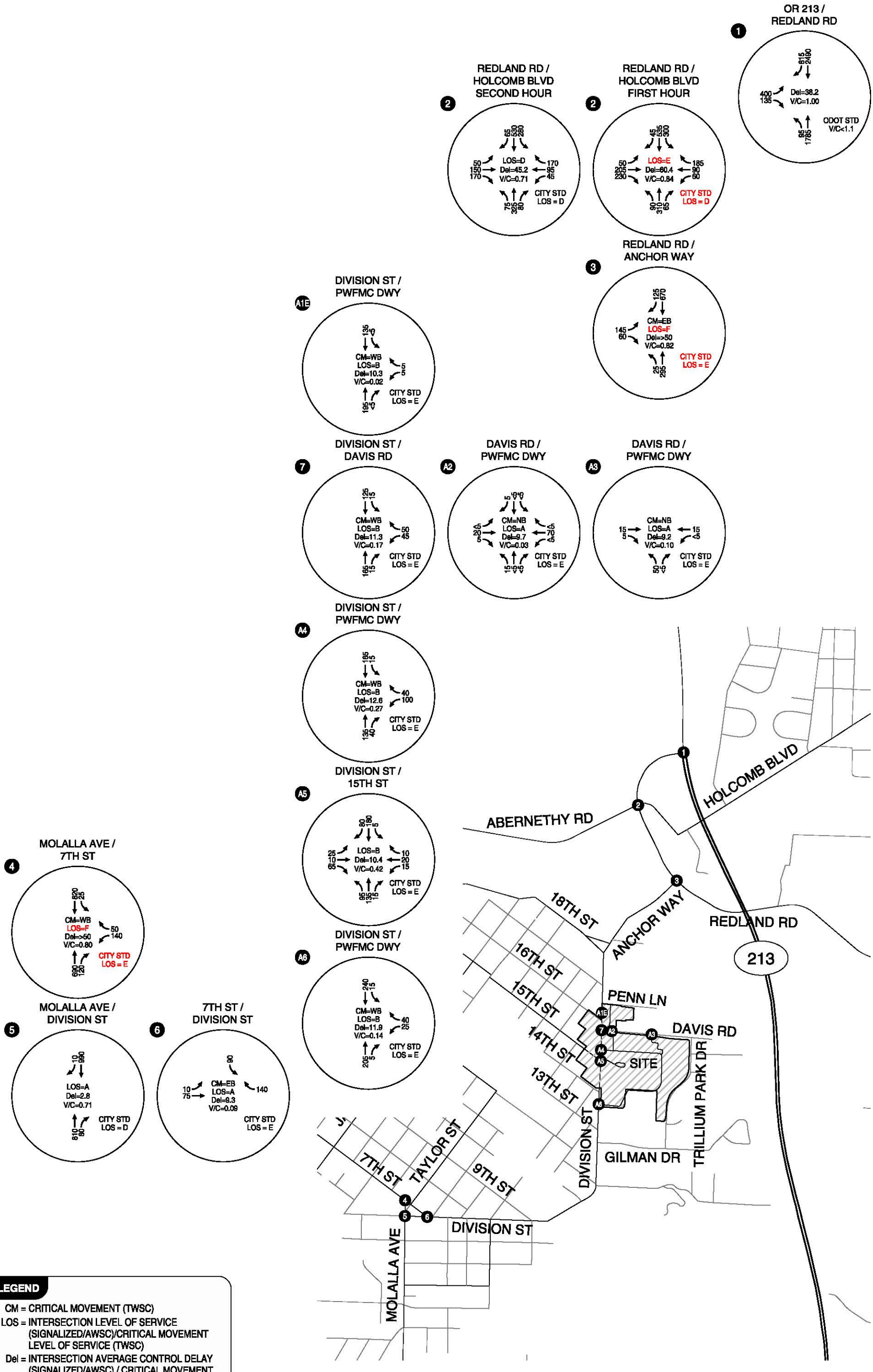

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YEAR 2021 BACKGROUND TRAFFIC CONDITIONS
WEEKDAY PM PEAK HOUR
OREGON CITY, OREGON

FIGURE 8

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Trip Generation

Recent studies conducted at other hospital campuses in the Metro area have shown that it is most appropriate to identify a hospital campus trip rate, rather than trying to separate out the trip generation by use. These studies have shown that there is a synergy and efficiency that is gained by a hospital campus between the main hospital, medical office buildings (MOBs), and ancillary uses. In addition, we have also identified that the trip rates for Portland area hospital campuses are lower than what may be predicted by the Institute of Transportation Engineer's (ITE) *Trip Generation* (Reference 10) given the relatively high rate of non-single occupancy vehicle use at these campuses. Highlights of these representative studies are summarized below.

LOCAL HOSPITAL MASTER PLAN TRIP GENERATION

As part of the St Vincent's Master Plan recently approved by Washington County, a combined rate of 0.97 trips per 1,000 square feet of campus space was measured and approved for the weekday a.m. peak hour and a combined rate of 0.92 trips per 1,000 square feet was measured and approved for the weekday p.m. peak hour based on 2008 traffic count data. According to the 2007 Employee Commute Option survey, 74 percent of all employees surveyed traveled via a single-occupancy vehicle to the St. Vincent's campus.

In 2001, a Providence Portland Medical Center (PPMC) campus rate of 1.24 trips per 1,000 square feet of campus space was measured and approved for the weekday a.m. peak hour and a rate of 1.04 trips per 1,000 square feet of campus space was measured and approved for the weekday p.m. peak hour. Since 2001, the drive-alone rate at PPMC has decreased from 79 percent to 67 percent, according to TriMet's ECO survey. Most recently, a combined PPMC campus rate of 0.78 trips per 1,000 square feet of campus space was measured during the weekday a.m. peak hour and a rate of 0.75 trips per 1,000 square feet of campus space was measured during the weekday p.m. peak hour using traffic counts from 2010. The lower trip rates most likely reflect the success of the ECO program on the PPMC campus.

PROPOSED PWFMC TRIP GENERATION ASSUMPTIONS

The existing conditions traffic counts conducted at all access points into the hospital campus were used to determine the current campus trip rate for the PWFMC campus. The total number of vehicles observed at the campus driveways was divided by the total square-footage of the campus (total vehicles/335,076 square-feet) to develop a campus trip generation rate for PWFMC. Table 5 summarizes the measured trip generation rates for the PWFMC campus during the weekday a.m. and p.m. peak hours.

Table 5 Measured Trip Generation Rates for PWFMC Based on Traffic Counts

Weekday AM Peak Hour Trips				Weekday PM Peak Hour Trips			
In	Out	Total	Rate (Trips Per 1,000 Square Feet)	In	Out	Total	Rate (Trips Per 1,000 Square Feet)
257 (76%)	82 (24%)	339	**1.01**	89 (25%)	267 (75%)	356	**1.06**

The trip rates in Table 5 are representative of the proposed hospital development that includes the MOBs and expansions to the existing Hospital. The central utility plant (CUP) will operate differently than the rest of the PWFMC campus because it will used to house heating, cooling, and other building electrical equipment supporting the campus. A different trip generation rate is proposed for the CUP, as discussed in the following sections.

MASTER PLAN PROPOSAL

Currently, PWFMC is proposing a net addition of 104,000 square feet of additional campus space as part of the Master Plan. This addition accounts for two additional MOBs, expansions to the existing hospital building, and a CUP. While the trip rates in Table 5 are recommended for the 84,000 square feet of MOBs and expansions to the Hospital building, ITE *Trip Generation* rates are recommended for the 20,000 square feet of CUP.

The Central Utility Plant is an ancillary use to the campus that will not generate trips nor new staff. However to remain conservative, trip generation for the CUP building space was estimated using the high-cube warehouse land use in ITE. Table 6 contains a summary of the Master Plan proposal, and Table 7 shows the resulting trip generation for the proposed campus using both the PWFMC and ITE trip generation rates.

Table 6 Summary of Master Plan Proposal

	Size (Square Feet)
Total Existing Campus	**335,076**
Total In-Process (Used in Background Traffic Conditions)	
Uses Approved but Not Yet Constructed	*0*
Shelled Space in the Hospital Building	*16,105*
Total	16,105
Proposed Expansion	
MOBs and Hospital Expansions	*84,000*
Central Utility Plant	*20,000*
Total	104,000
Total Space at Build Out	**455,181**

Table 7 Estimated Trip Generation

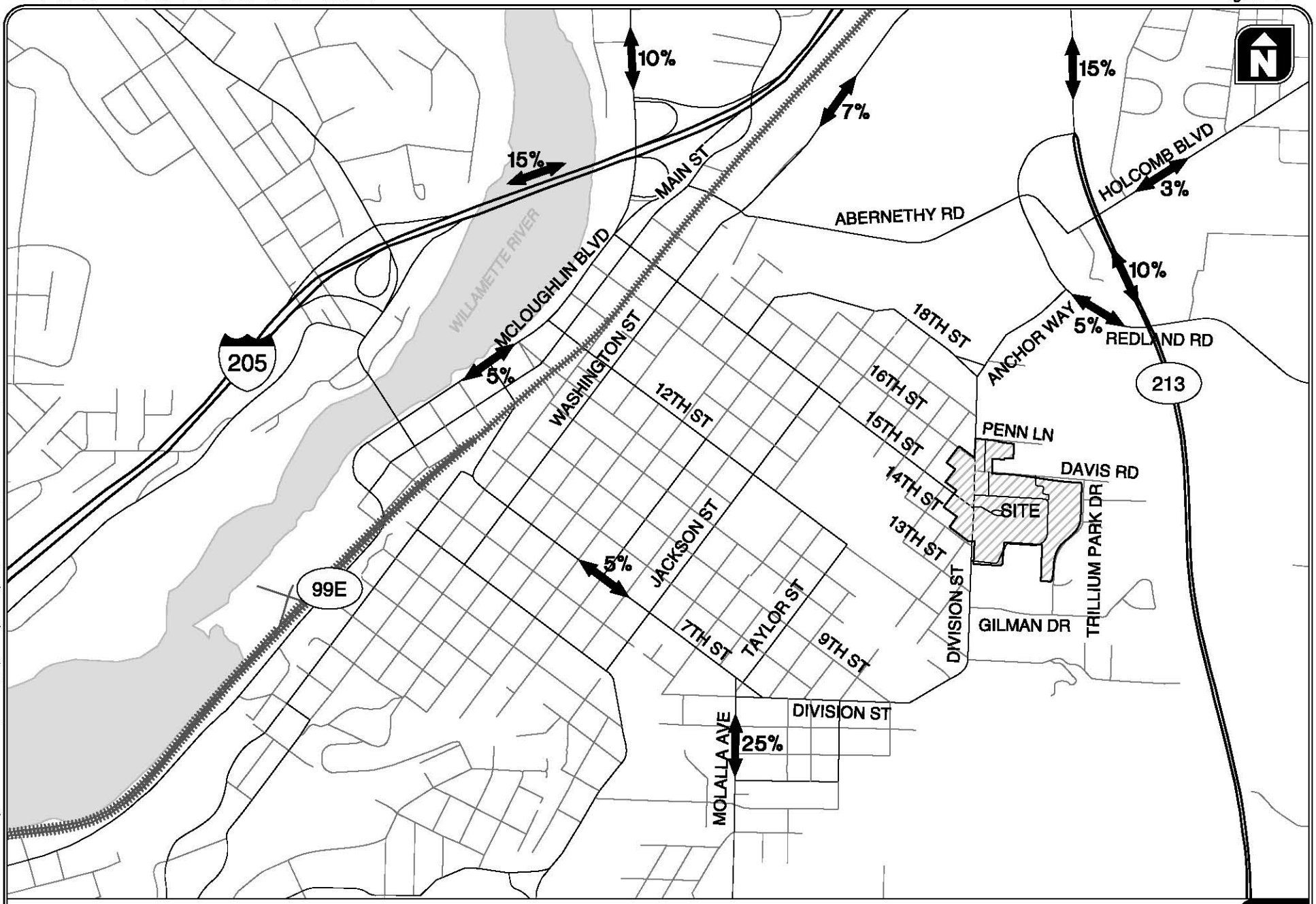
Use	Size (Square Feet)	Weekday AM Peak Hour			Weekday PM Peak Hour		
		In	Out	Total	In	Out	Total
PWFMC MOBs and Hospital Expansions	84,000	65	20	**85**	22	67	**89**
Central Utility Plant	20,000	1	1	**2**	1	1	**2**
Total Proposed Campus	104,000	66	21	**87**	23	68	**91**

The paving of the parking lot adjacent to Penn Lane is not anticipated to generate any new trips to the campus.

Trip Distribution

The trip distribution of site-generated trips was based on the existing 2011 traffic counts. Figure 9 illustrates the estimated trip distribution pattern for PWFMC. A majority of the site-generated traffic is anticipated to travel to and from War Veterans Memorial Parkway (I-205), Cascade Highway (OR 213), McLoughlin Boulevard (99E), and Molalla Avenue.

Figure 10 and Figure 11 show the distribution of site-generated traffic during the a.m. and p.m. peak hours respectively.



ESTIMATED TRIP DISTRIBUTION PATTERN
OREGON CITY, OREGON

FIGURE 9

KITTELSON & ASSOCIATES, INC.
TRANSPORTATION ENGINEERING / PLANNING

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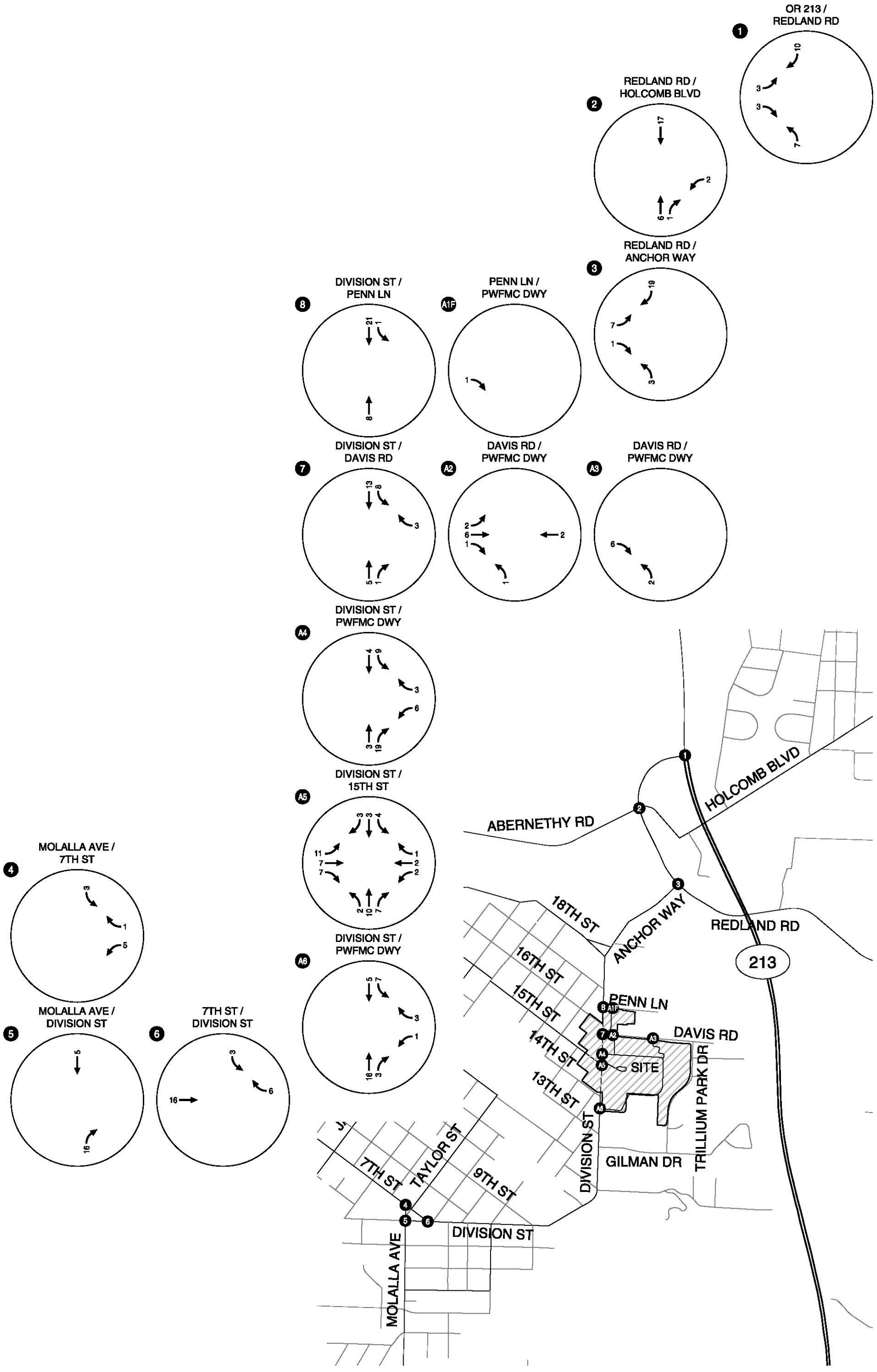

SITE-GENERATED TRAFFIC
WEEKDAY AM PEAK HOUR
OREGON CITY, OREGON

FIGURE 10

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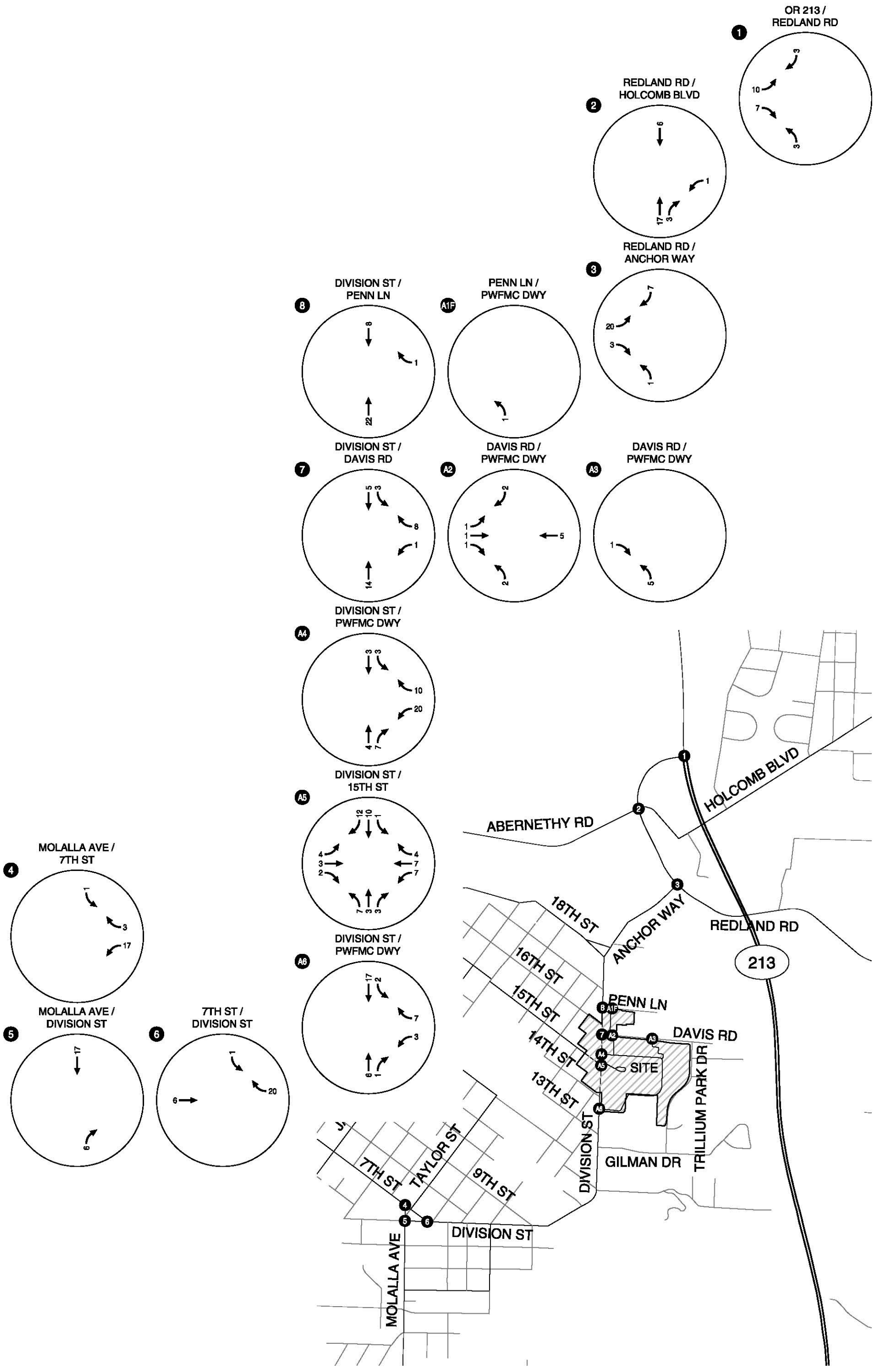


SITE-GENERATED TRAFFIC
WEEKDAY PM PEAK HOUR
OREGON CITY, OREGON

FIGURE 11

Year 2021 Total Traffic Conditions

The total traffic conditions analysis forecasts how the study area's transportation system will operate with the traffic generated by the Master Plan uses. The 2021 analysis reflects the background traffic and net new campus-generated traffic. The resultant traffic volumes during the weekday a.m. and p.m. peak hour are shown in Figure 12 and Figure 13. These figures also identify the projected operations at each of the study intersections and the corresponding standard.

Comparing the 2021 background and total traffic conditions, the Master Plan does not cause any of the intersections to not meet applicable standards. The two study intersections that were not meeting the adopted operating standards under background conditions also do not meet standards under total traffic conditions, as shown in Table 8.

Table 8 Intersections Not Meeting City Standards

Intersection	Scenario & Time Period	Operations		
		LOS	V/C	LOS Standard
#3: Redland Road/Anchor Way	*Background PM Peak*	*F*	*0.82*	*E*
	Future AM Peak	F	0.72	E
	Future PM Peak	F	0.93	E
#4: Molalla Avenue/7th Street	*Background PM Peak*	*F*	*0.80*	*E*
	Future PM Peak	F	0.90	E

Similar to background conditions, the Redland Road/Holcomb Boulevard-Abernethy Road intersection operates at LOS E during the p.m. peak hour but at LOS D during the second hour of the peak period (which puts the intersection within City standards for signalized intersections within the Regional Center boundaries).

As discussed in the previous section, the Molalla Avenue/7th Street intersection is anticipated to operate acceptably for the next five years, whereas the Redland Road/Anchor Way intersection is anticipated to operate acceptably for the next six years with increases in background growth. Based on estimated traffic volumes, the following improvements would be needed to meet City standards at these intersections:

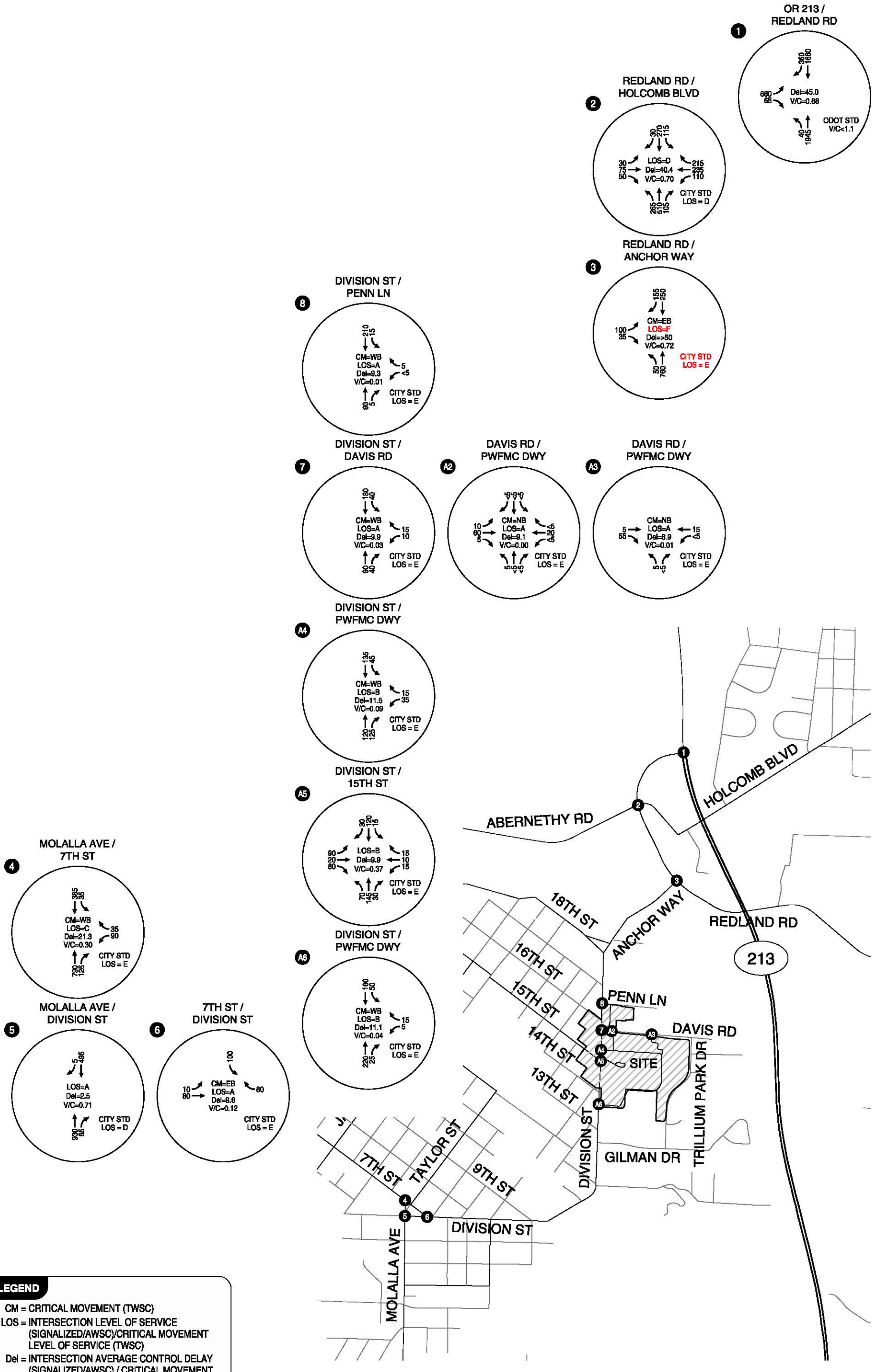
- Molalla Avenue/7th Street: The City has been evaluating the potential for a roundabout at this location. With a roundabout in-place, this intersection would meet City standards at full build-out of the Master Plan.
- Redland Road/Anchor Way: This intersection is anticipated to warrant a traffic signal within the next six years. This improvement has been identified in the Oregon City TSP. With a signal in-place, this intersection would meet standards.

Given that build-out of the Master Plan does not create the need for the improvements, PWFMC should work with the City of Oregon City to contribute a pro rata share of improvements at the Redland Road/Anchor Way and Molalla Avenue/7th Street intersections. The timing of and need for

these pro rata share improvements should be determined as part of subsequent DDP submittals. Improvements at these locations are not anticipated to be needed for five to six years, and the timing of expansions to the hospital that are included in the Master Plan have not yet been defined.

- Based on current estimates, build-out of the Master Plan uses would contribute approximately 1.1 percent of the p.m. peak hour traffic volumes in the year 2021 at the Molalla Avenue/7th Street intersection.
- At the Redland Road/Anchor Way intersection, build-out of the Master Plan uses would contribute approximately 2.3 percent of the p.m. peak hour traffic volumes in the year 2021.

Appendix "F" contains the year 2021 total traffic level-of-service worksheets.



LEGEND

CM = CRITICAL MOVEMENT (TWSC)
LOS = INTERSECTION LEVEL OF SERVICE (SIGNALIZED/AWSC)/CRITICAL MOVEMENT LEVEL OF SERVICE (TWSC)
Del = INTERSECTION AVERAGE CONTROL DELAY (SIGNALIZED/AWSC) / CRITICAL MOVEMENT CONTROL DELAY (TWSC)
V/C = CRITICAL VOLUME-TO-CAPACITY RATIO
TWSC = TWO-WAY STOP CONTROL
AWSC = ALL-WAY STOP CONTROL

YEAR 2021 TOTAL TRAFFIC CONDITIONS
WEEKDAY AM PEAK HOUR
OREGON CITY, OREGON

FIGURE 12

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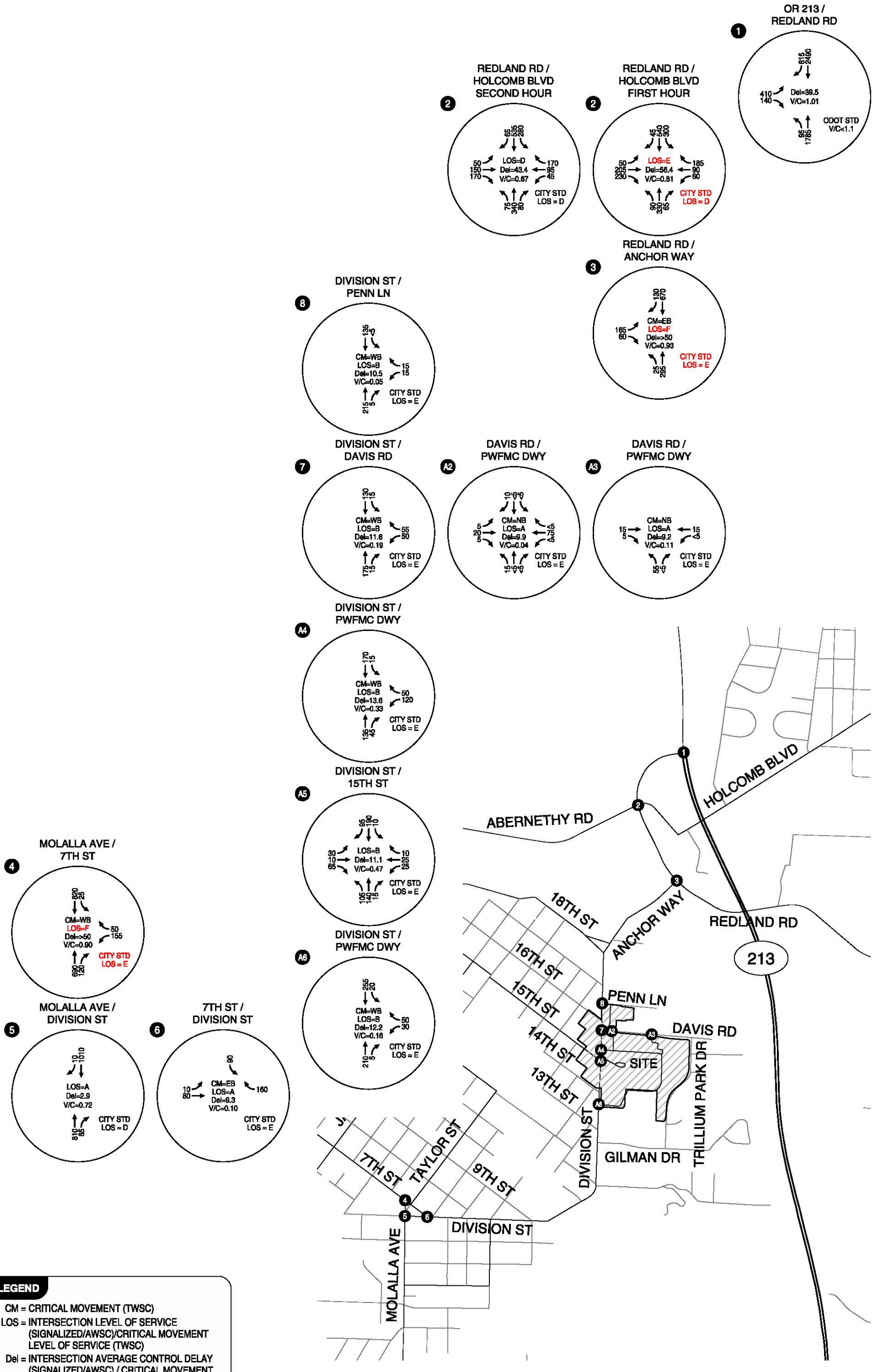

LEGEND

CM = CRITICAL MOVEMENT (TWSC)
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TWSC = TWO-WAY STOP CONTROL
AWSC = ALL-WAY STOP CONTROL

YEAR 2021 TOTAL TRAFFIC CONDITIONS
WEEKDAY PM PEAK HOUR
OREGON CITY, OREGON

FIGURE 13

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On-Site Circulation and Driveway Operations

Campus circulation was evaluated to ensure that the Master Plan provides for a well-connected pedestrian and bicycle environment and plans for sufficient vehicular traffic to/from and within the campus.

PEDESTRIAN AND BICYCLE ACCESS

The PWFMC campus includes a variety of pedestrian and bicycle access ways within the campus and sidewalks and bicycle lanes along the frontage of the campus. These facilities enable convenient and comfortable options for people walking and biking through or adjacent to the campus, as well as for those walking and biking to/from uses within the campus.

Transportation Impact Analysis Findings

The pertinent findings of the year 2021 transportation impact analyses are summarized below.

- The 104,000 square feet of net building space proposed as part of the Master Plan is estimated to generate 87 weekday a.m. and 91 weekday p.m. peak hour trips, assuming no additional reduction in campus-related drive-alone travel is realized during the next ten years.
- Assuming year 2021 background conditions without an increase in campus-related uses, the Redland Road/Anchor Way and Molalla Avenue/7th Street intersections do not meet City of Oregon City operating standards.
    - The City has been evaluating the potential for a roundabout at the Molalla Avenue/7th Street intersection. With a roundabout in-place, this intersection would meet City standards at full build-out of the Master Plan
    - The Redland Road/Anchor Way intersection is anticipated to warrant a traffic signal within the next six years. This improvement has been identified in the Oregon City TSP. With a signal in-place, this intersection would meet standards.
- Assuming year 2021 total build-out conditions, no additional intersections fail under the City of Oregon City operating standards as a result of the increase in PWFMC campus-related uses.
- PWFMC should work with the City of Oregon City to contribute a pro rata share of improvements at the Redland Road/Anchor Way and Molalla Avenue/7th Street intersections. The timing of and need for these pro rata share improvements should be determined as part of subsequent DDP submittals. Improvements at these locations are not anticipated to be needed for five to six years, and the timing of expansions to the hospital that are included in the Master Plan have not yet been defined.
    - Based on current estimates, build-out of the Master Plan uses would contribute approximately 1.1 percent of the p.m. peak hour traffic volumes in the year 2021 at the Molalla Avenue/7th Street intersection.

- At the Redland Road/Anchor Way intersection, build-out of the Master Plan uses would contribute approximately 2.3 percent of the p.m. peak hour traffic volumes in the year 2021.

Section 5 Parking Analysis

PARKING ANALYSIS

This section describes the PWFMC parking in-place today as well as the parking planned as part of the Master Plan.

Parking Data Collection Methodology

Parking utilization data was collected at each of the surface and structured parking locations throughout the campus between 6:00 a.m. and 6:00 p.m. on June 2, 2011. The number of vehicles parked in each of the parking locations was recorded on each hour. The study parking lots are listed below with their existing vehicular parking supplies:

(A) MOB Parking Lot between Penn Lane and Davis Road – 66 vehicles

(B) Medical Plaza 1 Parking Lot – 47 vehicles

(C) Birthing Center Parking Lot – 10 vehicles

(D) Main Hospital Entrance Parking Lot – 54 vehicles

(E) Main Hospital South Parking Lot between 13th Street and 14th Street – 25 vehicles

(F) Outpatient Surgery Parking Lot – 128 vehicles

(G) Medical Plaza 2 Parking Lot – 193 vehicles

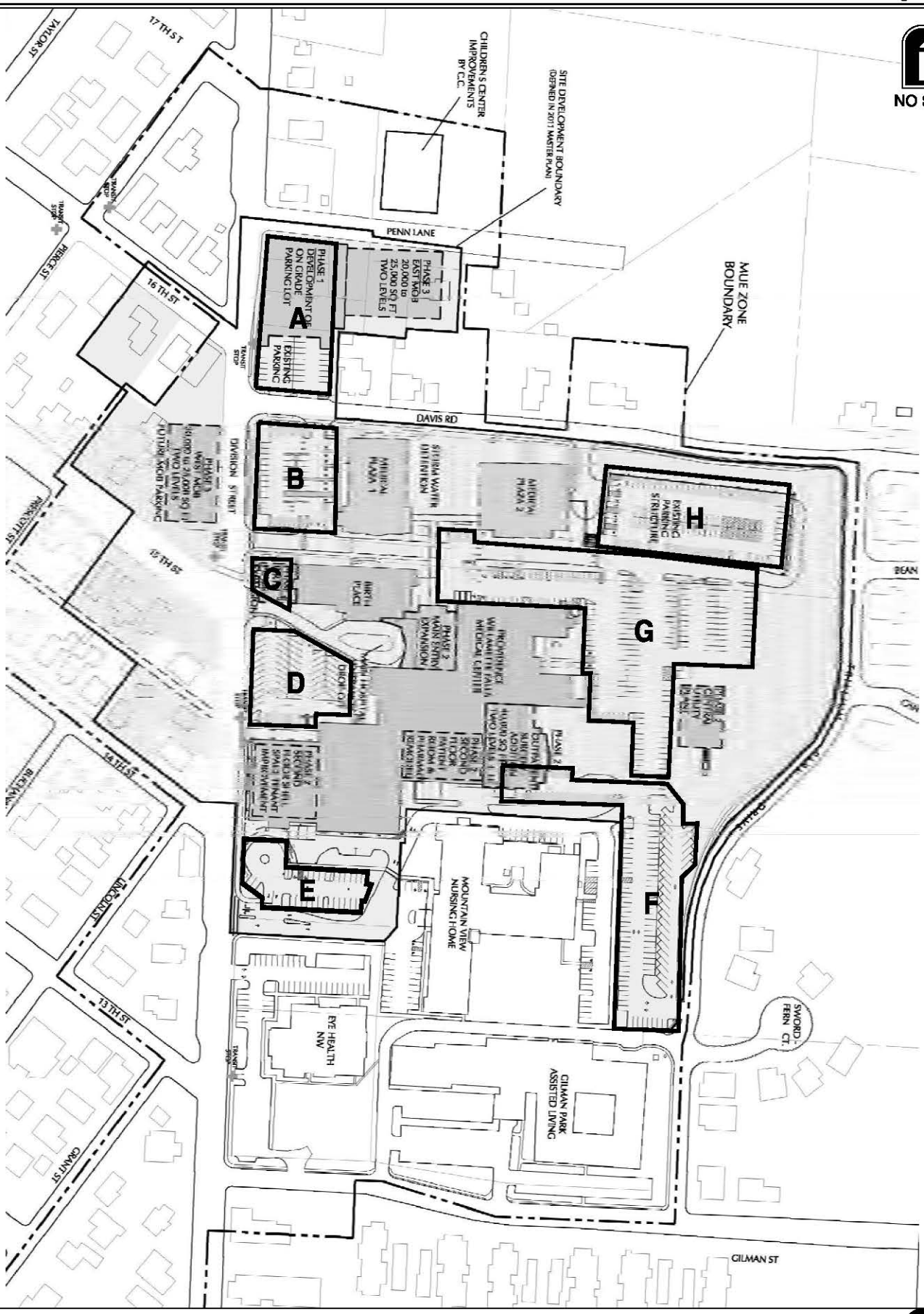
(H) Parking Structure – 226 vehicles

Figure 14 shows the location of each of the study parking lots on the PWFMC campus. At the time of the study, the total vehicular parking supply was measured at 749 parking spaces.

Daily Parking Demand

Exhibit 1 and Exhibit 2 show the hourly fluctuations in parking utilization based on the June 2011 data (both in terms of number of spaces occupied and percent utilization). As shown, the demand for parking is fairly consistent between 8:00 a.m. and 4:00 p.m. Peak parking demand occurred between 11:00 a.m. and 12:00 p.m. At peak times, approximately up to 78 percent of all parking spaces are utilized. *"Appendix H" contains the campus parking utilization data.*

For planning purposes, a general rule-of-thumb is that a parking facility's capacity is reached when approximately 85 – 90 percent of the spaces are occupied. The remaining 10 - 15 percent of available spaces provide a buffer for visitors and staff to circulate and conveniently locate a parking space.



PARKING LOT LOCATIONS
OREGON CITY, OREGON

FIGURE 14

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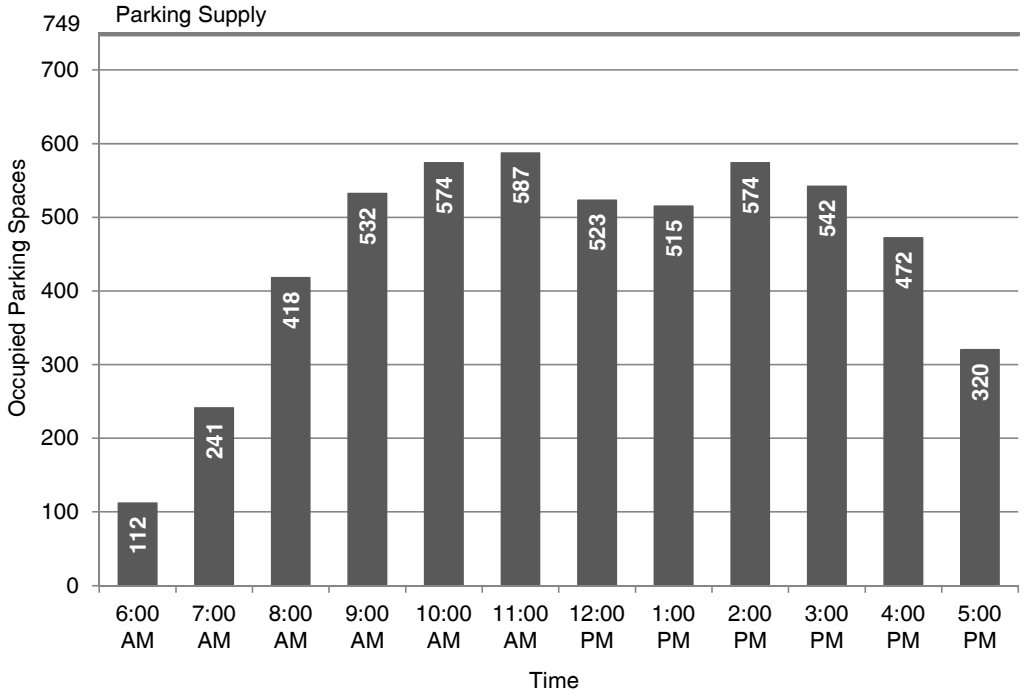


Exhibit 1 Parking Occupancy by Number of Vehicles Parked On Campus

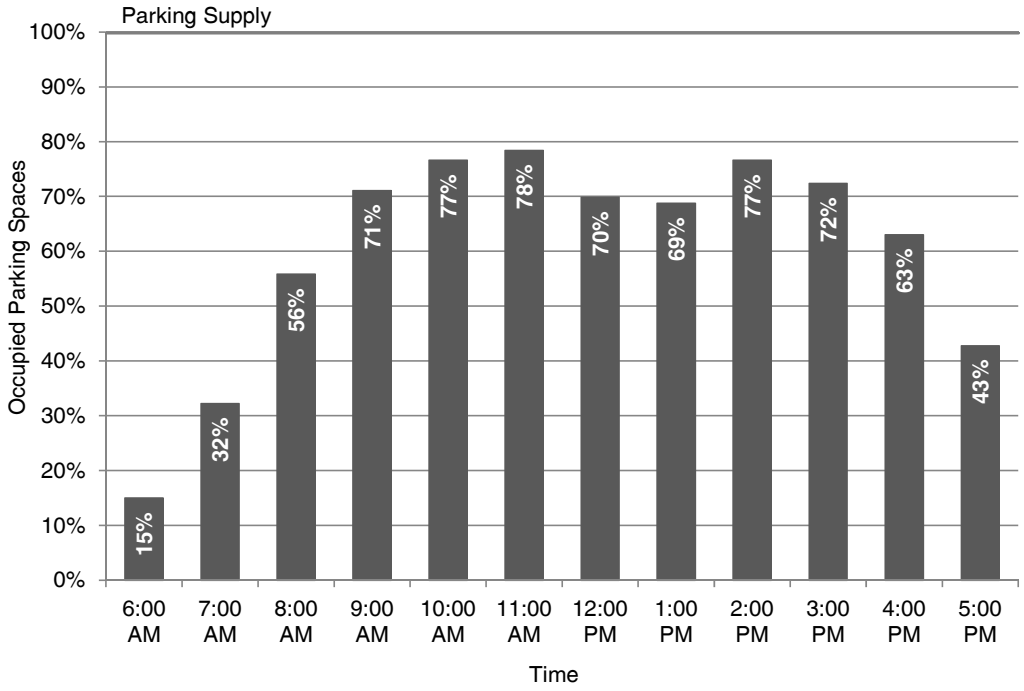


Exhibit 2 Parking Occupancy by Percentage of Parking Spaces Occupied

Peak Parking Demand

Within the PWFMC campus, the existing parking supply and demand ratios (assuming 335,076 square feet of usable space today) are as follows:

- Parking Supply = 2.24 spaces per 1,000 square feet
- Parking Demand = 1.75 spaces per 1,000 square feet

Like the trip generation, the parking ratios were calculated using the total square feet of buildings in operation on the PWFMC campus today, given the synergy between uses.

For campus planning purposes, it is common to apply either an 85 or 90 percent full standard to determine parking supply needed to facilitate build-out of the Master Plan uses. These ratios assume a better overall efficiency in campus parking but do not assume a change in the employee-related mode split occurring today. The resultant parking ratios are shown below:

- 85 percent full = 2.06 spaces required per 1,000 square feet of new building space
- 90 percent full = 1.95 spaces per 1,000 square feet of new building space

Application of the 90 percent full parking ratio for the overall campus at build-out of the Master Plan uses is recommended because this still provides enough "reserve capacity" to minimize the need for unnecessary circling when trying to locate a parking space, ensures there is sufficient parking to accommodate higher than typical demand, and to ensure the most appropriate and efficient use of resources are dedicated to parking.

Future On-Campus Parking Demand

Based on a 90-percent-full ratio and assuming the drive-alone rate for employees remains at 88 percent, the following identifies the number of parking spaces that would be needed to serve the demand, assuming the 16,105 square feet of shelled space is in-use and a net increase of 104,000 square feet of new uses:

EXISTING PARKING SUPPLY/DEMAND

- Existing Campus Parking Need = 653 spaces assuming parking ratio of 1.95 spaces per 1,000 square feet for total campus space (335,076 square feet)
- Existing Campus Supply = 749 spaces
- *Existing Campus Surplus = 96 spaces (749 supplied versus 653 needed at 90 percent full)*

SHELLED SPACE PARKING SUPPLY/DEMAND

- Parking need for 16,105 square feet of shelled space = 31 spaces
- *Net Parking Supply Surplus = 65 spaces (96 surplus spaces minus 31 spaces)*

NET NEW SPACE PARKING SUPPLY/DEMAND

- Parking need for 104,000 square feet of net new space = 203 spaces
- *Total New Parking Supply Needed = 138 net new spaces on campus (203 spaces minus 65 spaces)*

Per the Master Plan, future parking needs will be met through a combination of structured parking and surface parking facilities. Some new parking is planned as part of the new MOBs north of Davis Road and west of Division Street (between 15th Street and 16th Street), but additional parking space should be identified to accommodate the 138 new parking spaces needed on campus. PWFMC should continue to monitor this parking ratio over time to ensure its application remains appropriate. The required parking ratio would be reduced with further reductions in the drive-alone rate.

Existing On-Street Parking Demand

Parking utilization data was also collected along the following street segments surrounding the campus during the 6:00 a.m. to 6:00 p.m. period on June 2, 2011:

- Davis Road between Division Street and Trillium Park Drive
- Gilman Drive between Division Street and Trillium Park Drive
- Division Street between Penn Lane and Gilman Drive
- Trillium Park Drive between Gilman Drive and Davis Road

The parking utilization for the on-street parking ranged from 14 to 27 percent. Exhibit 3 identifies the hourly parking fluctuation in the number of spaces occupied on-street. The 6:00 a.m. time period is used to gauge the non-campus related parking demand within the neighborhood. As shown in the figure, there is very little variation in on-street parking usage during the course of the day, with the exception of Division Street, which is the minor arterial that fronts the PWFMC campus. The on-street parking pattern is reasonable given the easily-accessible parking spaces along Division Street.

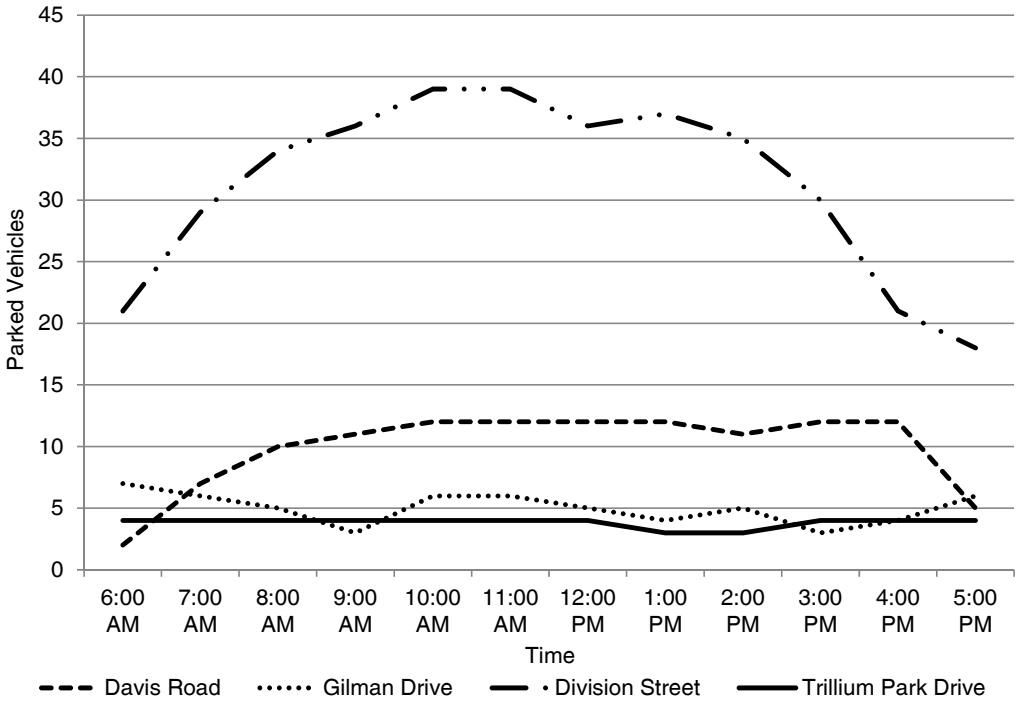
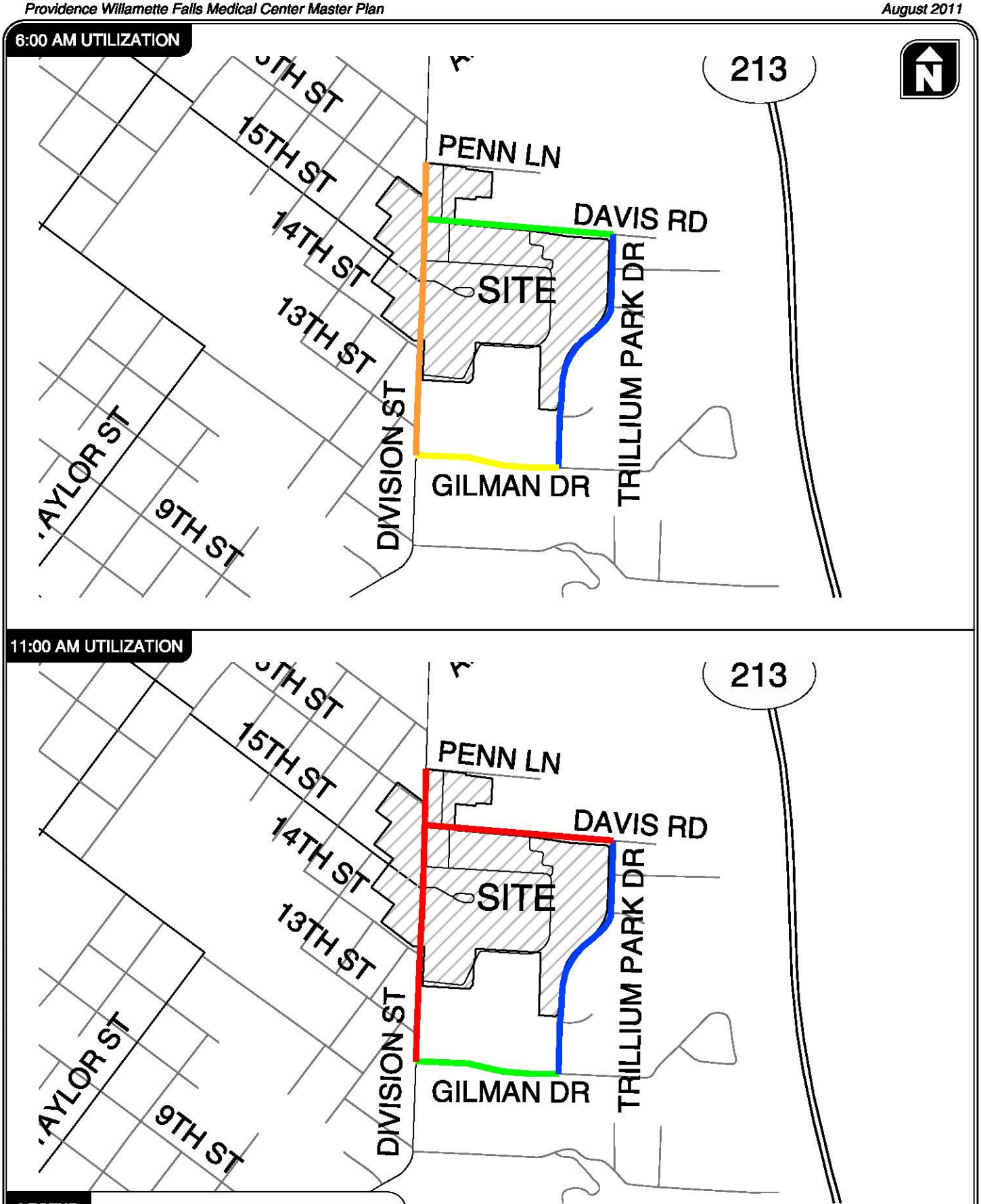


Exhibit 3 On-Street Parking Occupancy

Figure 15 shows the change in parking utilization, by block face, when comparing the 11:00 a.m. to 12:00 p.m. period (when the campus is at its maximum) to the 6:00 a.m. to 7:00 a.m. time period. The data shown in this figure confirms that there are few hospital-related parking occurrences on the neighborhood streets immediately surrounding the campus, with the exception of Division Street.

After reviewing the peak hour videos of the Division Street/15th Street intersection, it appears that there is limited use of the first block of 15th Street (west of Division Street) by hospital staff and visitors. Neighborhood feedback indicated that hospital staff and visitors also frequently park on the first blocks of 14th Street and 16th Street (west of Division Street). PWFMC should continue to monitor this situation and work with the neighborhood to ensure any impacts are mitigated.



ON-STREET PARKING UTILIZATION
OREGON CITY, OREGON

FIGURE 15

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Parking Conclusions

The significant findings of the parking analysis are summarized below.

- There is sufficient on-campus parking today to accommodate the existing peak daily demand. During the highest hour of parking utilization, 78 percent of the spaces are full within the existing Master Plan boundaries. This level of utilization still provides sufficient opportunities for patients and visitors to easily and efficiently find a parking space without unnecessary circulating through the garages or parking lots.
- The Master Plan includes some additional parking on the west side of Division Street, but new parking areas will need to be identified to facilitate the new development. Based on a ratio of 1.95 spaces per 1,000 square feet, 138 new spaces would be needed campus-wide at build-out.
- PWFMC should monitor the need for supplying 1.95 spaces per 1,000 square feet of new buildings to ensure that this ratio remains applicable assuming the drive-alone rate to campus continues to decrease over time.
- There is limited use of the first block of 15th Street (west of Division Street) by hospital staff and visitors. Neighborhood feedback indicated that hospital staff and visitors also frequently park on the first blocks of 14th Street and 16th Street (west of Division Street). PWFMC should continue to monitor this situation and work with the neighborhood to ensure any impacts are mitigated.

Section 6 Conclusions and Recommendations

CONCLUSIONS AND RECOMMENDATIONS

The pertinent findings and recommendations are summarized below.

Findings

EXISTING TRANSPORTATION SYSTEM OPERATIONS AND SAFETY

- Under existing conditions, all study intersections meet operating standards during both the a.m. and p.m. peak hours.
- Only five of the study intersections have any reported crashes over the past five years. No safety mitigation needs have been identified based on the crash data alone.
- Several mitigations have been identified that would improve sight distance at the PWFMC accesses and the roadways that intersect Division Street across from the PWFMC campus. In order to provide adequate sight distance, PWFMC should move the hospital sign at the intersection of Division Street/Davis Road and restrict on-street parking and consider bulb-outs for the accesses and intersections along Division Street, particularly at the intersections of Division Street/Davis Road, Division Street/15th Street, and the Division Street/PWFMC Access Road (between 13th Street and 14th Street). The City and property owners should consider trimming and maintaining the shrubs near the roadway.

YEAR 2021 TRANSPORTATION SYSTEM OPERATIONS

- The 104,000 square feet of net building space proposed as part of the Master Plan is estimated to generate 87 weekday a.m. and 91 weekday p.m. peak hour trips, assuming no additional reduction in campus-related drive-alone travel is realized during the next ten years.
- Assuming year 2021 background conditions without an increase in campus-related uses, the Redland Road/Anchor Way and Molalla Avenue/7th Street intersections do not meet City of Oregon City operating standards. The Molalla Avenue/7th Street intersection is anticipated to operate acceptably for the next five years (through the year 2016) whereas the Redland Road/Anchor Way intersection is anticipated to operate acceptably for the next six years (through the year 2017) with increases in background growth.
- Assuming year 2021 total build-out conditions, the Master Plan does not cause any intersections to not meet City of Oregon City operating standards.
    - The City has been evaluating the potential for a roundabout at the Molalla Avenue/7th Street intersection. With a roundabout in-place, this intersection would meet City standards at full build-out of the Master Plan.
    - The Redland Road/Anchor Way intersection is anticipated to warrant a traffic signal within the next six years. This improvement has been identified in the Oregon City TSP. With a signal in-place, this intersection would meet standards.

MODE SPLIT AND PARKING

- The 2011 Employee Commute Options (ECO) survey results represent a slight decrease in the drive-alone mode split from the July 2010 survey (a decrease from 89 to 88 percent). PWFMC's efforts to reduce the drive-alone rate will continue to lessen both parking and traffic impacts associated with the campus over time.
- There is sufficient on-campus parking today to accommodate the existing peak daily demand. During the highest hour of parking utilization, approximately 78 percent of the spaces are full within the existing Master Plan boundaries. This level of utilization still provides sufficient opportunities for patients and visitors to easily and efficiently find a parking space without unnecessary circulating through the garages or parking lots.
- Based on the existing parking demand, a campus-wide rate of 1.95 spaces per 1,000 square feet of building space should be supplied on-campus throughout the next ten years. Accounting for an excess of parking today, 138 new spaces would be needed campus-wide upon build-out of the Master Plan uses.
- PWFMC should monitor the need for supplying a campus-wide rate of 1.95 spaces per 1,000 square feet of buildings space to ensure that this ratio remains applicable as the drive-alone rate to campus continues to decrease over time.
- There is limited use of the first block of 15th Street (west of Division Street) by hospital staff and visitors. Neighborhood feedback indicated that hospital staff and visitors also frequently park on the first blocks of 14th Street and 16th Street (west of Division Street). PWFMC should continue to monitor this situation and work with the neighborhood to ensure any impacts are mitigated.

Recommendations

- In order to achieve adequate sight distance at the PWFMC accesses and roadways intersecting Division Street, the hospital sign at the intersection of Division Street/Davis Road should be moved east. Parking restrictions and bulb-outs should also be considered in order to acquire additional sight distance, specifically at the intersections of Division Street/Davis Road, Division Street/15th Street, and the Division Street/PWFMC Access Road (between 13th Street and 14th Street). The City and property owners should consider trimming and maintaining the shrubs near the roadway.
- Based on existing parking demand, 1.95 parking spaces should be provided per 1,000 square feet of total building space on-campus. This ratio should be monitored over time to ensure its application remains appropriate as the campus experiences further reductions in the drive-alone rate. This ratio results in a total campus need of 138 new parking spaces.
- PWFMC should work with the City of Oregon City to contribute a pro rata share of improvements at the Redland Road/Anchor Way and Molalla Avenue/7th Street intersections. The timing of and need for these pro rata share improvements should be determined as part of subsequent DDP submittals. Improvements at these locations are not anticipated to be needed for five to six years, and the timing of expansions to the hospital that are included in the Master Plan have not yet been defined.

- Based on current estimates, build-out of the Master Plan uses would contribute approximately 1.1 percent of the p.m. peak hour traffic volumes in the year 2021 at the Molalla Avenue/7th Street intersection.
- At the Redland Road/Anchor Way intersection, build-out of the Master Plan uses would contribute approximately 2.3 percent of the p.m. peak hour traffic volumes in the year 2021.

APPENDIX B

2012 Civil Engineering Narratives

kpff Consulting Engineers

U.S. Bancorp Tower, 111 SW 5th Avenue, Suite 2500
Portland, OR 97204 (503) 227-3251 FAX (503) 274-4681

D E S I G N M E M O R A N D U M

DATE: 9/13/11

TO: Josh Kolberg - PKA

FROM: Adam Roth

RE: Providence Willamette Falls Medical Center – Master Plan – Civil Narrative

PROJECT NO.: 311083

The purpose of this memorandum is to provide responses to the applicable civil-related sections in the Master Plan chapter of the Oregon City Municipal Code for the subject project.

Oregon City Municipal Code Section:

17.65.050.A.1

i. Infrastructure facilities and capacity, including the following items.
- (1) Water,
- (2) Sanitary sewer,
- (3) Stormwater management, and
- (4) Easements.

(1) <u>Water</u>

Domestic Water

Existing water mains are located in the streets bounding the Providence Willamette Falls (PWF) Hospital site as well as traversing the site in utility easements. There are 8-inch mains in Trillium Park Drive to the north, Davis Road to the west and Gilman Drive to the east. Division Street to the south contains a 10-inch main in the vicinity of PWF which transitions to a 6-inch main east of the Master Plan boundary near the entrance of the Mountain View nursing home. There are two public water mains running east-west across the campus in utility easements connecting the mains in Division Street and Trillium Park Drive. The northern of the two is located in the access road between the Medical Plazas and the Birthing Center. It is 6 inches in diameter from Division Street to the southern edge of Medical Plaza 2 where it transitions to 8 inches until it reaches Trillium Park Drive. The southern main runs north in the driveway to the Mountain View Nursing Home, jogs to the northeast between the main hospital building and the nursing home and heads back to the east to Trillium Park Drive. These two mains are connected near the eastern edge of the site with another 8-inch main in a utility easement. A 6 inch water main

was installed in Penn Lane as part of improvements associated with the Children's Center of Clackamas County project. A 10-inch water main exists in 16th Street while a 6-inch main exists in 15th Street.

There is no evidence of capacity issues with the existing water system serving the campus. Pressure testing completed at fire hydrants surrounding the campus resulted in static and residual pressures ranging from 80 to 100 pounds per square inch (psi). Water system pressures and flows will need to be verified during the design of each phase.

Domestic water services to the existing PWF buildings are shown in the Table below.

Existing Building	Domestic Service Size	Main Providing Service
Main Hospital Building	6 inches	Division Street (10 inch)
Medical Plaza 1	3 inches	Davis Road (8 inch)
Medical Plaza 2	3 inches	Division Street (10 inch)
Parking Structure	NA	NA

Table 1 – Existing PWF Domestic Services

Fire Protection

Fire hydrants exist around and within the site and are fed from the public water main network described in the Domestic Water section. Fire protection service to existing building sprinkler systems is also served by the existing water mains. The location of existing fire hydrants is provided in Map C2.0. Table 2 below shows the existing fire protection services for PWF buildings.

Existing Building	Domestic Service Size	Main Providing Service
Main Hospital Building	4 inches 6 inches	Southern main through site (8-inch) Southern main through site (8-inch)
Medical Plaza 1	6 inches	Davis Road (8-inch)
Medical Plaza 2	4 inches	Davis Road (8-inch)
Parking Structure	FDC with 6-inch line from structure	Davis Road (8 inch)

Table 2 – Existing PWF Fire Protection Services

(2) <u>Sanitary Sewer</u>

Separated public sanitary sewer mains exist in the streets adjacent to the PWF site. Sanitary flows from the Medical Plaza 2 building, the parking structure and portions of the main hospital drain to the east to

8-inch mains in Trillium Park Drive, Bean Court and Canyon Court and eventually connect to the existing 18-inch sewer trunk line in the Cascade Highway (213) right-of-way. Medical Plaza 1 and the remainder of the main hospital building drain to the west to 8-inch mains in Division Street and 14th Street respectively. Existing 8-inch mains also exist in both 16th and 15th streets draining to the west. A short extension of 8-inch gravity sewer was installed in Penn Lane with the improvements associated with the Children's Center of Clackamas County project. Force mains from the Children's Center and a residence near the east end of Penn Lane connect to this main. The PWF site area draining to the west was included in the 12th Street Basin of the City of Oregon City Sanitary Sewer Master Plan dated December 2003. For build out conditions in this basin, no future improvements were recommended in the Sanitary Sewer Master Plan. The area draining to the east was not included in this study.

(3) Stormwater Management

According to the City of Oregon City Public Works Stormwater and Grading Design Standards dated December 17, 1999, the site lies within both the Abernethy and Newell drainage basin boundaries.

The majority of the stormwater runoff from the existing PWF site drains via a private system of roof drains, catch basins and conveyance piping to a stormwater detention pond located between Medical Plazas 1 and 2 on the south side of Davis Road. This pond was installed in conjunction with the Medical Plaza 2 project in 2003 and is located in a public easement. The east side of the Division Street right-of-way adjacent to the site as well as approximately 500 feet of Davis Road east of Division Street is also tributary to the pond. The runoff from Division Street is conveyed in a 6-inch public main that connects to a 12-inch main in Davis Street before discharging to the pond. The pond also detains runoff from the paved portion of the Division Street Parking Lot. Stormwater outflow from the pond is routed to the north through a flow control structure to a public 18-inch culvert under Davis Road. The culvert outfalls to an existing tributary of Newell Creek in a water quality resource area (WQRA) on the north side of Davis Road. The City believes this drainage way is then intercepted by another culvert and routed under private property before discharging at the east end of the improved Penn Lane right-of-way.

According to the City's comments in the Pre Application Conference Notes dated July 13, 2011, the pond may be undersized and is discharged in an unapproved pipe across private property before flowing into the tributary of Newell Creek north of Davis Road. The drainage report for the design of the existing detention pond was prepared by Hopper Dennis Jellison dated January 14, 2002. According to the report, the pond was designed using the guidelines set forth in the current City of Oregon City Public Works Stormwater and Grading Design Standards dated December 17, 1999. The report also indicates that the pond and flow control structure was sized to detain runoff from 13.41 acres of public and private property which over-estimates the actual tributary area to the pond. As explained by PWF Facilities personnel recent flooding issues occurring in the area of the pond were due to root intrusion into conveyance piping and were not based on pond sizing. The root intrusion problem has been remedied by Providence and there is no indication that the pond is currently undersized.

Upstream of this pond, water quality is provided for the improvements associated with the Medical Plaza 2 and Parking Structure projects in an underground sand filter located between Davis Road and the building and a water quality manhole.

Runoff from the recent Penn Lane improvements north of Division Street and the gravel portion of the Division Street Parking Lot is conveyed in a new 12-inch diameter storm main to a pond outlet structure at the east end of the right-of-way. The pond outlet discharges into another tributary of Newell Creek within the same WQRA mentioned above. Water quality from the street runoff is provided at the downstream end of the paved improvements in two CONTECH StormFilter Catch Basin devices upstream of the outfall. The storm drainage report for the Penn Lane Improvements prepared by HDJ Design Group dated October 6, 2010 indicates that topographic constraints prohibited the installation of a detention system for the roadway improvements. The report mentions runoff from the proposed Division Street Parking Lot shall be over-detained to account for the un-detained areas of Penn Lane. The Penn Lane improvements project was completed in 2011.

The remainder of the currently developed PWF site drains to the east to two streams in another WQRA east of Trillium Lake Drive. Runoff from portions of the main hospital building's roof as well as from the parking areas in the south and east portions of the site is routed through two separate underground detention tanks with flow control structures. Downstream of the detention systems, 15-inch and 12-inch culverts convey the flows across Trillium Park Drive in public facilities that discharge into the creeks on the east side of the road.

An existing 10-inch main and 6-inch main exist in 16th and 15th Streets respectively just west of Division Street. Division Street generally delineates the top of the drainage conveyance system heading to the west down 16th and 15th Streets. These main lines would be used to convey stormwater runoff from the Phase 3 Medical Office Building Project on the west side of Division Street.

(4) <u>Easements</u>

Existing easements affecting the properties encompassing the Master Plan development area are shown on plan C2.3. Known easements affecting the Master Plan development include storm drainage, sanitary sewer, water and other utilities as well as access and maintenance.

Oregon City Municipal Code Section:

17.65.050.B.1.f

(3) Public facilities impacts (sanitary sewer, water and stormwater management) both within the development boundary and on city-wide systems;

Water

Domestic Water

The PWF Master Plan developments will create additional demand on the City's public water system. The proposed Phase 2 building additions, expansions and remodels will either re-use existing building services or require new services. The Phase 3 new Medical Office Buildings will require new domestic water services from existing public mains. The exact demands and resulting service sizes will be determined during the Detailed Development Plan process for each project. The City indicates in the Pre Application Conference Notes dated July 13, 2011 that a portion of the water system in Division Street has been upgraded but there is more to be completed. City staff has indicated that the intent in the future is to extend the 10-inch main in Division Street from the south edge of PWF property to the 8-inch main in Gilman Drive. Further coordination with City staff has determined that no other public water utility improvements will be required for projects associated with this Master Plan and that these public improvements will be part of a currently unscheduled public works project. Any work on water lines associated with the Master Plan development will be per the current City of Oregon City Public Works Water Standards Manual.

Fire Protection

New fire hydrants will be placed as required for each of the projects associated with this Master Plan. New fire protection service connections will be made and/or relocated as necessary to feed future building sprinkler systems. The final location of the fire hydrants shall be approved by Clackamas County Fire Department and shall be evaluated by the Oregon Fire Code (OFC), Appendix C. Fire flows shall meet the requirements listed under Appendix B of the OFC.

Sanitary Sewer

In general sanitary sewer flows generated from the projects associated with the PWF Master Plan development will either be routed to existing sanitary sewer laterals or require the installation of new sewer laterals connecting to existing public sanitary sewer mains. New or relocated sewer laterals will be designed and installed per the current City of Oregon City Public Works Sanitary Sewer Design Standards. Any existing private sewer laterals affected by the proposed construction will be re-routed as needed.

As mentioned in the analysis of the existing sanitary sewer conditions, the PWF site area draining to the west was included in the 12th Street Basin of the City of Oregon City Sanitary Sewer Master Plan dated

December 2003. For build out conditions in this basin, no future improvements were recommended in the Sanitary Sewer Master Plan. The City has not indicated that specific public sanitary sewer improvements associated with this Master Plan development are required. The City's comments in the Pre Application Conference Notes dated July 13, 2011 indicate that a sanitary sewer master plan update is scheduled to be completed within the next couple of budget years.

Stormwater Management

In general, the strategy for managing stormwater for the projects associated with this Master Plan will include both utilizing existing facilities and installing new facilities. City staff mentioned in the Pre Application meeting that an update to the current drainage standards with a focus on LID design techniques will be released soon. PWF's goal is to implement low impact development (LID) techniques when possible. Stormwater infrastructure will be designed using the most current City of Oregon City Public Works Stormwater and Grading Design Standards at the time of permitting.

The projects associated with Phases 1 and 3 are isolated properties with their own associated stormwater management facilities. Phase 2 projects are located on the main hospital site and will use existing stormwater management facilities when possible. The goal for managing stormwater for all phases is to limit impacts to downstream public stormwater infrastructure and Water Quality Resource Areas (WQRA) including streams, creeks and rivers. Below is a brief discussion on stormwater impacts from each phase.

Phase 1 – Division Street Parking Lot

Stormwater management for this project is shown in the Detailed Development Plan concurrently submitted with this Master Plan. In order to maximize parking space and provide future flexibility when designing the adjacent Phase 3 Medical Office Building, water quality will be provided by proprietary treatment devices and detention is provided in underground tanks. Flows leaving the site will be conveyed to the public 12-inch storm main in Penn Lane before discharging to the tributary of Newell Creek in the existing WQRA. Runoff from the existing paved portion of this site which is currently being detained in the detention pond on the south side of Davis Street will be rerouted to the proposed stormwater management facilities described above. This will relieve the pond of flows from approximately 8,300 square feet of impervious area, thereby providing for a portion of the on-site Phase 2 improvements.

As mentioned in the existing conditions section, Providence encumbrances to over-detain runoff from this parking lot project to account for flow attenuation that was not provided for the recent Penn Lane Improvements. PWF proposes to meet this requirement over the course of the full build out of the Master Plan development using excess capacity created in the existing detention pond or by over-sizing new detention systems required. Because Penn Lane and the Phase 1 and 2 Master Plan areas drain to the same WQRA, the City indicated in the Pre-Application Meeting that the burden of over-detaining the entire Penn Lane Improvements project during the Division Street Parking Lot project is not required.

Phase 2 – Hospital Additions and Remodels

This Phase includes projects that are all located on the main hospital site, the majority of which drain to the existing detention pond. The remainder of the site drains to two underground detention pipe systems in the eastern parking areas. The projects associated with this phase will increase impervious area by approximately 23,540 square feet from existing conditions. PWF plans to utilize the excess capacity in the existing detention pond created during Phase 1 to manage as much of this area as possible. Additional detention facilities may be required as described below if modifications to the other existing, on-site detention facilities are not feasible. Below is a more specific analysis of the individual projects included in Phase 2.

It is anticipated that runoff from the New Front Entry and the Birthplace Expansion projects will be routed to and detained in the existing detention pond.

Runoff from the Central Utility Plant and Outpatient Surgery Expansion projects will be routed to the existing detention tank systems on the east side of the site. The existing flow control structures will be modified and/or additional storage capacity will be added to the tanks to accommodate the increase in-flow rates. If these modifications prove infeasible during detailed development design, new detention systems will be proposed per City standards.

The Second Floor Patient Room and Pharmacy Remodel project and the Second Floor Shell Space Tenant Improvements will not increase or replace impervious area and will not be required to provide additional stormwater management facilities.

New stormwater treatment (water quality) facilities will be provided per City standards for all new impervious areas created with each project in this Phase. As mentioned elsewhere, these will be provided in the form of LID techniques wherever feasible.

The City would like to explore possible retrofit options for the downstream conveyance of the existing detention pond. During the design of the first Phase 2 project with area tributary to the pond, additional coordination will be required with the City.

Phase 3 – Medical Office Buildings

In general, new, stand-alone stormwater management facilities will be designed and installed per current City standards for these projects.

APPENDIX C

2015 Transportation Impact Analysis for Zone Change

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TRANSPORTATION ENGINEERING / PLANNING
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TRANSPORTATION IMPACT ANALYSIS

Date: July 23, 2015 Project #: 19072

To: Christine McKinley and Russ Reinhard, Providence Health & Services
Josh Kolberg, PKA Architects
Stefanie Slyman, Harper Houf Peterson Righellis Inc.

From: Julia Kuhn, P.E., Conor Semler, AICP, and Elizabeth Gordon

Project: Providence Willamette Falls

Subject: Transportation Impact Analysis for the Proposed Zone Change and Comprehensive Plan Amendment

Providence Health & Services (herein referred to as "Providence") is proposing a Master Plan Boundary Change for its Willamette Falls Medical Center. At the same time, they are proposing a Comprehensive Plan Amendment and Zone Change for two of the properties within the boundary. These parcels are located to the west of Division Street between 15th Street and 16th Street, and total 22,500 square feet in size. The change in zoning of these properties will enable the provision of off-street parking to support the medical office building contemplated as part of Phase 3 of the Master Plan on the adjacent property. The property in which the medical office building would be constructed is already contained within the existing Master Plan boundary and is zoned appropriately for its use.

Today, these subject parcels are zoned R-6 – Single Family Dwelling District. Providence would like to rezone these parcels to MUE – Mixed Use Employment District. Title 17 of Oregon City's Municipal Code identifies the permitted uses and dimensional standards allowed under each zoning designation. Per Chapter 17.12, R-6 zoning enables the development of single family homes with a minimum lot size of 6,000 square feet. With these provisions, a reasonable worse case development under the R-6 zoning would enable three single family homes to be developed (assuming 22,500 square feet of property and minimum lot size of 6,000 square feet).

Per Chapter 17.31, MUE allows for a variety of office uses, including hospital and medical office building. The minimum floor area ratio is 0.25, which would enable an approximately 6,000 square foot office building. As noted above, Providence would like to use these properties to supply off-street parking for a future medical office building adjacent to Division Street but not for an actual building. However, for the purposes of addressing Oregon's Transportation Planning Rule (TPR), as defined in Oregon Administrative Rule (OAR) 660-012-0060, a traffic analysis is required to demonstrate whether the zone change could result in a significant impact on the transportation system. This memorandum presents the results of the TPR analysis.

The results of this study indicate that the proposed zone change and Comprehensive Plan Amendment are consistent with the requirements of the TPR and applicable Oregon City transportation-related approval criteria. No mitigation measures or changes to the transportation standards are needed to support the proposed zone change and Comprehensive Plan amendment.

Additional details of the study methodology and findings are provided within this report.

SCOPE OF THE REPORT

This report presents the transportation-related impacts associated with the proposed zone change and Comprehensive Plan Amendment and was prepared in accordance with Oregon City's requirements for a traffic impact study and the TPR (OAR 660-012-0060).

The study intersection and scope of work for this project were developed in coordination with City staff. As part of the study, operational analyses were performed at the intersection of 15th Street and Division Street.

*This report evaluat*es the following transportation scenarios:

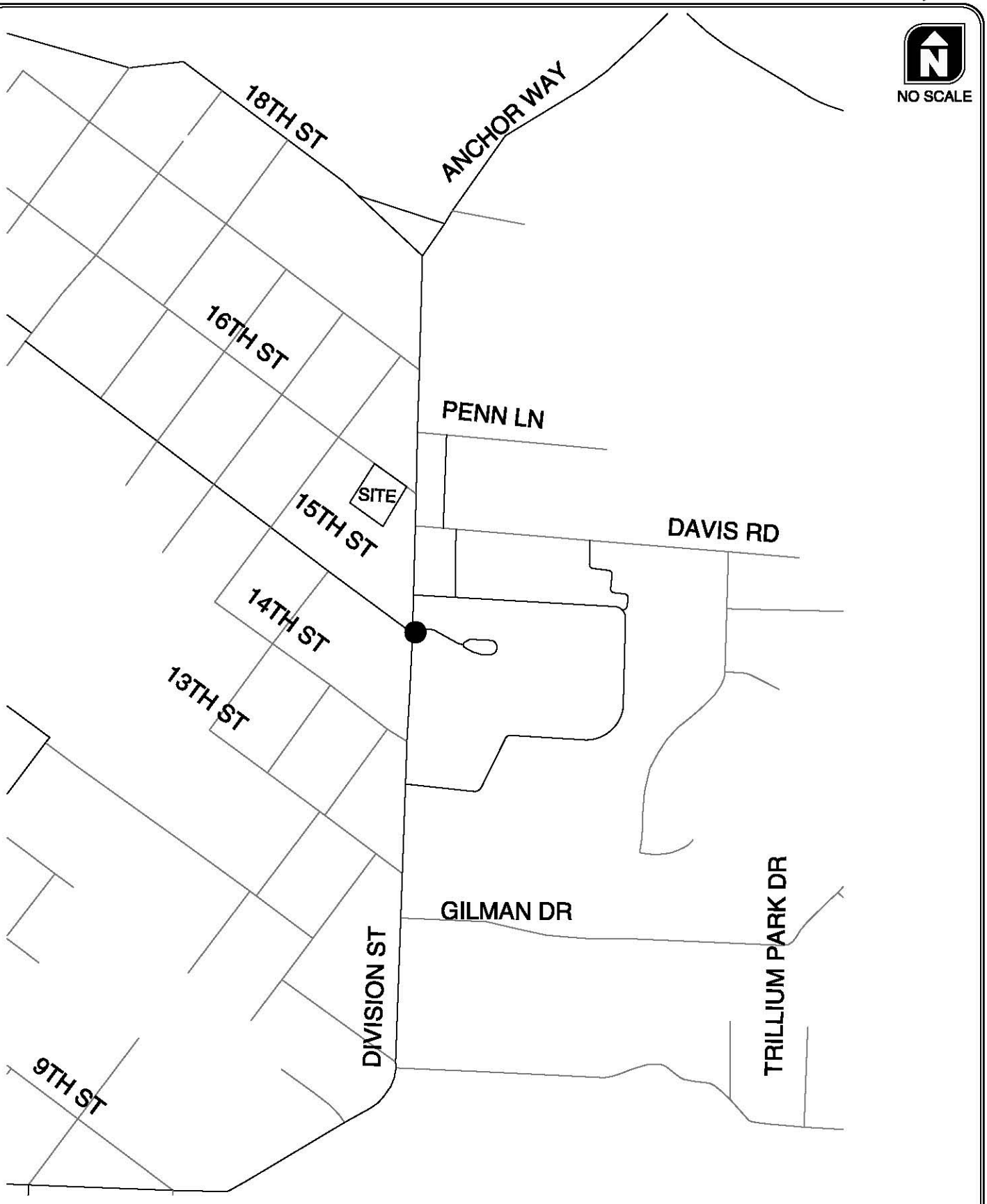
- Year 2015 existing traffic conditions at the study intersection during the weekday AM and PM peak periods;
- Year 2035 existing zoning traffic conditions at the study intersection during the weekday AM and PM peak periods; and,
- Year 2035 proposed zoning traffic conditions at the study intersection during the weekday AM and PM peak periods.

EXISTING CONDITIONS

The existing conditions analysis identifies the site conditions and the current physical and operational characteristics of the transportation facilities and services within the study area. These conditions will be compared with future conditions later in this report.

SITE CONDITIONS AND ADJACENT LAND USES

The parcels that comprise the site are located to the west of Division Street between 15th Street and 16th Street and are a total 22,500 square feet in size. The site is currently occupied by two single-family residential homes. Adjacent land uses include a mix of residential and medical uses. Figure 1 illustrates the site vicinity.



LEGEND

● - STUDY INTERSECTION

SITE VICINITY MAP AND STUDY INTERSECTION
OREGON CITY, OREGON

FIGURE 1

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TRANSPORTATION FACILITIES

Table 1 summarizes the characteristics of the existing transportation facilities in the study area.

Table 1: Existing Transportation Facilities

Roadway	Functional Classification	Number of Lanes	Posted Speed (mph[1])	Sidewalks	Bicycle Lanes	On-Street Parking
Division Street	Collector	2	25	Partial	No	Yes
15th Street	Collector	2	25	Yes	No	Yes
16th Street	Local	2	25	yes	No	Yes

[1]mph represents miles per hour

Figure 2 illustrates the existing lane configurations and traffic control devices at the study intersection.

Pedestrian Facilities

Sidewalks are present on both sides of 15th and 16th Streets and are partially complete on Division Street. If the property is redeveloped in the future, sidewalks will be provided along all site frontages consistent with Oregon City street design standards.

Bicycle Facilities

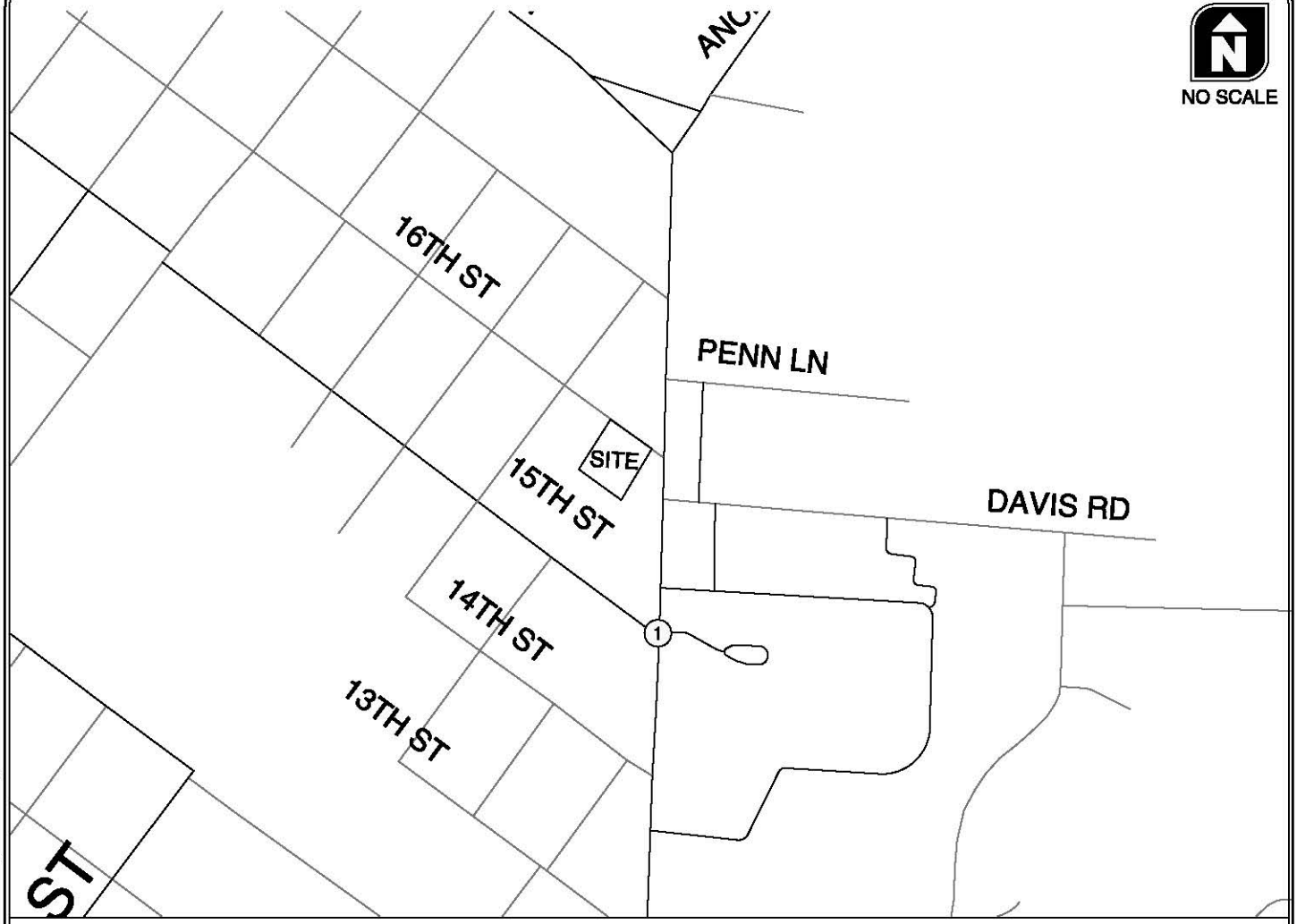
There are no on-street bicycle facilities within the study area. Future site frontage improvements will include bike lanes along 15th Street and Division Street, consistent with Oregon City street design standards.

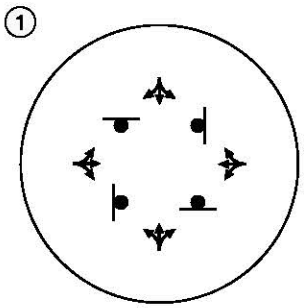
Transit Facilities

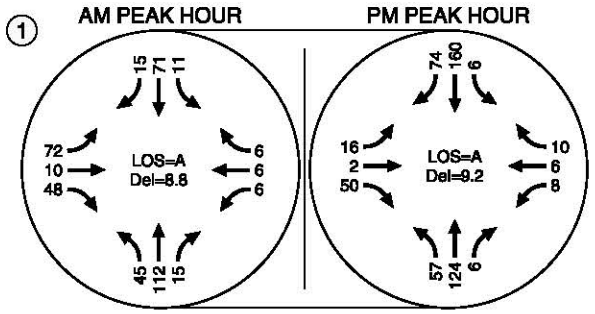
Trimet operates Route 32 – Oatfield on Division Street and 16th Street. During the weekday AM and PM peak periods, Bus 32 provides service between Clackamas Community College and Portland City Center. Outside of the weekday AM and PM peak periods, the route runs from Milwaukie City Center to Clackamas Community College. Weekday service runs from 7:00 AM to 7:00 PM. Saturday service runs between Oregon City Transit Center and Clackamas Community College hourly between 10:00 AM and 5:00 PM. Service is not provided on Sundays. The nearest bus stops are located at the 15th Street/Division Street intersection for southbound buses on Division Street and at the 14th Street/Division Street intersection for northbound buses.

TRAFFIC VOLUMES AND PEAK HOUR OPERATIONS

Manual turning movement counts were conducted at the study intersection in June 2015 on a mid-week day. Figure 2 provides a summary of the measured year 2015 traffic volumes. *Attachment "A" contains the traffic count worksheets used in this study.*







LEGEND

- STOP SIGN

LOS = INTERSECTION LEVEL OF SERVICE

Del = INTERSECTION AVERAGE CONTROL DELAY

EXISTING LANE CONFIGURATIONS, TRAFFIC CONTROL DEVICES AND TRAFFIC OPERATIONS
OREGON CITY, OREGON

FIGURE 2

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Current Levels of Service

All level-of-service analyses described in this report were performed in accordance with the procedures stated in the 2010 *Highway Capacity Manual*. *A description of level of service and the criteria by which it is determined is presented in Attachment "B".* Attachment "B" also indicates how level of service (LOS) is measured and what is generally considered an acceptable range.

Per Oregon City's Transportation System Plan, the applicable mobility standard for unsignalized intersection operations during the peak hour is:

"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."

All intersection level-of-service evaluations used the traffic volumes from the AM and PM peak hours, adjusted with a peak hour factor so that the analysis reflects a reasonable worst-case scenario. For this reason, the analysis reflects conditions that are only likely to occur for 15 minutes out of each average peak hour. The transportation system will likely operate under conditions better than those described in this report during all other time periods.

Figure 2 summarizes the level-of-service analysis results for the study intersection under existing traffic conditions. As shown, the study intersection currently meets the City's LOS "E" standard during the weekday AM and PM peak hours. *Attachment "C" includes the existing traffic conditions level-of-service analysis worksheets.*

TRANSPORTATION PLANNING RULE ANALYSIS

Per Oregon Administrative Rule 660-012-0060, also known as the Transportation Planning Rule (TPR), a zone change and Comprehensive Plan amendment must not create an unmitigated *significant effect* on an existing or planned transportation system. If a significant effect is expected to occur, it must be mitigated within the planning horizon. The City of Oregon City Transportation System Plan (TSP) planning horizon is year 2035. Therefore, in order to determine if there is a significant effect, the following analyses were conducted:

- Year 2035 existing zoning traffic conditions (assuming development of the property under the existing zoning and comprehensive plan designations) at the study intersection during the weekday AM and PM peak periods; and,
- Year 2035 proposed zoning traffic conditions (assuming a reasonable worst case development scenario under the proposed zoning and comprehensive plan designations) at the study intersection during the weekday AM and PM peak periods.

LAND USE SCENARIO DEVELOPMENT

As indicated previously, these subject parcels are currently zoned R-6 – Single Family Dwelling District. Providence would like to rezone these parcels to MUE – Mixed Use Employment District.

Existing Zoning and Comprehensive Plan Designation

Title 17 of Oregon City's Municipal Code identifies the permitted uses and dimensional standards allowed under each zoning designation. Per Chapter 17.12, R-6 zoning enables the development of single family homes with a minimum lot size of 6,000 square feet. With these provisions, a reasonable worse case development under the R-6 zoning would enable three single family homes to be developed (assuming 22,500 square feet of property and minimum lot size of 6,000 square feet).

Proposed Zoning and Comprehensive Plan Designation

The proposed MUE zoning allows for a variety of office uses, including hospital and medical office building. The minimum floor area ratio is 0.25, which would enable an approximately 6,000 square foot office building. As noted above, Providence would like to use these properties to supply off-street parking for a future medical office building adjacent to Division Street but not for an actual building. However, for the purposes of addressing the TPR, a traffic analysis is required to demonstrate whether buildout of the property consistent with the proposed zoning would result in a significant effect on the transportation system.

Trip Generation

A trip generation estimate was prepared for the existing and proposed designations based on information provided in the standard reference manual, *Trip Generation, 9th Edition*, published by the Institute of Transportation Engineers. ITE land use code 210 (Single Family Homes) was used to reflect the existing R-6 designation while ITE land use code 720 (Medical Office Building) was used to reflect the proposed MUE designation. Table 2 summarizes the daily, weekday AM, and weekday PM peak hour trips associated with both designations.

Table 2: Trip Generation Comparison

Land Use	ITE Code	Size	Total Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
				Total Trips	In	Out	Total Trips	In	Out
Existing Zoning - Single Family Homes	210	3 homes	28	2	1	1	3	2	1
Proposed Zoning - Medical Office Building	720	6,000 square feet	216	14	11	3	21	6	15
Proposed Zoning – Existing Zoning			**+188**	**+12**	**+10**	**+2**	**+18**	**+4**	**+14**

YEAR 2035 EXISTING ZONING TRAFFIC CONDITIONS

The existing zoning analysis forecasts how the study area's transportation system will operate in 2035 assuming development of the property consistent with the residential zoning and comprehensive plan designations.

Traffic Volumes

The year 2035 traffic volumes were developed by applying a growth rate of 0.5% per year to existing traffic volumes and adding the number of additional trips expected from the approved Master Plan for Providence Willamette Falls Medical Center. In addition, the residential trips shown in Table 2 were added to account for the buildout of the site under the existing zoning.

Given the site fronts on 16th Street and applying a distribution of 30 percent to the south and 70 percent to the northeast/northwest, only 30 percent of the potential site trips would travel through the 15th Street/Division Street intersection under either zoning scenario.

Intersection Operations

As shown in Figure 3, the study intersection is forecast to continue to operate acceptably under the existing zoning scenario. *Attachment "D" includes the horizon year 2035 existing zoning traffic conditions level-of-service analysis worksheets.*

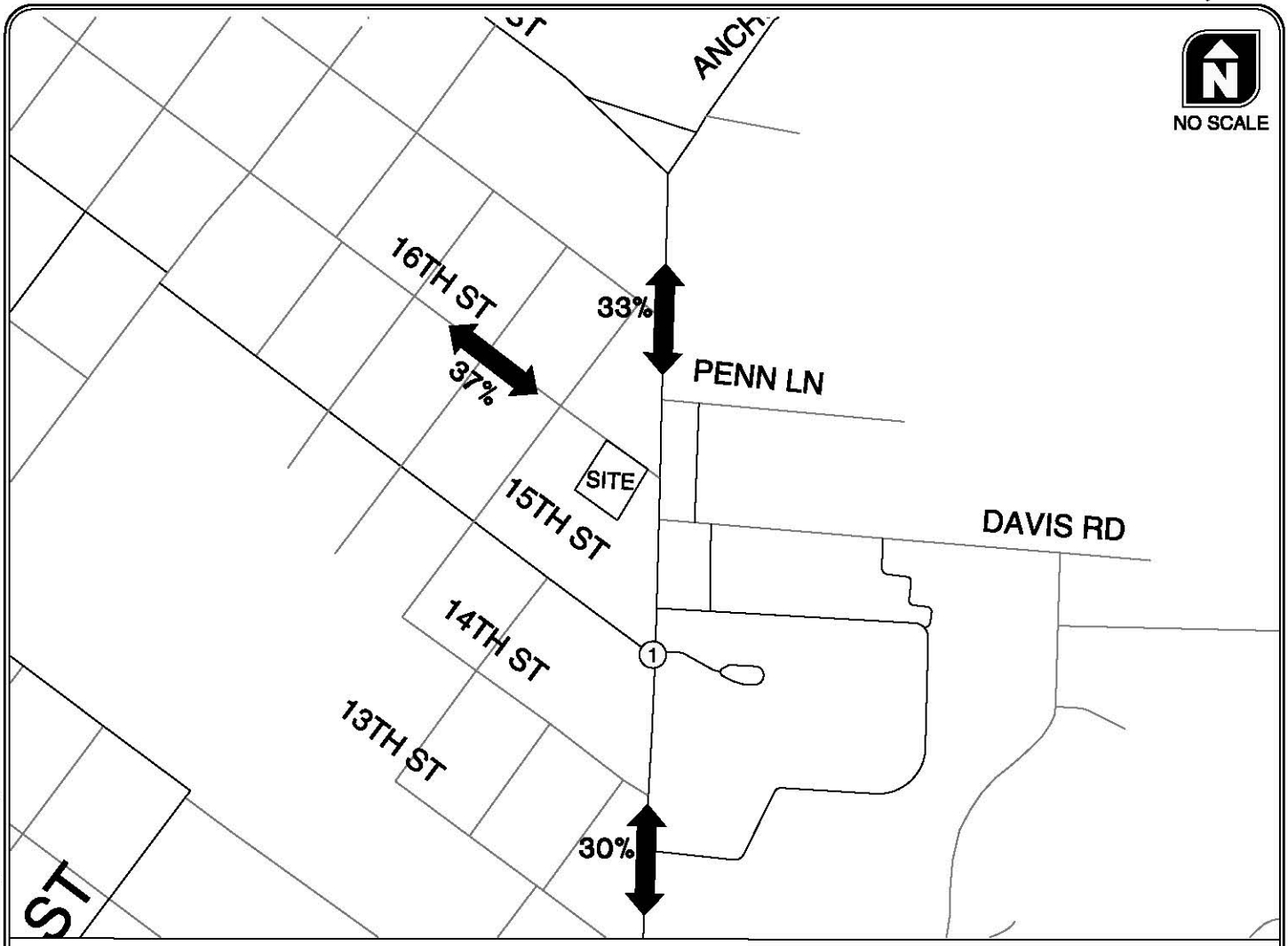
YEAR 2035 PROPOSED ZONING TRAFFIC CONDITIONS

The proposed zoning analysis forecasts how the study intersection will operate assuming a reasonable worst case development under the proposed zone change and Comprehensive Plan Amendment. The medical office building trips shown in Table 2 were distributed onto the study area roadway system based on forecast travel patterns identified in the Providence Willamette Falls Medical Center Master Plan.

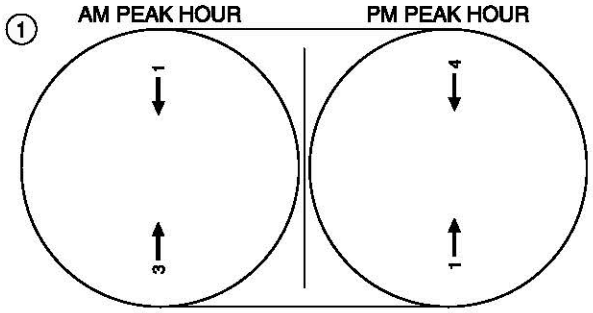
Figure 3 illustrates the future traffic conditions under both the existing and proposed zoning. It illustrates the trip distribution pattern along with the assignment of the proposed zoning trips at the study intersection. The horizon year 2035 existing zoning traffic volumes were added to the net new trips shown to arrive at the year 2035 proposed zoning traffic volumes.

Intersection Operations

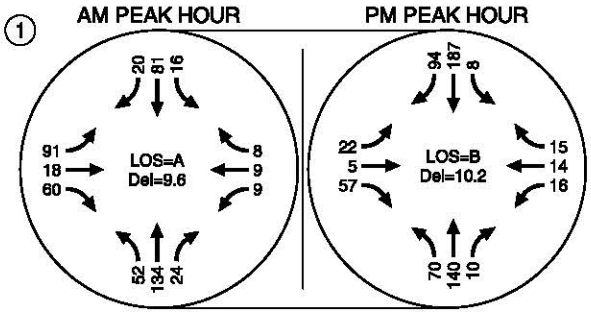
As shown in Figure 3, the study intersection is forecast to continue to operate acceptably assuming the buildout of the property consistent with the proposed zone change and Comprehensive Plan amendment. As such, the proposed amendments do not create a significant effect on the transportation system as defined by the TPR. *Attachment "E" includes the year 2035 proposed zoning traffic conditions level-of-service analysis worksheets.*



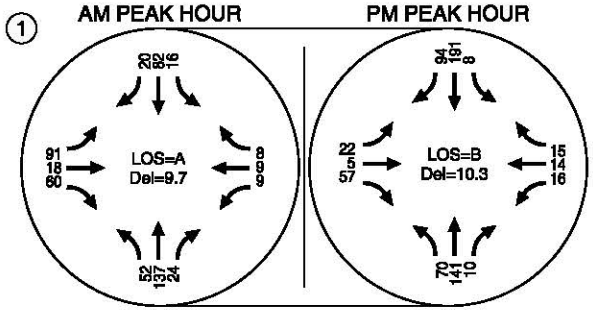
NET NEW TRIPS THROUGH STUDY INTERSECTION



EXISTING ZONING 2035 TRAFFIC OPERATIONS



PROPOSED ZONING 2035 TRAFFIC OPERATIONS



LEGEND

⟷ TRIP DISTRIBUTION PATTERN
LOS = INTERSECTION LEVEL OF SERVICE
Del = INTERSECTION AVERAGE CONTROL DELAY

2035 FUTURE TRAFFIC CONDITIONS
UNDER EXISTING AND PROPOSED ZONING
OREGON CITY, OREGON

FIGURE 3

H:\projfile\19072 - Providence Willamette Falls\dwgs\19072_Fig tta.dwg Jul 23, 2015 - 3:07pm - CBREHMER Layout Tab: Fig03

POLICY REVIEW

Approval of the Comprehensive Plan Amendment is dependent on meeting the criteria outlined in the Transportation Planning Rule (TPR). Table 3 summarizes the criteria identified in the TPR and their applicability to the proposed zone change and Comprehensive Plan Amendment.

Table 3: TPR Criteria

Section	Criteria	Applicable?
1	Describes how to determine if a proposed land use action results in a significant impact.	Yes
2	Describes measures for complying with Criteria #1 where a significant impact is determined.	No
3	Describes measures for complying with Criteria #1 and #2 without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility	No
4	Determinations under Criteria #1, #2, and #3 are coordinated with other local agencies.	No
5	Indicates that the presence of a transportation facility shall not be the basis for an exception to allow development on rural lands.	No
6	Indicates that local agencies should credit developments that provide a reduction in trips.	No
7	Outlines requirements for a local street plan, access management plan, or future street plan.	No
8	Defines a mixed-use, pedestrian-friendly neighborhood	No
9	Indicates that there is not a significant affect if the proposed zoning is consistent with existing plans	No
10	Defines a multi-modal mixed-use area (MMA) and the requirements that support it.	No
11	Encourages establishment of traded-sector jobs	No

As noted in Table 3, there is one criterion that applies to the proposed zone change and Comprehensive Plan Amendment. The criterion is provided below in italics with our response shown in standard font.

(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);

(b) Change standards implementing a functional classification system; or

(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.

Response: Per the analysis described above, the study intersection is forecast to meet Oregon City's operational standards with and without the proposed zone change and Comprehensive Plan Amendment during the weekday AM and PM peak hours, and therefore there is no significant effect. Further, the proposed zone change is consistent with the existing functional classifications of the adjacent street system and adopted standards; no changes to the standards are required as part of the proposed amendments.

CONCLUSION

The results of this study indicate that the proposed zone change and Comprehensive Plan Amendment are consistent with the requirements of the Transportation Planning Rule and applicable City standards. The key findings of this analysis are summarized below.

FINDINGS

- The study intersection operates acceptably during the weekday AM and PM peak hours under all scenarios analyzed.
- Buildout of the property consistent with the zoning designations could result in a net increase of 188 daily trips, including 12 trips (10 inbound, 2 outbound) during the weekday AM peak hour and 18 trips (4 inbound, 14 outbound) during the weekday PM peak hour.
- The proposed zone change and Comprehensive Plan amendment is not anticipated to result in a significant effect on the transportation system, as defined by Oregon's Transportation Planning Rule.
- No mitigation measures or changes to the transportation standards are needed to support the proposed zone change and Comprehensive Plan amendment.

Please let us know if you need any additional information or have any questions about the analysis presented herein.

ATTACHMENTS

A. Traffic Counts

B. Description of Level of Service

C. Existing Traffic Conditions

D. Horizon Year 2035 Existing Zoning Traffic Conditions

E. Horizon Year 2035 Proposed Zoning Traffic Conditions

Type of peak hour being reported: Intersection Peak

Method for determining peak hour: Total Entering Volume

LOCATION: Division St -- 15th St/Providence Dwy

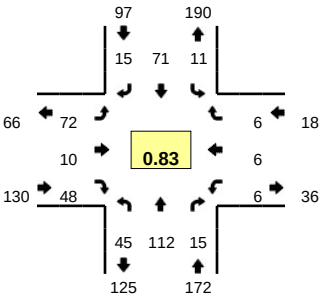
CITY/STATE: Oregon City, OR

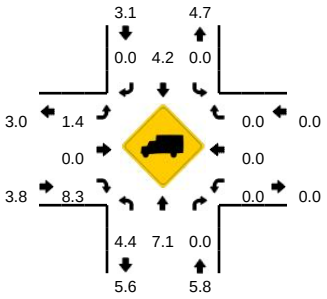
QC JOB #: 13432701

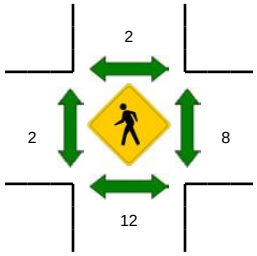
DATE: Tue, Jun 30 2015

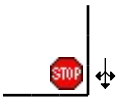
Peak-Hour: 7:35 AM -- 8:35 AM

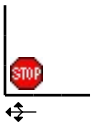
Peak 15-Min: 7:45 AM -- 8:00 AM

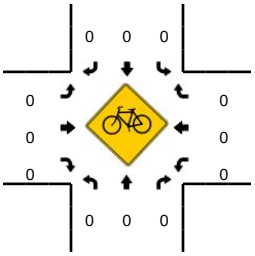


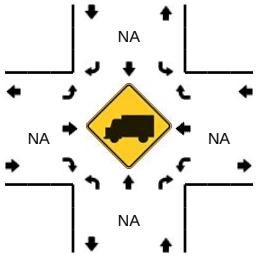


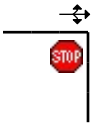


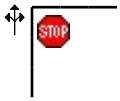


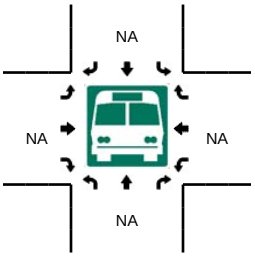












5-Min Count Period Beginning At	Division St (Northbound)				Division St (Southbound)				15th St/Providence Dwy (Eastbound)				15th St/Providence Dwy (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	3	4	0	0	1	2	3	0	4	2	4	0	0	0	0	0	23	
7:05 AM	6	8	1	0	0	1	0	0	3	1	0	0	0	0	1	0	21	
7:10 AM	4	9	0	0	0	5	3	0	1	0	3	0	0	0	0	0	25	
7:15 AM	2	3	1	0	1	7	2	0	4	2	3	0	0	1	1	0	27	
7:20 AM	3	8	1	0	2	6	0	0	3	0	4	0	0	1	1	0	29	
7:25 AM	0	7	1	0	1	7	3	0	3	0	4	0	0	0	1	0	27	
7:30 AM	1	6	0	0	0	6	0	0	6	1	8	0	1	0	0	0	29	
7:35 AM	3	14	1	0	0	5	0	0	4	0	3	0	2	0	2	0	34	
7:40 AM	8	10	0	0	3	7	1	0	4	1	3	0	0	2	0	0	39	
7:45 AM	3	10	2	0	1	6	1	0	10	1	2	0	0	1	1	0	38	
7:50 AM	3	13	4	0	0	11	2	0	4	1	7	0	0	0	0	0	45	
7:55 AM	3	11	0	0	2	9	2	0	8	2	3	0	1	1	0	0	42	379
8:00 AM	5	5	2	0	1	6	0	0	7	2	6	0	1	1	0	0	36	392
8:05 AM	2	9	1	0	2	6	2	0	7	1	3	0	0	0	0	0	33	404
8:10 AM	5	4	0	0	0	2	2	0	7	1	6	0	0	0	0	0	27	406
8:15 AM	2	11	2	0	0	5	0	0	5	0	2	0	0	0	2	0	29	408
8:20 AM	3	6	1	0	0	3	3	0	8	1	5	0	0	0	0	0	30	409
8:25 AM	4	11	1	0	1	4	0	0	3	0	4	0	1	1	0	0	30	412
8:30 AM	4	8	1	0	1	7	2	0	5	0	4	0	1	0	1	0	34	417
8:35 AM	5	11	0	0	0	6	4	0	1	1	2	0	0	0	2	0	32	415
8:40 AM	1	9	1	0	0	7	1	0	6	0	3	0	2	0	1	0	31	407
8:45 AM	3	10	1	0	1	9	6	0	1	3	5	0	1	0	3	0	43	412
8:50 AM	4	9	2	0	3	6	3	0	6	0	2	0	1	1	1	0	38	405
8:55 AM	2	12	1	0	0	10	1	0	5	2	6	0	0	0	0	0	39	402

Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	
All Vehicles	36	136	24	0	12	104	20	0	88	16	48	0	4	8	4	0	500
Heavy Trucks	0	12	0		0	4	0		0	0	4		0	0	0		20
Pedestrians		16				4				0				16			36
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0
Railroad																	
Stopped Buses																	

Comments:

Report generated on 7/20/2015 12:59 PM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net) 1-877-580-2212

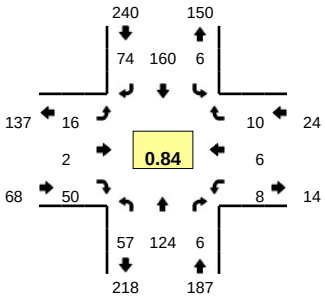
Type of peak hour being reported: Intersection Peak

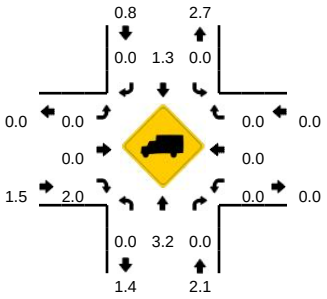
Method for determining peak hour: Total Entering Volume

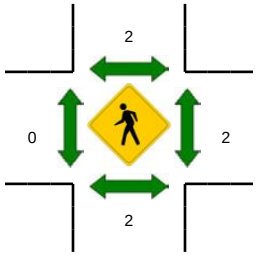
LOCATION: Division St -- 15th St/Providence Dwy
CITY/STATE: Oregon City, OR

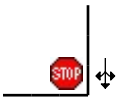
QC JOB #: 13432702
DATE: Tue, Jun 30 2015

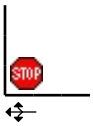
Peak-Hour: 4:20 PM -- 5:20 PM
Peak 15-Min: 4:20 PM -- 4:35 PM

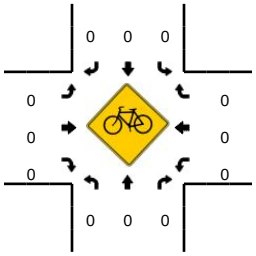


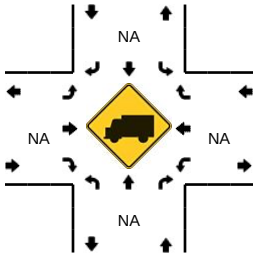


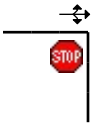


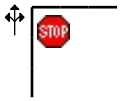


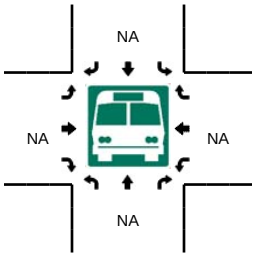












5-Min Count Period Beginning At	Division St (Northbound)				Division St (Southbound)				15th St/Providence Dwy (Eastbound)				15th St/Providence Dwy (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	3	5	1	0	0	8	4	0	2	1	6	0	1	1	1	0	33	
4:05 PM	13	8	1	0	0	9	7	0	2	1	4	0	0	1	0	0	46	
4:10 PM	3	11	0	0	2	9	5	0	3	0	5	0	0	3	1	0	42	
4:15 PM	8	8	0	0	0	11	3	0	2	0	4	0	2	0	0	0	38	
4:20 PM	11	12	1	0	1	11	11	0	4	0	4	0	2	1	2	0	60	
4:25 PM	4	17	0	0	0	13	4	0	1	1	3	0	0	1	0	0	44	
4:30 PM	7	8	0	0	2	16	9	0	1	0	6	0	0	0	2	0	51	
4:35 PM	2	11	1	0	1	11	8	0	1	0	4	0	0	0	2	0	41	
4:40 PM	5	10	0	0	0	14	3	0	0	0	7	0	0	0	0	0	39	
4:45 PM	1	9	0	0	0	15	1	0	2	0	2	0	1	0	1	0	32	
4:50 PM	4	5	2	0	1	17	7	0	4	0	1	0	0	2	0	0	43	
4:55 PM	5	9	0	0	0	11	1	0	1	0	7	0	1	0	0	0	35	504
5:00 PM	3	11	0	0	0	12	10	0	0	0	4	0	1	0	0	0	41	512
5:05 PM	7	14	1	0	0	17	6	0	0	1	3	0	1	1	0	0	51	517
5:10 PM	5	9	0	0	0	11	9	0	1	0	2	0	0	1	1	0	39	514
5:15 PM	3	9	1	0	1	12	5	0	1	0	7	0	2	0	2	0	43	519
5:20 PM	5	12	0	0	1	15	2	0	1	0	4	0	0	0	0	0	40	499
5:25 PM	2	9	1	0	0	13	2	0	0	1	2	0	2	0	1	0	33	488
5:30 PM	7	2	0	0	0	9	4	0	0	0	1	0	0	1	0	0	24	461
5:35 PM	5	11	2	0	2	10	8	0	1	2	5	0	0	1	0	0	47	467
5:40 PM	4	6	1	0	0	12	5	0	2	0	3	0	0	0	1	0	34	462
5:45 PM	3	6	1	0	0	10	4	0	1	0	4	0	3	0	1	0	33	463
5:50 PM	2	8	1	0	0	16	2	0	0	0	5	0	1	0	0	0	35	455
5:55 PM	2	5	0	0	0	5	2	0	1	1	2	0	0	2	1	0	21	441

Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	
All Vehicles	88	148	4	0	12	160	96	0	24	4	52	0	8	8	16	0	620
Heavy Trucks	0	4	0		0	0	0		0	0	0		0	0	0		4
Pedestrians		0				0				0				0			0
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0
Railroad																	
Stopped Buses																	

Comments:

Report generated on 7/20/2015 12:59 PM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net) 1-877-580-2212

Attachment B Description of Level-of-Service

DESCRIPTION OF LEVEL-OF-SERVICE

Level of service (LOS) is a concept developed to quantify the degree of comfort (including such elements as travel time, number of stops, total amount of stopped delay, and impediments caused by other vehicles) afforded to drivers as they travel through an intersection or roadway segment. Six grades are used to denote the various level of service from "A" to "F".1

Signalized Intersections

The six level-of-service grades are described qualitatively for signalized intersections in Table B1. Additionally, Table B2 identifies the relationship between level of service and average control delay per vehicle. Control delay is defined to include initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. Using this definition, Level of Service "D" is generally considered to represent the minimum acceptable design standard.

Table B1: Level-of-Service Definitions (Signalized Intersections)

Level of Service	Average Delay per Vehicle
A	Very low average control delay, less than 10 seconds per vehicle. This occurs when progression is extremely favorable, and most vehicles arrive during the green phase. Most vehicles do not stop at all. Short cycle lengths may also contribute to low delay.
B	Average control delay is greater than 10 seconds per vehicle and less than or equal to 20 seconds per vehicle. This generally occurs with good progression and/or short cycle lengths. More vehicles stop than for a level of service A, causing higher levels of average delay.
C	Average control delay is greater than 20 seconds per vehicle and less than or equal to 35 seconds per vehicle. These higher delays may result from fair progression and/or longer cycle lengths. Individual cycle failures may begin to appear at this level. The number of vehicles stopping is significant at this level, although many still pass through the intersection without stopping.
D	Average control delay is greater than 35 seconds per vehicle and less than or equal to 55 seconds per vehicle. The influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable progression, long cycle length, or high volume/capacity ratios. Many vehicles stop, and the proportion of vehicles not stopping declines. Individual cycle failures are noticeable.
E	Average control delay is greater than 55 seconds per vehicle and less than or equal to 80 seconds per vehicle. This is usually considered to be the limit of acceptable delay. These high delay values generally (but not always) indicate poor progression, long cycle lengths, and high volume/capacity ratios. Individual cycle failures are frequent occurrences.
F	Average control delay is in excess of 80 seconds per vehicle. This is considered to be unacceptable to most drivers. This condition often occurs with oversaturation. It may also occur at high volume/capacity ratios below 1.0 with many individual cycle failures. Poor progression and long cycle lengths may also contribute to such high delay values.

1 Most of the material in this appendix is adapted from the Transportation Research Board, Highway Capacity Manual, (2000).

Table B2: Level-of-Service Criteria for Signalized Intersections

Level of Service	Average Control Delay per Vehicle (Seconds)
A	<10.0
B	>10 and [20
C	>20 and [35
D	>35 and [55
E	>55 and [80
F	>80

Unsignalized Intersections

Unsignalized intersections include two-way stop-controlled (TWSC) and all-way stop-controlled (AWSC) intersections. The 2000 Highway Capacity Manual (HCM) provides models for estimating control delay at both TWSC and AWSC intersections. A qualitative description of the various service levels associated with an unsignalized intersection is presented in Table B3. A quantitative definition of level of service for unsignalized intersections is presented in Table B4. Using this definition, Level of Service "E" is generally considered to represent the minimum acceptable design standard.

Table B3: Level-of-Service Criteria for Unsignalized Intersections

Level of Service	Average Delay per Vehicle to Minor Street
A	• Nearly all drivers find freedom of operation. • Very seldom is there more than one vehicle in queue.
B	• Some drivers begin to consider the delay an inconvenience. • Occasionally there is more than one vehicle in queue.
C	• Many times there is more than one vehicle in queue. • Most drivers feel restricted, but not objectionably so.
D	• Often there is more than one vehicle in queue. • Drivers feel quite restricted.
E	• Represents a condition in which the demand is near or equal to the probable maximum number of vehicles that can be accommodated by the movement. • There is almost always more than one vehicle in queue. • Drivers find the delays approaching intolerable levels.
F	• Forced flow. • Represents an intersection failure condition that is caused by geometric and/or operational constraints external to the intersection.

Table B4: Level-of-Service Criteria for Unsignalized Intersections

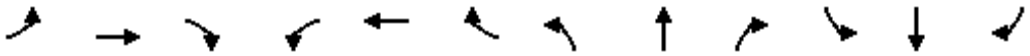
Level of Service	Average Control Delay per Vehicle (Seconds)
A	<10.0
B	>10.0 and ≤ 15.0
C	>15.0 and ≤ 25.0
D	>25.0 and ≤ 35.0
E	>35.0 and ≤ 50.0
F	>50.0

It should be noted that the level-of-service criteria for unsignalized intersections are somewhat different than the criteria used for signalized intersections. The primary reason for this difference is that drivers expect different levels of performance from different kinds of transportation facilities. The expectation is that a signalized intersection is designed to carry higher traffic volumes than an unsignalized intersection. Additionally, there are a number of driver behavior considerations that combine to make delays at signalized intersections less galling than at unsignalized intersections. For example, drivers at signalized intersections are able to relax during the red interval, while drivers on the minor street approaches to TWSC intersections must remain attentive to the task of identifying

acceptable gaps and vehicle conflicts. Also, there is often much more variability in the amount of delay experienced by individual drivers at unsignalized intersections than signalized intersections. For these reasons, it is considered that the control delay threshold for any given level of service is less for an unsignalized intersection than for a signalized intersection. While overall intersection level of service is calculated for AWSC intersections, level of service is only calculated for the minor approaches and the major street left-turn movements at TWSC intersections. No delay is assumed to the major street through movements. For TWSC intersections, the overall intersection level of service remains undefined: level of service is only calculated for each minor street lane.

In the performance evaluation of TWSC intersections, it is important to consider other measures of effectiveness (MOEs) in addition to delay, such as v/c ratios for individual movements, average queue lengths, and 95th-percentile queue lengths. By focusing on a single MOE for the worst movement only, such as delay for the minor-street left-turn, users may make inappropriate traffic control decisions. The potential for making such inappropriate decisions is likely to be particularly pronounced when the HCM level-of-service thresholds are adopted as legal standards, as is the case in many public agencies.

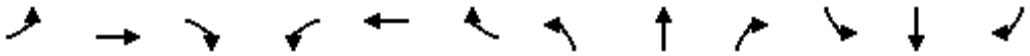
Attachment C Existing Traffic Conditions



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Sign Control		Stop			Stop			Stop			Stop	
Traffic Volume (vph)	72	10	48	6	6	6	45	112	15	11	71	15
Future Volume (vph)	72	10	48	6	6	6	45	112	15	11	71	15
Peak Hour Factor	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83
Hourly flow rate (vph)	87	12	58	7	7	7	54	135	18	13	86	18

Direction, Lane #	EB 1	WB 1	NB 1	SB 1
Volume Total (vph)	157	21	207	117
Volume Left (vph)	87	7	54	13
Volume Right (vph)	58	7	18	18
Hadj (s)	-0.05	-0.13	0.10	-0.02
Departure Headway (s)	4.6	4.7	4.6	4.6
Degree Utilization, x	0.20	0.03	0.26	0.15
Capacity (veh/h)	721	690	754	743
Control Delay (s)	8.8	7.9	9.2	8.4
Approach Delay (s)	8.8	7.9	9.2	8.4
Approach LOS	A	A	A	A

Intersection Summary				
Delay	8.8			
Level of Service	A			
Intersection Capacity Utilization	35.1%	ICU Level of Service	A	
Analysis Period (min)	15			

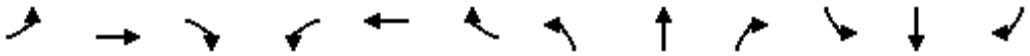


Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Sign Control		Stop			Stop			Stop			Stop	
Traffic Volume (vph)	16	2	50	8	6	10	57	124	6	6	160	74
Future Volume (vph)	16	2	50	8	6	10	57	124	6	6	160	74
Peak Hour Factor	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84
Hourly flow rate (vph)	19	2	60	10	7	12	68	148	7	7	190	88

Direction, Lane #	EB 1	WB 1	NB 1	SB 1
Volume Total (vph)	81	29	223	285
Volume Left (vph)	19	10	68	7
Volume Right (vph)	60	12	7	88
Hadj (s)	-0.37	-0.18	0.08	-0.17
Departure Headway (s)	4.7	5.0	4.6	4.3
Degree Utilization, x	0.11	0.04	0.28	0.34
Capacity (veh/h)	685	639	761	813
Control Delay (s)	8.3	8.2	9.3	9.4
Approach Delay (s)	8.3	8.2	9.3	9.4
Approach LOS	A	A	A	A

Intersection Summary				
Delay	9.2			
Level of Service	A			
Intersection Capacity Utilization	38.1%	ICU Level of Service	A	
Analysis Period (min)	15			

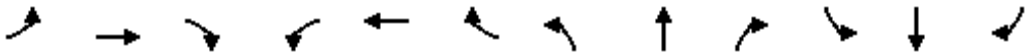
Attachment D Horizon Year 2035 Existing Zoning Traffic Conditions



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Sign Control		Stop			Stop			Stop			Stop	
Traffic Volume (vph)	91	18	60	9	9	8	52	134	24	16	81	20
Future Volume (vph)	91	18	60	9	9	8	52	134	24	16	81	20
Peak Hour Factor	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83
Hourly flow rate (vph)	110	22	72	11	11	10	63	161	29	19	98	24

Direction, Lane #	EB 1	WB 1	NB 1	SB 1
Volume Total (vph)	204	32	253	141
Volume Left (vph)	110	11	63	19
Volume Right (vph)	72	10	29	24
Hadj (s)	-0.05	-0.12	0.07	-0.03
Departure Headway (s)	4.9	5.0	4.8	4.8
Degree Utilization, x	0.28	0.04	0.33	0.19
Capacity (veh/h)	687	635	721	700
Control Delay (s)	9.7	8.3	10.1	8.9
Approach Delay (s)	9.7	8.3	10.1	8.9
Approach LOS	A	A	B	A

Intersection Summary				
Delay	9.6			
Level of Service	A			
Intersection Capacity Utilization	40.2%	ICU Level of Service	A	
Analysis Period (min)	15			

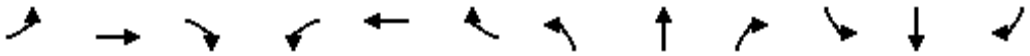


Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Sign Control		Stop			Stop			Stop			Stop	
Traffic Volume (vph)	22	5	57	16	14	15	70	140	10	8	187	94
Future Volume (vph)	22	5	57	16	14	15	70	140	10	8	187	94
Peak Hour Factor	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84
Hourly flow rate (vph)	26	6	68	19	17	18	83	167	12	10	223	112

Direction, Lane #	EB 1	WB 1	NB 1	SB 1
Volume Total (vph)	100	54	262	345
Volume Left (vph)	26	19	83	10
Volume Right (vph)	68	18	12	112
Hadj (s)	-0.33	-0.13	0.07	-0.18
Departure Headway (s)	5.1	5.3	4.8	4.5
Degree Utilization, x	0.14	0.08	0.35	0.43
Capacity (veh/h)	629	585	721	774
Control Delay (s)	8.9	8.8	10.3	10.7
Approach Delay (s)	8.9	8.8	10.3	10.7
Approach LOS	A	A	B	B

Intersection Summary				
Delay	10.2			
Level of Service	B			
Intersection Capacity Utilization	43.8%	ICU Level of Service	A	
Analysis Period (min)	15			

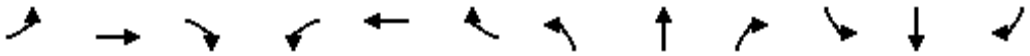
Attachment E Horizon Year 2035 Proposed Zoning Traffic Conditions



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Sign Control		Stop			Stop			Stop			Stop	
Traffic Volume (vph)	91	18	60	9	9	8	52	137	24	16	82	20
Future Volume (vph)	91	18	60	9	9	8	52	137	24	16	82	20
Peak Hour Factor	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83
Hourly flow rate (vph)	110	22	72	11	11	10	63	165	29	19	99	24

Direction, Lane #	EB 1	WB 1	NB 1	SB 1
Volume Total (vph)	204	32	257	142
Volume Left (vph)	110	11	63	19
Volume Right (vph)	72	10	29	24
Hadj (s)	-0.05	-0.12	0.07	-0.03
Departure Headway (s)	4.9	5.1	4.8	4.8
Degree Utilization, x	0.28	0.04	0.34	0.19
Capacity (veh/h)	685	633	720	699
Control Delay (s)	9.7	8.3	10.2	8.9
Approach Delay (s)	9.7	8.3	10.2	8.9
Approach LOS	A	A	B	A

Intersection Summary				
Delay	9.7			
Level of Service	A			
Intersection Capacity Utilization	40.4%	ICU Level of Service	A	
Analysis Period (min)	15			



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Sign Control		Stop			Stop			Stop			Stop	
Traffic Volume (vph)	22	5	57	16	14	15	70	141	10	8	191	94
Future Volume (vph)	22	5	57	16	14	15	70	141	10	8	191	94
Peak Hour Factor	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84
Hourly flow rate (vph)	26	6	68	19	17	18	83	168	12	10	227	112

Direction, Lane #	EB 1	WB 1	NB 1	SB 1
Volume Total (vph)	100	54	263	349
Volume Left (vph)	26	19	83	10
Volume Right (vph)	68	18	12	112
Hadj (s)	-0.33	-0.13	0.07	-0.18
Departure Headway (s)	5.1	5.4	4.8	4.5
Degree Utilization, x	0.14	0.08	0.35	0.43
Capacity (veh/h)	627	583	720	774
Control Delay (s)	8.9	8.8	10.3	10.8
Approach Delay (s)	8.9	8.8	10.3	10.8
Approach LOS	A	A	B	B

Intersection Summary				
Delay	10.3			
Level of Service	B			
Intersection Capacity Utilization	44.1%	ICU Level of Service	A	
Analysis Period (min)	15			

APPENDIX D

2012 Notice of Decision and Condition of Approval

NOTICE OF LAND USE DECISION

DATE OF MAILING OF THE DECISION: March 1, 2012

FILE NO.: CP 11-01: Master Plan
DP 11-03: Detailed Development Plan
NR 11-05: Natural Resource Overlay Exemption
LL 11-07: Lot Line Adjustment

APPLICATION TYPE: Type III

APPLICANT/ OWNER: Providence Willamette Falls Medical Center
C/o Russell Reinhard
1500 Division Street
Oregon City, Oregon 97045

REPRESENTATIVE: Peterson Kolberg & Associates
C/o Steve Kolberg
6969 SW Hampton Street
Portland, Oregon 97223

REQUEST: The applicant submitted a Concept (General) Development Plan, Detailed Development Plan, Lot Line Adjustment and Natural Resource Overlay District Exemption to analyze the build out of the Providence Willamette Falls Hospital over the next 10 years and construct a parking lot.

LOCATION: 1500 Division Street, Oregon City, OR 97045
Clackamas County Map 2-2EAB, Tax Lots 1201, 1900, 2000, 2100, 2200, 2400, 2500, 2800, 2900, 3100, 3900, 4000, 4100, 4200, 4400, 4600
Clackamas County Map 2-2E-32AA, TL 400 and
Clackamas County Map 2-2E-32AC, TL 101, 201

DECISION: Approval with Conditions.

On February 27, 2012, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opponents and interested parties, the Planning Commission concluded by a 5-0 vote that the applications would meet the requirements of each applicable section of the Oregon City Municipal Code as proposed by the applicant or with conditions adopted by the Commission. Therefore, the Planning Commission adopts as their own the staff report with conditions and approves with conditions the application.

The decision of the Planning Commission is final unless appealed to the City Commission within fourteen (14) days following the mailing of this notice. Only persons who participated in the process, either through written comments or public testimony, may appeal this limited land use decision. The request for a hearing shall be in writing. The request for a hearing shall demonstrate how the party is aggrieved or how the proposal does not meet the applicable criteria. The application, decision (including specific

conditions of approval), and supporting documents are available for inspection at the Oregon City Planning Division. Copies of these documents are available (for a fee) upon request.

A city-recognized neighborhood association with standing that is requesting an appeal fee waiver 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.

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

CONDITIONS OF APPROVAL

CP 11-01: Master Plan, DP 11-03: Detailed Development Plan,
NR 11-05: Natural Resource Overlay Exemption and LL 11-07: Lot Line Adjustment

1. The applicant shall construct this development as proposed in this application and as required by the attached conditions of approval.
2. Prior to issuance of the first Detailed Development Plan for Phase 3, the applicant shall submit documentation demonstrating that the master plan complies with the minimum floor area ratio of 0.25. *(P)*
3. Prior to issuance of permits associated with the Detailed Development Plan for Phase 1, the applicant shall submit a revised calculation demonstrating the master plan does not have more than eighty percent site coverage of buildings and parking lots. *(P)*
4. Prior to issuance of permits associated with the Detailed Development Plan for Phase 1, the applicant shall submit a revised calculation demonstrating compliance with the minimum landscaping standards in Chapter 17.31.060.G and 17.62.050.A.1 of the Oregon City Municipal Code. *(P)*
5. The applicant shall install the following public improvements as required.
    - Division Street, a Minor Arterial, would be improved with each phase of the Master Plan as follows:
        - Phase 1 (Parking Lot Improvements between Davis Road and Penn Lane): Construction of 2.5-foot wide full depth pavement restoration adjacent to new curb and gutter, 8 ft sidewalk with 4- by 6-ft tree wells, bike lane striping and markings, street lighting, and street trees.
        - Phase 2 (Front Entry Improvements and Birthplace Expansion): Match improvements from ED expansion approved in CU 03-03, including but not limited to a 4-foot ROW dedication across Tax Lot 1900 and 2000. Construction of full depth pavement restoration from the northern end of the ED improvements to Davis Road for a width of 26 feet on the eastern half and 10 feet on the opposing side. New curb and gutter, 8-foot sidewalk with 4- by 6-ft tree wells, bike lane striping and markings, street lighting, and street trees.
        - Phase 3 (East MOB): Construction of full depth pavement restoration between Davis Road and Penn Lane for a width of 20 feet on the eastern half (2-inch mill on the easternmost 2.5 feet done in Phase 1) and 10 feet on the opposing side.
        - Phase 3 (West MOB): A 4-foot ROW dedication from 15th Street to 16th Street to provide 34 feet from centerline on the west side. Construction of full depth pavement restoration between 15th Street and 16th Street for a width of 26 feet on the western half and 10 feet on the opposing side (if not completed by other phases). Construction of curb and gutter, 8 ft sidewalk with 4- by 6-ft tree wells, bike lane striping and markings, street lighting, and street trees.
    - Davis Road, a Local Street, would be improved with Phase 1 and 2 of the Master Plan as follows:
        - Phase 1 (Parking Lot Improvements between Davis Road and Penn Lane): A 1-foot street dedication. Construction of 2.5-foot wide full depth pavement restoration adjacent to new curb and gutter, 4.5-foot planter strip with street trees, 5 ft sidewalk, and street lighting. Provide opposing ADA ramp at southeast corner of Davis Road/Division Street.
        - Phase 2 (Front Entry Improvements): Dedication to result in 26.5 feet of ROW on the southern side. Construction of pavement restoration as determined by Applicant's Engineer's analysis/design (and

coordination with City's Pavement Condition Index at time of design). Construction of 2.5-foot wide full depth pavement restoration adjacent to new curb and gutter, 4.5-foot planter strip with street trees, 5 ft sidewalk, and street lighting.

- 15th Street, a Collector, would be improved with Phase 3 of the Master Plan as follows:
  - Phase 3 (West MOB): There is 38 feet of existing pavement, with 19 feet on the MOB side. Construction of pavement restoration as determined by applicant's engineer's analysis/design (and coordination with City's Pavement Condition Index at time of design) across the tax lot frontages for a width of 19 feet on the northern half and 10 feet on the opposing side. Evaluation of the existing street lighting and install as necessary to meet current IES. Installation of street trees in existing planter strip and bike route signs.
- Penn Lane, a Local Street, would be improved with Phase 3 of the Master Plan as follows:
  - Phase 3 (East MOB): Construction of full pavement section adjacent to 1716 Penn Lane for a width of about 6 feet on the southern half with curb and gutter, 4.5-foot planter strip, 5-foot sidewalk, street trees, and street lighting.

Although this Master Plan approval is for all three phases of the project, it is not possible at this time to determine what transportation improvements may be required to mitigate impacts on the transportation system from Phases 2 and 3 which would be constructed up to 10 years in the future. A determination of the adequacy of the existing traffic infrastructure, the extent of the Providence Willamette Falls impacts, what improvements in the form of mitigation measures will be required, and/or the portion of the construction costs of those measures which should be borne by the Providence Willamette Falls, will be made at the time of consideration of the detailed development plan for each Phase 2 and 3. Cost estimates shall be based on estimates contained in the Regional Transportation Plan or Oregon City Transportation System Plan, whichever is most current, with cost estimates updated by applying a published construction cost index. For projects already programmed for construction, the final project cost of most current cost estimates shall be utilized. If the impacts cannot be adequately mitigated based on the standards in effect at the time of filing the detailed development application, the detailed development plan will be denied. *(P and DS)*

6. The applicant is responsible for this project's compliance with Engineering Policy 00-01. *(DS)*
7. Prior to issuance of permits associated with the Detailed Development Plan for Phase 1, the applicant shall install a pedestrian accessway within or adjacent to the proposed parking lot which complies with the Oregon City Municipal Code and provides safe access to pedestrians walking from the northern portion of the parking lot south towards the main hospital facility. *(P)*
8. During the Detailed Development Plan reviews, the applicant shall provide connection to new/existing water lines for new future facilities as required by plumbing code. *(DS)*
9. During the Detailed Development Plan reviews, the applicant shall provide connection to new/existing sanitary sewer for new future facilities as required by plumbing code. *(DS)*
10. The applicant shall provide stormwater facilities as necessary for street improvements and facility construction. Downstream conveyance calculations/analysis shall be performed for all existing storm systems where the applicant's new facilities increase the stormwater flow. *(DS)*
11. The applicant shall comply with the Oregon City Stormwater Design Standards and evaluate the existing stormwater facilities on 15th Street during Phase 3, West MOB. Current street curb drainage flow on 15th Street exceeds the 400-foot length standard on the north side. Construct a curb basin to connect into the eastern end of the storm line as necessary. *(DS)*
12. During each of the Detailed Development Plan reviews, the applicant shall provide site analysis to determine extent of stormwater detention and water quality that are required by the current code and implement appropriate Low Impact Design efforts. *(DS)*
13. New fire hydrants would be placed according to fire department code at the time of individual Detailed Development Plan review. *(DS)*
14. The development proposal shall be reviewed for compliance with the Clackamas County Fire Department upon submittal of the Detailed Development Plan. *(DS)*
15. In order to mitigate the impact of the adjustment to increase the number of contiguous parking stalls permitted without landscape strips, the applicant shall increase the minimum interior parking lot landscaping from 10% to 12%. The applicant may choose not to utilize the adjustment for a particular parking lot. If a parking lot

does not utilize the adjustment and provides no more than eight contiguous parking spaces without an interior landscape strip, the applicant does not have to increase the minimum interior parking lot landscaping for that parking lot from 10% to 12%. *(P)*

16. Prior to issuance of permits associated with the Detailed Development Plan for Phase 1, the applicant shall submit a tree mitigation plan displaying the location of the 4 mitigation trees per OCMC Chapter 17.41. *(P)*
17. Prior to issuance of permits associated with the Detailed Development Plan for Phase 1, the applicant shall submit documentation displaying compliance with the tree protection standards in OCMC Chapter 17.41.130 of the Oregon City Municipal Code. *(P)*
18. Prior to issuance of permits associated with any Detailed Development Plan, the applicant shall demonstrate that the subject site provides sufficient parking for the proposed development to demonstrate compliance with the number of parking spaces required in OCMC 17.52.020 and that all loss of existing parking due to nonconforming upgrades has been mitigated by installing an additional parking stall onsite. Prior to issuance of permits associated with the Detailed Development Plan for Phase 3, the applicant shall demonstrate that the Providence Willamette Falls campus associated with the Master Plan complies with the with the number of parking spaces required in OCMC 17.52.020. *(P)*
19. Prior to issuance of permits associated with the Detailed Development Plan for Phase 1, the applicant shall submit documentation indicating the minimum required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use. *(P)*
20. Prior to issuance of permits associated with the Detailed Development Plan for Phase 3, the applicant shall submit sufficient documentation to demonstrate the subject site complies with the carpool and vanpool parking standards in OCMC Chapter 17.52.030.E. *(P)*
21. Prior to issuance of permits associated with any Detailed Development Plan, the applicant shall demonstrate that the subject site provides sufficient bicycle parking for the proposed development to demonstrate compliance OCMC 17.52.040. Prior to issuance of permits associated with the Detailed Development Plan for Phase 3, the applicant shall demonstrate that the Providence Willamette Falls campus associated with the Master Plan complies with the with the bicycle parking spaces required in OCMC 17.52.040. *(P)*
22. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit a revised landscaping plan with landscaping in all areas of the parking lot which are not used for parking, maneuvering, or circulation. *(P)*
23. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit a revised landscaping plan with a street tree from the Oregon City Street Tree List for the appropriate tree well width or documentation from the a certified arborist demonstrating the appropriateness of the tree species and documentation demonstrating that all required landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper) and planted according to American Nurseryman Standards. *(P)*
24. Prior to issuance of a permit associated with Detailed Development Plan for Phase 1the applicant shall submit documentation assuring that all landscaped areas within the proposed parking lot include irrigation systems unless an alternate plan is submitted, and approved by the community development director, that can demonstrate adequate maintenance. *(P)*
25. Prior to final of building permits associated with Detailed Development Plan for Phase 1, the applicant shall prune vegetation, relocate signage and review on-street parking as required in the transportation impact study by Julia Kuhn, PE of Kittleson and Associates (Exhibit 2) for proper sight distance. *(P and DS)*
26. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit documentation assuring that the proposed parking lot complies with the parking lot incorporate design standards in accordance with Chapter 13.12, Stormwater Management. *(DS)*
27. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit a revised landscaping plan demonstrating compliance with the perimeter parking lot landscaping standards in OCMC 17.52.060.B. *(P)*
28. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit a revised landscaping plan demonstrating compliance with the perimeter parking lot landscaping standards in OCMC 17.52.060.C. *(P)*

29. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit a revised landscaping plan demonstrating compliance with the interior parking lot landscaping standards in OCMC 17.52.060.D. *(P)*
30. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit documentation assuring that within three years, cover one hundred percent of the landscape area and no mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. *(P)*
31. Prior to final of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall submit a recorded access easement with all adjacent sites where access is obtained. *(P)*
32. Prior to final of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall submit sufficient documentation demonstrating maintenance in accordance with the standards identified in OCMC 17.62.050.A.10. *(P)*
33. Prior to issuance of the proposed Detailed Development Plan and Master Plan Phase 3, the applicant shall submit documentation demonstrating that for all new buildings, where there is one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line, unless a greater setback is accepted under the provisions of Section 17.62.055D. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line unless a greater setback is accepted under the provisions of Section 17.62.055D. *(P)*
34. Prior to issuance of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall submit a photometric plan demonstrating compliance with OCMC 17.62.065 for the pedestrian walkway within the parking lot. *(P)*
35. Prior to issuance of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall submit documentation demonstrating compliance with OCMC Chapter 12.08 for the Division Street frontage adjacent to the proposed parking lot associated with the Phase 1 Detailed Development Plan. If the applicant submits documentation from an engineer indicating the proper spacing cannot me met due to sight line or other unavoidable issues, the Community Development Director may approve an alternative such as planting a tree in an alternate location or providing a fee-in-lieu. *(P)*
36. Prior to final of permits associated with the Detailed Development Plan for Phase 2 of the Master Plan, the applicant shall submit a phasing plan displaying the general location and prioritization of the nonconforming upgrades to the site required per OCMC 17.58.040.C. Each Detailed Development Plan will be reviewed for compliance with the Nonconforming chapter in the Oregon City Municipal Code. *(P)*
37. The applicant shall sign a Non-Remonstrance Agreement (NRA) prior to final occupancy for any Phase or portion of a Phase built on a property not already covered by a NRA for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement; this includes paying the document recording fee. *(DS)*

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

Appendix E: Photos of Existing Conditions

Division St. and 15th St. looking south on Division St. Property on the south side of 15th St (left side of photo) proposed for inclusion in PWF Master Plan Boundary for parking. Property on north side of 15th St (right side of photo) currently in boundary and location of future West MOB.

Division St. at 15th St. looking north showing existing PWF campus located on both sides of Division St. PWF Master Plan Boundary located west of Division St. between 15th and 16th Streets, and east of Division St. midway between 13th and 14th Streets to Penn Lane, just north of 16th St.

Existing PWF building on NW corner of Division St. and 15th St. currently in PWF Master Plan Boundary zoned MUE and site of future West MOB.

Existing PWF building on west side of Division St. and site of future West MOB.

Looking west across Division St. at existing building and site of future West MOB. Undeveloped portion in center of site and area on far right of photo in current PWF Master Plan Boundary and zoned MUE.

16th St. at Division Street looking south along 16th St.. First house currently in PWF Master Plan Boundary and zoned MUE. Second two houses proposed to be added to PWF Master Plan boundary and rezoned from R-6 to MUE. All properties in PWF ownership.

SW Corner of Division St and 15th St. looking south along 15th St. Vacant lot shown in foreground and three adjacent houses on 15th Street proposed to be added to Master Plan Boundary for parking. All properties are in PWF ownership and zoned MUE.

PWF-owned property at 1810 and 1808 Division St., zoned MUE, and proposed to be added to PWF Master Plan Boundary.

PWF-owned property at 1806 Division St., zoned MUE, proposed to be added to PWF Master Plan Boundary.

Houses on 15th St. adjacent to the proposed Master Plan Boundary expansion to the east and directly across the street from existing PWF Master Plan Boundary. Properties are zoned MUE.

1411 Division St., zoned MUE, adjacent to south side of proposed parking area at the intersection of Division St and 15th St.

APPENDIX F

Neighborhood Meeting Documentation

Changing to meet your needs as a growing community

PROVIDENCE
Willamette Falls
Medical Center

At the request of the MNA, Providence Willamette Falls is mailing this notice to all addresses in the neighborhood.

A special meeting will be held to review a proposal Providence Willamette Falls will be submitting to the City of Oregon City for approval to amend its master plan, originally adopted in 2011 following input from the residents in the McLoughlin Neighborhood Association. The intent of the current proposal is to add several properties on the west side of Division Street between 14th and 16th streets to the master plan boundary. Two of these properties would also require a comprehensive plan amendment and zone change. This will facilitate site planning of approved master plan development, including a medical office building that will provide better access to primary care.

McLoughlin Neighborhood Association Meeting

7 p.m., Thursday, June 4, 2015
Fire Station, 2nd floor meeting room
624 7th Street, at John Adams Street
Oregon City

Questions? Contact Renee King at 503-650-6262 or email renee.king@providence.org.

PROVIDENCE
Willamette Falls
Medical Center

1500 Division St
Oregon City, OR 97045

McLOUGHLIN

NEIGHBORHOOD
ASSOCIATION

Steering Committee Meeting Agenda

June 2, 2015
Oregon City Main Station, 2nd floor meeting room
7:00 pm

7:00 pm	1.	Welcome and introductions
7:05 pm	2.	Special presentation- Providence Willamette Falls Hospital- Land use proposal regarding the Master plan
7:35 pm	3.	Review and approval of the minutes-April 2, 2014
7: 40 pm	4.	Treasurer's Report- update
7:45 pm	5.	Old Business a. Concerts in the Park at the EOT b. First City Festival- July 25th- request for sno-cones c. Transportation Advisory Committee meeting d. Parks & Recreation Committee meeting- Library park playground equipment
8:30 pm	6.	Adjourn

Steering / General Special Mtg w/ Providence Staff

McLoughlin NA Sign-in Sheet

Date --- 6/4/15 **Time** _____

	Name/Business/Group/Title	Address	Phone	E-Mail
1	Richard Bellegue	1903 14th St Oregon City	971-267-4135	RBellegue@Gmail.com
2	Brenda Bellegue	↓	971-267-4134	
3	Claire Met	1107 Taylor	503-349-8142	
4	Denyse McGriff	815 Washington St.		
5	Henry Mackenzie	912 5th		
6	Veronica Nickel	17425 Wake Robin Cir	503 742 9931	
7	Michael McAuley	17413 WAKE ROBIN CIRCLE	503-258-7205	M-mc_4467@comcast.net
8	Barbara Pereira-child	Teen Center 1713 Penn Lane	503 655-7725	barbara@childrenscenter.cc
9	Cathie Daniels	524 High St.	" 655 3849	billandcathiedaniels@gmail.com
10	Delphia Powell	819 6th St.	503-317-7756	oraetlabora4@comcast.net
11	Steve + Laura Larreau	17409 WAKE Robin Circle	503 722-8685	Larreau2@@@e.Comcast.net
12	Tyndie James	1806 15TH St		abby1943@gmail.com
13	Patricia Pearce	1214 Washington St	503 830 9731	PatPearce@teleport.com
14	Kimberly Walch			Kimberlywalch@yahoo.com
15	Cameron McCredie	204 Wash. St. 503-235-9203		cmccredie@realtytrust.com
16	Damon Mabee			
17	Christine McKinley	(Providence Construction)	503.980.3864	christine.mckinley@providence.org
18	Tiffany Mumma	1810 14th St. OC	503-650-9596	tiffmumma@aol.com
19	Renate Meyerberg	22636 Mimm Point	503 656 2364	Renate.meyerberg@Yahoo.com
20	Gerald Pietz	" "	"	gerald_pietz@
21	Renee King, Providence	1500 Division	503 650 2122	Renee.king@providence.org
22	Josh Kaberg	6969 SW Hampton St. PDX, OR	503-968-6800	josh@pkaarchitects.com
23	Brize Clapp	207 Washington St	(503) 475-7496	
24	Jim Nicita	302		
25	Jessica Belknap	215 Washington St.	503-803-5207	jessicabelknap@gmail.com
26	Jesse Buss	215 Washington St.		jessebuss@gmail.com

General Steering Other _____

27. Francesca Antor, Secretary

McLoughlin Neighborhood Association – Steering Committee Meeting
Providence Willamette Falls Medical Center Presentation
7 p.m. June 4, 2015

Providence Willamette Falls Medical Center (PWF) requested time on the McLoughlin Neighborhood Steering Committee for this meeting to serve as the required neighborhood meeting prior to submitting a land use application to the City of Oregon City. Consistent with the provisions of Oregon City Zoning Code 17.50.055, the committee chair, Denyse McGriff, gave email authorization for the steering committee to serve as the neighborhood meeting, provided that PWF mailed notice to the neighborhood association mailing list. PWF did so with the attached mailer that was sent to the list on May 28, 2015.

Meeting Summary

Denyse McGriff opened the meeting and gave context to why the steering committee meeting was expanded to include this presentation by PWF.

Sherri Paris of PWF provided an intro to the project and purposes to solicit feedback. Reminded the group that the current master plan includes three approved phases:

1. Updates to Davis Street parking lot.
2. Hospital updates and additions.
3. Two MOBs, we are now proposing only one.

Josh Kolberg of PKA Architects reviewed the map and showed:

1. Existing and proposed master plan boundaries
2. Site of the proposed single medical office building (MOB) that would be built out per the existing, approved master plan
3. Two properties proposed for a comprehensive plan amendment and zone change from residential/R-6 to Mixed Use Employment. These two properties would provide additional site area that would allow for off-street parking adjacent to the future MOB.

Stefanie Slyman described the two land use actions that would be consolidated into one application and subsequent opportunities for the neighborhood receive notice and provide input:

1. Amend master plan boundary to areas where Providence owns.
   2. Two change comprehensive plan to MUE zoning.
3. A hearing before the Planning Commission would be scheduled with notification of the proposed land use action would be made in several ways mailing to property owners with 300 feet of the site; copy of the application would be provided to MNA and the Citizen Involvement Council; the site would be posted; and notice would be published in a local newspaper.
4. Public testimony can be provided in writing prior to the hearing or in person at the hearing orally or submitted in writing.
5. Planning Commission will make a recommendation. If recommendation is for denial, the application may be appealed. If not appealed, the application is denied. If the recommendation is for approval, it is forwarded to the City Commission which makes the decision.

The presentation was turned over to Denyse Griffin to moderate the Q&A session. Denyse first reminded the audience that the MNA previously had concerns about PWFMC crossing Division before calling on others to ask questions as follows.

Q: Why require expansion if only one building not two?
A Best use of space/most feasible use of the property for this specific location where a MOB is already approved per the existing master plan. The boundary expansion is intended to allow for parking to

be located adjacent to the MOB, reducing on-street parking impacts on the neighborhood. (Neighborhood comment: that make's sense.)

Q: Building already there is commercial. What is intent of property between 14th and 15th?
A: Currently no plans. Just to bring in property we currently own into MP boundary.

Q: What are the hospitals growth projections for long term – 5 to 30 years? Might force hospital to expand even further.
A: All we know of right now is slated to be on campus. Don't know that far out. This is already a lot of capital dollars to spend.

Q: Is Providence intending to purchase in the two triangle areas (south of 14th)?
A: No.

Q: Clarification on zoning question and discussion about residential and employment map.
A. This was discussed in more detail including allowed uses in the MUE zone.

Q: How many extra employees will this MOB bring? Will this result in more parking and traffic in the neighborhood?
A: New employees will be in primary care office and rehab. City has code requirements for parking. Intention to meet code requirements. Area of rental houses could be used for parking.

Q: What is happening with the property I live in? (Assume rental house tenant.)
A. No plans on that side of 15th.

Q: How many stories would MOB be?
A: Most likely one or two.

Q: Concern about traffic impact on 15th Street.
A: A traffic study is required as part of this land use application. A traffic consultant has been retained and the City is currently reviewing the scope of the study.

Q: Concern about traffic and parking impacts. Question about why there has been no transportation demand study.
A. The request would only look at the difference between what is currently allowed in the master plan and what is proposed. Intent is not to open master plan for full review. Since PWF is looking to drop one of the MOBs and reduce the total square footage allowed from 50,000 sf to approximately 30,000sf, there will be less impact than what is already currently approved.

Q. Is building going to be owned and occupied by Providence?
A Occupants could be both Providence and community.

Q. We have lots of vacant office space in Oregon City, why need more?
A. Accessibility to patients is important which is why facilities are needed here at the existing PWF campus. Providence mission to provide care as close as possible to community. Don't want travel to be a barrier for help.

Q. Existing problem with employees parking on the street and taking up neighborhood spaces.

A. Employees should not be parking on the street and they know this. Renee to send Denyse parking hot line to report employees parking on streets.

Q: Besides cost, what are code or height restrictions for going up rather than out?
A. Max height 60 feet so it is not a restriction from a zoning code perspective for what is proposed.

Q: Questioning the addition of the property on the other side of 15th Street. What notification process if Providence decides to building there?
A: It will go through development plan and site review at the City. Notice will be given and the public will be able to comment.

Q: What about original plan to add MOB on Davis parking lot?
A.: Not currently in the growth plan.

General Comments

Request to straighten corner at 15th and Division to remove confusion. Also potentially have a speed bump in first one-third of 14th Street. Also better signage.

Wish someone from the City were here tonight. (Read statement) See reasoning for hospital to get bigger but wrong location. Develop currently on property we own but will buy more and grow again. Try office sharing. Purpose is for Providence to profit. Hospital is okay as is.

Trillium Homeowners Association (THA) has few homeowners against the hospital. Complaints are from homeowners across Division. THA appreciates what hospital has done. What is Providence going to give us if we okay this plan?

I sit on traffic advisory commission. This should go before them before planning commission. Concern about pedestrian crossing on Division. Also need to address Division and Molalla intersection.

Other side of Division (south side) would cut into neighborhood; changes the dynamics of the neighborhood. Seems sneaky to add property into master plan and develop later.

General comments about traffic: already school busses on Division that go down 16th. Parents park waiting for their kids. Busses made traffic back up. Make Davis Street parking lot two story. Have employees park in Community Center and shuttle to hospital.

14th Street is narrow and kids play in street. (Resident asked after meeting if we could sign "Not a thru street.)

This is our community hospital we to go if ill. If I need rehab would like to have parking near where I go. Cannot turn this planning effort into how to fix all of Oregon City's streets.

South side of 15th – Providence does not own all the properties but understands why we would want to have control over property (be in master plan). Plan is not to do anything to those properties so no need to worry now. Won't wake up and find bulldozers on the property.

As a good faith effort, Providence should sell the properties on the south side of 15th. Once start expanding boundary will never stop.

Concluding comment from Chair Denyse McGriff: Neighborhood is not against the hospital. Comments tonight are from the cumulative effort of growth, in particular ripple effect of parking and traffic. Suggest further discussion before going to the City to iron some of this out. Have to do this together.

APPENDIX G

Pre-Application Notes

Pre-Application Conference Notes

PA 15-13: Comprehensive Plan Amendment, Zone Change and Master Plan for Providence Willamette Falls Medical Center

Pre-Application Conference Date: **5/13/2015**

Proposed Project:

- Comprehensive Plan Amendment, Zone Change and Master Plan to add property to the Existing Hospital Master Plan (1716 and 1714 16th Street)

General Information:

- Prior approvals:
  - The applicant submitted a Concept (General) Development Plan, Detailed Development Plan, Lot Line Adjustment and Natural Resource Overlay District Exemption to analyze the build out of the Providence Willamette Falls Hospital over the next 10 years and construct a parking lot. File numbers: CP 11-01: Master Plan, DP 11-03: Detailed Development Plan, NR 11-05: Natural Resource Overlay Exemption, & LL 11-07: Lot Line Adjustment
  - Site Plan and Design Review and Conditional Use Permit for Hospital Building Expansion with Hospital and Nursing Home Site Improvements. File numbers: CU 03-03 & SP 03-19.
- Applicable Overlay Districts: Geologic Hazards Overlay District and Natural Resource Overlay District
- Applications anticipated:
  - Comprehensive Plan Amendment
  - Zone Change
- Transportation System Plan: There are no TSP projects identified adjacent to 1714 or 1716 16th Street and the adjacent portion of 16th is designated as a local street.

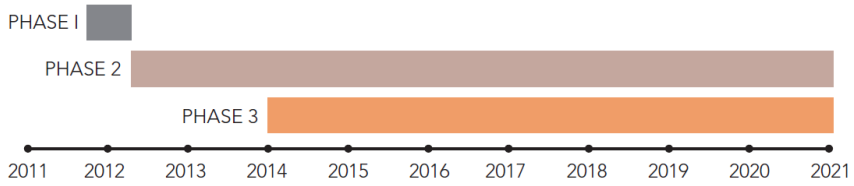
Approved Phases of the Master Plan:

Please identify how the proposed project will change the approved phasing of the Master Plan.

Phasing Timing

The timeline for the above mentioned projects and phases will occur according to Figure 26 shown below. This illustrates approximately when phases will begin and also shows that there may be some concurrence of projects in Phases 2 and 3.

FIGURE 26 - Project Phasing Timeline



Project Phase 1 – Division St. Parking Lot (Subject To Detailed Development Plan Approval)

The first project of the master plan consists of an alteration and expansion of the existing parking lot at the intersection of Davis Road, Division Street and Penn Lane. The applicant submitted a Detailed

Development Plan for the construction of the parking lot which would be implemented subsequent to approval in 2012.

Project Phase 2 – Hospital Additions and Remodels

Phase 2 of the Master Plan includes the addition of approximately 54,000 square feet to the site including expanding the Medical Center building, the construction of a new central utility plant, and the remodeling of other areas of the facility. More particularly, these projects include:

Outpatient Surgery Expansion: The outpatient surgery expansion will add approximately two new operating rooms and short stay recovery space.

New Front Entry: The main entry to PWF will be remodeled and will include a new patient drop-off. The new entry will replace a section of the 1961 building which is currently sub-standard and houses hospital office spaces among other uses. This project will provide a more direct and unified entry into the hospital. A new canopy will welcome visitors into a large, high volume lobby that will provide physical and visual connections to corridors serving patient care, imaging, day surgery, birthplace, and the gift shop.

Second Floor Patient Room and Pharmacy Remodel: Several spaces on the second floor of the hospital will be converted from their current use as offices back to their original function as patient rooms. This patient room remodel will not increase the number of licensed beds, the staffing levels for the hospital, nor increase trip generation. The pharmacy will also be relocated.

Birthplace Expansion: Six additional Labor, Delivery, Recovery and Postpartum rooms will be added to the west end of the existing Birthplace wing. The addition would increase the number of labor and delivery/postpartum beds from 14 to 20.

Central Utility Plant: In order to centralize the system utilities for the campus and make them more efficient, PWF is planning for a central utility plant to house the appropriate mechanical, electrical, and plumbing systems to serve the medical campus. The development of this project is located within the Natural Resource Overlay District requiring review and mitigation.

Second Floor Shell Space Tenant Improvements: There is approximately 16,100 square feet of unfinished space above the Emergency Department planned for build out to house expanded hospital services. There is no definitive hospital program scheduled for this space but it is anticipated to be an expansion of outpatient services.

The applicant may complete the phase 2 projects in any order, provided they are all completed prior to initiating Phase 3. Phase 2 is projected to be implemented from 2012-2021.

Project Phase 3 – Medical Office Buildings (MOB)

Phase 3 of the Master Plan will add approximately 40,000 - 50,000 square feet of square footage to the medical campus including the construction of two new buildings including:

MOB Additions: PWF has identified two (East and West) sites for 20,000 - 25,000 square foot medical Office Buildings (MOB‟s) which will house general physician's practices. The order of implementation for the two MOB‟s in this phase will depend upon Hospital strategic goals, project funding, and community needs. Phase 3 would be implemented from 2014-2021.

Conditional Use:

Subsequent to the Conditional Use approval, the zoning designation of the land within the Master Plan was changed to allow a hospital and a medical clinic as permitted uses in chapter 17.31.020.C and F. There is no need to update the Conditional Use to include the area to be included in the Master Plan.

Transportation Impacts:

The applicant will need to have a traffic engineer conduct a transportation study in conformance with the City's *Guidelines for Transportation Impact Analyses* available on the Oregon City website.

Based on the information provided by the applicant, it appears the trip generation exceeds the level at which the project's transportation analysis requirements can be satisfied by submittal of a Transportation Analysis Letter (TAL). A full Transportation Impact Analysis (TIA) will be required. Among other requirements, a full TIA includes conducting traffic counts and operational analysis of impacted intersections will be required. Intersections to be analyzed include the site access and intersections of collector/collector and higher where traffic volumes from the development exceed 20 peak hour trips.

The applicant and his traffic engineer should review the *Guidelines for Transportation Impact Analyses* and the most recent mobility standards as specified in Oregon City Municipal Code section 12.04.205.

Because the proposal includes a zone change, the applicant will also need to address the requirements of Oregon's Transportation Planning Rule. Specifically, the applicant shall address the provisions of 660-12-0060 Plan and Land Use Regulation Amendments. When a zone change is proposed, a future year analysis is required assessing the impact associated with the planning horizon specified in the city's adopted Transportation System Plan. The applicant should compare the impact of development of the affected parcels under current and proposed zoning.

Because the proposal includes modification of an approved master plan, the applicant will need to address the requirements of OCMC Chapter 17.65. The applicant should address how the expansion of the site affects previously approved elements of the master plan. It seems likely that the expansion will result in a greater impacts than those previously analyzed. Depending on the additional development opportunities afforded by the expansion, the intersections analyzed under the previous master plan may or may not be adequate. Additional specificity on the part of the applicant will be required to determine the geographical scope of the analysis.

With a master plan, the applicant will need to specify a phasing plan if more than one phase is proposed. Multiple phases may require that the transportation impacts are assessed for each phase of the development while taking into account the regional traffic growth that is expected during each phase of the applicant's master plan.

The applicant's traffic engineer is welcome to contact the city's traffic engineering consultant, John Replinger, at Replinger-Associates@comcast.net or at 503-719-3383.

Zone Change and Comprehensive Plan Amendment:

The applicant is required to demonstrate compliance with all applicable criteria in OCMC chapter 17.68 including the Oregon City Comprehensive Plan.

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, 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.

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.
Policy 2.7.1 Maintain a sufficient land supply within the city limits and the Urban Growth Boundary to meet local, regional, and state requirements for accommodating growth.
Policy 2.7.2 Use the following 11 land-use classifications on the Oregon City Comprehensive Plan Land-Use Map to determine the zoning classifications that may be applied to parcels:

- *Low Density Residential (LR)*
- *Medium Density Residential (MR)*
- *High Density Residential (HR)*
- *Commercial (C)*
- *Mixed Use Corridor (MUC)*
- *Mixed Use Employment (MUE)*
- *Mixed Use Downtown (MUD)*
- *Industrial (I)*
- *Public and Quasi-Public (QP)*
- *Parks (P)*
- *Future Urban Holding (FUH)*

Goal 6.1 Air Quality- Promote the conservation, protection and improvement of the quality of the air in Oregon City.
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.

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

Goal 9.1 Improve Oregon City's Economic Health - Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy.

Goal 10.1 Diverse Housing Opportunities - Provide for the planning, development and preservation of a variety of housing types and lot sizes.

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.
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.

Goal 11.6 Transportation Infrastructure - Optimize the City's investment in transportation infrastructure.

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

Goal 13.2 Energy Conservation- Plan public and private development to conserve energy.
Policy 13.2.1- Promote mixed-use development, increased densities near activity centers, and home-based occupations (where appropriate).
the mixed use development and carpooling plan will also conserve energy resources.

Goal 14.2 Orderly Redevelopment of Existing City Areas- Reduce the need to develop land within the Urban Growth Boundary by encouraging redevelopment of underdeveloped or blighted areas within the existing city limits.
Policy 14.2.1 - Maximize public investment in existing public facilities and services by encouraging redevelopment as appropriate.
Policy 14.2.2 - Encourage redevelopment of city areas currently served by public facilities through regulatory and financial incentives.
Policy 14.3.1 - Maximize new public facilities and services by encouraging new development within the Urban Growth Boundary at maximum densities allowed by the Comprehensive Plan.

Master Plan:
The applicant is required to demonstrate compliance with all applicable criteria. If any standards are adjusted in the Master Plan process, adequate mitigation is required.

- What is the proposed phasing? Will the timing of the existing Master Plan be changed?
- What adjustments will you be applying for? Does the adjustment meet the intent of the code and what is the mitigation?
- Do you have a revised Master Plan document? Is there anything else in the master plan being altered?

The Master Plan process allows development to use the code which was in place when it was added to the master plan or the current code. In this case, the proposed area being added to the master plan will get to choose between the 2015 code and the current code while the reminder of the development may choose the 2011 code or the current code.

Development Services Division (Utilities/Public Improvements/SDC's, etc):
See separate notes from Public Works Development Services Division.

Natural Resource Overlay District (NROD) and Geologic Hazards Overlay District:
The proposed development does not require review of the environmental overlay districts.

Building Division:
You may contact Mike Roberts, our Building Official at 503.496.1517 or by email at mroberts@orcity.org.

Clackamas Fire District:
Questions can be directed to Mike Boumann, Lieutenant Deputy Fire Marshal of Clackamas Fire District #1. You may contact Mr. Boumann at (503)742-2660 or michaelbou@ccfd1.com.

Neighborhood Association Meeting:
A Neighborhood Association meeting is required prior to a complete application. The site is in the McLoughlin Neighborhood Association.

Chair:	Denyse McGriff
Chair Email:	guttmcg@msn.com
Chair Phone Number:	503-656-3912
Vice Chair Name:	Francesca Anton
Vice Chair Email:	francescairena@gmail.com
2015 Steering Committee Meeting Dates:	June 4, August 6, October 1, December 3
2015 General Meeting Dates:	July 2, November 5
Meeting Location:	Fire Station, at 7th and John Adams, Oregon City
Meeting Time:	7:00 PM

Oregon City Municipal Code Criteria:
The following chapters of the Oregon City Municipal Code (OCMC) may be applicable to this proposal:
OCMC 12.04 - Streets, Sidewalks and Public Places
OCMC 12.08 - Public and Street Trees
OCMC 13.12 – Stormwater Management
OCMC 15.48 – Grading, Filling and Excavating
OCMC 17.31 – "MUE" Mixed Use Employment District
OCMC 17.41- Tree Protection Standards
OCMC 17.44- Geologic Hazards
OCMC 17.49 – Natural Resource Overlay District
OCMC 17.50 – Administrative Processes
OCMC 17.52 – Off-Street parking and Loading
OCMC 17.62 – Site Plan and Design Review
OCMC 17.54 – Supplemental Zoning Regulations and Exceptions
OCMC 17.65 - Master Plans
OCMC 17.68 - Zoning Changes and Amendments

MS-Word versions of the code are available for download on-line from the municipal code website.

Pre-application conferences are required by Section 17.50.050 of the City Code, as follows:
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.

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

From:	King, Renee
To:	Laura Terway
Subject:	RE: Providence Willamette Falls Zone Change
Date:	Tuesday, October 27, 2015 2:12:35 PM

Hi Laura – would you mind including this in the Planning Commission packet or presenting it at the hearing so that they can see that Providence has been responsive to Alex's concerns and that we are responsive to the concerns of the tenant. Thanks, Laura.

Renée

From: King, Renee
Sent: Thursday, October 22, 2015 12:24 PM
To: 'Laura Terway'
Subject: FW: Providence Willamette Falls Zone Change

Hi Laura,

Just wanted you to know that we connected with Alex, both by this email and I had a long talk with her yesterday.

Renée

Renée Boutin King
Marketing and Communications manager
Providence Health & Services
503-650-6262

From: Reinhard, Russ
Sent: Thursday, October 22, 2015 12:13 PM
To: 'AlexB@cccchs.org'
Cc: King, Renee; 'Stefanie Slyman'; Josh Kolberg
Subject: Providence Willamette Falls Zone Change

Hello Alex,

Your email to Laura Terway dated Oct. 15 was forwarded to me. I'll do my best to let you know where Providence Willamette Falls Medical Center is currently in our land use application process, and our commitment to our tenants in the properties this application may affect.

Providence sent a letter in May to the tenant at 1810 15th Street notifying them prior to a McLoughlin Neighborhood Association meeting that we would be at that meeting to discuss the land use application we were preparing to submit to the City. We felt it important for the tenant to know that the property would be discussed so that they could attend the meeting should they wish.

In June we filed a land use application with the City of Oregon City requesting that property be included in Providence Willamette Falls Medical Center's master plan that was adopted in 2012. The property is currently zoned mixed use employment. Attached is a detailed map that shows the changes Providence is requesting in the application.

On Nov. 9 this application will be discussed at the City of Oregon City's planning commission, and is scheduled to be brought before City Council on Dec. 16. Providence is awaiting the decisions on our land

use application before making any changes with the properties it owns along 15th Street. Should we change the use of those properties, we commit to a four month notification and a move allowance equivalent to one month's rent.

I hope this addresses your concerns and I thank you for your advocacy. Feel free to contact me, or Renee King, with any further questions.

Russ Reinhard
Chief Executive

From: Laura Terway [mailto:lterway@ci.oregon-city.or.us]
Sent: Thursday, October 15, 2015 12:47 PM
To: Alex Bursheim <AlexB@cccchs.org>
Cc: Stefanie Slyman <stefanies@hhpr.com>; Josh Kolberg <josh@pkaarchitects.com>
Subject: RE: Providence Willamette Falls Zone Change

Alex,

Thank you for your email. The property located at 1810 15th street is included in the development application. The complete application may be found online here with a general timeline for the implementation of the Master Plan. I have copied the applicant on this email response so you may contact them directly for a more specific timeline. Please feel free to contact me with any additional questions or concerns.

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 | 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.

From: Alex Bursheim [mailto:AlexB@cccchs.org]
Sent: Thursday, October 15, 2015 12:33 PM
To: Laura Terway
Subject: Providence Willamette Falls Zone Change

Hello Laura,

My name is Alex and I am a family coach for Clackamas County Early Head Start, and I was hoping that you could give me some details about the Providence Willamette Falls proposed changing of the Master Plan in the area around the hospital. I have a family on my case load that lives at 1810 15th St. Oregon City, OR 97045, and they are wondering if they are in danger of losing their home because of this plan change. Also, is there a timeline for construction if the plan goes through? They intend to be at the City Council meeting, but would also like as much information as possible before hand, so that if they need to start planning a move they can do so with ample time. The family includes a recently single Mother and four young children, along with family pets, so a time frame for the project is crucial for their well-being. If you can not provide me with this information, I would greatly appreciate it if you could point me in the right direction.

Thank you,

Alex Bursheim
Early Head Start Family Coach
Clackamas County Children's Commission
109 2nd Street Canby, OR
971 295 7041

This message is intended for the sole use of the addressee, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the addressee you are hereby notified that you may not use, copy, disclose, or distribute to anyone the message or any information contained in the message. If you have received this message in error, please immediately advise the sender by reply email and delete this message.

WFG National Title Insurance Company
a Williston Financial Group company

Prepared For:

Prepared By: **Heather Listy** Prepared Date: 9/10/2015
WFG National Title - Customer Service Department
12909 SW 68th Pkwy # 350 Portland, OR 97223
Phone: 503.603.1700 Fax: 888.833.6840
E-mail: cs@wfgnationaltitle.com

OWNERSHIP INFORMATION

Owner	: Providence Health & Services - Or	Ref Parcel Number	: 22E32AA00400
CoOwner	:	T: 02S R: 02E S: 32 Q: NE QQ: NE	
Site Address	: *no Site Address*	Parcel Number	: 00583023
Mail Address	: 4400 NE Halsey St #2 Portland Or 97213	County	: Clackamas (OR)

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 224.00 Block: 1
Improvement Type	: *unknown Improvement Code*
Subdivision/Plat	:
Neighborhood Code	: Area 03 Commercial Oregon City
Land Use	: 200 Vacant,Commercial Land
Legal	: SECTION 32 TOWNSHIP 2S RANGE 2E
	: QUARTER AA TAX LOT 00400
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $331,674
Mkt Structure	:
Mkt Total	: $331,674
%Improved	:
M50AssdTotal	: $232,800
Mill Rate	: 18.1800
Levy Code	: 062002
14-15 Taxes	:
Millage Rate	: 18.1800

PROPERTY CHARACTERISTICS

Bedrooms	:	BldgLivingSqFt	:	BldgSqFt	:
Bathrooms	:	1st Floor SqFt	:	Lot Acres	: 1.32
Full Baths	:	UpperFinSqFt	:	Lot SqFt	: 57,604
Half Baths	:	Finished SqFt	:	Year Built	:
Fireplace	:	AbvGrdSqFt	:	Foundation	:
Heat Type	:	UpperTotSqFt	:	Roof Type	:
Floor	:	UnFinUpStySqFt	:	Roof Shape	:
Stories	:	Bsmt Fin SqFt	:	Exterior Fin	:
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER INFORMATION

Owner(s)	Date	Doc #	Price	Deed
:Providence Health & Services	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:

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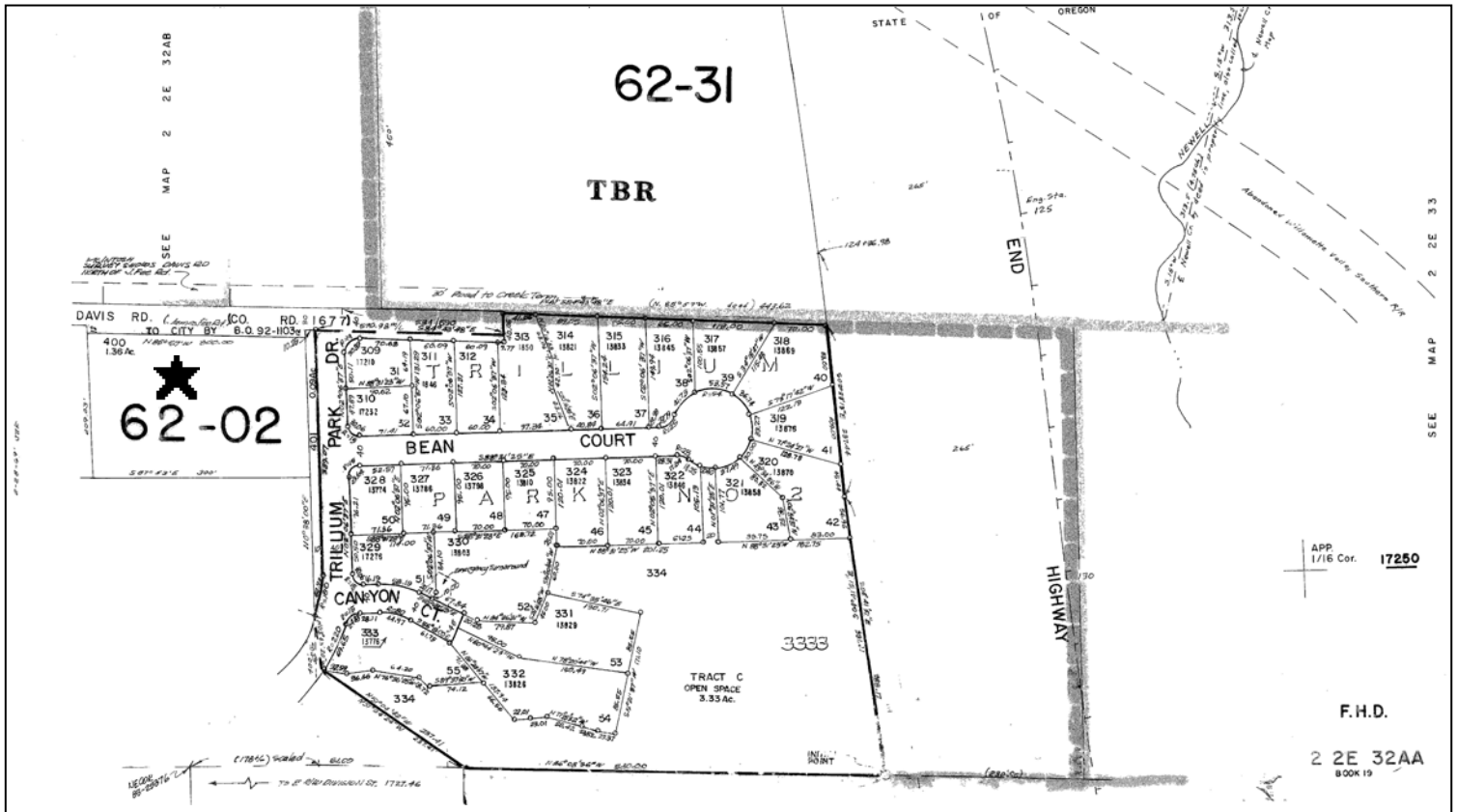
WFG National Title
Customer Service Department
12909 SW 68th Pkwy # 350
Portland, OR 97223
Phone: 503.603.1700
Fax: 888.833.6840
E-mail: cs@wfgnationaltitle.com

Parcel # : 00583023 / 22E32AA00400



This map is a copy of public record and is provided solely for informational purposes. WFG National Title assumes no liability for variations, if any, in dimensions, area or location of the premises or the location of improvements.

Grantor's name and address:
Willamette Falls Hospital
c/o Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Grantee's name and address:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Clackamas County Official Records **2012-003005**
Sherry Hall, County Clerk
01/24/2012 08:39:38 AM
D-D Cnt=1 Stn=7 BARBARASTR
$20.00 $16.00 $10.00 $16.00 $62.00

First American Title Accommodation Recording Assumes No Liability

After recording return to:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Until a change is requested, all tax statements shall be sent to:
Same as above.

QUIT CLAIM DEED FOR MERGER

WILLAMETTE FALLS HOSPITAL, an Oregon nonprofit corporation ("Grantor"), hereby releases and quitclaims to PROVIDENCE HEALTH & SERVICES – OREGON, an Oregon nonprofit corporation, doing business as Providence Willamette Falls Medical Center ("Grantee"), the successor by merger to Grantor, Grantor's entire right, title, and interest in the real property and all improvements thereon in Clackamas County, Oregon, legally described in Exhibit A attached hereto and incorporated herein (the "Property").

The purpose of this deed is to document the correct fee title holder of the Property in the real property public records, resulting from the merger of Grantor into Grantee effective as of December 31, 2011.

The true and actual consideration for this transaction, stated in terms of dollars, is $1, and other good and valuable consideration.

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.

DATED: Effective as of the date first written above.

GRANTOR:

WILLAMETTE FALLS HOSPITAL
an Oregon nonprofit corporation

By: Shelly M. Handkins
Printed Name: Shelly M. Handkins
Title: CFO

STATE OF OREGON)
) ss.
County of Multnomah)

Personally appeared before me this 6th day of January 2012, Shelly Handkins who, being duly sworn, did say that he/she is the CFO of **Willamette Falls Hospital,** an Oregon nonprofit corporation, that the foregoing instrument was signed on behalf of said company, and that he/she acknowledged said instrument to be his/her voluntary act and deed.

OFFICIAL SEAL
GLENDA L FOSSUM-SMITH
NOTARY PUBLIC-OREGON
COMMISSION NO. 461117
MY COMMISSION EXPIRES AUGUST 18, 2015

Glenda L Fossum-Smith
NOTARY PUBLIC FOR Oregon

Exhibit A

Legal Description of the Property

[See attached.]

Exhibit "A"

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

Part of the Ezra Fisher D.L.C. in the Northeast one-quarter of Section 32, Township 2 South, Range 2 East, of the Willamette Meridian, in the CITY OF OREGON CITY, in Clackamas County, Oregon, described as follows:

Beginning at a granite stone 18" x 32" x 10", marked "A" and set in the West line of the said Fisher D.L.C., 23.15 chains North 0°38' East from the Southwest corner thereof, said point also being the Southwest corner of a tract of land conveyed to Doctors Hospital Association, Inc., by Deed recorded in Book 534, Page 590, Clackamas County Deed Records; thence South 87°53' East along the South line of said tract, 950 feet to the Southeast corner thereof and the true point of beginning of the tract herein to be described; thence continuing South 87°53' East along an Easterly extension of the South line of said Doctors Hospital Association, Inc. tract, 51 feet to a point; thence North 0°38' East parallel with the East line of said Doctors Hospital Association, Inc. tract and the Northerly extension thereof, 609.03 feet to a point in the south line of Davis Road; thence North 85°5l' West along the South line of Davis Road to the Northeast corner of a tract of land conveyed to Hospital Convalescent and Nursing Manor, Inc. by Deed recorded in Book 660, Page 789, Clackamas County Deed Records; thence South along the East line of said tract, 209.03 feet to a point in the North line of the said Doctors Hospital Association, Inc. tract; thence South 87°53' East along said North line 300 feet to the Northeast corner thereof; thence South 00 38' West along the East line of said Doctors Hospital Association, Inc. tract, 400 feet to the true point of beginning.

EXCEPTING THEREFROM that portion conveyed to Rivergate Development Company, an Oregon corporation by Warranty Deed recorded December 12, 1996 as Fee No. 96-091470.

ALSO EXCEPTING THEREFROM that property conveyed to the City of Oregon City by Deed recorded February 13, 2002 as Fee No. 2002-014847 in the records of Clackamas County, Oregon.

The legal description was created prior to January 01, 2008.

Parcel Number: 00583023 & 01644386
Ref Parcel Number: 22E32AA00400 & 22E32AA00401
Site Address: No Site Address

WFG National Title Insurance Company
a Williston Financial Group company

Prepared For:

Prepared By: **Heather Listy** Prepared Date: 9/10/2015
WFG National Title - Customer Service Department
12909 SW 68th Pkwy # 350 Portland, OR 97223
Phone: 503.603.1700 Fax: 888.833.6840
E-mail: cs@wfgnationaltitle.com

OWNERSHIP INFORMATION

Owner	: Providence Health & Services - Or	Ref Parcel Number	: 22E32AB03900
CoOwner	:	T: 02S R: 02E S: 32 Q: NE QQ: NW	
Site Address	: 1806 15th St Oregon City 97045	Parcel Number	: 00583434
Mail Address	: 4400 NE Halsey St #2 Portland Or 97213	County	: Clackamas (OR)

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 224.00 Block: 2
Improvement Type	: 131 Sgl Family,R1-3,1-Story
Subdivision/Plat	: Crooks Add
Neighborhood Code	: Oregon City Older
Land Use	: 101 Res,Residential Land,Improved
Legal	: 389 CROOKS ADD LT 3
	:
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $57,595
Mkt Structure	: $103,990
Mkt Total	: $161,585
%Improved	: 64
M50AssdTotal	: $108,171
Mill Rate	: 18.1800
Levy Code	: 062002
14-15 Taxes	: $1,966.55
Millage Rate	: 18.1800

PROPERTY CHARACTERISTICS

Bedrooms	: 3	BldgLivingSqFt	: 1,152	BldgSqFt	: 1,152
Bathrooms	: 1.00	1st Floor SqFt	: 1,152	Lot Acres	: .14
Full Baths	: 1	UpperFinSqFt	:	Lot SqFt	: 5,900
Half Baths	:	Finished SqFt	: 1,152	Year Built	: 1925
Fireplace	:	AbvGrdSqFt	: 1,152	Foundation	: Concrete
Heat Type	: Elec Baseboard	UpperTotSqFt	:	Roof Type	: Composition
Floor	: Carpet	UnFinUpStySqFt	:	Roof Shape	: Gable
Stories	: 1	Bsmt Fin SqFt	:	Exterior Fin	: Bevel Siding
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER INFORMATION

Owner(s)	Date	Doc #	Price	Deed
:Providence Health & Services	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:

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WFG National Title Insurance Company
a Williston Financial Group company

Prepared For:

Prepared By: **Heather Listy** Prepared Date: 9/10/2015
WFG National Title - Customer Service Department
12909 SW 68th Pkwy # 350 Portland, OR 97223
Phone: 503.603.1700 Fax: 888.833.6840
E-mail: cs@wfgnationaltitle.com

OWNERSHIP INFORMATION

Owner	: Providence Health & Services - Or	Ref Parcel Number	: 22E32AB02500
CoOwner	:	T: 02S R: 02E S: 32 Q: NE QQ: NW	
Site Address	: 1807 15th St Oregon City 97045	Parcel Number	: 00583309
Mail Address	: 4400 NE Halsey St #2 Portland Or 97213	County	: Clackamas (OR)

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 224.00 Block: 1
Improvement Type	: 300 Farm
Subdivision/Plat	: Old Oregon Trail Summer Hm Sit
Neighborhood Code	: Oregon City Older
Land Use	: 100 Vacant,Residential Land
Legal	: SECTION 32 TOWNSHIP 2S RANGE 2E
	: QUARTER AB TAX LOT 02500
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $39,689
Mkt Structure	:
Mkt Total	: $39,689
%Improved	:
M50AssdTotal	: $29,147
Mill Rate	: 18.1800
Levy Code	: 062002
14-15 Taxes	: $529.90
Millage Rate	: 18.1800

PROPERTY CHARACTERISTICS

Bedrooms	:	BldgLivingSqFt	:	BldgSqFt	:
Bathrooms	:	1st Floor SqFt	:	Lot Acres	: .17
Full Baths	:	UpperFinSqFt	:	Lot SqFt	: 7,500
Half Baths	:	Finished SqFt	:	Year Built	:
Fireplace	:	AbvGrdSqFt	:	Foundation	:
Heat Type	:	UpperTotSqFt	:	Roof Type	:
Floor	:	UnFinUpStySqFt	:	Roof Shape	:
Stories	:	Bsmt Fin SqFt	:	Exterior Fin	:
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER INFORMATION

Owner(s)	Date	Doc #	Price	Deed
:Providence Health & Services	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:

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WFG National Title - Customer Service Department
12909 SW 68th Pkwy # 350 Portland, OR 97223
Phone: 503.603.1700 Fax: 888.833.6840
E-mail: cs@wfgnationaltitle.com

OWNERSHIP INFORMATION

Owner	: Providence Health & Services - Or	Ref Parcel Number	: 22E32AB04000
CoOwner	:	T: 02S R: 02E S: 32 Q: NE QQ: NW	
Site Address	: 1808 15th St Oregon City 97045	Parcel Number	: 00583443
Mail Address	: 4400 NE Halsey St #2 Portland Or 97213	County	: Clackamas (OR)

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 224.00 Block: 2
Improvement Type	: 131 Sgl Family,R1-3,1-Story
Subdivision/Plat	: Crooks Add
Neighborhood Code	: Oregon City Older
Land Use	: 101 Res,Residential Land,Improved
Legal	: 389 CROOKS ADD LT 4
	:
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $57,595
Mkt Structure	: $81,550
Mkt Total	: $139,145
%Improved	: 59
M50AssdTotal	: $97,359
Mill Rate	: 18.1800
Levy Code	: 062002
14-15 Taxes	: $1,769.99
Millage Rate	: 18.1800

PROPERTY CHARACTERISTICS

Bedrooms	: 2	BldgLivingSqFt	: 916	BldgSqFt	: 916
Bathrooms	: 1.00	1st Floor SqFt	: 916	Lot Acres	: .14
Full Baths	: 1	UpperFinSqFt	:	Lot SqFt	: 5,900
Half Baths	:	Finished SqFt	: 916	Year Built	: 1923
Fireplace	:	AbvGrdSqFt	: 916	Foundation	: Concr Blk
Heat Type	: Forced Air-Gas	UpperTotSqFt	:	Roof Type	: Composition
Floor	: Fir	UnFinUpStySqFt	:	Roof Shape	: Gable
Stories	: 1	Bsmt Fin SqFt	:	Exterior Fin	: Rustic
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER INFORMATION

Owner(s)	Date	Doc #	Price	Deed
:Providence Health & Services	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:

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Prepared For:

Prepared By: **Heather Listy** Prepared Date: 9/10/2015
WFG National Title - Customer Service Department
12909 SW 68th Pkwy # 350 Portland, OR 97223
Phone: 503.603.1700 Fax: 888.833.6840
E-mail: cs@wfgnationaltitle.com

OWNERSHIP INFORMATION

Owner	: Division Street Prop II LLC	Ref Parcel Number	: 22E32AB02400
CoOwner	:	T: 02S R: 02E S: 32 Q: NE QQ: NW	
Site Address	: 1809 15th St Oregon City 97045	Parcel Number	: 00583292
Mail Address	: 1505 Division St Oregon City Or 97045	County	: Clackamas (OR)

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 224.00 Block: 1
Improvement Type	: 131 Sgl Family,R1-3,1-Story
Subdivision/Plat	:
Neighborhood Code	: Oregon City Older
Land Use	: 101 Res,Residential Land,Improved
Legal	: SECTION 32 TOWNSHIP 2S RANGE 2E
	: QUARTER AB TAX LOT 02400
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $56,188
Mkt Structure	: $94,270
Mkt Total	: $150,458
%Improved	: 63
M50AssdTotal	: $100,240
Mill Rate	: 18.1800
Levy Code	: 062002
14-15 Taxes	: $1,822.36
Millage Rate	: 18.1800

PROPERTY CHARACTERISTICS

Bedrooms	: 2	BldgLivingSqFt	: 1,034	BldgSqFt	: 1,034
Bathrooms	: 1.00	1st Floor SqFt	: 1,034	Lot Acres	: .11
Full Baths	: 1	UpperFinSqFt	:	Lot SqFt	: 5,000
Half Baths	:	Finished SqFt	: 1,034	Year Built	: 1946
Fireplace	:	AbvGrdSqFt	: 1,034	Foundation	: Concrete
Heat Type	: Forced Air-Gas	UpperTotSqFt	:	Roof Type	: Composition
Floor	: Carpet	UnFinUpStySqFt	:	Roof Shape	: Gable
Stories	: 1	Bsmt Fin SqFt	:	Exterior Fin	: Bevel Siding
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER INFORMATION

Owner(s)	Date	Doc #	Price	Deed
:Division Street Prop II LLC	:10/15/2002	002-098381	:	:Bargain & Sale
:Willamette Falls Hospital	:10/15/2002	002-098382	:$1,131,000	:Warranty
:Division Street Prop II LLC	:09/01/1998	0098-83584	:$140,000	:Warranty
:Ramsour Robert G/Judith J Tr	:05/23/1994	0094-42524	:	:Bargain & Sale
:	:		:	:
:	:		:	:

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WFG National Title Insurance Company
a Williston Financial Group company

Prepared For:

Prepared By: **Heather Listy** Prepared Date: 9/10/2015
WFG National Title - Customer Service Department
12909 SW 68th Pkwy # 350 Portland, OR 97223
Phone: 503.603.1700 Fax: 888.833.6840
E-mail: cs@wfgnationaltitle.com

OWNERSHIP INFORMATION

Owner	: Providence Health & Services - Or	Ref Parcel Number	: 22E32AB04100
CoOwner	:	T: 02S R: 02E S: 32 Q: NE QQ: NW	
Site Address	: 1810 15th St Oregon City 97045	Parcel Number	: 00583452
Mail Address	: 4400 NE Halsey St #2 Portland Or 97213	County	: Clackamas (OR)

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 224.00 Block: 2
Improvement Type	: 131 Sgl Family,R1-3,1-Story
Subdivision/Plat	: Crooks Add
Neighborhood Code	: Oregon City Older
Land Use	: 101 Res,Residential Land,Improved
Legal	: 389 CROOKS ADD LT 5
	:
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $56,327
Mkt Structure	: $150,680
Mkt Total	: $207,007
%Improved	: 73
M50AssdTotal	: $143,178
Mill Rate	: 18.1800
Levy Code	: 062002
14-15 Taxes	: $2,602.98
Millage Rate	: 18.1800

PROPERTY CHARACTERISTICS

Bedrooms	: 3	BldgLivingSqFt	: 1,315	BldgSqFt	: 1,315
Bathrooms	: 1.00	1st Floor SqFt	: 1,104	Lot Acres	: .14
Full Baths	: 1	UpperFinSqFt	:	Lot SqFt	: 5,900
Half Baths	:	Finished SqFt	: 1,315	Year Built	: 1925
Fireplace	: Single Fireplce	AbvGrdSqFt	: 1,315	Foundation	: Concr Blk
Heat Type	: Forced Air-Gas	UpperTotSqFt	:	Roof Type	: Composition
Floor	: Carpet	UnFinUpStySqFt	:	Roof Shape	: Gable
Stories	: 1	Bsmt Fin SqFt	:	Exterior Fin	: Bevel Siding
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER INFORMATION

Owner(s)	Date	Doc #	Price	Deed
:Providence Health & Services	:		:	:
:	:		:	:
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:	:		:	:
:	:		:	:
:	:		:	:

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WFG National Title - Customer Service Department
12909 SW 68th Pkwy # 350 Portland, OR 97223
Phone: 503.603.1700 Fax: 888.833.6840
E-mail: cs@wfgnationaltitle.com

OWNERSHIP INFORMATION

Owner	: Providence Health & Services - Or	Ref Parcel Number	: 22E32AB02300
CoOwner	:	T: 02S R: 02E S: 32 Q: NE QQ: NW	
Site Address	: 1811 15th St Oregon City 97045	Parcel Number	: 00583283
Mail Address	: 4400 NE Halsey St #2 Portland Or 97213	County	: Clackamas (OR)

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 224.00 Block: 1
Improvement Type	: 470 Medical Buildings
Subdivision/Plat	:
Neighborhood Code	: Area 03 Commercial Oregon City
Land Use	: 201 Com,Commercial Land,Improved
Legal	: TOWNSHIP 2S RANGE 2E SECTION 32
	: QUARTER AB TAX LOT 02300 SEE EXEMPT
	: PORTION 02300E1

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $59,971
Mkt Structure	: $106,390
Mkt Total	: $166,361
%Improved	: 64
M50AssdTotal	: $133,872
Mill Rate	: 18.1800
Levy Code	: 062002
14-15 Taxes	: $2,433.80
Millage Rate	: 18.1800

PROPERTY CHARACTERISTICS

Bedrooms	:	BldgLivingSqFt	:	BldgSqFt	:
Bathrooms	:	1st Floor SqFt	:	Lot Acres	: .17
Full Baths	:	UpperFinSqFt	:	Lot SqFt	: 7,500
Half Baths	:	Finished SqFt	:	Year Built	: 1974
Fireplace	:	AbvGrdSqFt	:	Foundation	:
Heat Type	:	UpperTotSqFt	:	Roof Type	:
Floor	:	UnFinUpStySqFt	:	Roof Shape	:
Stories	:	Bsmt Fin SqFt	:	Exterior Fin	:
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER INFORMATION

Owner(s)	Date	Doc #	Price	Deed
:Providence Health & Services	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:

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WFG National Title - Customer Service Department
12909 SW 68th Pkwy # 350 Portland, OR 97223
Phone: 503.603.1700 Fax: 888.833.6840
E-mail: cs@wfgnationaltitle.com

OWNERSHIP INFORMATION

Owner	: Providence Health & Services - Or	Ref Parcel Number	: 22E32AB04200
CoOwner	:	T: 02S R: 02E S: 32 Q: NE QQ: NW	
Site Address	: 1812 15th St Oregon City 97045	Parcel Number	: 00583461
Mail Address	: 4400 NE Halsey St #2 Portland Or 97213	County	: Clackamas (OR)

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 224.00 Block: 2
Improvement Type	: 131 Sgl Family,R1-3,1-Story
Subdivision/Plat	: Crooks Add
Neighborhood Code	: Oregon City Older
Land Use	: 101 Res,Residential Land,Improved
Legal	: 389 CROOKS ADD LT 6
	:
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $56,188
Mkt Structure	: $40,970
Mkt Total	: $97,158
%Improved	: 42
M50AssdTotal	: $67,586
Mill Rate	: 18.1800
Levy Code	: 062002
14-15 Taxes	: $1,228.72
Millage Rate	: 18.1800

PROPERTY CHARACTERISTICS

Bedrooms	: 2	BldgLivingSqFt	: 1,034	BldgSqFt	: 1,034
Bathrooms	: 1.00	1st Floor SqFt	: 1,034	Lot Acres	: .12
Full Baths	: 1	UpperFinSqFt	:	Lot SqFt	: 5,247
Half Baths	:	Finished SqFt	: 1,034	Year Built	: 1925
Fireplace	:	AbvGrdSqFt	: 1,034	Foundation	: Post Pier
Heat Type	: Stove	UpperTotSqFt	:	Roof Type	: Composition
Floor	: Fir	UnFinUpStySqFt	:	Roof Shape	: Gable
Stories	: 1	Bsmt Fin SqFt	:	Exterior Fin	: Rustic
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER INFORMATION

Owner(s)	Date	Doc #	Price	Deed
:Providence Health & Services	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:

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Phone: 503.603.1700 Fax: 888.833.6840
E-mail: cs@wfgnationaltitle.com

OWNERSHIP INFORMATION

Owner	: Providence Health & Services - Or	Ref Parcel Number	: 22E32AB03100
CoOwner	:	T: 02S R: 02E S: 32 Q: NE QQ: NW	
Site Address	: 1714 16th St Oregon City 97045	Parcel Number	: 00583354
Mail Address	: 4400 NE Halsey St #2 Portland Or 97213	County	: Clackamas (OR)

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 224.00 Block: 1
Improvement Type	: 141 Sgl Family,R1-4,1-Story
Subdivision/Plat	:
Neighborhood Code	: Oregon City Older
Land Use	: 101 Res,Residential Land,Improved
Legal	: SECTION 32 TOWNSHIP 2S RANGE 2E
	: QUARTER AB TAX LOT 03100
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $95,032
Mkt Structure	: $196,450
Mkt Total	: $291,482
%Improved	: 67
M50AssdTotal	: $186,317
Mill Rate	: 18.1800
Levy Code	: 062002
14-15 Taxes	: $3,387.25
Millage Rate	: 18.1800

PROPERTY CHARACTERISTICS

Bedrooms	: 3	BldgLivingSqFt	: 1,640	BldgSqFt	: 1,640
Bathrooms	: 2.00	1st Floor SqFt	: 1,262	Lot Acres	: .34
Full Baths	: 2	UpperFinSqFt	: 378	Lot SqFt	: 15,000
Half Baths	:	Finished SqFt	: 1,640	Year Built	: 1920
Fireplace	: Single Fireplce	AbvGrdSqFt	: 1,640	Foundation	: Concrete
Heat Type	: Forced Air-Gas	UpperTotSqFt	: 378	Roof Type	: Composition
Floor	: Tile	UnFinUpStySqFt	:	Roof Shape	: Gable
Stories	: 1	Bsmt Fin SqFt	:	Exterior Fin	: Bevel Siding
Garage SF	: 444	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER INFORMATION

Owner(s)	Date	Doc #	Price	Deed
:Providence Health & Services	:		:	:
:	:		:	:
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:	:		:	:
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Phone: 503.603.1700 Fax: 888.833.6840
E-mail: cs@wfgnationaltitle.com

OWNERSHIP INFORMATION

Owner	: Providence Health/Services-O	Ref Parcel Number	: 22E32AB03000
CoOwner	:	T: 02S R: 02E S: 32 Q: NE QQ: NW	
Site Address	: 1716 16th St Oregon City 97045	Parcel Number	: 00583345
Mail Address	: 4400 NE Halsey St #2 Portland Or 97213	County	: Clackamas (OR)

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 224.00 Block: 1
Improvement Type	: 131 Sgl Family,R1-3,1-Story
Subdivision/Plat	: Debbie Acres
Neighborhood Code	: Oregon City Older
Land Use	: 101 Res,Residential Land,Improved
Legal	: SECTION 32 TOWNSHIP 2S RANGE 2E
	: QUARTER AB TAX LOT 03000
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $69,136
Mkt Structure	: $131,450
Mkt Total	: $200,586
%Improved	: 66
M50AssdTotal	: $138,300
Mill Rate	: 18.1800
Levy Code	: 062002
14-15 Taxes	: $2,514.30
Millage Rate	: 18.1800

PROPERTY CHARACTERISTICS

Bedrooms	: 3	BldgLivingSqFt	: 1,401	BldgSqFt	: 1,401
Bathrooms	: 1.00	1st Floor SqFt	: 1,401	Lot Acres	: .17
Full Baths	: 1	UpperFinSqFt	:	Lot SqFt	: 7,500
Half Baths	:	Finished SqFt	: 1,401	Year Built	: 1904
Fireplace	: Single Fireplce	AbvGrdSqFt	: 1,401	Foundation	: Post Pier
Heat Type	: Forced Air-Oil	UpperTotSqFt	:	Roof Type	: Composition
Floor	: Tile	UnFinUpStySqFt	:	Roof Shape	: Gable
Stories	: 1	Bsmt Fin SqFt	:	Exterior Fin	: Bevel Siding
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER INFORMATION

Owner(s)	Date	Doc #	Price	Deed
:Providence Health/Services-O	:05/15/2015	015-028371	:$255,000	:Warranty
:Wright Andre P	:12/17/2002	002-123732	:$159,900	:Warranty
:Andrilenas Edward J	:08/30/2001	001-069648	:$70,500	:Warranty
:House Robert L/Linda K	:09/01/1998	0098-81411	:	:Bargain & Sale
:House Robert L	:06/04/1997	0097-42097	:$55,000	:Warranty
:	:		:	:

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Prepared By: **Heather Listy** Prepared Date: 9/10/2015
WFG National Title - Customer Service Department
12909 SW 68th Pkwy # 350 Portland, OR 97223
Phone: 503.603.1700 Fax: 888.833.6840
E-mail: cs@wfgnationaltitle.com

OWNERSHIP INFORMATION

Owner	: Providence Health & Services - Or	Ref Parcel Number	: 22E32AB02900
CoOwner	:	T: 02S R: 02E S: 32 Q: NE QQ: NW	
Site Address	: 1720 16th St Oregon City 97045	Parcel Number	: 00583336
Mail Address	: 4400 NE Halsey St #2 Portland Or 97213	County	: Clackamas (OR)

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 224.00 Block: 1
Improvement Type	: 131 Sgl Family,R1-3,1-Story
Subdivision/Plat	:
Neighborhood Code	: Oregon City Older
Land Use	: 101 Res,Residential Land,Improved
Legal	: SECTION 32 TOWNSHIP 2S RANGE 2E
	: QUARTER AB TAX LOT 02900
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $51,684
Mkt Structure	: $120,720
Mkt Total	: $172,404
%Improved	: 70
M50AssdTotal	: $117,518
Mill Rate	: 18.1800
Levy Code	: 062002
14-15 Taxes	: $2,136.48
Millage Rate	: 18.1800

PROPERTY CHARACTERISTICS

Bedrooms	: 3	BldgLivingSqFt	: 1,490	BldgSqFt	: 1,490
Bathrooms	: 1.00	1st Floor SqFt	: 1,138	Lot Acres	: .11
Full Baths	: 1	UpperFinSqFt	: 352	Lot SqFt	: 4,986
Half Baths	:	Finished SqFt	: 1,490	Year Built	: 1920
Fireplace	:	AbvGrdSqFt	: 1,490	Foundation	: Concrete
Heat Type	: Forced Air-Gas	UpperTotSqFt	: 352	Roof Type	: Composition
Floor	: Carpet	UnFinUpStySqFt	:	Roof Shape	: Gable
Stories	: 1	Bsmt Fin SqFt	:	Exterior Fin	: Aluminum
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER INFORMATION

Owner(s)	Date	Doc #	Price	Deed
:Providence Health & Services	:		:	:
:	:		:	:
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Phone: 503.603.1700 Fax: 888.833.6840
E-mail: cs@wfgnationaltitle.com

OWNERSHIP INFORMATION

Owner	: Providence Health & Services - Or	Ref Parcel Number	: 22E32AB02100
CoOwner	:	T: 02S R: 02E S: 32 Q: NE QQ: NW	
Site Address	: 1500 Division St Oregon City 97045	Parcel Number	: 00583265
Mail Address	: 4400 NE Halsey St #2 Portland Or 97213	County	: Clackamas (OR)

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 224.00 Block: 1
Improvement Type	: *unknown Improvement Code*
Subdivision/Plat	: Aldercrest Acres
Neighborhood Code	: Area 03 Commercial Oregon City
Land Use	: 201 Com,Commercial Land,Improved
Legal	: SECTION 32 TOWNSHIP 2S RANGE 2E
	: QUARTER AB TAX LOT 02100
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $2,017,225
Mkt Structure	: $45,016,480
Mkt Total	: $47,033,705
%Improved	: 96
M50AssdTotal	: $43,309,308
Mill Rate	: 18.1800
Levy Code	: 062002
14-15 Taxes	:
Millage Rate	: 18.1800

PROPERTY CHARACTERISTICS

Bedrooms	:	BldgLivingSqFt	:	BldgSqFt	:
Bathrooms	:	1st Floor SqFt	:	Lot Acres	: 8.36
Full Baths	:	UpperFinSqFt	:	Lot SqFt	: 364,193
Half Baths	:	Finished SqFt	:	Year Built	: 1961
Fireplace	:	AbvGrdSqFt	:	Foundation	:
Heat Type	:	UpperTotSqFt	:	Roof Type	:
Floor	:	UnFinUpStySqFt	:	Roof Shape	:
Stories	:	Bsmt Fin SqFt	:	Exterior Fin	:
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER INFORMATION

Owner(s)	Date	Doc #	Price	Deed
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Phone: 503.603.1700 Fax: 888.833.6840
E-mail: cs@wfgnationaltitle.com

OWNERSHIP INFORMATION

Owner	: Providence Health & Services - Or	Ref Parcel Number	: 22E32AB02200
CoOwner	:	T: 02S R: 02E S: 32 Q: NE QQ: NW	
Site Address	: 1505 Division St Oregon City 97045	Parcel Number	: 00583274
Mail Address	: 4400 NE Halsey St #2 Portland Or 97213	County	: Clackamas (OR)

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 224.00 Block: 1
Improvement Type	: 470 Medical Buildings
Subdivision/Plat	:
Neighborhood Code	: Area 03 Commercial Oregon City
Land Use	: 201 Com,Commercial Land,Improved
Legal	: TOWNSHIP 2S RANGE 2E SECTION 32
	: QUARTER AB TAX LOT 02200 SEE EXEMPT
	: PORTION 02200E1

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $13,168
Mkt Structure	: $23,010
Mkt Total	: $36,178
%Improved	: 64
M50AssdTotal	: $28,802
Mill Rate	: 18.1800
Levy Code	: 062002
14-15 Taxes	: $523.62
Millage Rate	: 18.1800

PROPERTY CHARACTERISTICS

Bedrooms	:	BldgLivingSqFt	:	BldgSqFt	:
Bathrooms	:	1st Floor SqFt	:	Lot Acres	: .37
Full Baths	:	UpperFinSqFt	:	Lot SqFt	: 16,025
Half Baths	:	Finished SqFt	:	Year Built	: 1974
Fireplace	:	AbvGrdSqFt	:	Foundation	:
Heat Type	:	UpperTotSqFt	:	Roof Type	:
Floor	:	UnFinUpStySqFt	:	Roof Shape	:
Stories	:	Bsmt Fin SqFt	:	Exterior Fin	:
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER INFORMATION

Owner(s)	Date	Doc #	Price	Deed
:Providence Health & Services	:		:	:
:	:		:	:
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:	:		:	:
:	:		:	:

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E-mail: cs@wfgnationaltitle.com

OWNERSHIP INFORMATION

Owner	: Providence Health & Services - Or	Ref Parcel Number	: 22E32AB02000
CoOwner	:	T: 02S R: 02E S: 32 Q: NE QQ: NW	
Site Address	: 1508 Division St Oregon City 97045	Parcel Number	: 00583256
Mail Address	: 4400 NE Halsey St #2 Portland Or 97213	County	: Clackamas (OR)

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 224.00 Block: 1
Improvement Type	: *unknown Improvement Code*
Subdivision/Plat	:
Neighborhood Code	: Area 03 Commercial Oregon City
Land Use	: 201 Com,Commercial Land,Improved
Legal	: TOWNSHIP 2S RANGE 2E SECTION 32
	: QUARTER AB TAX LOT 02000 SEE EXEMPT
	: PORTION 02000E1

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $317,846
Mkt Structure	: $10,092,870
Mkt Total	: $10,410,716
%Improved	: 97
M50AssdTotal	: $9,364,280
Mill Rate	: 18.1800
Levy Code	: 062002
14-15 Taxes	: $169,801.91
Millage Rate	: 18.1800

PROPERTY CHARACTERISTICS

Bedrooms	:	BldgLivingSqFt	:	BldgSqFt	:
Bathrooms	:	1st Floor SqFt	:	Lot Acres	: 1.72
Full Baths	:	UpperFinSqFt	:	Lot SqFt	: 75,094
Half Baths	:	Finished SqFt	:	Year Built	: 1962
Fireplace	:	AbvGrdSqFt	:	Foundation	:
Heat Type	:	UpperTotSqFt	:	Roof Type	:
Floor	:	UnFinUpStySqFt	:	Roof Shape	:
Stories	:	Bsmt Fin SqFt	:	Exterior Fin	:
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER INFORMATION

Owner(s)	Date	Doc #	Price	Deed
:Providence Health & Services	:		:	:
:	:		:	:
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Phone: 503.603.1700 Fax: 888.833.6840
E-mail: cs@wfgnationaltitle.com

OWNERSHIP INFORMATION

Owner	: Providence Health & Services - Or	Ref Parcel Number	: 22E32AB01900
CoOwner	:	T: 02S R: 02E S: 32 Q: NE QQ: NW	
Site Address	: 1510 Division St Oregon City 97045	Parcel Number	: 00583247
Mail Address	: 1510 Division St Oregon City Or 97045	County	: Clackamas (OR)

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 224.00 Block: 1
Improvement Type	: 564 Medical Office Buidings
Subdivision/Plat	:
Neighborhood Code	: Area 03 Commercial Oregon City
Land Use	: 201 Com,Commercial Land,Improved
Legal	: TOWNSHIP 2S RANGE 2E SECTION 32
	: QUARTER AB TAX LOT 01900 SEE EXEMPT
	: PORTION 01900E2

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $298,571
Mkt Structure	: $3,323,980
Mkt Total	: $3,622,551
%Improved	: 92
M50AssdTotal	: $3,375,144
Mill Rate	: 18.1800
Levy Code	: 062002
14-15 Taxes	: $60,552.50
Millage Rate	: 18.1800

PROPERTY CHARACTERISTICS

Bedrooms	:	BldgLivingSqFt	:	BldgSqFt	:
Bathrooms	:	1st Floor SqFt	:	Lot Acres	: 1.35
Full Baths	:	UpperFinSqFt	:	Lot SqFt	: 58,725
Half Baths	:	Finished SqFt	:	Year Built	: 1995
Fireplace	:	AbvGrdSqFt	:	Foundation	:
Heat Type	:	UpperTotSqFt	:	Roof Type	:
Floor	:	UnFinUpStySqFt	:	Roof Shape	:
Stories	:	Bsmt Fin SqFt	:	Exterior Fin	:
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER INFORMATION

Owner(s)	Date	Doc #	Price	Deed
:Providence Health & Services	:00/00/2009	009-005465	:	:Deed
:Strickland Caroline E Trste	:00/00/1978	078-051134	:	:Deed
:	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:

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.

WFG National Title Insurance Company
a Williston Financial Group company

Prepared For:

Prepared By: **Heather Listy** Prepared Date: 9/10/2015
WFG National Title - Customer Service Department
12909 SW 68th Pkwy # 350 Portland, OR 97223
Phone: 503.603.1700 Fax: 888.833.6840
E-mail: cs@wfgnationaltitle.com

OWNERSHIP INFORMATION

Owner	: Providence Health & Services - Or	Ref Parcel Number	: 22E32AB02800
CoOwner	:	T: 02S R: 02E S: 32 Q: NE QQ: NW	
Site Address	: 1511 Division St Oregon City 97045	Parcel Number	: 00583327
Mail Address	: 4400 NE Halsey St #2 Portland Or 97213	County	: Clackamas (OR)

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 224.00 Block: 1
Improvement Type	: 121 Sgl Family,R1-2,1-Story
Subdivision/Plat	: Old Oregon Trail Summer Hm Sit
Neighborhood Code	: Oregon City Older
Land Use	: 100 Vacant,Residential Land
Legal	: SECTION 32 TOWNSHIP 2S RANGE 2E
	: QUARTER AB TAX LOT 02800
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $75,328
Mkt Structure	:
Mkt Total	: $75,328
%Improved	:
M50AssdTotal	: $72,998
Mill Rate	: 18.1800
Levy Code	: 062002
14-15 Taxes	: $1,272.04
Millage Rate	: 18.1800

PROPERTY CHARACTERISTICS

Bedrooms	:	BldgLivingSqFt	:	BldgSqFt	:
Bathrooms	:	1st Floor SqFt	:	Lot Acres	: .18
Full Baths	:	UpperFinSqFt	:	Lot SqFt	: 7,990
Half Baths	:	Finished SqFt	:	Year Built	: 1900
Fireplace	:	AbvGrdSqFt	:	Foundation	: Post Pier
Heat Type	: Stove	UpperTotSqFt	:	Roof Type	: Composition
Floor	: Fir	UnFinUpStySqFt	:	Roof Shape	: Gable
Stories	: 1	Bsmt Fin SqFt	:	Exterior Fin	: Rustic
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER INFORMATION

Owner(s)	Date	Doc #	Price	Deed
:Providence Health & Services	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:

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.

WFG National Title Insurance Company
a Williston Financial Group company

Prepared For:

Prepared By: **Heather Listy** Prepared Date: 9/10/2015
WFG National Title - Customer Service Department
12909 SW 68th Pkwy # 350 Portland, OR 97223
Phone: 503.603.1700 Fax: 888.833.6840
E-mail: cs@wfgnationaltitle.com

OWNERSHIP INFORMATION

Owner	: Providence Health & Services - Or	Ref Parcel Number	: 22E32AB01201
CoOwner	:	T: 02S R: 02E S: 32 Q: NE QQ: NW	
Site Address	: 1600 Division St Oregon City 97045	Parcel Number	: 00583167
Mail Address	: 4400 NE Halsey St #2 Portland Or 97213	County	: Clackamas (OR)

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 224.00 Block: 1
Improvement Type	: 131 Sgl Family,R1-3,1-Story
Subdivision/Plat	: Emerald Mdws D
Neighborhood Code	: Oregon City Older
Land Use	: 101 Res,Residential Land,Improved
Legal	: SECTION 32 TOWNSHIP 2S RANGE 2E
	: QUARTER AB TAX LOT 01201 SEE EXEMPT
	: PORTION 01201E1

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $177,507
Mkt Structure	: $84,930
Mkt Total	: $262,437
%Improved	: 32
M50AssdTotal	: $262,437
Mill Rate	: 18.1800
Levy Code	: 062002
14-15 Taxes	: $4,447.40
Millage Rate	: 18.1800

PROPERTY CHARACTERISTICS

Bedrooms	:	BldgLivingSqFt	:	BldgSqFt	:
Bathrooms	:	1st Floor SqFt	:	Lot Acres	: 1.18
Full Baths	:	UpperFinSqFt	:	Lot SqFt	: 51,388
Half Baths	:	Finished SqFt	:	Year Built	: 1969
Fireplace	:	AbvGrdSqFt	:	Foundation	: Concrete
Heat Type	: Forced Air-Gas	UpperTotSqFt	:	Roof Type	: Composition
Floor	: Carpet	UnFinUpStySqFt	:	Roof Shape	: Gable
Stories	: 1	Bsmt Fin SqFt	:	Exterior Fin	: Bevel Siding
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

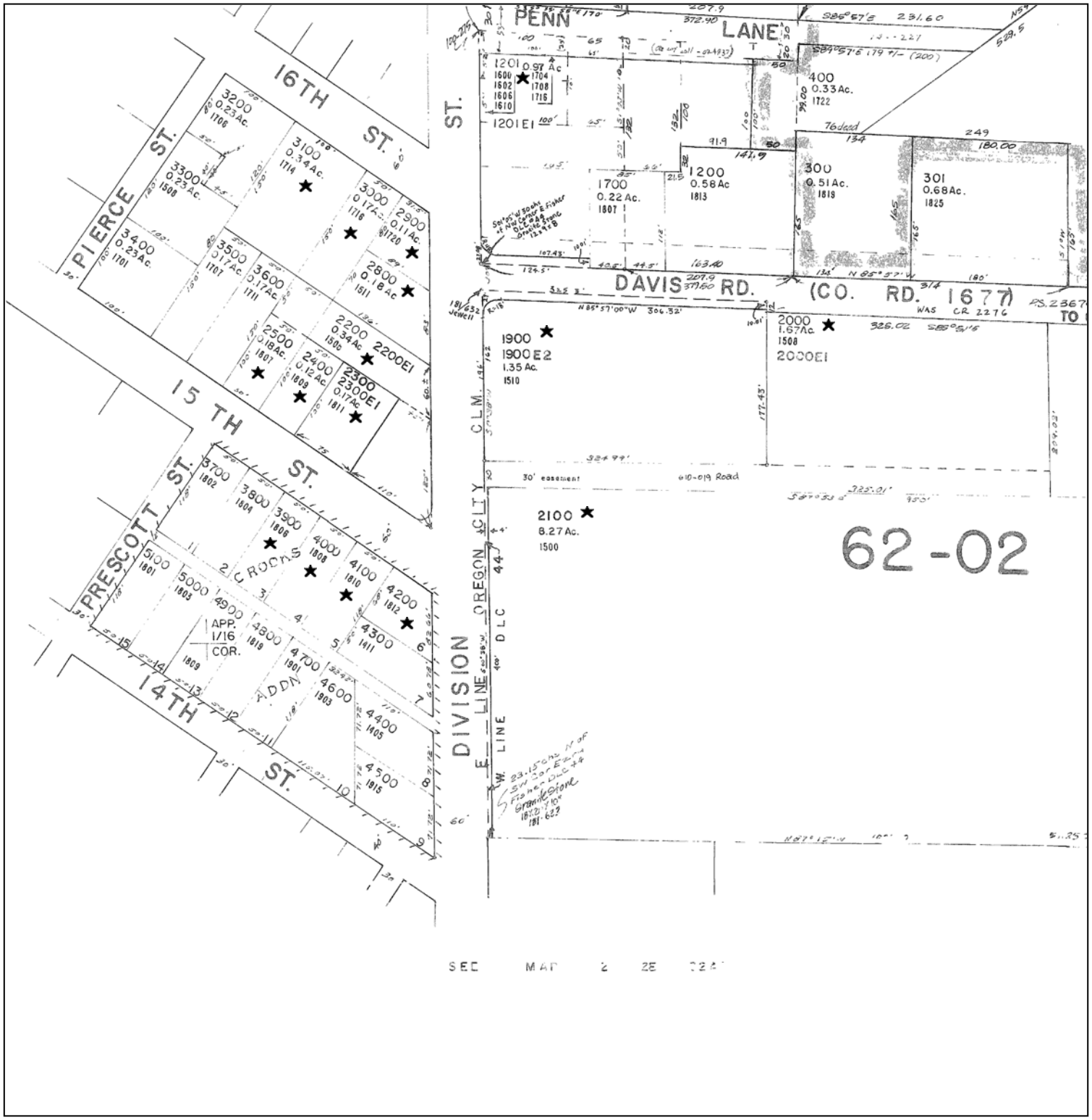
TRANSFER INFORMATION

Owner(s)	Date	Doc #	Price	Deed
:Providence Health & Services	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:

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.

WFG National Title
Customer Service Department
12909 SW 68th Pkwy # 350
Portland, OR 97223
Phone: 503.603.1700
Fax: 888.833.6840
E-mail: cs@wfgnationaltitle.com

Parcel # : 00583461 / 22E32AB04200



This map is a copy of public record and is provided solely for informational purposes. WFG National Title assumes no liability for variations, if any, in dimensions, area or location of the premises or the location of improvements.

TICOR TITLE INSURANCE

2-10-98
2-10-98

Recorded By TICOR TITLE

C678889

WARRANTY DEED

This Space Reserved for Recorder's Use

GRANTOR: Robert G. Ramsour, Trustee

GRANTEE: Division Street Properties II, L.L.C.

Until a change is requested, all tax statements shall be sent to the following address:
Division Street Properties II, L.L.C.
1505 Division Street
Oregon City, OR 97045

Escrow No. 678889CD Title No. C678889-RH

After recording return to:
Division Street Properties II, L.L.C.
1505 Division Street
Oregon City, OR 97045

STATUTORY WARRANTY DEED

ROBERT G. RAMSOUR and JUDITH J. RAMSOUR, TRUSTEES for the ROBERT G. RAMSOUR TRUST u/d/t 4/3/91, and ROBERT G. RAMSOUR and JUDITH J. RAMSOUR, TRUSTEES for the JUDITH J. RAMSOUR TRUST u/d/t 4/3/91 as tenants in common, each with an undivided one-half interest Grantor, conveys and warrants to DIVISION STREET PROPERTIES II, L.L.C., 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:

SEE 'LEGAL DESCRIPTION' ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

THIS INSTRUMENT WILL 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930. 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; 1998-99 taxes which are a lien due but not yet payable.

The true consideration for this conveyance is **$140,000.00**** (Here comply with the requirements of ORS 93.030)
**which is paid to an accommodator as part of a 1031 deferred exchange.
Dated this 1 day of September 19 98

Robert G. Ramsour, Trustee for the Robert G. Ramsour Trust u/d/t 4/3/91 and the Judith J. Ramsour Trust u/d/t 4/3/91 — 4/3/91

Judith J. Ramsour, Trustee for the Robert G. Ramsour Trust u/d/t 4/3/91 and the Judith J. Ramsour Trust u/d/t 4/3/91 — 4/3/91

State of Oregon, County of Multnomah
The foregoing instrument was acknowledged before me this 1 day of September, 1998 by Robert G. Ramsour, Trustee and Judith J. Ramsour, Trustee on behalf of said trusts.

Deana L. Freauff
Notary Public for Oregon
My commission expires: 9/26/99

OFFICIAL SEAL
DEANA L FREAUFF
NOTARY PUBLIC-OREGON
COMMISSION NO. 047385
MY COMMISSION EXPIRES SEPT 26, 1999

98-083584

TICOR TITLE INSURANCE

EXHIBIT 'A'

LEGAL DESCRIPTION

That portion of the Oregon City Claim in Section 32, Township 2 South, Range 2 East of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, described as follows:

Beginning 100 feet Easterly at right angles from a point which is 200 feet Southerly at right angles from a point on a Southerly line of 16th Street, which is 1220 feet Easterly from the Northeast corner of Block 173, Oregon City, Oregon; thence running Southerly at right angles from said Easterly line 100 feet; thence Westerly at right angles 50 feet; thence Northerly at right angles 100 feet; thence Easterly at right angles 50 feet to the place of beginning.

STATE OF OREGON 98-083584
CLACKAMAS COUNTY
Received and placed in the public records of Clackamas County
RECEIPT# AND FEE: 78048 $40.00
DATE AND TIME: 09/08/98 10:13 AM
JOHN KAUFFMAN, COUNTY CLERK

2

Grantor's name and address:
Willamette Falls Hospital
c/o Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Grantee's name and address:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Clackamas County Official Records
Sherry Hall, County Clerk
2012-003000
01/24/2012 08:39:38 AM
D-D Cnt=1 Stn=7 BARBARASTR
$25.00 $16.00 $10.00 $16.00
$67.00

After recording return to:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Until a change is requested, all tax statements shall be sent to:
Same as above.

First American Title Accommodation Recording Assumes No Liability

QUIT CLAIM DEED FOR MERGER

WILLAMETTE FALLS HOSPITAL, an Oregon nonprofit corporation ("Grantor"), hereby releases and quitclaims to PROVIDENCE HEALTH & SERVICES – OREGON, an Oregon nonprofit corporation, doing business as Providence Willamette Falls Medical Center ("Grantee"), the successor by merger to Grantor, Grantor's entire right, title, and interest in the real property and all improvements thereon in Clackamas County, Oregon, legally described in Exhibit A attached hereto and incorporated herein (the "Property").

The purpose of this deed is to document the correct fee title holder of the Property in the real property public records, resulting from the merger of Grantor into Grantee effective as of December 31, 2011.

The true and actual consideration for this transaction, stated in terms of dollars, is $1, and other good and valuable consideration.

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.

DATED: Effective as of the date first written above.

GRANTOR:

WILLAMETTE FALLS HOSPITAL
an Oregon nonprofit corporation

By: Shelly M. Handkins
Printed Name: Shelly M. Handkins
Title: CFO

STATE OF OREGON)
) ss.
County of Multnomah)

Personally appeared before me this 6th day of January, 2012, Shelly Handkins who, being duly sworn, did say that he/she is the CFO of **Willamette Falls Hospital,** an Oregon nonprofit corporation, that the foregoing instrument was signed on behalf of said company, and that he/she acknowledged said instrument to be his/her voluntary act and deed.

OFFICIAL SEAL
GLENDA L FOSSUM-SMITH
NOTARY PUBLIC-OREGON
COMMISSION NO. 461117
MY COMMISSION EXPIRES AUGUST 18, 2015

Glenda L Fossum-Smith
NOTARY PUBLIC FOR Oregon

Exhibit A

Legal Description of the Property

[See attached.]

Exhibit "A"

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

Part of the Ezra Fisher Donation Land Claim in Section 32, Township 2 South, Range 2 East of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, described as follows:

Beginning at a granite stone 18 inches by 12 inches by 10 inches marked "A" and set in the West line of the said Fisher Donation Land Claim, 23.15 chains North 0°38' East from the Southwest corner thereof, which point is the Southwest corner of a tract conveyed to George O. Jewell by Deed recorded November 2, 1925 in Book 181, page 632, Deed Records; thence South 87°53' East 950 feet to a point; thence North 0°38' East parallel with the West line of said Donation Land Claim 400 feet to a point; thence North 87°54' West 950 feet to a point on the West line of said Donation Land Claim; thence South 0°38' West along said West line 400 feet to the point of beginning.

EXCEPTING THEREFROM that portion thereof included in a tract described in Deed to Rivergate Development Company, an Oregon corporation recorded April 25, 1997 as Fee No. 97030876, Records of Clackamas County and described as follows:

All of that property lying West of the East line of the tract described in deed to Willamette Falls community Hospital recorded January 15, 1979, Clackamas County Deed as Fee No. 79-1768, and East of the following described West line of the parcel conveyed herein which is part of the Ezra Fisher and wife Donation Land Claim No. 44, in the Northeast 1/4 of Section 32, Township 2 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon:

Commencing at the Northeast corner of that tract of land described in deed to Mountain Park Health Care Facilities, Inc., recorded July 23, 1985, Clackamas County Recorders Deed as Fee No. 85-25376, which corner is on the South line of that tract described in deed to doctors Hospital Association, Inc., recorded December 27, 1957 in Clackamas County Book 534, page 590; thence, continuing 144.60 feet along said 220-foot radius curve right through a central angle of 37°39'28", the long chord of which bears North 43°26'56" East, 142.01 feet to a point of reverse curvature; thence 130.41 feet along the arc of a curve left, the radius of which is 180.00 feet, the central angle is 41°30'37, and the long chord bears North 41°32'22" East, 127.58 feet to the East line of said Doctors Hospital Association, Inc. tract, which is also the West line of that tract described in deed to willamette Falls Community Hospital recorded January 15, 1979, clackamas County Deed as Fee No. 79-1768; thence continuing 63.25 feet along said 180-foot radius curve left through a central angle of 20°08'03", the long chord of which bears North 10°42'02" East, 67.93 feet to a point of tangency which lies 40.00 feet Westerly of, when measured perpendicular to, the East line of said Willamette Falls Community Hospital tract; thence, parallel with an 40.00 feet from the East line of said Willamette Falls Community Hospital tract, North 00°38'00" East, 339.07 feet to the North line thereof, being on the South line of David Road and the terminus of the line described said line, including the arc length, central angles, and long chords, to be adjusted as necessary to insure that it passes through the tract corners called, and runs parallel with and immediately adjacent to the tract lines cited and the Easterly and Westerly lines of said strip to lengthen and shorten as necessary to begin and terminate on the tract lines cited.

EXCEPTING THEREFROM that portion lying within the boundaries of Trillium Park Drive.

ALSO EXCEPTING THEREFROM that portion dedicated to the City of Oregon City by Deed of Dedication recorded October 24, 2007 as Fee No. 2007-091355.

The legal description was created prior to January 01, 2008.

Parcel Number: 00583265
Ref Parcel Number: 22E32AB02100
Site Address: 1500 Division St., Oregon City 97045

Grantor's name and address:
Willamette Falls Hospital
c/o Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Grantee's name and address:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Clackamas County Official Records
Sherry Hall, County Clerk
2012-003001
01/24/2012 08:39:38 AM
D-D Cnt=1 Stn=7 BARBARASTR
$20.00 $16.00 $10.00 $16.00
$62.00

After recording return to:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Until a change is requested, all tax statements shall be sent to:
Same as above.

First American Title Accommodation Recording Assumes No Liability

QUIT CLAIM DEED FOR MERGER

WILLAMETTE FALLS HOSPITAL, an Oregon nonprofit corporation ("Grantor"), hereby releases and quitclaims to PROVIDENCE HEALTH & SERVICES – OREGON, an Oregon nonprofit corporation, doing business as Providence Willamette Falls Medical Center ("Grantee"), the successor by merger to Grantor, Grantor's entire right, title, and interest in the real property and all improvements thereon in Clackamas County, Oregon, legally described in Exhibit A attached hereto and incorporated herein (the "Property").

The purpose of this deed is to document the correct fee title holder of the Property in the real property public records, resulting from the merger of Grantor into Grantee effective as of December 31, 2011.

The true and actual consideration for this transaction, stated in terms of dollars, is $1, and other good and valuable consideration.

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.

DATED: Effective as of the date first written above.

GRANTOR:

WILLAMETTE FALLS HOSPITAL
an Oregon nonprofit corporation

By: Shelly M. Handkins
Printed Name: Shelly M. Handkins
Title: CFO

STATE OF OREGON)
) ss.
County of Multnomah)

Personally appeared before me this 6th day of January, 2012, Shelly Handkins who, being duly sworn, did say that he/she is the CFO of **Willamette Falls Hospital,** an Oregon nonprofit corporation, that the foregoing instrument was signed on behalf of said company, and that he/she acknowledged said instrument to be his/her voluntary act and deed.

OFFICIAL SEAL
GLENDA L FOSSUM-SMITH
NOTARY PUBLIC-OREGON
COMMISSION NO. 461117
MY COMMISSION EXPIRES AUGUST 18, 2015

Glenda L Fossum-Smith
NOTARY PUBLIC FOR Oregon

Exhibit A

Legal Description of the Property

[See attached.]

Exhibit "A"

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

A portion of the Northwest quarter of the Northeast quarter of Section 32, Township 2 South, Range 2 East of the Willamette Meridian, in the City of Oregon City, Clackamas County, Oregon, described as follows:

Beginning at the intersection of the Northerly line of 15th Street and the Westerly line of Division Street in the City of Oregon City; thence Northwesterly along the Northerly line of said 15th Street, 185 feet, more or less, to the most Westerly corner of that tract of land conveyed to L.P. Gambee, et ux, by deed recorded July 18, 1972, under Recorder's Fee No. 72-20949; thence at right angles to said roadway and along the Westerly line of said Gambee tract, 100 feet to the most Northerly corner thereof; thence at right angles to the last mentioned line, 50 feet to the most Westerly corner of that tract of land conveyed to L. Phaon Gambee, et ux, by deed recorded May 1 7, 1973, under Recorder's Fee No. 73-15330; thence Northeasterly along the Westerly line of the last mentioned Gambee tract, 50 feet, to the Northwesterly corner thereof; thence tracing the Northerly line of said tract, 136 feet to the West line of Division Street; thence Southerly along the Westerly line of said Division Street, 185 feet, more or less, to the place of beginning.

Excepting Therefrom that parcel contained in a Quitclaim Deed to the City of Oregon City, a municipal corporation, recorded April 11, 1963, in Book 620, Page 8.

And Further Excepting Therefrom that parcel conveyed to L.P. Gambee and Patricia I Gambee, husband and wife, by deed recorded July 18, 1972, Recorder's No. 72 20949, which said excepted parcel is described as follows:

Beginning at the Northeast corner of Block 173, Oregon City; thence Southeasterly along the Southerly line of Sixteenth Street 1220 feet; thence at right angles Southeasterly 200 feet; thence Southeasterly at right angles 100 feet to the true point of beginning; thence continuing Southeasterly 75 feet; thence at right angles Southwesterly 100 feet to Northerly side of Fifteenth Street; thence Northwesterly at right angles along Northerly side of Fifteenth Street 75 feet; thence Northeasterly at right angles 100 feet to the true point of beginning.

The legal description was created prior to January 01, 2008.

Parcel Number: 00583274
Ref Parcel Number: 22E32AB02200
Site Address: 1505 Division St., Oregon City 97045

Grantor's name and address:
Willamette Falls Hospital
c/o Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Grantee's name and address:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Clackamas County Official Records 2012-003002
Sherry Hall, County Clerk
01/24/2012 08:39:38 AM
D-D Cnt=1 Stn=7 BARBARASTR
$20.00 $16.00 $10.00 $16.00 $62.00

First American Title Accommodation Recording Assumes No Liability

After recording return to:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Until a change is requested, all tax statements shall be sent to:
Same as above.

QUIT CLAIM DEED FOR MERGER

WILLAMETTE FALLS HOSPITAL, an Oregon nonprofit corporation ("Grantor"), hereby releases and quitclaims to PROVIDENCE HEALTH & SERVICES – OREGON, an Oregon nonprofit corporation, doing business as Providence Willamette Falls Medical Center ("Grantee"), the successor by merger to Grantor, Grantor's entire right, title, and interest in the real property and all improvements thereon in Clackamas County, Oregon, legally described in Exhibit A attached hereto and incorporated herein (the "Property").

The purpose of this deed is to document the correct fee title holder of the Property in the real property public records, resulting from the merger of Grantor into Grantee effective as of December 31, 2011.

The true and actual consideration for this transaction, stated in terms of dollars, is $1, and other good and valuable consideration.

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.

DATED: Effective as of the date first written above.

GRANTOR:

WILLAMETTE FALLS HOSPITAL
an Oregon nonprofit corporation

By: Shelly M. Handkins
Printed Name: Shelly M. Handkins
Title: CFO

STATE OF OREGON)
) ss.
County of Multnomah)

Personally appeared before me this 6th day of January 2012, Shelly Handkins who, being duly sworn, did say that he/she is the CFO of **Willamette Falls Hospital,** an Oregon nonprofit corporation, that the foregoing instrument was signed on behalf of said company, and that he/she acknowledged said instrument to be his/her voluntary act and deed.

OFFICIAL SEAL
GLENDA L FOSSUM-SMITH
NOTARY PUBLIC-OREGON
COMMISSION NO. 461117
MY COMMISSION EXPIRES AUGUST 18, 2015

Glenda L Fossum-Smith
NOTARY PUBLIC FOR Oregon

Exhibit A

Legal Description of the Property

[See attached.]

Exhibit "A"

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

Part of the Ezra Fisher Donation Land Claim situated in the Northeast one-quarter of Section 32, Township 2 South, Range 2 East, of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, being more particularly described as follows, to-wit:

Beginning at an iron rod in the Easterly right of way line of Division Street, which iron rod is the Northwest corner of that certain tract of land conveyed to the Doctor's Hospital Association, Inc. by Deed recorded December 27, 1957 in Deed Book 534, page 590, Deed Records, Clackamas County, Oregon. From said place of beginning; thence South 87°51'07" East along the North line of said Doctor's Hospital Association Inc. Tract, 324.99 feet to an iron pipe; thence continuing South 87°51'07" East along said Doctor's Hospital Association Inc. Tract North line 325.01 feet to an iron pipe; thence leaving said North line North 0°38' East 209.03 feet to an iron pipe in the Southerly right of way line of Davis Road; thence North 86°23' West along the Southerly right of way line of said Davis Road 325.02 feet to an iron pipe; thence leaving said Southerly right of way line of Davis Road, South 0°38' West 187.44 feet to an iron pipe; thence North 87°51'07" West 324.99 feet to an iron rod set in the Easterly right of way line of said Division Street; thence South 0°38' West along said Easterly right of way line of Division Street 30.02 feet to the place of beginning.

TOGETHER WITH an easement for underground drainage line as set forth in document recorded September 5, 1962 in book 610, page 19 being 5 feet in width lying and being 2 1/2 feet on either side of the following described center line:

Beginning at an iron rod in the Easterly right of way line of Division Street, in the Northeast 1/4 of Section 32, Township 2 South, Range 2 East of the Willamette Meridian, in the Ezra Fisher donation Land Claim, which iron rod is the Northwest corner of that certain tract of land conveyed to the Drs. Hospital Association, Inc., by Deed recorded December 27, 1957 in Deed Book 534, page 590, Deed Records of Clackamas County, Oregon; running thence North 0°38' East, along said Easterly right of way line of Division Street 30.02 feet to an iron rod; thence South 87°51'07" East, 324.99 feet to the Westerly boundary of the tract above described; thence North 0°38' East, tracing said Westerly boundary, 60 feet to the point of beginning of the easement center line to be described; thence North 45° West, 22 feet to a point and terminus of said easement center line.

EXCEPTING THEREFROM that portion dedicated to the City of Oregon City for road and utility purposes by instrument recorded February 13, 2002 as Fee No. 2002-014847.

The legal description was created prior to January 01, 2008.

Parcel Number: 00583256
Ref Parcel Number: 22E32AB02000
Site Address: 1508 Division St., Oregon City 97045

Grantor's name and address:
Willamette Falls Hospital
c/o Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Grantee's name and address:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Clackamas County Official Records 2012-003003
Sherry Hall, County Clerk
01/24/2012 08:39:38 AM
D-D Cnt=1 Stn=7 BARBARASTR
$20.00 $16.00 $10.00 $16.00 $62.00

After recording return to:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Until a change is requested, all tax statements shall be sent to:
Same as above.

First American Title Accommodation Recording Assumes No Liability

QUIT CLAIM DEED FOR MERGER

WILLAMETTE FALLS HOSPITAL, an Oregon nonprofit corporation ("Grantor"), hereby releases and quitclaims to PROVIDENCE HEALTH & SERVICES – OREGON, an Oregon nonprofit corporation, doing business as Providence Willamette Falls Medical Center ("Grantee"), the successor by merger to Grantor, Grantor's entire right, title, and interest in the real property and all improvements thereon in Clackamas County, Oregon, legally described in Exhibit A attached hereto and incorporated herein (the "Property").

The purpose of this deed is to document the correct fee title holder of the Property in the real property public records, resulting from the merger of Grantor into Grantee effective as of December 31, 2011.

The true and actual consideration for this transaction, stated in terms of dollars, is $1, and other good and valuable consideration.

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.

DATED: Effective as of the date first written above.

GRANTOR:

WILLAMETTE FALLS HOSPITAL
an Oregon nonprofit corporation

By: Shelly M. Handkins
Printed Name: Shelly M. Handkins
Title: CFO

STATE OF OREGON)
) ss.
County of Multnomah)

Personally appeared before me this 6th day of January, 2012, Shelly Handkins who, being duly sworn, did say that he/she is the CFO of **Willamette Falls Hospital,** an Oregon nonprofit corporation, that the foregoing instrument was signed on behalf of said company, and that he/she acknowledged said instrument to be his/her voluntary act and deed.

OFFICIAL SEAL
GLENDA L FOSSUM-SMITH
NOTARY PUBLIC-OREGON
COMMISSION NO. 461117
MY COMMISSION EXPIRES AUGUST 18, 2015

Glenda L Fossum-Smith
NOTARY PUBLIC FOR Oregon

Exhibit A

Legal Description of the Property

[See attached.]

Exhibit "A"

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

Part of the Ezra Fisher Donation Land Claim situated in the Northeast quarter of Section 32, Township 2 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:

Beginning at an iron rod in the Easterly right of way line of Division Street, which rod marks the Northwest corner of that 30 foot strip of land described in that deed to Graeme Strickland, et ux, recorded in Clackamas County Deed Book 610, page 19; thence South 87°51'07" East along the Northerly line of said 30 foot strip 324.99 feet to an angle corner in said tract of land; thence North 0°38' East along the West line of said tract 187.44 feet to the most Northerly Northwest corner of said Strickland tract and a point in the Southerly line of Davis Road; thence North 86°23' West along said Southerly line 325 feet, more or less, to a point in the Easterly line of said Division Street; thence South 0°38' West 196 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM that portion dedicated to the City of Oregon City by Deed of Dedication recorded March 8, 2004 as Fee No. 2004-019351.

The legal description was created prior to January 01, 2008.

~~Parcel Number: 00583247 & 01718136~~
Ref Parcel Number: 22E32AB01900 & 22E32AB1900E2
Site Address: 1510 Division St. & 1510 Division St #A, Oregon City 97045

Grantor's name and address:
Willamette Falls Hospital
c/o Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Grantee's name and address:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Clackamas County Official Records 2012-003004
Sherry Hall, County Clerk
01/24/2012 08:39:38 AM
D-D Cnt=1 Stn=7 BARBARASTR
$20.00 $16.00 $10.00 $16.00 $62.00

After recording return to:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Until a change is requested, all tax statements shall be sent to:
Same as above.

First American Title Accommodation
Recording Assumes No Liability

QUIT CLAIM DEED FOR MERGER

WILLAMETTE FALLS HOSPITAL, an Oregon nonprofit corporation ("Grantor"), hereby releases and quitclaims to PROVIDENCE HEALTH & SERVICES – OREGON, an Oregon nonprofit corporation, doing business as Providence Willamette Falls Medical Center ("Grantee"), the successor by merger to Grantor, Grantor's entire right, title, and interest in the real property and all improvements thereon in Clackamas County, Oregon, legally described in Exhibit A attached hereto and incorporated herein (the "Property").

The purpose of this deed is to document the correct fee title holder of the Property in the real property public records, resulting from the merger of Grantor into Grantee effective as of December 31, 2011.

The true and actual consideration for this transaction, stated in terms of dollars, is $1, and other good and valuable consideration.

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.

DATED: Effective as of the date first written above.

GRANTOR:

WILLAMETTE FALLS HOSPITAL
an Oregon nonprofit corporation

By: Shelly M. Handkins
Printed Name: Shelly M. Handkins
Title: CFO

STATE OF OREGON)
) ss.
County of Multnomah)

Personally appeared before me this 6th day of January 2012, Shelly Handkins who, being duly sworn, did say that he/she is the CFO of **Willamette Falls Hospital,** an Oregon nonprofit corporation, that the foregoing instrument was signed on behalf of said company, and that he/she acknowledged said instrument to be his/her voluntary act and deed.

OFFICIAL SEAL
GLENDA L FOSSUM-SMITH
NOTARY PUBLIC-OREGON
COMMISSION NO. 461117
MY COMMISSION EXPIRES AUGUST 18, 2015

Glenda L Fossum-Smith
NOTARY PUBLIC FOR Oregon

Exhibit A

Legal Description of the Property

[See attached.]

Exhibit "A"

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

Part of the Oregon City Claim in Section 32, Township 2 South, Range 2 East of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, described as follows:

Beginning in the Easterly extension of the Southerly line of 16th Street, 1280.00 feet, more or less, Easterly, along Easterly extension, from the Northeast corner of Block 173, Oregon City; thence at right angles Southerly 80.00 feet to the Southwest corner of a tract conveyed to Gerald T. Shaw, et ux, recorded October 6, 1964, in Book 647, Page 407, Deed Records, also being the most Northerly corner of that tract conveyed to William 0. Moore, et ux, recorded June 9, 1964, in Book 641, Page 235, Deed Records and the true point of beginning of the tract herein to be described; thence Southeasterly along the Northerly boundary of said Moore tract 89.00 feet to the Westerly line of Division Street; thence Southerly along the Westerly line of Division Street, a distance of 83.00 feet to the Northeast corner of a tract conveyed to William B. Miller, et ux, recorded August 6, 1938, in Book 249, Page 363, Deed Records; also being the most Southerly corner of said Moore tract; thence Northwesterly along the Southerly line of said Moore tract a distance of 136.00 feet to the Southwest corner thereof; thence Northeasterly along the Northwesterly line of said Moore tract a distance of 70.00 feet to the point of beginning.

The legal description was created prior to January 01, 2008.

Parcel Number: 00583327
Ref Parcel Number: 22E32AB02800
Site Address: 1511 Division St., Oregon City 97045

Grantor's name and address:
Willamette Falls Hospital
c/o Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Grantee's name and address:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Clackamas County Official Records 2012-003006
Sherry Hall, County Clerk
01/24/2012 08:39:38 AM
D-D Cnt=1 Stn=7 BARBARASTR
$30.00 $16.00 $10.00 $16.00 $72.00

After recording return to:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Until a change is requested, all tax statements shall be sent to:
Same as above.

First American Title Accommodation Recording Assumes No Liability

QUIT CLAIM DEED FOR MERGER

WILLAMETTE FALLS HOSPITAL, an Oregon nonprofit corporation ("Grantor"), hereby releases and quitclaims to PROVIDENCE HEALTH & SERVICES – OREGON, an Oregon nonprofit corporation, doing business as Providence Willamette Falls Medical Center ("Grantee"), the successor by merger to Grantor, Grantor's entire right, title, and interest in the real property and all improvements thereon in Clackamas County, Oregon, legally described in Exhibit A attached hereto and incorporated herein (the "Property").

The purpose of this deed is to document the correct fee title holder of the Property in the real property public records, resulting from the merger of Grantor into Grantee effective as of December 31, 2011.

The true and actual consideration for this transaction, stated in terms of dollars, is $1, and other good and valuable consideration.

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.

DATED: Effective as of the date first written above.

GRANTOR:

WILLAMETTE FALLS HOSPITAL
an Oregon nonprofit corporation

By: Shelly M. Handkins
Printed Name: Shelly M. Handkins
Title: CFO

STATE OF OREGON)
) ss.
County of Multnomah)

Personally appeared before me this 6th day of January, 2012, Shelly Handkins who, being duly sworn, did say that he/she is the CFO of **Willamette Falls Hospital,** an Oregon nonprofit corporation, that the foregoing instrument was signed on behalf of said company, and that he/she acknowledged said instrument to be his/her voluntary act and deed.

OFFICIAL SEAL
GLENDA L FOSSUM-SMITH
NOTARY PUBLIC-OREGON
COMMISSION NO. 461117
MY COMMISSION EXPIRES AUGUST 18, 2015

Glenda L Fossum-Smith
NOTARY PUBLIC FOR Oregon

Exhibit A

Legal Description of the Property

[See attached.]

Exhibit "A"

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

TRACT A:

Part of the Ezra Fisher Donation Land Claim situated in Section 32, Township 2 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:

Beginning at a point North 1°5' East 264 feet and South 85°57' East 231 feet from the Southwest corner of a tract conveyed to John Naught by deed recorded in Book "X", page 397, Deed Records; thence continuing South 85°57' East 91.90 feet to the Northwest corner of a tract conveyed to Orlie M. Hemphill, et ux, by deed recorded in Book 321, page 51, Deed Records; thence South 1°00' West 120 feet; thence North 85°57' West 91.90 feet; thence North 1°00' East 120 feet to the true point of beginning.

EXCEPTING THEREFROM the North 20 feet, being situated in Penn Lane.

ALSO EXCEPTING THEREFROM that portion conveyed to the City of Oregon City by Deed of Dedication recorded April 25, 2011 as Instrument No. 2011-024837

TRACT B:

A tract of land in the Northwest one-quarter of the Northeast one-quarter of Section 32, Township 2 South, Range 2 East of the Willamette Meridian, and being within the Ezra Fisher Donation Land Claim, in the City of Oregon City, County of Clackamas and State of Oregon, described as follows:

Beginning on the West line of said Donation Land Claim at the Northwest corner of the tract of land described in a Deed to J.E. Boyer recorded in Book 100, page 275, which corner is established by said deed as being South 1°05' West 1716 feet (26 chains) from the Northwest corner of said Donation Land Claim; thence South 85°57' East along the North line of said Boyer tract 100 feet; thence South 1°05' West, parallel with said claim line, 52 feet to the Northeast corner of the tract described in Deed to Donn J. Crone recorded under Fee No. 67-002664; thence North 87°57' West along the North line of said Crone tract 100 feet to the West line of said Donation Land Claim; thence North 1°05' East along said claim line 52 feet to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to the City of Oregon City by Deed of Dedication recorded April 25, 2011 as Instrument No. 2011-024837

TRACT C:

Part of the Ezra Fisher Donation Land Claim situated in Section 32, Township 2 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:

Beginning at the Northwest corner of a tract of land described in Book 100, page 275, Deed Records of Clackamas County, Oregon, which corner is on the west line of the Ezra Fisher Donation Land Claim No. 44 at a point South 1°05' West 26 chains from the Northwest corner of said Donation Land Claim; thence South 1°05' West along the West line of said Fisher Donation Land Claim 52.0 feet to the true point of beginning; thence South 85°57' East 100 feet; thence South 1°05' West 50.00 feet; thence North 85°57 West 100 feet to the West line of said Fisher Donation Land Claim; thence North, tracing the West line of

said Fisher Donation Land Claim, 50.0 feet to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to the City of Oregon City by Deed of Dedication recorded April 25, 2011 as Instrument No. 2011-024837

TRACT D:

Part of the Ezra Fisher Donation Land Claim situated in Section 32, Township 2 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:

Beginning at a point 112.00 feet North 1°5' East from the Southwesterly corner of a tract of land deeded to J.E. Boyer by deed recorded September 30, 1907 in Book 100, page 275, Clackamas County Deed Records; thence in a Northerly direction along the Westerly line of said tract a distance of 50.00 feet; thence South 85°57' East 165.00 feet to the Easterly line of said tract; thence South 1°5' West along the Easterly line of said tract a distance of 50.00 feet; thence North 85°57' West 165.00 feet to the point of beginning.

TRACT E:

Part of the Ezra Fisher Donation Land Claim situated in Section 32, Township 2 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:

Beginning at a point that is South 1°05' West 30 chains from the Northwest corner of the Ezra Fisher Donation Land Claim; thence South 85°57' East 124.5 feet; thence North 1°05' East 112 feet; thence North 85°57' West 124.5 feet to the Donation Land Claim line; thence South 1°05' West 112 feet to the point of beginning.

EXCEPTING THEREFROM that portion dedicated to the City of Oregon City by Deed of Dedication recorded March 8, 2004 as Fee No. 2004-019351.

TRACT F:

Part of the Ezra Fisher Donation Land Claim situated in Section 32, Township 2 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:

Beginning on the West line of said Donation Land Claim at the Northeast corner of the tract of land described in Deed to J.E. Boyer recorded in Book 100, page 275, Clackamas County Deed Records, which corner is established by said Deed as being South 1°05' West 1716 feet (26 chains) from the Northwest corner of said Donation Land Claim; thence South 85°57' East along the North line of said Boyer tract 100 feet to the true point of beginning; thence South 1°05' West, parallel with said claim line, 102 feet to the Southeast corner of the tract described in Deed to Donn J. Crone recorded under Fee No. 67-002664; thence South 85°57' East, parallel with the North line of said Boyer tract, 65 feet to a point on the East line thereof; thence North 1°05' East along the said East line 102 feet to the Northeast corner thereof; thence North 85°57' West 65 feet to the true point of beginning.

TRACT G:

Part of the Ezra Fisher Donation Land Claim situated in Section 32, Township 2 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:

Beginning at the Northwest corner of that certain tract of land conveyed to August Schunk and Minnie Schunk by deed recorded July 20, 1920 in Book 159, page 315, Deed Records of Clackamas County, Oregon; thence South 1° West along the West line of the tract described in said deed 152 feet, more or less, to the Northwest corner of that tract of land conveyed to A.O. Alldrege and wife by deed recorded in Book 107, page 126, Deed Records of Clackamas County, Oregon; thence South 85°57' East 66 feet; thence North 1° East 152 feet, more or less, to the North line of the said Schunk tract; thence North 85°57' West along the North line of said Schunk tract to the point of beginning.

The legal description was created prior to January 01, 2008.

Parcel Number: 0583167
Ref Parcel Number: 22E32AB01201
Site Address: 1600 Division St., Oregon City 97045

Grantor's name and address:
Willamette Falls Hospital
c/o Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Grantee's name and address:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Clackamas County Official Records
Sherry Hall, County Clerk
2012-003007
01/24/2012 08:39:38 AM
D-D Cnt=1 Stn=7 BARBARASTR
$20.00 $16.00 $10.00 $16.00
$62.00

After recording return to:
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Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

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The purpose of this deed is to document the correct fee title holder of the Property in the real property public records, resulting from the merger of Grantor into Grantee effective as of December 31, 2011.

The true and actual consideration for this transaction, stated in terms of dollars, is $1, and other good and valuable consideration.

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.

DATED: Effective as of the date first written above.

GRANTOR:

WILLAMETTE FALLS HOSPITAL
an Oregon nonprofit corporation

By: Shelly M. Handkins
Printed Name: Shelly M. Handkins
Title: CFO

STATE OF OREGON)
) ss.
County of Multnomah)

Personally appeared before me this 6th day of January 2012, Shelly Handkins who, being duly sworn, did say that he/she is the CFO of **Willamette Falls Hospital,** an Oregon nonprofit corporation, that the foregoing instrument was signed on behalf of said company, and that he/she acknowledged said instrument to be his/her voluntary act and deed.

OFFICIAL SEAL
GLENDA L FOSSUM-SMITH
NOTARY PUBLIC-OREGON
COMMISSION NO. 461117
MY COMMISSION EXPIRES AUGUST 18, 2015

Glenda L Fossum-Smith
NOTARY PUBLIC FOR Oregon

Exhibit A

Legal Description of the Property

[See attached.]

Exhibit "A"

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

That portion of the Northwest one-quarter of the Northeast one-quarter of Section 32, Township 2 South, Range 2 East of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, described as follows:

Beginning at the Northeast corner of Block 173, Oregon City; thence Southeasterly along the Southerly line of Sixteenth Street 1220 feet; thence at right angles Southeasterly 200 feet; thence Southeasterly at right angles 100 feet to the true point of beginning; thence continuing Southeasterly 75 feet; thence at right angles Southwesterly 100 feet to Northerly side of Fifteenth Street; thence Northwesterly at right angles along Northerly side of Fifteenth Street 75 feet; thence Northeasterly at right angles 100 feet to the true point of beginning.

The legal description was created prior to January 01, 2008.

Parcel Number: 00583309
Ref Parcel Number: 22E32AB02500
Site Address: 1807 15th St., Oregon City 97045

Grantor's name and address:
Willamette Falls Hospital
c/o Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Grantee's name and address:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Clackamas County Official Records 2012-003009
Sherry Hall, County Clerk
01/24/2012 08:39:38 AM
D-D Cnt=1 Stn=7 BARBARASTR
$20.00 $16.00 $10.00 $16.00 $62.00

After recording return to:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Until a change is requested, all tax statements shall be sent to:
Same as above.

First American Title Accommodation Recording Assumes No Liability

QUIT CLAIM DEED FOR MERGER

WILLAMETTE FALLS HOSPITAL, an Oregon nonprofit corporation ("Grantor"), hereby releases and quitclaims to PROVIDENCE HEALTH & SERVICES – OREGON, an Oregon nonprofit corporation, doing business as Providence Willamette Falls Medical Center ("Grantee"), the successor by merger to Grantor, Grantor's entire right, title, and interest in the real property and all improvements thereon in Clackamas County, Oregon, legally described in Exhibit A attached hereto and incorporated herein (the "Property").

The purpose of this deed is to document the correct fee title holder of the Property in the real property public records, resulting from the merger of Grantor into Grantee effective as of December 31, 2011.

The true and actual consideration for this transaction, stated in terms of dollars, is $1, and other good and valuable consideration.

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.

DATED: Effective as of the date first written above.

GRANTOR:

WILLAMETTE FALLS HOSPITAL
an Oregon nonprofit corporation

By: Shelly M. Handkins
Printed Name: Shelly M. Handkins
Title: CFO

STATE OF OREGON)
) ss.
County of Multnomah)

Personally appeared before me this 6th day of January 2012, Shelly Handkins who, being duly sworn, did say that he/she is the CFO of **Willamette Falls Hospital,** an Oregon nonprofit corporation, that the foregoing instrument was signed on behalf of said company, and that he/she acknowledged said instrument to be his/her voluntary act and deed.

OFFICIAL SEAL
GLENDA L FOSSUM-SMITH
NOTARY PUBLIC-OREGON
COMMISSION NO. 461117
MY COMMISSION EXPIRES AUGUST 18, 2015

Glenda L Fossum-Smith
NOTARY PUBLIC FOR Oregon

Exhibit A

Legal Description of the Property

[See attached.]

Exhibit "A"

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

Part of the Oregon City Claim in Section 32, Township 2 South, Range 2 East of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, described as follows:

Beginning at a point which is 150.00 feet Southerly at right angles from a point on the Southerly line of 16th Street, which is 1220.00 feet Easterly from the Northeast corner of Block 173, in Oregon City; thence running Southerly on said Southerly right angle line 50.00 feet; thence Easterly at right angles 50.00 feet; thence Northerly at right angles 50.00 feet; thence Westerly at right angles 50.00 feet to the place of beginning.

Also: Commencing at the most Easterly corner of Block 173 in Oregon City; thence running Easterly along the Southerly line of 16th Street, 1220 feet; thence Southerly at right angles 200 feet to the true point of beginning; thence continuing Southerly on the said right angle line 100 feet; thence Easterly at right angles 50 feet; thence Northerly at right angles 100 feet; thence Westerly at right angles 50 feet to the place of beginning.

The legal description was created prior to January 01, 2008.

Parcel Number: 00583283
Ref Parcel Number: 22E32AB02300
Site Address: 1811 15th St., Oregon City 97045

Grantor's name and address:
Willamette Falls Hospital
c/o Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Grantee's name and address:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Clackamas County Official Records 2012-003010
Sherry Hall, County Clerk
01/24/2012 08:39:38 AM
D-D Cnt=1 Stn=7 BARBARASTR
$20.00 $16.00 $10.00 $16.00 $62.00

First American Title Accommodation Recording Assumes No Liability

After recording return to:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Until a change is requested, all tax statements shall be sent to:
Same as above.

QUIT CLAIM DEED FOR MERGER

WILLAMETTE FALLS HOSPITAL, an Oregon nonprofit corporation ("Grantor"), hereby releases and quitclaims to PROVIDENCE HEALTH & SERVICES – OREGON, an Oregon nonprofit corporation, doing business as Providence Willamette Falls Medical Center ("Grantee"), the successor by merger to Grantor, Grantor's entire right, title, and interest in the real property and all improvements thereon in Clackamas County, Oregon, legally described in Exhibit A attached hereto and incorporated herein (the "Property").

The purpose of this deed is to document the correct fee title holder of the Property in the real property public records, resulting from the merger of Grantor into Grantee effective as of December 31, 2011.

The true and actual consideration for this transaction, stated in terms of dollars, is $1, and other good and valuable consideration.

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.

DATED: Effective as of the date first written above.

GRANTOR:

WILLAMETTE FALLS HOSPITAL
an Oregon nonprofit corporation

By: Shelly M. Handkins
Printed Name: Shelly M. Handkins
Title: CFO

STATE OF OREGON)
) ss.
County of Multnomah)

Personally appeared before me this 6th day of January 2012, Shelly Handkins who, being duly sworn, did say that he/she is the CFO of **Willamette Falls Hospital,** an Oregon nonprofit corporation, that the foregoing instrument was signed on behalf of said company, and that he/she acknowledged said instrument to be his/her voluntary act and deed.

OFFICIAL SEAL
GLENDA L FOSSUM-SMITH
NOTARY PUBLIC-OREGON
COMMISSION NO. 461117
MY COMMISSION EXPIRES AUGUST 18, 2015

Glenda L Fossum-Smith
NOTARY PUBLIC FOR Oregon

Exhibit A

Legal Description of the Property

[See attached.]

Exhibit "A"

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

Part of the Oregon City Claim in Section 32, Township 2 South, Range 2 East of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, described as follows:

Beginning at a point on the Southerly line of 16th Street, produced, which is 1120 feet Easterly from the Northeast corner of Block 173, OREGON CITY, according to the maps and plats thereof on file in the office of the County Recorder of said County and State; thence running Southerly, at right angles to said 16th Street 150 feet; thence Easterly, at right angles, 100 feet; thence Northerly, at right angles, 150 feet to the 16th Street, produced; thence Westerly, along said 16th Street, 100 feet to the point of beginning.

The legal description was created prior to January 01, 2008.

Parcel Number: 00583354
Ref Parcel Number: 22E32AB03100
Site Address: 1714 16th St., Oregon City 97045

Grantor's name and address:
Willamette Falls Hospital
c/o Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Grantee's name and address:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Clackamas County Official Records 2012-003012
Sherry Hall, County Clerk
01/24/2012 08:39:38 AM
D-D Cnt=1 Stn=7 BARBARASTR
$20.00 $16.00 $10.00 $16.00 $62.00

First American Title Accommodation Recording Assumes No Liability

After recording return to:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Until a change is requested, all tax statements shall be sent to:
Same as above.

QUIT CLAIM DEED FOR MERGER

WILLAMETTE FALLS HOSPITAL, an Oregon nonprofit corporation ("Grantor"), hereby releases and quitclaims to PROVIDENCE HEALTH & SERVICES – OREGON, an Oregon nonprofit corporation, doing business as Providence Willamette Falls Medical Center ("Grantee"), the successor by merger to Grantor, Grantor's entire right, title, and interest in the real property and all improvements thereon in Clackamas County, Oregon, legally described in Exhibit A attached hereto and incorporated herein (the "Property").

The purpose of this deed is to document the correct fee title holder of the Property in the real property public records, resulting from the merger of Grantor into Grantee effective as of December 31, 2011.

The true and actual consideration for this transaction, stated in terms of dollars, is $1, and other good and valuable consideration.

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DATED: Effective as of the date first written above.

GRANTOR:

WILLAMETTE FALLS HOSPITAL
an Oregon nonprofit corporation

By: Shelly M. Handkins
Printed Name: Shelly M. Handkins
Title: CFO

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) ss.
County of Multnomah)

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OFFICIAL SEAL
GLENDA L FOSSUM-SMITH
NOTARY PUBLIC-OREGON
COMMISSION NO. 461117
MY COMMISSION EXPIRES AUGUST 18, 2015

Glenda L Fossum-Smith
NOTARY PUBLIC FOR Oregon

Exhibit A

Legal Description of the Property

[See attached.]

Exhibit "A"

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

Part of the Oregon City Claim in Section 32, Township 2 South, Range 2 East of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, described as follows:

Beginning on the Easterly extension of the southerly line of 16th Street in Oregon City, 1260 feet Easterly from the most Easterly corner of Block 173, OREGON CITY; thence Southerly, at right angles to 16th Street, 80 feet; thence Easterly, at right angles to the last line, 89 feet to the Westerly line of Division Street; thence Northerly, on said Westerly line, 97 feet to the intersection with the Southerly line of said 16th Street extended Easterly; thence Westerly, along said Southerly line, 31.5 feet to the point of beginning.

The legal description was created prior to January 01, 2008.

Parcel Number: 00583336
Ref Parcel Number: 22E32AB02900
Site Address: 1720 16th., Oregon City 97045

Grantor's name and address:
Willamette Falls Hospital
c/o Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Grantee's name and address:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

First American Title Accommodation Recording Assumes No Liability

Clackamas County Official Records 2012-003015
Sherry Hall, County Clerk
01/24/2012 08:39:38 AM
D-D Cnt=1 Stn=7 BARBARASTR
$20.00 $16.00 $10.00 $16.00 $62.00

After recording return to:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Until a change is requested, all tax statements shall be sent to:
Same as above.

QUIT CLAIM DEED FOR MERGER

WILLAMETTE FALLS HOSPITAL, an Oregon nonprofit corporation ("Grantor"), hereby releases and quitclaims to PROVIDENCE HEALTH & SERVICES – OREGON, an Oregon nonprofit corporation, doing business as Providence Willamette Falls Medical Center ("Grantee"), the successor by merger to Grantor, Grantor's entire right, title, and interest in the real property and all improvements thereon in Clackamas County, Oregon, legally described in Exhibit A attached hereto and incorporated herein (the "Property").

The purpose of this deed is to document the correct fee title holder of the Property in the real property public records, resulting from the merger of Grantor into Grantee effective as of December 31, 2011.

The true and actual consideration for this transaction, stated in terms of dollars, is $1, and other good and valuable consideration.

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DATED: Effective as of the date first written above.

GRANTOR:

WILLAMETTE FALLS HOSPITAL
an Oregon nonprofit corporation

By: Shelly M. Handkins
Printed Name: Shelly M. Handkins
Title: CFO

STATE OF OREGON)
) ss.
County of Multnomah)

Personally appeared before me this 6th day of January 2012, Shelly Handkins who, being duly sworn, did say that he/she is the CFO of **Willamette Falls Hospital,** an Oregon nonprofit corporation, that the foregoing instrument was signed on behalf of said company, and that he/she acknowledged said instrument to be his/her voluntary act and deed.

OFFICIAL SEAL
GLENDA L FOSSUM-SMITH
NOTARY PUBLIC-OREGON
COMMISSION NO. 461117
MY COMMISSION EXPIRES AUGUST 18, 2015

Glenda L Fossum-Smith
NOTARY PUBLIC FOR Oregon

Exhibit A

Legal Description of the Property

[See attached.]

Exhibit "A"

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

Lots 3, 4, 5, 6, 8 and 10, CROOKS ADDITION TO THE CITY OF OREGON CITY, in the City of Oregon City, County of Clackamas and State of Oregon.

Parcel Number: 00583434, 00583443, 00583452, 00583461, 00583487 & 00583504
Ref Parcel Number 22E32AB03900, 22E32AB04000, 22E32AB04100, 22E32AB04200, 22E32AB04400 & 22E32AB04600
Site Address: 1806 15th St., 1808 15th St., 1810 15th St., 1812 15th St., 1405 Division St. & 1903 14th St., Oregon City 97045

Clackamas County Official Records
Sherry Hall, County Clerk
2015-028371
05/15/2015 08:58:25 AM
D-D Cnt=1 Stn=8 CINDY
$10.00 $16.00 $10.00 $22.00
$58.00

After recording return and send tax statements to:
Providence Health & Services - Oregon
4400 NE Halsey, Bldg 2, Suite 190
Portland , OR 97213

File No.: NCS-728088-OR1 (RR)
Date: May 11, 2015

STATUTORY WARRANTY DEED

Andre P. Wright, as an Individual, Grantor, conveys and warrants to **Providence Health & Services - Oregon, an Oregon non-profit corporation**, 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:

PART OF THE OREGON CITY CLAIM IN SECTION 32, TOWNSHIP 2 SOUTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN, IN THE CITY OF OREGON CITY, COUNTY OF CLACKAMAS AND STATE OF OREGON, DESCRIBED AS:

BEGINNING IN THE EXTENSION OF THE SOUTHERLY LINE OF 16TH STREET OF OREGON CITY, 1280 FEET EASTERLY FROM THE NORTHEAST CORNER OF BLOCK 173 IN SAID CITY;
THENCE AT RIGHT ANGLES SOUTHERLY 150 FEET;
THENCE AT RIGHT ANGLES WESTERLY 50 FEET;
THENCE NORTHERLY AT RIGHT ANGLES 150 FEET TO THE SOUTHERLY LINE OF 16TH STREET;
THENCE EASTERLY AT RIGHT ANGLES 50 FEET TO THE PLACE OF BEGINNING, BEING THE WEST 50 FEET OF THAT TRACT OF LAND DESCRIBED IN A CERTAIN DEED FROM JOHN W. LODER, ET UX, RECORDED IN BOOK 150, PAGE 0567, DEED RECORDS.

THE LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

Subject to: 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 **$255,000.00.** (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 day of May, 2015.

Andre P. Wright

STATE OF Oregon)
)ss.
County of Multnomah)

This instrument was acknowledged before me on this 12th day of May, 2015 by Andre P. Wright

Name: Melinda D Sylvester
Notary Public for Oregon
My commission expires: 3-16-2017

OFFICIAL SEAL
MELINDA D SYLVESTER
NOTARY PUBLIC - OREGON
COMMISSION NO. 475738
MY COMMISSION EXPIRES MARCH 16, 2017

WFG National Title Insurance Company
a Williston Financial Group company

Prepared For:

Prepared By: **Heather Listy** Prepared Date: 9/10/2015
WFG National Title - Customer Service Department
12909 SW 68th Pkwy # 350 Portland, OR 97223
Phone: 503.603.1700 Fax: 888.833.6840
E-mail: cs@wfgnationaltitle.com

OWNERSHIP INFORMATION

Owner	: Providence Health & Services - Or	Ref Parcel Number	: 22E32AC00101
CoOwner	:	T: 02S R: 02E S: 32 Q: NE QQ: SW	
Site Address	: *no Site Address*	Parcel Number	: 00583577
Mail Address	: 4400 NE Halsey St #2 Portland Or 97213	County	: Clackamas (OR)

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 224.00 Block: 1
Improvement Type	: *unknown Improvement Code*
Subdivision/Plat	: Brooks Add
Neighborhood Code	: Area 03 Commercial Oregon City
Land Use	: 200 Vacant,Commercial Land
Legal	: SECTION 32 TOWNSHIP 2S RANGE 2E
	: QUARTER AC TAX LOT 00101
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $99,546
Mkt Structure	:
Mkt Total	: $99,546
%Improved	:
M50AssdTotal	: $94,891
Mill Rate	: 18.1800
Levy Code	: 062002
14-15 Taxes	:
Millage Rate	: 18.1800

PROPERTY CHARACTERISTICS

Bedrooms	:	BldgLivingSqFt	:	BldgSqFt	:
Bathrooms	:	1st Floor SqFt	:	Lot Acres	: .88
Full Baths	:	UpperFinSqFt	:	Lot SqFt	: 38,410
Half Baths	:	Finished SqFt	:	Year Built	:
Fireplace	:	AbvGrdSqFt	:	Foundation	:
Heat Type	:	UpperTotSqFt	:	Roof Type	:
Floor	:	UnFinUpStySqFt	:	Roof Shape	:
Stories	:	Bsmt Fin SqFt	:	Exterior Fin	:
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER INFORMATION

Owner(s)	Date	Doc #	Price	Deed
:Providence Health & Services	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:

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.

WFG National Title Insurance Company
a Williston Financial Group company

Prepared For:

Prepared By: **Heather Listy** Prepared Date: 9/10/2015
WFG National Title - Customer Service Department
12909 SW 68th Pkwy # 350 Portland, OR 97223
Phone: 503.603.1700 Fax: 888.833.6840
E-mail: cs@wfgnationaltitle.com

OWNERSHIP INFORMATION

Owner	: Trillium Pk Est Hmwnr Assn	Ref Parcel Number	: 22E32AC07200
CoOwner	:	T: 02S R: 02E S: 32 Q: NE QQ: SW	
Site Address	: *no Site Address*	Parcel Number	: 01833378
Mail Address	: PO Box 464 Oregon City Or 97045	County	: Clackamas (OR)

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 224.00 Block: 1
Improvement Type	: *unknown Improvement Code*
Subdivision/Plat	: Trillium Park 03
Neighborhood Code	: Oregon City Newer Subdivisions
Land Use	: 100 Vacant,Residential Land
Legal	: 3458 TRILLIUM PARK #3 TR F OPEN
	: SPACE COMMON AREA
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	:
Mkt Structure	:
Mkt Total	:
%Improved	:
M50AssdTotal	:
Mill Rate	: 18.1800
Levy Code	: 062002
14-15 Taxes	:
Millage Rate	: 18.1800

PROPERTY CHARACTERISTICS

Bedrooms	:	BldgLivingSqFt	:	BldgSqFt	:
Bathrooms	:	1st Floor SqFt	:	Lot Acres	: .08
Full Baths	:	UpperFinSqFt	:	Lot SqFt	: 3,537
Half Baths	:	Finished SqFt	:	Year Built	:
Fireplace	:	AbvGrdSqFt	:	Foundation	:
Heat Type	:	UpperTotSqFt	:	Roof Type	:
Floor	:	UnFinUpStySqFt	:	Roof Shape	:
Stories	:	Bsmt Fin SqFt	:	Exterior Fin	:
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER INFORMATION

Owner(s)	Date	Doc #	Price	Deed
:	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:

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WFG National Title Insurance Company
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Prepared For:

Prepared By: **Heather Listy** Prepared Date: 9/10/2015
WFG National Title - Customer Service Department
12909 SW 68th Pkwy # 350 Portland, OR 97223
Phone: 503.603.1700 Fax: 888.833.6840
E-mail: cs@wfgnationaltitle.com

OWNERSHIP INFORMATION

Owner	: Providence Health & Services - Or	Ref Parcel Number	: 22E32AC00201
CoOwner	:	T: 02S R: 02E S: 32 Q: NE QQ: SW	
Site Address	: 1404 Division St Oregon City 97045	Parcel Number	: 01324258
Mail Address	: 4400 NE Halsey St #2 Portland Or 97213	County	: Clackamas (OR)

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 224.00 Block: 1
Improvement Type	: 470 Medical Buildings
Subdivision/Plat	:
Neighborhood Code	: Area 03 Commercial Oregon City
Land Use	: 201 Com,Commercial Land,Improved
Legal	: SECTION 32 TOWNSHIP 2S RANGE 2E
	: QUARTER AC TAX LOT 00201
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $353,978
Mkt Structure	: $4,842,410
Mkt Total	: $5,196,388
%Improved	: 93
M50AssdTotal	: $4,947,249
Mill Rate	: 18.1800
Levy Code	: 062002
14-15 Taxes	:
Millage Rate	: 18.1800

PROPERTY CHARACTERISTICS

Bedrooms	:	BldgLivingSqFt	:	BldgSqFt	:
Bathrooms	:	1st Floor SqFt	:	Lot Acres	: 1.16
Full Baths	:	UpperFinSqFt	:	Lot SqFt	: 50,688
Half Baths	:	Finished SqFt	:	Year Built	: 1975
Fireplace	:	AbvGrdSqFt	:	Foundation	:
Heat Type	:	UpperTotSqFt	:	Roof Type	:
Floor	:	UnFinUpStySqFt	:	Roof Shape	:
Stories	:	Bsmt Fin SqFt	:	Exterior Fin	:
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER INFORMATION

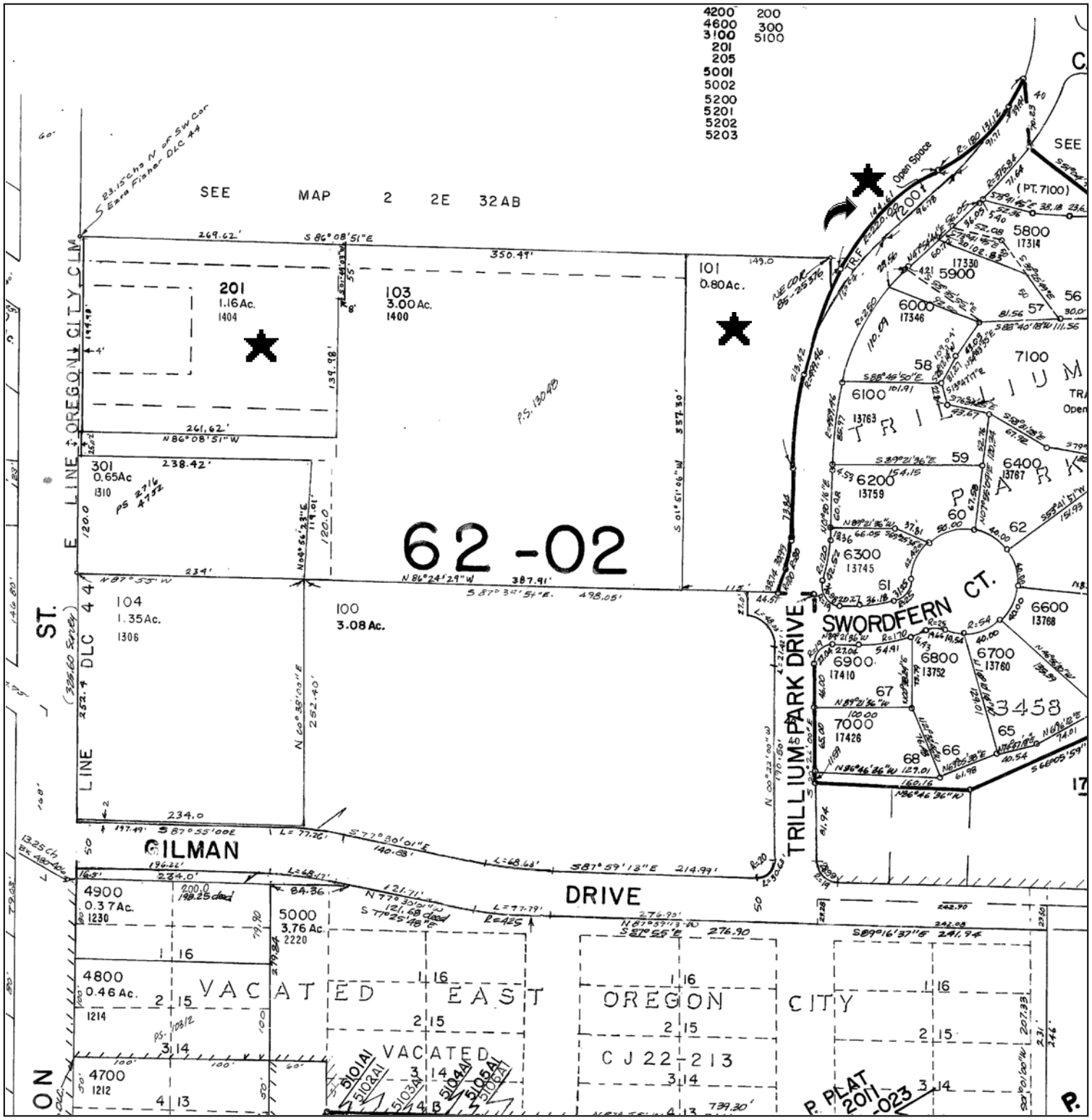
Owner(s)	Date	Doc #	Price	Deed
:Providence Health & Services	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:
:	:		:	:

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.

WFG National Title Insurance Company
a Williston Financial Group company

WFG National Title
Customer Service Department
12909 SW 68th Pkwy # 350
Portland, OR 97223
Phone: 503.603.1700
Fax: 888.833.6840
E-mail: cs@wfgnationaltitle.com

Parcel # : 01324258 / 22E32AC00201



This map is a copy of public record and is provided solely for informational purposes. WFG National Title assumes no liability for variations, if any, in dimensions, area or location of the premises or the location of improvements.

FORM No. 723—BARGAIN AND SALE DEED (Individual or Corporate). XXXXXXXXXXXX STEVENS-NESS LAW PUBLISHING CO., PORTLAND, OR 97204

XX NA

COPYRIGHT 1993

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That Rivergate Development Company, an Oregon corporation *, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto* Trillium Park Estates Homeowner's Association, Inc., an Oregon corporation *, hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of* Clackamas *, State of Oregon, described as follows, to-wit:*

Tract "E" being an open space tract shown on the The Trillium Park plat #3458 as Lot 7100 and consisting of approximately 1.33 acres.

Tract "B" being an open space tract shown on The Trillium Park plat #3239 as Lot 134 and consisting of approximately 1/10th of an acre.

Tract "F" being an open space tract shown on The Trillium Park No. 3 plat #3458 as Lot 7200 and consisting of approximately .077 of an acre.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is $ none *.*

①However, the actual consideration consists of or includes other property or value given or promised which is the whole ~~part of the~~ consideration (indicate which).① (The sentence between the symbols①, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 16th *day of* November *, 19*98*; if a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.*

THIS INSTRUMENT WILL 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. AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

RIVERGATE DEVELOPMENT COMPANY

By: James H. Bean

President

STATE OF OREGON, County of Multnomah) ss.

This instrument was acknowledged before me on ....., *19*.....,

by .....

This instrument was acknowledged before me on November 16 *, 19*98*,*

by James H. Bean

as President

of Rivergate Development Company

Linda R Clanton

Notary Public for Oregon

My commission expires 04-09-99

OFFICIAL SEAL
LINDA R. CLANTON
NOTARY PUBLIC - OREGON
COMMISSION NO.042881
MY COMMISSION EXPIRES APR. 09, 1999

Rivergate Development Company
13803 Canyon Court
Oregon City, OR 97045
Grantor's Name and Address

Trillium Park Estates HOA, Inc.
13803 Canyon Court
Oregon City, OR 97045
Grantee's Name and Address

After recording return to (Name, Address, Zip):
James H. Bean
13803 Canyon Court
Oregon City, OR 97045

Until requested otherwise send all tax statements to (Name, Address, Zip):
Trillium Park Estates HOA, Inc.
13803 Canyon Court
Oregon City, OR 97045

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON, } ss.
County of .....

I certify that the within instrument was ~~received for record~~ on the ..... day of ....., 19....., at ..... o'clock . in book/reel/volum 98-119898 *page ..... or as fee/file/instrument/microfilm/reception No.....,*

STATE OF OREGON 98-119898
CLACKAMAS COUNTY
Received and placed in the public records of Clackamas County
RECEIPT# AND FEE: 84458 $36.00
DATE AND TIME: 12/16/98 01:19 PM
JOHN KAUFFMAN, COUNTY CLERK

Clackamas County Official Records 2012-002879
Sherry Hall, County Clerk
01/23/2012 02:37:59 PM
D-D Cnt=1 Stn=6 KARLYNWUN
$20.00 $16.00 $10.00 $16.00 $62.00

Grantor's name and address:
Willamette Falls Hospital
c/o Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Grantee's name and address:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

After recording return to:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Until a change is requested, all tax statements shall be sent to:
Same as above.

First American Title Accommodation Recording Assumes No Liability

QUIT CLAIM DEED FOR MERGER

WILLAMETTE FALLS HOSPITAL, an Oregon nonprofit corporation ("Grantor"), hereby releases and quitclaims to PROVIDENCE HEALTH & SERVICES – OREGON, an Oregon nonprofit corporation, doing business as Providence Willamette Falls Medical Center ("Grantee"), the successor by merger to Grantor, Grantor's entire right, title, and interest in the real property and all improvements thereon in Clackamas County, Oregon, legally described in Exhibit A attached hereto and incorporated herein (the "Property").

The purpose of this deed is to document the correct fee title holder of the Property in the real property public records, resulting from the merger of Grantor into Grantee effective as of December 31, 2011.

The true and actual consideration for this transaction, stated in terms of dollars, is $1, and other good and valuable consideration.

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.

DATED: Effective as of the date first written above.

GRANTOR:

WILLAMETTE FALLS HOSPITAL
an Oregon nonprofit corporation

By: Shelly M. Handkins
Printed Name: Shelly M. Handkins
Title: CFO

STATE OF OREGON)
) ss.
County of Multnomah)

Personally appeared before me this 6th day of January, 2012, Shelly Handkins who, being duly sworn, did say that he/she is the CFO of **Willamette Falls Hospital,** an Oregon nonprofit corporation, that the foregoing instrument was signed on behalf of said company, and that he/she acknowledged said instrument to be his/her voluntary act and deed.

OFFICIAL SEAL
GLENDA L FOSSUM-SMITH
NOTARY PUBLIC-OREGON
COMMISSION NO. 461117
MY COMMISSION EXPIRES AUGUST 18, 2015

Glenda L Fossum-Smith
NOTARY PUBLIC FOR Oregon

Exhibit A

Legal Description of the Property

[See attached.]

Exhibit "A"

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

A tract of land in Section 32, Township 2 South, Range 2 East of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, being a portion of the Ezra Fisher Donation Land Claim No. 44, more particularly described as follows:

Commencing at the 5/8 inch diameter iron rod on the West line of said claim that is North 01°49'03" East a distance of 1538.75 feet, more or less, from the Southwest corner of said claim, said iron rod also coincident with the East right-of-way of Division Street and marking the Southwest corner of that tract conveyed by deed to Doctors Hospital Association, recorded December 27, 1957 as Book 534, page 590, Clackamas County Records, and the true point of beginning; thence coincident with the South boundary of said Doctors Hospital Association tract South 86°08'51" East a distance of 269.62 feet to a 5/8 inch diameter iron rod with a yellow plastic cap engraved "Haner Ross & Sporseen"; thence South 01°49'03" West a distance of 55.00 feet to a 5/8 inch diameter iron rod with a yellow plastic cap engraved "Haner, Ross & Sporseen"; thence North 86°08'51" West a distance of 8.00 feet to a 5/8 inch diameter iron rod with a yellow plastic cap engraved "Haner, Ross & Sporseen"; thence South 01°49'03" East a distance of 139.98 feet to a 5/8 inch diameter iron rod with a yellow plastic cap engraved "Haner, Ross & Sporseen"; thence North 86°08'51" West a distance of 261.62 feet to a 5/8 inch diameter iron rod with a yellow plastic cap engraved "Haner, Ross & Sporseen" on the line that is the West line of Claim No. 44 and the East right-of-way of Division Street; thence North 01°49'03" East a distance of 194.98 feet along the line that is the West line of Claim No. 44 and the East right-of-way of Division Street to an iron rod, said iron rod being the true point of beginning.

EXCEPTING THEREFROM that portion dedicated to the City of Oregon City by Deed of Dedication recorded October 24, 2007 as Fee No. 2007-091354.

The legal description was created prior to January 01, 2008.

Parcel Number: 01324258
Ref Parcel Number 22E32AC00201
Site Address: 1404 Division St., Oregon City 97045

Grantor's name and address:
Willamette Falls Hospital
c/o Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Grantee's name and address:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Clackamas County Official Records 2012-003011
Sherry Hall, County Clerk
01/24/2012 08:39:38 AM
D-D Cnt=1 Stn=7 BARBARASTR
$20.00 $16.00 $10.00 $16.00 $62.00

After recording return to:
Providence Health & Services - Oregon
Providence Real Estate/Property Management
Providence Office Park Building 1, Suite 160
4400 NE Halsey Street
Portland, OR 97213

Until a change is requested, all tax statements shall be sent to:
Same as above.

First American Title Accommodation Recording Assumes No Liability

QUIT CLAIM DEED FOR MERGER

WILLAMETTE FALLS HOSPITAL, an Oregon nonprofit corporation ("Grantor"), hereby releases and quitclaims to PROVIDENCE HEALTH & SERVICES – OREGON, an Oregon nonprofit corporation, doing business as Providence Willamette Falls Medical Center ("Grantee"), the successor by merger to Grantor, Grantor's entire right, title, and interest in the real property and all improvements thereon in Clackamas County, Oregon, legally described in Exhibit A attached hereto and incorporated herein (the "Property").

The purpose of this deed is to document the correct fee title holder of the Property in the real property public records, resulting from the merger of Grantor into Grantee effective as of December 31, 2011.

The true and actual consideration for this transaction, stated in terms of dollars, is $1, and other good and valuable consideration.

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.

DATED: Effective as of the date first written above.

GRANTOR:

WILLAMETTE FALLS HOSPITAL
an Oregon nonprofit corporation

By: Shelly M. Handkins
Printed Name: Shelly M. Handkins
Title: CFO

STATE OF OREGON)
) ss.
County of Multnomah)

Personally appeared before me this 6th day of January, 2012, Shelly Handkins who, being duly sworn, did say that he/she is the CFO of **Willamette Falls Hospital,** an Oregon nonprofit corporation, that the foregoing instrument was signed on behalf of said company, and that he/she acknowledged said instrument to be his/her voluntary act and deed.

OFFICIAL SEAL
GLENDA L FOSSUM-SMITH
NOTARY PUBLIC-OREGON
COMMISSION NO. 461117
MY COMMISSION EXPIRES AUGUST 18, 2015

NOTARY PUBLIC FOR Oregon

Exhibit A

Legal Description of the Property

[See attached.]

Exhibit "A"

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

A tract of land in Section 32, Township 2 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, being a portion of the Ezra Fisher Donation Land Claim No. 44, described as follows:

Beginning at a granite stone, 18" x 12" x 10" marked "A", in the West line of said Claim, North 0°38' East 23.15 chains, more or less, from the Southwest corner of said Claim, said stone marks the Southwest corner of that tract conveyed to Doctors Hospital Association, Inc., recorded December 27, 2957 in Book 534, page 590, Deed Records; thence South 0°38' West along said claim line 340.00 feet to the Northwest corner of that tract of land conveyed to Mountain View Health Care Facilities, Inc., recorded December 6, 1974 as Fee No. 74-34104, Film Records; thence South 87°37' East 620 feet to the Southeast corner of that tract of land conveyed to Virgil E. Cumbo, et al, recorded May 17, 1974 as Fee No. 74-13171, Film Records and the true point of beginning of the tract herein to be described; thence North 0°38' East along the East line of said Cumbo tract 340.00 feet to the Southerly line of said Doctors Hospital Association, Inc., tract; thence South 87°37' East along the Southerly line of said Doctors Hospital tract 149.00 feet, more or less, to the Northeast corner of that tract of land conveyed to Mountain View Health Care Facilities, Inc., recorded May 15, 1973 as Fee No. 73-15022, Film Records; thence South along the Easterly boundary thereof 340 feet (345.00 feet by Deed) to the most Easterly Southeast corner thereof; thence North 87°37' West along said tract 34.00 feet to the Northeast corner of that tract conveyed to Hilltop Investors L.P., a Washington Limited Partnership by Deed recorded October 31, 1994, as Fee No. 94-86166, Clackamas County Records; thence North 87°35'51" West along the North line thereof 115 feet to the true point of beginning.

EXCEPTING THEREFROM that portion platted as TRILLIUM PARK III, being that portion lying Easterly of the Westerly boundary of Trillium Park Drive.

The legal description was created prior to January 01, 2008.

Parcel Number: 00583577
Ref Parcel Number 22E32AC00101
Site Address: No Site Address

Harper Houf Peterson Righellis Inc.
ENGINEERS ◆ PLANNERS
LANDSCAPE ARCHITECTS ◆ SURVEYORS

Date: December 15, 2015

To: Laura Terway, AICP
Planning Division, City of Oregon City

From: Stefanie Slyman, AICP

Subject: **CP15-02 AND ZC15-04 SUPPLEMENTAL FINDINGS OF COMPLIANCE WITH OREGON STATEWIDE PLANNING GOALS**

☒ E-mail ☐ Mail ☐ Hand Deliver ☐ Interoffice

The following Oregon Statewide Planning Goals are applicable to the proposed comprehensive plan and zone change requests (CP15-02 and ZC15-04) and are satisfied by the proposal.

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.

RESPONSE: Representatives of Providence Willamette Falls (PWF) attended a meeting with the McLoughlin Neighborhood Association (MNA) on June 4, 2015 to present the proposal and solicit neighborhood input. Documentation of the first meeting, which satisfied the neighborhood meeting requirement, is included in Appendix F of the application. At the request of the MNA, PWF representatives met a second time with a subgroup of the MNA on June 30, 2015 at which time a modified proposal was presented that removed property on 14th Street from the concurrent master plan boundary expansion request. A third informational meeting with the MNA was held on September 3, 2015 following submittal the application to the City of Oregon City. PWF representatives also presented the proposal and solicited input at the August 3, 2015 meeting of the City's Citizen Involvement Committee (CIC).

Following submittal of the application, the City of Oregon City provided public notice of the application in accordance with the City's noticing requirements including notification of the McLoughlin Neighborhood Association and property owners within 300' of the site to attend and/or participate in the public hearing held by the planning commission and the city commission; posting of the PWF site; and notice on the City website.

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.

RESPONSE: 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 as provided in this supplemental submittal. The application has been prepared pursuant to the applicable Administration and Procedures codified in OCMC Chapter 17.50 and the process for Zone Changes and Plan Amendments in OCMC 17.68.

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.

RESPONSE: *The site is located within existing urbanized lands, not agricultural lands. Goal 3 does not apply.*

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."

RESPONSE: *The site is located within existing urbanized lands, not forest lands. Goal 4 does not apply.*

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.

RESPONSE: The proposed zone change and comprehensive plan amendment do not amend or affect any City-designated open space, scenic and historic area, or natural resource inventories which have been previously deemed consistent with Statewide Planning Goal 5.

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.

RESPONSE: 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.

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.

RESPONSE: The proposed zone change and comprehensive plan amendment do not alter existing city protections provided the city's Geologic Hazards Overlay, OCMC

17.44. These city regulations are consistent with Goal 7 and protect development from inappropriate development on steep slopes.

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.

RESPONSE: The proposal has no effect on recreational resources in the City.

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.

RESPONSE: This proposal is consistent with Goal 9 as it reinforces the role of the hospital in the community and focuses growth in an established location which will promote economic vibrancy in the City. The request to plan and zone 0.5 acres to Mixed Use Employment (MUE) will facilitate site development that PWF has identified can best serve patients, which will in turn support the continued success of the hospital and yield economic benefits for the City through job creation, community partnerships, and access to care.

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.

RESPONSE: As of June 8, 2015 the City had a total buildable lands inventory of 6,132.07 acres, excluding rivers and road areas. Of the 6,132.07 acres, 4,210.17 acres (68.66%) are zoned for residential uses in the following districts: R-2. R-3.5, R-6, R-8, and R-10. The proposed rezoning of 0.5 acres of R-6 zoned property to Mixed Use Employment (MUE) will decrease this residential inventory to 4,209.67 acres or 68.64% of the City's total buildable lands inventory, a 0.02% reduction. Moreover, this residential inventory understates housing opportunities in the City as housing is also permitted by right in non-residential zones not counted toward the residential lands acreages, such as live/work units permitted in the Mixed-Use Downtown District and multifamily residential units permitted in the Mixed Use Corridor District. The resulting reduction of 0.5 acres in the residential lands inventory has no effect on the City's continued compliance with Goal 10 as a result of the proposed Comprehensive Plan and Zone Change.

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.

RESPONSE: The site is currently served by public facilities and services provided by the City. Existing analyses for the approved 2012 Master Plan have documented impacts on public facilities which remain applicable and unchanged by the proposed master plan modification, especially as the proposed master plan will result in less 15,000 sf less development than is currently approved in the Master Plan, notwithstanding the rezoning of 0.5 acres of R-6 zoned property to MUE.

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."

> **RESPONSE**: The proposal is located in an area currently served by City transportation facilities. A traffic analysis has been submitted with the application which analyzed the proposed zone change in compliance with the Transportation Planning Rule (TPR), OAR 660-012-0060. The analysis determined that there will be no significant impacts on surrounding transportation facilities due to the comprehensive plan amendment and zone change.

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."

> **RESPONSE**: The proposed comprehensive plan and zone change will allow for mixed use development generally and a medical office building specifically in an urban location already served by transportation and other public infrastructure which provides for efficient and accessible uses within the City that maximize energy conservation. The co-location of medical uses on a single campus instead of multiple sites reduces vehicular travel which particularly conserves energy.

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.

> **RESPONSE**: 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.

> **RESPONSE** 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

> **RESPONSE** The site is not located within any of these coastal resource areas. None of these remaining Statewide Planning Goals apply.

REPLINGER & ASSOCIATES LLC
TRANSPORTATION ENGINEERING

October 19, 2015

Ms. Laura Terway
City of Oregon City
PO Box 3040
Oregon City, OR 97045

SUBJECT: REVIEW OF TRANSPORTATION IMPACT ANALYSIS – PROVIDENCE WILLAMETTE FALLS MEDICAL CENTER – CP15-02 & ZC15-04

Dear Ms. Terway:

In response to your request, I have reviewed the materials submitted in support of the proposed comprehensive plan amendment and zone change associated with the revision of the master plan for the Providence Willamette Falls Medical Center. The relevant materials included the project narrative and the Transportation Impact Analysis (TIA). The TIA is dated July 23, 2015 and was prepared under the direction of Julia Kuhn, PE of Kittelson & Associates, Inc.

The proposed comprehensive plan amendment and zone change involves two parcels on the south side of 16th Street west of Division Street. The parcels are currently occupied by single-family residences. The comprehensive plan amendment and zone change would involve changing them to Mixed Use Employment (MUE). The likely development scenario would be for the property being rezoned to serve as parking facilities for the nearby medical facilities. The worst case analysis for the zone change assumed the site would be developed as a 6,000 square foot medical office building. A specific development is not proposed at this time.

The TIA provides a basis upon which the zone change can be evaluated for transportation impacts.

Comments

1. ***Study Area.*** The study addresses the appropriate intersection. The engineer evaluated traffic patterns and traffic volumes and evaluated one location: 15th Street and Division Street. The study area is appropriate.

2. ***Traffic Counts.*** The traffic counts were conducted in June 2015 at the intersection of 15th Street and Division Street. Traffic counts were conducted during the AM and PM peak periods. The base year traffic volumes appear reasonable.

3. ***Trip Generation.*** The TIA presents information on trip generation from the construction of a 6,000 square foot medical office building in comparison to residential use of the site. The trip generation rates were taken from the Institute of Transportation Engineers' *Trip Generation Manual.* A medical office building is predicted to produce 14 AM peak hour trips; 21 PM peak hour trips; and 216 total weekday trips.

4. ***Trip Distribution.*** The engineer's trip distribution shows 37 percent of the traffic going to and from the west on 16th Street; 33 percent to and from the north on Division Street; and 30 percent to and from the south on Division Street. The trip distribution seems reasonable.

5. ***Traffic Growth.*** To account for background traffic growth, the traffic counts were adjusted by 0.5 percent per year through 2035 plus the increase in traffic from the build-out of the medical center as identified in the adopted master plan. The traffic growth assumptions and methodology appear reasonable.

6. ***Analysis.*** Traffic volumes were calculated for the intersection of 15th Street and Division Street. The level of service (LOS) and delay calculations were provided to assess operations relative to the city's operational standard. The analysis was undertaken for the AM and PM peak hours and included year 2015 existing conditions and 2035 total traffic conditions.

   According to the engineer, the intersection of 15th Street and Division Street is predicted to operate at LOS "A" during the AM peak hour and the PM peak hour under both existing conditions and year 2035 conditions. The performance of this intersection is predicted to meet city standards during the peak hours.

   The engineer concluded no mitigation measures were necessary. I concur with her conclusions.

7. ***Turn Lanes at Site Entrance(s).*** The TIA did not address operations as site entrances since there is not a current development proposal. Site access should be reviewed in connection with a specific development plan.

8. ***Crash Information.*** Because this proposal was not based on a specific development proposal, the TIA did not provide crash information. Crash information should be reviewed in a subsequent development proposal.

9. ***Pedestrian and Bicycle Facilities.*** The TIA summarizes the presence of bicycle, pedestrian and transit facilities in the vicinity. In connection with a specific development proposal the site frontage should be reviewed for appropriate features.

10. ***Site Plan and Access.*** The proposal does not address site access. Site access should be addressed with a specific development plan.

11. ***Intersection Spacing.*** No new intersections are created by this proposal. The issue need not be addressed.

12. ***Sight Distance.*** The proposal does not involve a specific development. Sight distance at the access points should be reviewed in connection with a specific development proposal.

13. ***Consistency with the Transportation System Plan (TSP).*** Frontage improvements should be reviewed in connection with a specific development proposal.

14. ***Transportation Planning Rule (TPR) Analysis.*** Because the applicant is proposing to rezone the property from residential to MUE, a TPR analysis is also included. The engineer provided an analysis of the trip generation under the proposed zoning and concluded the impact was negligible. During the AM peak hour, a medical office building would generate 12 additional trips due to the proposed rezoning. During the PM peak hour, a medical office building would generate 18 additional trips due to the proposed rezoning. The engineer states that the proposal does not change the functional classification of any existing or planned transportation facility; does not alter the standards for implementing the functional classification system; and does not alter the level of travel or degrade the performance of the transportation system such that it would not meet applicable performance standards. I concur.

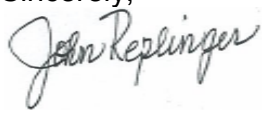
15. ***Conclusions and Recommendations.*** The engineer concludes that traffic operations would be adequate at the analyzed intersection. She concludes no mitigation is needed for traffic operations. I concur with the conclusions of the applicant's engineer.

Conclusion and Recommendations

I find that the TIA provides an adequate basis upon which to assess the impacts of the proposed rezoning. The impact of the rezoning is minor and the proposal does not have a significant impact as described in the Transportation Planning Rule. When a specific development proposal is presented, a few items not dealt with in this analysis will need to be addressed in a supplement or a new TIA.

If you have any questions or need any further information concerning this review, please contact me at replinger-associates@comcast.net.

Sincerely,



John Replinger, PE
Principal

Oregon City\2015\CP15-02 ZC15-05

From:	Wes Rogers
To:	Laura Terway
Subject:	RE: Land Use Review: ZC 15-04: Zone Change, PZ 15-02: Amendment to the Comprehensive Plan & CP 15-02: Master Plan Amendment
Date:	Monday, September 14, 2015 11:37:05 AM

no direct issues here.
.wes

Wes Rogers, Director of Operations
Oregon City School District
PO Box 2110
Oregon City, OR 97045
503-785-8423
wes.rogers@orecity.k12.or.us

From: Laura Terway [lterway@ci.oregon-city.or.us]
Sent: Monday, September 14, 2015 11:33 AM
Subject: Land Use Review: ZC 15-04: Zone Change, PZ 15-02: Amendment to the Comprehensive Plan & CP 15-02: Master Plan Amendment

Good Morning,

Please review the proposed development posted here and provide your comments by **October 9th**.

COMMENTS DUE BY:	**3:30 PM**, **October 9, 2015**
HEARING DATE:	November 9, 2015
HEARING BODY:	___Staff Review; ___XX__PC; _____CC
FILE # & TYPE:	ZC 15-04: Zone Change, PZ 15-02: Amendment to the Comprehensive Plan & CP 15-02: Master Plan Amendment
PLANNER:	Laura Terway, AICP, Planner (503) 496-1553
APPLICANT:	Providence Willamette Falls Medical Center, Russell Reinhard
REPRESENTATIVE:	Harper Houf Peterson Righellis Inc., Stefanie Slyman, AICP
REQUEST:	Providence Willamette Falls Medical Center (PWF) is seeking amend a previously approved Master Plan and change the Oregon City Comprehensive Plan and Zoning Map for two properties from Low Density Residential/"R-6" Single-family Dwelling District to Mixed Use Employment/"MUE" Mixed Use Employment District.
LOCATION:	1500 Division Street, Oregon City, Oregon 97045, Clackamas County 2-2E-32AB, Tax Lots 1201, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2800, 2900, 3000, 3100, 3900, 4000, 4100, 4200, Clackamas County 2-2E-32AA, Tax Lot 400, Clackamas County 2-2E-32AC, Tax Lots 101, 201, 7200
PA RERERANCE:	PA 15-03, 5/13/2015

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 | webmaps.orcity.org | Follow us on: Facebook!|Twitter
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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.

From: Alex Bursheim
To: Stefanie Slyman; Laura Terway; Josh Kolberg
Subject: Re: Providence Willamette Falls Zone Change
Date: Wednesday, October 21, 2015 12:22:53 PM

Thank you for letting us know.

Alex Bursheim
Early Head Start Family Coach
Clackamas County Children's Commission
109 2nd Street Canby, OR
971 295 7041

From: Stefanie Slyman <stefanies@hhpr.com>
Sent: Wednesday, October 21, 2015 11:14 AM
To: Laura Terway; Josh Kolberg
Cc: Alex Bursheim
Subject: RE: Providence Willamette Falls Zone Change

Hi Laura – Josh and I are not directly involved with responding to this tenant concern, but I do know that Providence is working on getting the tenant the information they need.

Thanks –

Stefanie

Stefanie Slyman, AICP | Senior Planner | Public Involvement Lead

HARPER HOUF PETERSON RIGHELLIS INC.
ENGINEERS :: PLANNERS :: LANDSCAPE ARCHITECTS :: SURVEYORS
205 SE Spokane Street, Suite 200 | Portland, Oregon | 97202
p: (503) 221-1131 | f: (503) 221-1171 | stefanies@hhpr.com
HHPR.com

From: Laura Terway [mailto:lterway@ci.oregon-city.or.us]
Sent: Wednesday, October 21, 2015 11:10 AM
To: Josh Kolberg <josh@pkaarchitects.com>; Stefanie Slyman <stefanies@hhpr.com>
Cc: Alex Bursheim <AlexB@cccchs.org>
Subject: RE: Providence Willamette Falls Zone Change

Josh and Stefanie,
I spoke with Alex a minute ago and she has not yet heard from you or the hospital. I have copied her on this email so you may contact her directly. Thank you

---

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
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PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Alex Bursheim [mailto:AlexB@cccchs.org]
Sent: Thursday, October 15, 2015 1:06 PM
To: Laura Terway
Cc: Stefanie Slyman; Josh Kolberg
Subject: Re: Providence Willamette Falls Zone Change

Laura,
Thank you for the quick reply. It would be helpful if the applicants could provide me with a timeline. When I read the application, it seems like there is nothing planned at this time for that property, but possible use of the properties could take place before 2021? Am I right about that? Also how likely is it that those properties be changed into a parking lot within the next ten years?

Thank you,
Alex Bursheim
Early Head Start Family Coach
Clackamas County Children's Commission
109 2nd Street Canby, OR
971 295 7041

From: Laura Terway <lterway@ci.oregon-city.or.us>
Sent: Thursday, October 15, 2015 12:46 PM
To: Alex Bursheim
Cc: Stefanie Slyman; Josh Kolberg
Subject: RE: Providence Willamette Falls Zone Change

Alex,

Thank you for your email. The property located at 1810 15th street is included in the development application. The complete application may be found online here with a general timeline for the implementation of the Master Plan. I have copied the applicant on this email response so you may contact them directly for a more specific timeline. Please feel free to contact me with any additional questions or concerns.

ZC 15-04: Zone Change, PZ 15-02: Amendment to the ...

Tuesday October 6th ...

Read more...

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
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PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Alex Bursheim [mailto:AlexB@cccchs.org]
Sent: Thursday, October 15, 2015 12:33 PM
To: Laura Terway
Subject: Providence Willamette Falls Zone Change

Hello Laura,
My name is Alex and I am a family coach for Clackamas County Early Head Start, and I was

hoping that you could give me some details about the Providence Willamette Falls proposed changing of the Master Plan in the area around the hospital. I have a family on my case load that lives at 1810 15th St. Oregon City, OR 97045, and they are wondering if they are in danger of losing their home because of this plan change. Also, is there a timeline for construction if the plan goes through? They intend to be at the City Council meeting, but would also like as much information as possible before hand, so that if they need to start planning a move they can do so with ample time. The family includes a recently single Mother and four young children, along with family pets, so a time frame for the project is crucial for their well-being. If you can not provide me with this information, I would greatly appreciate it if you could point me in the right direction.

Thank you,

Alex Bursheim
Early Head Start Family Coach
Clackamas County Children's Commission
109 2nd Street Canby, OR
971 295 7041

From:	Tiffany
To:	Laura Terway
Subject:	Public Comment on ZC 15-04: Zone Change
Date:	Wednesday, October 28, 2015 10:23:58 AM

City of Oregon City - Planning Division
Attn: Laura Terway
221 Molalla Ave, Ste. 200
Oregon City, OR 97045

Re: FILE NUMBER: ZC 15-04: Zone Change

Dear Laura,
Thank you for accepting electronic version of public comments. This is such a helpful way for us to participate!

I wanted to voice my support for the proposed zoning changes near Providence Willamette Falls Hospital campus. As a home owner just blocks from this site, I am sincerely pleased to see this proposal. While I understand that this fundamentally transforms this part of the neighborhood, I see much more positive impacts than potential drawbacks. The improvements to the area really are needed including sidewalks where there currently are not (I am a runner and really appreciate the safety sidewalks provide), expanded traffic controls and visibility, as well as lighting for safety.

Our neighborhood grew up around the hospital, really putting many constraints on their ability to meet the needs of the community. It is high time we answer their call for support. My husband and I wish to throw our voice of support behind their request.

We purchased our property on Division Street in 2004. Since that time, we have been hopeful to see investment in the hospital campus to expand it's offerings and provide a hub of healthcare that would draw in economic impacts for our community. I am hopeful that this step of expansion may allow for a community of businesses and services to surround the hospital, supporting families who are there. This may be a pie in the sky vision but wouldn't it be wonderful for kids to learn to ride their bike in the safety of an empty parking lot on weekends? A coffee shop/cafe in one of the great houses to serve families waiting for a new arrival or a destination to walk to, a gathering place as a resident in the area? Someone with a great business acumen could really make this a warm and inviting extension of our community!

Full disclosure here, we have purchased a second home in the Park Place neighborhood and currently reside there. We have another family living at the property on Division Street as their forever home.

Would you please include us when the decision has been made? Our email address is gill0488@yahoo.com and our mailing address: 15981 Leo Court, Oregon City, OR 97045. Thank you!

Sincerely,
Craig and Tiffany Gillespie
503-722-1539

OREGON CITY

Community Development – Planning

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

LAND USE APPLICATION TRANSMITTAL

September 14, 2015

IN-HOUSE DISTRIBUTION

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

TRAFFIC ENGINEER

- ☐ REPLINGER AND ASSOCIATES

Mailed Notice to County CPO's

- ☐ Central Pt-New Era-Leland / Holcomb-Outlook/Beavercreek

Mailed Notice

- ☐ Within 300'

MAIL-OUT DISTRIBUTION

- ☐ CITIZEN INVOLVEMENT COUNCIL (CIC)
- ☐ NEIGHBORHOOD ASSOCIATION _____
  - ☐ N.A. CHAIR
  - ☐ N.A. LAND USE CHAIR
- ☐ CLACKAMAS COUNTY TRANSP. & PLANNING
- ☐ CLACKAMAS FIRE DISTRICT #1
- ☐ ODOT – Division Review
- ☐ OREGON CITY SCHOOL DISTRICT
- ☑ TRI-MET
- ☐ METRO
- ☐ OREGON CITY POSTMASTER
- ☐ DLCD
- ☐ CITY ATTORNEY
- ☐ OTHER: _____

COMMENTS DUE BY:	**3:30 PM, October 9, 2015**
HEARING DATE:	November 9, 2015
HEARING BODY:	___Staff Review; ___XX__PC; _____CC
FILE # & TYPE:	ZC 15-04: Zone Change, PZ 15-02: Amendment to the Comprehensive Plan & CP 15-02: Master Plan Amendment
PLANNER:	Laura Terway, AICP, Planner (503) 496-1553
APPLICANT:	Providence Willamette Falls Medical Center, Russell Reinhard
REPRESENTATIVE:	Harper Houf Peterson Righellis Inc., Stefanie Slyman, AICP
REQUEST:	Providence Willamette Falls Medical Center (PWF) is seeking amend a previously approved Master Plan and change the Oregon City Comprehensive Plan and Zoning Map for two properties from Low Density Residential/"R-6" Single-family Dwelling District to Mixed Use Employment/"MUE" Mixed Use Employment District.
LOCATION:	1500 Division Street, Oregon City, Oregon 97045, Clackamas County 2-2E-32AB, Tax Lots 1201, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2800, 2900, 3000, 3100, 3900, 4000, 4100, 4200, Clackamas County 2-2E-32AA, Tax Lot 400, Clackamas County 2-2E-32AC, Tax Lots 101, 201, 7200
PA RERERANCE:	PA 15-03, 5/13/2015

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

X	The proposal does not conflict with our interests.	_____	The proposal conflicts with our interests for the reasons stated below.
_____	The proposal would not conflict our interests if the changes noted below are included.	_____	The following items are missing and are needed for review:

Signed Grant O'Connell

OREGON CITY

Community Development – Planning

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

Title PLANNER II, TRIMET

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

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 15-04
Address: 1500 Division St
Map Number: 2-2E-32AB
Tax Lot: 1201, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2800, 2900, 3000, 3100, 3900, 4000, 4100, 4200,
Project Name: Willamette Falls Hospital
Date Needed: October 9, 2015
Reviewer: Mike Roberts – Building Official

GENERAL COMMENTS

1. Any construction documents for the above referenced project 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

OREGON CITY

Community Development – Planning

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

TYPE III LAND USE RECOMMENDATION

Staff Report and Decision

February 20, 2012

FILE NO.: CP 11-01: Master Plan
DP 11-03: Detailed Development Plan
NR 11-05: Natural Resource Overlay Exemption
LL 11-07: Lot Line Adjustment

APPLICATION TYPE: Type III

APPLICANT/ OWNER: Providence Willamette Falls Medical Center
C/o Russell Reinhard
1500 Division Street
Oregon City, Oregon 97045

REPRESENTATIVE: Peterson Kolberg & Associates
C/o Steve Kolberg
6969 SW Hampton Street
Portland, Oregon 97223

REQUEST: The applicant submitted a Concept (General) Development Plan, Detailed Development Plan, Lot Line Adjustment and Natural Resource Overlay District Exemption to analyze the build out of the Providence Willamette Falls Hospital over the next 10 years and construct a parking lot.

LOCATION: 1500 Division Street, Oregon City, OR 97045
Clackamas County Map 2-2EAB, Tax Lots 1201, 1900, 2000, 2100, 2200, 2400, 2500, 2800, 2900, 3100, 3900, 4000, 4100, 4200, 4400, 4600
Clackamas County Map 2-2E-32AA, TL 400 and
Clackamas County Map 2-2E-32AC, TL 101, 201

ZONING: "MUE" Mixed Use Employment District

REVIEWERS: Laura Terway, AICP, Planner
Bob Cullison, EIT, Development Services Manager

RECOMMENDATION: **Planning Commission Approval with Conditions.**

PROCESS: *Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the City Commission, except upon appeal. Applications evaluated through this process include conditional use permits and Master Plans for which discretion is provided. In the event that any decision is not classified, it shall be treated as a Type*

III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission all issues are addressed. The decision of the planning commission is appealable to the city commission, on the record. A city-recognized neighborhood association requesting an appeal fee waiver 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. The city commission decision on appeal from the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final.

A city-recognized neighborhood association requesting an appeal fee waiver 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.

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

DECISION CRITERIA:
The development proposal will be analyzed for compliance with the following Chapters of the Oregon City Municipal Code:

Streets, Sidewalks and Public Places in Chapter 12.04,
Public and Street Trees in Chapter 12.08,
Property Line Adjustments and Abandonment Process and Standards in Chapter 16.20,
"MUE" Mixed Use Employment District in Chapter 17.31,
Tree Protection Standards in Chapter 17.41,
Geologic Hazards in Chapter 17.44,
Natural Resource Overlay District in Chapter 17.49,
Administration and Procedures are set forth in Chapter 17.50,
Off-Street Parking and Loading in Chapter 17.52,
Supplemental Zoning Regulations and Exception in Chapter 17.54,
Site Plan and Design Review in Chapter 17.62 and
Master Plans in Chapter 17.65.

CONCEPT (GENERAL) DEVELOPMENT PLAN:
The proposed Concept (General/Master) Development Plan identifies the layout, maximum intensity, phasing and public improvements associated with the Providence Willamette Falls Medical Center over a 10 year period. Approval of the General (Concept) Plan is followed by a series of Detailed Development Plan applications with refined building details including building design, landscaping, etc. which comply with the Oregon City Municipal Code and the approved Concept (General) Plan.

EXISTING USE:
The property located at 1500 Division Street is utilized as Providence Willamette Falls (PWF) Medical Center and contains numerous medical related facilities within a hospital campus (Exhibits 1 and 2). Since 1954, PWF has provided a full service medical center including emergency medicine, labor and delivery, surgical services, inpatient treatment, as well as many other inpatient and outpatient services to Oregon City and Clackamas County.

PROPOSED DEVELOPMENT:
Providence Willamette Falls Medical Center (PWF) is seeking approval of a ten (10) year General

Development Master Plan as well as a Detailed Development Plan to implement Phase 1 of the 3 Phase Master Plan. Phase 1 includes alteration and expansion of an existing parking lot at the corner of Davis Road and Division Street. The phases of the Master Plan include the following development:

Project Phase 1 – Division St. Parking Lot (Subject To Detailed Development Plan Approval)

The first project of the master plan consists of an alteration and expansion of the existing parking lot at the intersection of Davis Road, Division Street and Penn Lane. The applicant submitted a Detailed Development Plan for the construction of the parking lot which would be implemented subsequent to approval in 2012.

Project Phase 2 – Hospital Additions and Remodels

Phase 2 of the Master Plan includes the addition of approximately 54,000 square feet to the site including expanding the Medical Center building, the construction of a new central utility plant, and the remodeling of other areas of the facility. More particularly, these projects include:

Outpatient Surgery Expansion: The outpatient surgery expansion will add approximately two new operating rooms and short stay recovery space.

New Front Entry: The main entry to PWF will be remodeled and will include a new patient drop-off. The new entry will replace a section of the 1961 building which is currently sub-standard and houses hospital office spaces among other uses. This project will provide a more direct and unified entry into the hospital. A new canopy will welcome visitors into a large, high volume lobby that will provide physical and visual connections to corridors serving patient care, imaging, day surgery, birthplace, and the gift shop.

Second Floor Patient Room and Pharmacy Remodel: Several spaces on the second floor of the hospital will be converted from their current use as offices back to their original function as patient rooms. This patient room remodel will not increase the number of licensed beds, the staffing levels for the hospital, nor increase trip generation. The pharmacy will also be relocated.

Birthplace Expansion: Six additional Labor, Delivery, Recovery and Postpartum rooms will be added to the west end of the existing Birthplace wing. The addition would increase the number of labor and delivery/postpartum beds from 14 to 20.

Central Utility Plant: In order to centralize the system utilities for the campus and make them more efficient, PWF is planning for a central utility plant to house the appropriate mechanical, electrical, and plumbing systems to serve the medical campus. The development of this project is located within the Natural Resource Overlay District requiring review and mitigation .

Second Floor Shell Space Tenant Improvements: There is approximately 16,100 square feet of unfinished space above the Emergency Department planned for build out to house expanded hospital services. There is no definitive hospital program scheduled for this space but it is anticipated to be an expansion of outpatient services.

The applicant may complete the phase 2 projects in any order, provided they are all completed prior to initiating Phase 3. Phase 2 is projected to be implemented from 2012-2021.

Project Phase 3 – Medical Office Buildings (MOB)

Phase 3 of the Master Plan will add approximately 40,000 - 50,000 square feet of square footage to the medical campus including the construction of two new buildings including:

MOB Additions: PWF has identified two (East and West) sites for 20,000 - 25,000 square foot medical

Office Buildings (MOB's) which will house general physician's practices. The order of implementation for the two MOB's in this phase will depend upon Hospital strategic goals, project funding, and community needs. Phase 3 would be implemented from 2014-2021.

The applicant shall construct this development as proposed in this application and as required by the attached conditions of approval. **The applicant can satisfy this standard by complying with Condition of Approval 1.**

OREGON CITY MUNICIPAL CODE CRITERIA:

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

Finding: Complies. The Concept (General) Development Plan and Detailed Development Plan applications were processed as Type III applications. Multiple neighborhood association meetings were held and a pre-application conference took place on July 13, 2011 with Oregon City staff. Notice of the development was mailed to property owners within 300 feet of the site, the McLoughlin Neighborhood Association, Citizen Involvement Commission and affected agencies on January 9th, 2012. The property was posted with a land use action sign providing details and requesting comments about the development from January 13th, 2012 to after the Planning Commission hearing(s). The following public comments were received:

Gail Curtis, Senior Planner of the Oregon Department of Transportation submitted comments (Exhibit 7), including concerns regarding the transportation impact study. The comments are addressed within this report.

Denyse McGriff of the McLoughlin Neighborhood Association submitted comments (Exhibit 8), regarding the attendance list at the McLoughlin Neighborhood Association meeting and forwarding the report to the appropriate chair.

Paul Edgar of the Citizen Involvement Committee submitted a request (Exhibit 9) for a hard copy of the application.

Tim Powell, Chair of the McLoughlin Neighborhood Association submitted comments from the Neighborhood Association expressing concern about hospital employees parking within the public right-of-way near the facility. He suggested the City limit the on-street parking to 2 hours and work with the hospital to develop a good neighbor plan (Exhibit 10). In response to this comment the applicant submitted a letter, dated February 16, 2012 indicating that Providence Willamette Falls Hospital recently adopted a policy restricting employees from parking on the street (Exhibit 11). In addition, Nancy Bush, Code Enforcement Manager submitted comments identifying the process to limit on-street parking to 2 hours as well as the resident parking program and suggested the neighbors apply (Exhibit 12). Furthermore, the applicant is required to demonstrate adequate parking to facilitate each new phase of development.

Other comments were submitted prior to initiating the public comment period which were not included in the analysis of this report. Comments received after February 13th, 2012 will be forwarded to the Planning Commission at the February 27th, 2012 public hearing. The public record will remain open until the Planning Commission closes the public hearing.

CHAPTER 17.31 "MUE" MIXED USE EMPLOYMENT DISTRICT

17.31.020 *Permitted Uses*

Finding: Complies as Proposed. The subject site is currently utilized as a hospital with medical clinics, uses permitted in OCMC 17.31.020.F and C of the Oregon City Municipal Code. The application did not include any alteration to the use of the site.

17.31.030 *Limited Uses*
Finding: Not Applicable. The subject site is currently utilized as a hospital with medical clinics, uses permitted in OCMC 17.31.020.F and C of the Oregon City Municipal Code. The application did not include any alteration to the use of the site.

17.31.040 *Conditional Uses*
Finding: Not Applicable. The subject site is currently utilized as a hospital with medical clinics, uses permitted in OCMC 17.31.020.F and C of the Oregon City Municipal Code. The application did not include any alteration to the use of the site.

17.31.050 *Prohibited Uses*
Finding: Not Applicable. The subject site is currently utilized as a hospital with medical clinics, uses permitted in OCMC 17.31.020.F and C of the Oregon City Municipal Code. The application did not include any alteration to the use of the site.

17.31.060.A *Minimum lot areas: None.*
Finding: Complies as Proposed. The applicant proposed to consolidate lots on the subject site. The subsequent lots exceed a minimum lot area of zero.

17.31.060.B *Minimum Floor Area Ratio: 0.25.*
Finding: Complies with Condition. The application did not identify the floor area ratio, as the exact square footage to be constructed will be refined during future Detailed Development Plans. Prior to issuance of the first Detailed Development Plan for Phase 3, the applicant shall submit documentation demonstrating the master plan complies with the minimum floor area ratio of 0.25. **The applicant can meet this standard by complying with Condition of Approval 2.**

17.31.060.C *Maximum building height: except as otherwise provided in subsection C.1. of this section building height shall not exceed sixty feet.*
1. In that area bounded by Leland Road, Warner Milne Road and Molalla Avenue, and located in this zoning district, the maximum building height shall not exceed eighty-five feet in height.
Finding: Not Applicable. The applicant has not proposed to construct a building with the proposed development. All future construction shall demonstrate compliance with this standard.

17.31.060.D *Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one foot additional yard setback for every one foot of building height over thirty-five feet.*
Finding: Not Applicable. The applicant has not proposed to construct a building with the proposed development. All future construction shall demonstrate compliance with this standard.

17.31.060.E *Maximum allowed setbacks: No maximum limit provided the Site Plan and Design Review requirements of Section 17.62.055 are met. Development of a campus with an approved Master Plan in the MUE zone is exempt from Section 17.62.055D.1 of Site Plan and Design Review. All other standards are applicable.*
Finding: Not Applicable. The applicant has not proposed to construct a building with the proposed development. All future construction shall demonstrate compliance with this standard.

17.31.060.F *Maximum site coverage of the building and parking lot: Eighty percent.*
Finding: Complies with Condition. The application indicted that approximately 64% of the site is covered with buildings and parking lots. However, the site plan inaccurately displayed the location of the proposed parking lot as landscaped. Prior to issuance of permits associated with the Detailed Development Plan for Phase 1, the applicant shall submit a revised calculation demonstrating the Master Plan does not have more

than eighty percent site coverage of buildings and parking lots. All future construction shall demonstrate compliance with this standard. **The applicant can meet this standard by complying with Condition of Approval 3.**

17.31.060.G *Minimum landscape requirement (including the parking lot): Twenty Percent.*
The design and development of the landscaping in this district shall:
1. Enhance the appearance of the site internally and from a distance;
2. Include street trees and street side landscaping;
3. Provide an integrated open space and pedestrian way system within the development with appropriate connections to surrounding properties;
4. Include, as appropriate, a bikeway walkway or jogging trail;
5. Provide buffering or transitions between uses;
6. Encourage outdoor eating areas appropriate to serve all the uses within the development;
7. Encourage outdoor recreation areas appropriate to serve all the uses within the development.
Finding: Complies with Condition. A site plan displaying all landscaping onsite demonstrates that 277,623 square feet of the 769,757 square foot site (36%) is landscaped. However, the site plan inaccurately displays the location of the proposed parking lot as landscaped. Prior to issuance of permits associated with the Detailed Development Plan for Phase 1, the applicant shall submit a revised calculation demonstrating compliance with the minimum landscaping standards in Chapter 17.31.060.G of the Oregon City Municipal Code. **The applicant can meet this standard by complying with Condition of Approval 4.**

CHAPTER 16.12 Property Line Adjustments and Abandonment Process and Standards
Findings: Complies as Proposed. The tax lot located on the corner of Penn Lane and Division Street (Clackamas County Map 2-2E-32AB-01201) consists of multiple building lots, though only a single tax lot is present. The applicant proposed to consolidate building lots into a single building lot which mirrors the tax lot displayed in Exhibit D of the application. Subsequent to the consolidation, the lot would contain a parking lot and a structure where the future East medical office building would be located. As demonstrated within this report, the consolidated lots were reviewed for compliance with the Oregon City Municipal Code.

Chapter 17.65 – MASTER PLANS

17.65.050.A Existing Conditions Submittal Requirements

17.65.050.A.1.a *Current uses of and development on the site, including programs or services.*
Findings: Complies as Proposed. The site is currently being utilized as Providence Willamette Falls Medical Center (PWF). The applicant provided a site plan identifying the existing layout of the site (Exhibit 2).

17.65.050.A.1.b *History or background information about the mission and operational characteristics of the institution that may be helpful in the evaluation of the concept development plan.*
Findings: Complies as Proposed. The applicant submitted a narrative with a variety of information about the subject site (Exhibit 2).

17.65.050.A.1.c *A vicinity map showing the location of the Concept Development Plan boundary relative to the larger community, along with affected major transportation routes, transit, and parking facilities.*
Findings: Complies as Proposed. The applicant submitted a vicinity map displaying the subject site relative to the larger community, including major transportation routes, transit stops and parking facilities (Exhibit 2).

17.65.050.A.1.d *Non-institutional uses that surround the development site. May also reference submitted maps, diagrams or photographs.*
Findings: Complies as Proposed. The applicant submitted a map displaying the adjacent buildings and zoning designations. Though primarily adjacent to the "MUE" Mixed Use Employment District, a portion of the site boarders residential zoning designations (Exhibit 2).

17.65.050.A.1.e *Previous land use approvals within the Concept Development Plan boundary and related conditions of approval.*

Findings: Complies as Proposed. The subject site has received approval of multiple land use applications. Two prior applications (Conditional Use CU 03-03 and Site Plan and Design Review SP 03-19) resulted in the requirement to receive Master Plan approval prior to proceeding with any additional land use applications (Exhibits 3 and 4).

- Condition of approval #5 for Conditional Use CU 03-03: The hospital shall receive a comprehensive city master plan approval prior to any future city land use approval or site development permit issuance (other than those approved or conditioned for approval as part of this conditional use permit or the associated site plan and design review, SP03-19). The master plan shall be based on all hospital properties in the Division Street area and include; phased development projects, full area traffic analysis, infrastructure evaluation and plans, multi-model planning (on and off-site) , vehicle and bicycle parking evaluation, evaluation of non-conformance, proposed timing and other required items.
- Condition of approval #31 for Site Plan and Design Review SP 03-19: The hospital shall receive a comprehensive city master plan approval prior to any future city land use approval or site development permit issuance (other than those approved as part of the associated Condition Use Permit CU 03-03, this Site Plan and Design Review or required in Conditions 2, 3 and 4 of this approval). The master plan shall be based on all hospital properties in the Division Street area and include; phased development projects, full area traffic analysis, infrastructure evaluation and plans, multi-model planning (on and off-site), vehicle and bicycle parking evaluation, evaluation of non-conformance, proposed timing and other required items.

17.65.050.A.1.f *Existing utilization of the site. May also reference submitted maps, diagrams or photographs.*

Findings: Complies as Proposed. The applicant provided a narrative statement describing the existing uses of the site and a series of maps (Exhibit 2). The site is currently being utilized as Providence Willamette Falls Medical Center. The subject site contains Clackamas County Map2-2EAB, Tax Lots 1201, 1900, 2000, 2100, 2200, 2400, 2500, 2800, 2900, 3100, 3900, 4000, 4100, 4200, 4400, 4600, Clackamas County Map 2-2E-32AA, TL 400 and Clackamas County Map 2-2E-32AC, TL 101, 201. The Master Plan is within the Mixed Use Employment District (MUE). PWF Medical Center is a permitted use in the MUE Zone under OCMC 17.31.010 and 17.31.020.F.

17.65.050.A.1.g *Site description, including the following items. May also reference submitted maps, diagrams or photographs.*

(1) Physical characteristics,
(2) Ownership patterns,
(3) Building inventory,
(4) Vehicle/bicycle parking,
(5) Landscaping/usable open space,
(6) FAR/lot coverage,
(7) Natural resources that appear on the City's adopted Goal 5 inventory,
(8) Cultural/historic resources that appear on the City's adopted Goal 5 inventory, and,
(9) Location of existing trees 6" in diameter or greater when measured 4' above the ground. The location of single trees shall be shown. Trees within groves may be clustered together rather than shown individually.

Findings: Complies as Proposed. The applicant provided a narrative including a description of the site and a series of maps displaying the above existing conditions (Exhibit 2). As discussed in Chapter 17.65.050.C.4 of this report, no City-designated cultural or historic resources are located on the subject site. A small portion of the subject site includes two Overlay Districts; Natural Resource Overlay District (NROD), and Geologic Hazards. Both districts are on the eastern edges of the subject property where no additional development is proposed.

17.65.050.A.1.h *Existing transportation analysis, including the following items. May also reference submitted maps, diagrams or photographs.*
(1) Existing transportation facilities, including highways, local streets and street classifications, and pedestrian and bicycle access points and ways;
(2) Transit routes, facilities and availability;
(3) Alternative modes utilization, including shuttle buses and carpool programs; and
(4) Baseline parking demand and supply study (may be appended to application or waived if not applicable).
Findings: Complies as Proposed. The applicant provided a narrative statement describing the existing transportation conditions of the site. A Transportation Impact Analysis (TIA) was submitted by Kittelson & Associates, Inc. (Exhibit 2).

1. Sidewalks are provided along Redland Road to the south of Holcomb Boulevard-Abernethy Road.
2. Sidewalks and bicycle lanes are provided along Anchor Way west of Redland Road (for approximately 250 feet only).
3. Sidewalks are provided along Division Street to the south of 16th Street.
4. Bicycle lanes are provided along Division Street between 13th Street and 15th Street.
5. On-street parking is available along Division Street to the west of 9th Street and between 16th Street and Gilman Drive.
6. Not posted; assumed to be 25 miles per hour.

<u>*Bicycle Facilities and Connectivity*</u>. Bicycle lanes are currently provided on Division Street between 13th Street and 15th Street and along some of the major surrounding roadways, including Redland Road and Molalla Avenue. According to the TSP, bicycle lane improvements are needed on Division Street, 15th Street, Cascade Highway (OR 213), Anchor Way, Holcomb Boulevard- Abernethy Road, 7th Street, and Molalla Avenue.

<u>*Pedestrian Facilities and Connectivity.*</u> The PWF campus and surrounding neighborhood are generally well served by a grid network of streets and sidewalks today. Sidewalks are available adjacent to the campus on a majority of both Division Street and Davis Road, as well as along the major connecting roadways near the campus, including Molalla Avenue, 7th Street, and 15th Street. Additional sidewalk connectivity is planned in the vicinity of the PWF campus, as identified in the City of Oregon City TSP.

<u>*Transit Routes, Facilities and Availability*</u>. The primary bus route serving the site is Tri-Met with bus stops located adjacent to the subject site. Two fixed-route bus stops are located within one block of the main entrance of the PWF campus on Division Street; a total of four stops are located within one block of the overall PWF campus. Service to these stops is provided by Tri-Met Bus Route 32. Route 32 provides service between Clackamas Community College, Oregon City, Gladstone, and Milwaukie. As of August 2011, the bus operates Monday through Friday between 5:30 a.m. and 7:30 p.m. on 30-minute headways, Saturdays between 9:30 a.m. and 5:30 p.m. on 60-minute headways, and does not offer service on Sundays. The Oregon City Transit Center provides connections to several additional bus routes and services. Other bus service in the area of the PWF campus is provided by Tri-Met Bus Routes 33, 34, and 99.

<u>*Baseline Parking Demand and Supply*</u>. The applicant indicated that the campus has an existing supply of 749 parking stalls with an existing demand for 653 stalls.

17.65.050.A.1.i *Infrastructure facilities and capacity, including the following items.*
(1) Water,
(2) Sanitary sewer,
(3) Stormwater management, and
(4) Easements.
Findings: Complies as Proposed. The site is surrounded by adequate City water mains on all four sides including through the interior of the main property. Adequate sanitary sewer mains exist around the site while stormwater mains are located appropriately on the perimeter of the site.

17.65.050.A.2.a *Existing conditions site plan.*
Findings: Complies as Proposed. The applicant submitted a site plan of the existing conditions of the site (Exhibit 2).

17.65.050.A.2.b. *Vicinity map.*
Findings: Complies as Proposed. The applicant submitted a vicinity map of the development site (Exhibit 2).

17.65.050.A.2.c. *Aerial photo.*
Findings: Complies as Proposed. The applicant submitted an aerial photo depicting the subject site and adjacent property (Exhibit 2).

17.65.050.B. *Proposed Development Submittal Requirements*

17.65.050.B.1.a *The proposed duration of the concept development plan.*
Findings: Complies as Proposed. The General (Master) Plan is anticipated to be implemented over a period of 10 years.

17.65.050.B.1.b *The proposed development boundary. May also reference submitted maps or diagrams.*
Findings: Complies as Proposed. The project boundaries include Clackamas County Map2-2EAB, Tax Lots 1201, 1900, 2000, 2100, 2200, 2400, 2500, 2800, 2900, 3100, 3900, 4000, 4100, 4200, 4400, 4600, Clackamas County Map 2-2E-32AA, TL 400 and Clackamas County Map 2-2E-32AC, TL 101, 201. A map of the subject site was submitted (Exhibit 2).

17.65.050.B.1.c *A description, approximate location, and timing of each proposed phase of development, and a statement specifying the phase or phases for which approval is sought under the current application. May also reference submitted maps or diagrams.*
Findings: Complies as Proposed. The applicant indicated that phases would generally include the following:

Project Phase 1 – Division St. Parking Lot (Subject To Detailed Development Plan Approval)

The first project of the master plan consists of an alteration and expansion of the existing parking lot at the intersection of Davis Road, Division Street and Penn Lane. The applicant submitted a Detailed Development Plan for the construction of the parking lot which would be implemented subsequent to approval in 2012.

Project Phase 2 – Hospital Additions and Remodels

Phase 2 of the Master Plan includes the addition of approximately 54,000 square feet to the site including expanding the Medical Center building, the construction of a new central utility plant, and the remodeling of other areas of the facility. More particularly, these projects include:

Outpatient Surgery Expansion: The outpatient surgery expansion will add approximately two new operating rooms and short stay recovery space.

New Front Entry: The main entry to PWF will be remodeled and will include a new patient drop-off. The new entry will replace a section of the 1961 building which is currently sub-standard and houses hospital office spaces among other uses. This project will provide a more direct and unified entry into the hospital. A new canopy will welcome visitors into a large, high volume lobby that will provide physical and visual connections to corridors serving patient care, imaging, day surgery, birthplace, and the gift shop.

Second Floor Patient Room and Pharmacy Remodel: Several spaces on the second floor of the hospital will be converted from their current use as offices back to their original function as patient rooms. This

patient room remodel will not increase the number of licensed beds, the staffing levels for the hospital, nor increase trip generation. The pharmacy will also be relocated.

Birthplace Expansion: Six additional Labor, Delivery, Recovery and Postpartum rooms will be added to the west end of the existing Birthplace wing. The addition would increase the number of labor and delivery/postpartum beds from 14 to 20.

Central Utility Plant: In order to centralize the system utilities for the campus and make them more efficient, PWF is planning for a central utility plant to house the appropriate mechanical, electrical, and plumbing systems to serve the medical campus. The development of this project is located within the Natural Resource Overlay District requiring review and mitigation .

Second Floor Shell Space Tenant Improvements: There is approximately 16,100 square feet of unfinished space above the Emergency Department planned for build out to house expanded hospital services. There is no definitive hospital program scheduled for this space but it is anticipated to be an expansion of outpatient services.

The applicant may complete the phase 2 projects in any order, provided they are all completed prior to initiating Phase 3. Phase 2 is projected to be implemented from 2012-2021.

Project Phase 3 – Medical Office Buildings (MOB)

Phase 3 of the Master Plan will add approximately 40,000 - 50,000 square feet of square footage to the medical campus including the construction of two new buildings including:

MOB Additions: PWF has identified two (East and West) sites for 20,000 - 25,000 square foot medical Office Buildings (MOB's) which will house general physician's practices. The order of implementation for the two MOB's in this phase will depend upon Hospital strategic goals, project funding, and community needs. Phase 3 would be implemented from 2014-2021.

17.65.050.B.1.d *An explanation of how the proposed development is consistent with the purposes of Section 17.65, the institutional zone, and any applicable overlay district.*
Findings: Refer to the findings within this report.

17.65.050.B.1.e *A statement describing the impacts of the proposed development on inventoried Goal 5 natural, historic or cultural resources within the development boundary or within 250 feet of the proposed development boundary.*
Findings: Complies as Proposed. The applicant provided a map displaying all nearby Goal 5 resources. The subject site is not within a historic district or include an individually designated historic structure. The property is within the Geologic Hazards Overlay District and the Natural Resource Overlay District.

17.65.050.B.1.f *An analysis of the impacts of the proposed development on the surrounding community and neighborhood, including:*
(1) Transportation impacts as prescribed in Subsection "g" below;
(2) Internal parking and circulation impacts and connectivity to sites adjacent to the development boundary and public right-of-ways within 250 feet of the development boundary;
(3) Public facilities impacts (sanitary sewer, water and stormwater management) both within the development boundary and on city-wide systems;
(4) Neighborhood livability impacts;
(5) Natural, cultural and historical resource impacts within the development boundary and within 250 feet of the development boundary.
Findings: The applicant submitted documentation on the impacts of the proposed development. Please refer to the analysis within this report.

17.65.050.B.1.g *A summary statement describing the anticipated transportation impacts of the proposed development. This summary shall include a general description of the impact of the entire development on the local street and road network, and shall specify the maximum projected average daily trips, projected AM and PM peak hour traffic and the maximum parking demand associated with build-out each phase of the master plan.*

Findings: Please to the analysis in OCMC Chapter 17.65.050.B.1.i of this report.

17.65.050.B.1.h *In addition to the summary statement of anticipated transportation impacts, an applicant shall provide a traffic impact study as specified by City requirements. The transportation impact study shall either:*

(1) address the impacts of the development of the site consistent with all phases of the concept development plan; or

(2) address the impacts of specific phases if the City Engineer determines that the traffic impacts of the full development can be adequately evaluated without specifically addressing subsequent phases.

Findings: Complies as Proposed. The applicant identified the transportation impact of the development with traffic impact analysis prepared by Kittleson and Associates (Exhibit 2) discussing the transportation impacts of the proposed development. The transportation study was reviewed by John Replinger, transportation consultant for the City from Replinger and Associates (Exhibit 5).

17.65.050.B.1.i *If an applicant chooses to pursue option h(1), the applicant may choose among three options for implementing required transportation capacity and safety improvements:*

(1) The concept development plan may include a phasing plan for the proposed interior circulation system and for all on-site and off-site transportation capacity and safety improvements required on the existing street system as a result of fully implementing the plan. If this option is selected, the transportation phasing plan shall be binding on the applicant.

(2) The applicant may choose to immediately implement all required transportation safety and capacity improvements associated with the fully executed concept development plan. If this option is selected, no further transportation improvements will be required from the applicant. However, if a concept development plan is later amended in a manner so as to cause the projected average daily trips, the projected AM or PM peak hour trips, or the peak parking demand of the development to increase over original projections, an additional transportation impact report shall be required to be submitted during the detailed development plan review process for all future phases of the development project and additional improvements may be required.

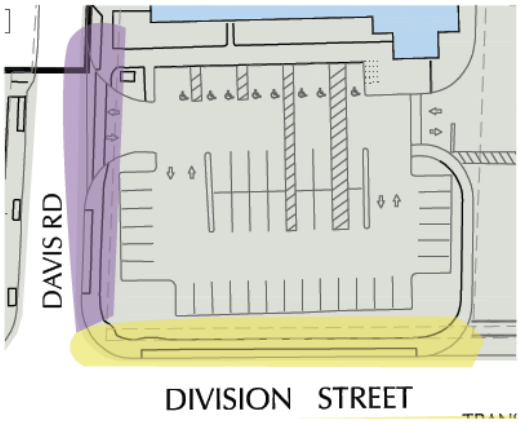
(3) The applicant may defer implementation of any and all capacity and safety improvements required for any phase until that phase of the development reaches the detailed development plan stage. If this option is selected, the applicant shall submit a table linking required transportation improvements to vehicle trip thresholds for each development phase.

Findings: Complies with Condition. The applicant proposed to install public improvements associated with each phase of development. The applicant submitted a transportation impact analysis prepared by Julia Kuhn, PE of Kittleson & Associates, Inc (Exhibit 2) discussing the transportation impacts of the proposed development. The report was reviewed by John Replinger, PE of Replinger and Associates, a City consultant (Exhibit 5). The applicant proposed to complete the following public improvements by the completion of Phase 3 of development.

New Front Entry

The New Front Entry project in Phase 2 would trigger applicable street improvements in the highlighted areas in Figure 3.1.1. Minor Arterial street improvements along Division Street (to match the improvements in front of the ED expansion detailed in CU 03-03), and Local street improvement along Davis Road.

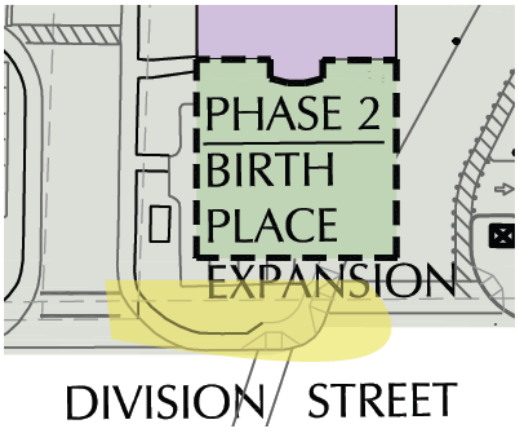
FIGURE 3.1.1 - New Front Entry Street Improvements



Birthplace Expansion

The Birthplace Expansion project in Phase 2 would trigger applicable street improvements in the highlighted areas in Figure 3.1.2. Minor Arterial street improvements along Division Street to match the improvements in front of the ED expansion detailed in CU 03-03.

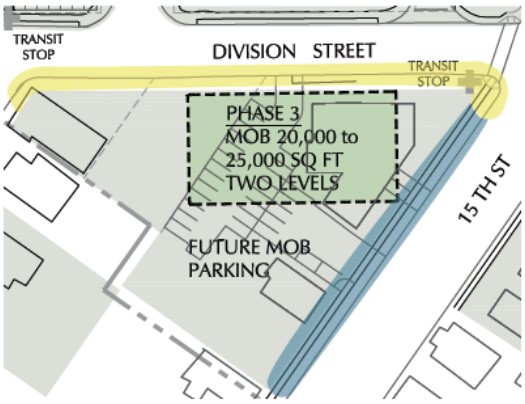
FIGURE 3.1.2 - Birthplace Expansion Street Improvements



West MOB

The West MOB project in Phase 3 would trigger applicable street improvements in the highlighted areas in Figure 3.1.3. Minor Arterial street improvements along Division Street (to match the improvements in front of the ED expansion detailed in CU 03-03), and Collector street improvement along 15th St. The improvements along Division St. will require a full depth half street improvements.

FIGURE 3.1.3 - West MOB Street Improvements



The City generally concurs with the public improvements proposed. The following identifies a specific list of public improvements and associated maps of where each improvement will occur. The applicant's engineer shall analyze and design the Division Street and 15th Street pavement restoration.

- Division Street, a Minor Arterial, would be improved with each phase of the Master Plan as follows:
  - Phase 1 (Parking Lot Improvements between Davis Road and Penn Lane): Construction of 2.5-foot wide full depth pavement restoration adjacent to new curb and gutter, 8 ft sidewalk with 4- by 6-ft tree wells, bike lane striping and markings, street lighting, and street trees.

    - Phase 2 (Front Entry Improvements and Birthplace Expansion): Match improvements from ED expansion approved in CU 03-03, including but not limited to a 4-foot ROW dedication across Tax Lot 1900 and 2000. Construction of full depth pavement restoration from the northern end of the ED improvements to Davis Road for a width of 26 feet on the eastern half and 10 feet on the opposing side. New curb and gutter, 8-foot sidewalk with 4- by 6-ft tree wells, bike lane striping and markings, street lighting, and street trees.
    - Phase 3 (East MOB): Construction of full depth pavement restoration between Davis Road and Penn Lane for a width of 20 feet on the eastern half (2-inch mill on the easternmost 2.5 feet done in Phase 1) and 10 feet on the opposing side.
    - Phase 3 (West MOB): A 4-foot ROW dedication from 15th Street to 16th Street to provide 34 feet from centerline on the west side. Construction of full depth pavement restoration between 15th Street and 16th Street for a width of 26 feet on the western half and 10 feet on the opposing side (if not completed by other phases). Construction of curb and gutter, 8 ft sidewalk with 4- by 6-ft tree wells, bike lane striping and markings, street lighting, and street trees.
- Davis Road, a Local Street, would be improved with Phase 1 and 2 of the Master Plan as follows:
    - Phase 1 (Parking Lot Improvements between Davis Road and Penn Lane): A 1-foot street dedication. Construction of 2.5-foot wide full depth pavement restoration adjacent to new curb and gutter, 4.5-foot planter strip with street trees, 5 ft sidewalk, and street lighting. Provide opposing ADA ramp at southeast corner of Davis Road/Division Street.
    - Phase 2 (Front Entry Improvements): Dedication to result in 26.5 feet of ROW on the southern side. Construction of pavement restoration as determined by Applicant's Engineer's analysis/design (and coordination with City's Pavement Condition Index at time of design). Construction of 2.5-foot wide full depth pavement restoration adjacent to new curb and gutter, 4.5-foot planter strip with street trees, 5 ft sidewalk, and street lighting.
- 15th Street, a Collector, would be improved with Phase 3 of the Master Plan as follows:
    - Phase 3 (West MOB): There is 38 feet of existing pavement, with 19 feet on the MOB side. Construction of pavement restoration as determined by applicant's engineer's analysis/design (and coordination with City's Pavement Condition Index at time of design) across the tax lot frontages for a width of 19 feet on the northern half and 10 feet on the opposing side. Evaluation of the existing street lighting and install as necessary to meet current IES. Installation of street trees in existing planter strip and bike route signs.
- Penn Lane, a Local Street, would be improved with Phase 3 of the Master Plan as follows:
    - Phase 3 (East MOB): Construction of full pavement section adjacent to 1716 Penn Lane for a width of about 6 feet on the southern half with curb and gutter, 4.5-foot planter strip, 5-foot sidewalk, street trees, and street lighting.

In addition, the applicant's transportation impact study identified two off-site intersections where the impacts from the proposed development when coupled with future background projections would result in an unacceptable level of service. A more than 50 second delay for the westbound left at the intersection of Molalla Avenue/7th Street would result in a level of service (LOS) F in 2017 and a more than 50 second delay for the northbound left at the intersection of Redland Road/Anchor Way would result in a level of service (LOS) F in 2018 both, in part, as a result of Phase 2 impacts. Phase 1 was not determined to have an impact on the proposed development, as it entails an expansion of the parking lot which will not itself increase traffic demands generated on-site.

Although this Master Plan approval is for all three phases of the project, it is not possible at this time to determine what transportation improvements may be required to mitigate impacts on the transportation system from Phases 2, on the intersections of Molalla Avenue/7th Street and Redland Road/Anchor Way, and 3 which would be constructed up to 10 years in the future. A determination of the adequacy of the existing traffic infrastructure, the extent of the Providence Willamette Falls impacts, what improvements in the form of mitigation measures will be required, and/or the portion of the construction costs of those measures which

should be borne by the Providence Willamette Falls, will be made at the time of consideration of the detailed development plan for each Phase 2 and 3. Cost estimates shall be based on estimates contained in the Regional Transportation Plan or Oregon City Transportation System Plan, whichever is most current, with cost estimates updated by applying a published construction cost index. For projects already programmed for construction, the final project cost of most current cost estimates shall be utilized. If the impacts cannot be adequately mitigated based on the standards in effect at the time of filing the detailed development application, the detailed development plan will be denied.

ODOT suggested that the treatment of the central utility plant might have caused the traffic to be underestimated (Exhibit 7). John Replinger, PE of Replinger and Associates, a City consultant indicated that ODOT indicated that the "trip generation methodology was adequately explained and accurately executed" (Exhibit 5).

The additional development proposed in the master plan is forecast to produce 87 additional AM peak hour trips and 91 additional PM peak hour trips. This compares with current traffic of 339 AM peak hour trips and 356 PM peak hour trips.

The applicant is responsible for this project's compliance with Engineering Policy 00-01. **The applicant can comply with this standard by meeting Conditions of Approval 5 and 6.**

17.65.050.B.1.j *The applicant or city staff may propose objective development standards to address identified impacts that will apply within the proposed development on land that is controlled by the institution. Upon approval of the concept development plan, these standards will supersede corresponding development standards found in this code. Development standards shall address at least the following:*
(1) Pedestrian, bicycle and vehicle circulation and connectivity;
(2) Internal vehicle and bicycle parking;
(3) Building setbacks, landscaping and buffering;
(4) Building design, including pedestrian orientation, height, bulk, materials, ground floor windows and other standards of Chapter 17.62; and
(5) Other standards that address identified development impacts.
Findings: Not Applicable. The applicant has not proposed alternative objective development standards.

17.65.050.B.2.a. *A preliminary site circulation plan showing the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas or, in the alternative, proposed criteria for the location of such facilities to be determined during detailed development plan review.*
Findings: Complies with Conditions. The applicant submitted a site plan for the proposed development showing the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas. The site is currently nonconforming as it does not comply with the current standards for parking lot landscaping, pedestrian accessway standards, etc. Proportional upgrades to the site are required per OCMC Chapter 17.58.

Vehicle Circulation Plan. A site plan identifying the circulation of vehicles onsite was provided demonstrating the ability for automobiles to travel down the street and within parking lots throughout the site.

Bicycle Circulation Plan. A site plan identifying the circulation of bicycles onsite was provided demonstrating the ability for bicycles to travel down the street and within parking lots within automobiles. There are no bicycle pathways onsite.

Pedestrian Circulation Plan. The applicant did not propose any changes to the pedestrian circulation plan within the Master Plan or Detailed Development Plan. As demonstrated within this report, the proposed parking lot layout does not include a pedestrian accessway within the parking lot. Prior to issuance of permits

associated with the Detailed Development Plan for Phase 1, the applicant shall install a pedestrian accessway within or adjacent to the proposed parking lot which complies with the Oregon City Municipal Code and provides safe access to pedestrians walking from the northern portion of the parking lot south towards the main hospital facility. **The applicant can meet this standard by complying with condition of approval 7.**

17.65.050.B.2.b *The approximate location of all proposed streets, alleys, other public ways, sidewalks, bicycle and pedestrian access ways and other bicycle and pedestrian ways, transit streets and facilities, neighborhood activity centers and easements on and within 250 feet of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within 250 feet may be extended to and/or through the proposed development.*
Findings: Complies as Proposed. The applicant submitted a map displaying the approximate location of all pedestrian, bicycle and automobile facilities within 250 feet of the site.

17.65.050.B.2.c *The approximate location of all public facilities to serve the proposed development, including water, sanitary sewer, stormwater management facilities.*
Findings: Please refer to the analysis within this report.

17.65.050.B.2.d *The approximate projected location, footprint and building square footage of each phase of proposed development.*
Findings: Complies as Proposed. The applicant submitted a map displaying the approximate location and footprint of the proposed structures. The final sizes and locations are subject to minor changes in the Detailed Development Plan review. Major changes to the size or location of the structures will require an adjustment to the Concept (General/Master) Development Plan.

17.65.050.B.2.e *The approximate locations of proposed parks, playgrounds or other outdoor play areas; outdoor common areas and usable open spaces; and natural, historic and cultural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use.*
Findings: Complies as Proposed. The applicant submitted an aerial photo in Exhibit 2. The applicant did not propose a park, playground or other outdoor play area or open space for the subject site.

17.65.050.C. *Approval Criteria for a Concept Development Plan.*

17.65.050.C.1 *The proposed Concept Development plan is consistent with the purposes of Section 17.65.*
Findings: Complies as Proposed. Chapter 17.65.010 of the Oregon City Municipal Code states:
"It is the intent of this Chapter to foster the growth of major institutions and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The City recognizes the valuable services and employment opportunities that these developments bring to Oregon City residents. The master plan process is intended to facilitate an efficient and flexible review process for major developments and to provide them with the assurance they need over the long term so that they can plan for and execute their developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address the larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs."

The Master Plan is consistent with the purpose and intent statement in OCMC Chapter 17.65.010. The Master Plan identifies the growth expected on the Providence Willamette Falls Hospital campus over the next ten (10) years. Providence selected a 10-year timeframe for the master plan as the level of uncertainty of development plans after ten (10) years is too high. Providence submitted a Transportation Impact Analysis with phased public improvements which is analyzed within this report.

17.65.050.C.2 *The transportation system has sufficient capacity based on the City's level of service standards and is capable of safely supporting the development proposed in addition to the existing and planned uses in the area, or will be made adequate by the time each phase of the development is completed.*

Findings: Complies with Condition. The applicant's transportation impact study identified two off-site intersections where the impacts from the proposed development when coupled with future background projections would result in an unacceptable level of service. A more than 50 second delay for the westbound left at the intersection of Molalla Avenue/7th Street would result in a level of service (LOS) F in 2017 and a more than 50 second delay for the northbound left at the intersection of Redland Road/Anchor Way would result in a level of service (LOS) F in 2018 both, in part, as a result of Phase 2 impacts. Phase 1 was not determined to have an impact on the proposed development, as it entails an expansion of the parking lot which will not itself increase traffic demands generated on-site.

Although this Master Plan approval is for all three phases of the project, it is not possible at this time to determine what transportation improvements may be required to mitigate impacts on the transportation system from Phases 2, on the intersections of Molalla Avenue/7th Street and Redland Road/Anchor Way, and 3 which would be constructed up to 10 years in the future. A determination of the adequacy of the existing traffic infrastructure, the extent of the Providence Willamette Falls impacts, what improvements in the form of mitigation measures will be required, and/or the portion of the construction costs of those measures which should be borne by the Providence Willamette Falls, will be made at the time of consideration of the detailed development plan for each Phase 2 and 3. Cost estimates shall be based on estimates contained in the Regional Transportation Plan or Oregon City Transportation System Plan, whichever is most current, with cost estimates updated by applying a published construction cost index. For projects already programmed for construction, the final project cost of most current cost estimates shall be utilized. If the impacts cannot be adequately mitigated based on the standards in effect at the time of filing the detailed development application, the detailed development plan will be denied. **The applicant can comply with this standard by meeting Condition of Approval 5.**

17.65.050.C.3 *Public services for water supply, police, fire, sanitary waste disposal, and storm-water disposal are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.*

Findings: Complies with Condition. An analysis of the proposed impacts is provided below.

Domestic Water. There are existing water mains in the streets bounding the site as well as several on-site. New fire hydrants would be placed according to fire department code at the time of individual Detailed Development Plan review.

Police Protection. No significant police issues were identified during this Master Plan review.

Fire Protection. No significant fire protection issues were identified during this Master Plan review.

Sanitary Sewer. Adequate sanitary sewer mains exist around the site boundaries. During the Detailed Development Plan reviews, the applicant shall provide connection to new/existing sanitary sewer for new future facilities as required by plumbing code.

Storm Water. Stormwater mains exist bordering the site. The applicant shall provide stormwater facilities as necessary for street improvements and facility construction. Downstream conveyance calculations/analysis shall be performed for all existing storm systems where the Applicant's new facilities increase the stormwater flow. The applicant shall comply with the Oregon City Stormwater Design Standards and evaluate the existing stormwater facilities on 15th Street during Phase 3, West MOB. Current street curb drainage flow on 15th Street exceeds the 400-foot length standard on the north side. Construct a curb basin to connect into the eastern end of the storm line as necessary. During each of the Detailed Development Plan reviews, the

applicant shall provide site analysis to determine extent of stormwater detention and water quality that are required by the current code and implement appropriate Low Impact Design efforts. The use of Lynch-style catch basins for water quality is required for all new/revised parking lots. Water quality treatment will be achieved by means of any number of water quality features such as green roofs, vegetated swale, flow-thru planter box, or other LID system that will be designed per City of Oregon City Design Standards.

The applicant is responsible for this project's compliance with Engineering Policy 00-01. **The Applicant can comply with this standard by meeting Conditions of Approval 6, 8, 9, 10, 11, 12, 13 and 14.**

17.65.050.C.4 *The proposed Concept Development plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of applicable overlay districts.*
Findings: Please refer to the analysis in Chapter 17.49 for compliance with the Natural Resource Overlay District and Chapter 17.44 for compliance with the Geologic Hazards Overlay District. There are no inventoried other Goal 5 historic or cultural resources in or within 250 feet of the development.

17.65.050.C.5 *The proposed Concept Development plan, including development standards and impact mitigation thresholds and improvements adequately mitigates identified impacts from each phase of development. For needed housing, as defined in ORS 197.303(1), the development standards and mitigation thresholds shall contain clear and objective standards.*
Findings: Please refer to the findings in 17.65.050.B.1.i of this analysis.

17.65.050.C.6 *The proposed Concept Development Plan is consistent with the Oregon City Comprehensive Plan and its ancillary documents.*
Findings: Complies as Proposed. As demonstrated below, the proposed Master Plan complies with the Oregon City Comprehensive Plan.

Section 1, Citizen Involvement
Section 1 of the Oregon City Compressive Plan established goals and policies to involve the public. The Master Plan review process included multiple meetings with neighborhood associations and other groups as well as a public comment period, mailed notices, public hearing and a notice in the newspaper.

Section 2, Land Use
Section 2 of the Oregon City Compressive Plan addresses the efficient use of available lands and the goal of creating a vibrant urban area that increases the opportunities for multi-modal transportation options.

Section 9, Economic Development
Section 9 of the Oregon City Compressive Plan establishes goals and policies that the City should strive to implement and meet but does not impose mandatory approval standards for a master plan application. The master plan will reinforce the role of the hospital in the community and contribute to the community's economic development.

Section 11, Public Facilities
Section 11 of the Oregon City Compressive Plan identifies the need for the City to provide public services. The Master Plan addresses the adequacy of the public facilities onsite.

Section 12, Transportation
Section 12 of the Oregon City Compressive Plan provides for a safe, convenient and economic transportation system that functions well and contributes to the city's well-being, enhances the quality of life and increases the opportunity for growth and development. The applicant proposed and is conditioned to mitigate all transportation impacts.

Section 13, Energy Conservation
Section 13 of the Oregon City Compressive Plan provides requires the conservation of energy in all forms through efficient land-use patterns, public transportation, building siting and construction standards, and city programs, facilities and activities. The proposed Master Plan encourages efficient use of the land while supporting transit, pedestrian and bicycle facilities.

17.65.050.D *Duration of Concept Development Plan. A Concept Development plan shall involve a planning period of at least five years and up to twenty years. An approved Concept Development plan shall remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superseded, or the plan expires under its stated expiration date.*
Findings: Complies as Proposed. The General (Concept) Plan proposed envisions a 10-year view of the site.

17.65.060 *Detailed Development Plan*
Findings: Not Applicable. The applicant submitted a Detailed Development Plan application for implementation of Phase 1 of the development. Approval of a Detailed Development Plan is required prior to construction.

17.65.070 *- Adjustments to development standards.*

17.65.070.A *Purpose. In order to implement the purpose of the City's master plan process, which is to foster the growth of major institutions and other large-scale development, while identifying and mitigating their impacts on surrounding properties and public infrastructure, an applicant may request one or more adjustments to the applicable development regulations as part of the master planning process. These include, but are not limited to, items such as: dimensional standards of the underlying zone, site plan and design review criteria, residential design standards, and standards for land division approval.*
Findings: Applicable. The applicant submitted a request for an adjustment to the Oregon City Municipal Code with the Master Plan application. No other adjustments to the Oregon City Municipal Code have been requested.

17.65.070.B *Procedure. Requests for adjustments shall be processed concurrently with a general development plan. An adjustment request at the detailed development plan review shall cause the detailed development plan to be reviewed as a Type III application.*
Findings: Complies as Proposed. The proposed adjustment is being processed concurrent with the general development plan as a Type III application.

17.65.070*.C Regulations That May Not be Adjusted. Adjustments are prohibited for the following items:*
1. To allow a primary or accessory use that is not allowed by the regulations;
2. To any regulation that contains the word "prohibited";
3. As an exception to a threshold review, such as a Type III review process; and
4. Any exception to allow a use not identified as a permitted or conditional use in the underlying zone.
Findings: Complies as Proposed. The applicant has not proposed an adjustment for the use of the site or review process.

Oregon City Municipal Code Adjustment #1: Interior Parking Lot Landscaping
OCMC Chapter 17.52.060.D requires that within a parking lot no more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Though the proposed parking lot expansion associated with Phase 1 of the Master Plan does not have more than 8 contiguous parking stalls without an interior landscape strip and will comply with OCMC 17.52.060(D), a majority of the existing parking lots within the Providence Willamette Falls campus were constructed prior to adoption of this standard.

The Nonconforming Chapter of the Oregon City Municipal Code, 17.58, requires the applicant to install interior parking lot landscaping within existing parking lots which do not comply with the current standards.

Each Detailed Development Plan costing more than $75,000 is required to spend 10% of the project cost on upgrades to existing nonconforming facilities such as interior parking lot landscaping. Depending on the cost of construction, it is anticipated that all of the aforementioned nonconforming items would be upgraded within the Master Plan. Each parking lot upgrade will include documentation from the applicant demonstrating that there is no loss of parking due to installation of interior parking lot landscaping.

If this adjustment is approved, the nonconforming parking lots would be upgraded so that no more than 16 contiguous parking spaces would be provided without an interior landscape strip and future parking lots associated with Phases 2 and 3 of the Master Plan, no more than 16 contiguous parking spaces would be provided without an interior landscape strip. As shown in this analysis, in order to mitigate the impact of the adjustment to increase the number of contiguous parking stalls permitted without landscape strips, the applicant shall increase the minimum interior parking lot landscaping from 10% to 12%. The applicant may choose not to utilize the adjustment for a particular parking lot. If a parking lot does not utilize the adjustment and provides no more than eight contiguous parking spaces without an interior landscape strip, the applicant does not have to increase the minimum interior parking lot landscaping for that parking lot from 10% to 12%. The applicant shall be required to calculate the total number of trees that would be planted based on the existing requirements of one tree per six parking spaces in the interior parking lot landscaping and plant the required number of trees on-site or, if approved by the Community Development Director, pay a fee-in-lieu for the difference in the number of parking lot trees.

OCMC 17.52.060(D)(d) - EXISTING

*d. No more than **eight** contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of 10 feet in length.*

ADJUSTED TO:

OCMC 17.52.060(D)(d) - PROPOSED

*d. No more than **sixteen** contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of 10 feet in length.*

17.65.71.D.1. *Granting the adjustment will equally or better meet the purpose of the regulation to be modified;*
Finding: Complies with Condition. Chapter 17.52.060 of the Oregon City Municipal Code identifies the purpose of parking lot landscaping is:

- To enhance and soften the appearance of parking lots;
- To limit the visual impact of parking lots from sidewalks, streets and particularly from residential areas;
- To shade and cool parking areas;
- To reduce air and water pollution;
- To reduce storm water impacts and improve water quality; and
- To establish parking lots that are more inviting to pedestrians and bicyclists.

The applicant indicated that "the requirement for providing interior landscape strips in areas that will be affected by future detailed development plans will reduce the parking supply on the campus. Per the TIA in Appendix B, PWF currently has a parking surplus, but at the end of the proposed master plan there would be a parking deficit. Therefore it is important for PWF to maintain as many parking spaces as necessary. The intent of 17.52.060.D.(d) is 'to enhance and soften the appearance of parking lots; to limit the visual impact of parking lots from sidewalks, streets and particularly from residential areas; to shade and cool parking areas'

among others. In the parking lot areas identified as lots B, D, G, and F per Figure 14 on page 44 of Kittelson & Associates TIA (see Appendix B), Lot G is not visible from any public streets or residential areas thanks to the stand of forest along its eastern border. Lot F currently has 23 street and parking lot deciduous shade trees, as well as landscaped triangular wheel stops and planter strips. Lots B and D also have numerous parking lot trees and landscaped buffer zones".

Staff believes that a reduction in the frequency of interior parking lot landscaping islands would potentially reduce the amount of shade within the parking lot, thus resulting in higher temperature storm water and may not as adequately soften the appearance of the parking lot. The applicant has not proposed any mitigation for the proposed adjustment. OCMC 17.52.060.D requires surface parking lots have a minimum ten percent of the interior of the gross area of the parking lot be devoted to landscaping to improve the water quality, reduce storm water runoff, and provide pavement shade. In order to mitigate the impact of the adjustment to increase the number of contiguous parking stalls permitted without landscape strips, the applicant shall increase the minimum interior parking lot landscaping from 10% to 12%. The applicant may choose not to utilize the adjustment for a particular parking lot. If a parking lot does not utilize the adjustment and provides no more than eight contiguous parking spaces without an interior landscape strip, the applicant does not have to increase the minimum interior parking lot landscaping for that parking lot from 10% to 12%. The applicant shall be required to calculate the total number of trees that would be planted based on the existing requirements of one tree per six parking spaces in the interior parking lot landscaping and plant the required number of trees on-site or, if approved by the Community Development Director, pay a fee-in-lieu for the difference in the number of parking lot trees. **The applicant can satisfy this standard by complying with Condition of Approval 15.**

17.65.71.D.2. *If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zone;*
Finding: Not Applicable. The applicant has not proposed more than one adjustment.

17.65.71.D.**3.** *City-designated Goal 5 resources are protected to the extent otherwise required by Title 17;*
Finding: Not Applicable. A portion of the Master Plan property is within the Natural Resource Overlay District and Geologic Hazards Overlay District. It is not anticipated that the proposed adjustment would negatively affect the overlays, as the applicant has not requested an adjustment to an overlay standard. There are no historic resources onsite.

17.65.71.D.**4.** *Any impacts resulting from the adjustment are mitigated;*
Finding: Complies with Condition. Staff believes that a reduction in the frequency of interior parking lot landscaping islands would potentially reduce the amount of shade within the parking lot, thus resulting in higher temperature storm water and may not as adequately soften the appearance of the parking lot. The applicant has not proposed any mitigation for the proposed adjustment. OCMC 17.52.060.D requires surface parking lots have a minimum ten percent of the interior of the gross area of the parking lot be devoted to landscaping to improve the water quality, reduce storm water runoff, and provide pavement shade In order to mitigate the impact of the adjustment to increase the number of contiguous parking stalls permitted without landscape strips, the applicant shall increase the minimum interior parking lot landscaping from 10% to 12%. The applicant may choose to exempt parking lots which do not utilize the adjustment and there are not more than eight contiguous parking spaces without an interior landscape strip between them. Staff believes it is feasible for the applicant to comply with a minimum of 12% interior parking lot landscaping and complies with all other applicable standards. The applicant shall be required to calculate the total number of trees that would be planted based on the existing requirements of one tree per six parking spaces in the interior parking lot landscaping and plant the required number of trees on-site or, if approved by the Community Development Director, pay a fee-in-lieu for the difference in the number of parking lot trees. **The applicant can satisfy this standard by complying with Condition of Approval 15.**

***17.65.71.D*.5.** *If an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.*

Finding: Not Applicable. A portion of the Master Plan property is within the Natural Resource Overlay District and Geologic Hazards Overlay District. It is not anticipated that the proposed adjustment would negatively affect the overlays, as the applicant has not requested an adjustment to an overlay standard.

***17.65.71.D*.6.** *The proposed adjustment is consistent with the Oregon City Comprehensive Plan and ancillary documents.*

Finding: Complies with Condition. The applicant indicated Section 12 of the Oregon City Comprehensive Plan "provides for a safe, convenient and economic transportation system that functions well and contributes to the city's well-being, enhances the quality of life and increases the opportunity for growth and development. The proposed adjustment does not adversely affect transportation or parking goals set out in the Oregon City Comprehensive Plan".

The applicant has not proposed any mitigation for the proposed adjustment. OCMC 17.52.060.D requires surface parking lots have a minimum ten percent of the interior of the gross area of the parking lot be devoted to landscaping to improve the water quality, reduce storm water runoff, and provide pavement shade. In order to mitigate the impact of the adjustment to increase the number of contiguous parking stalls permitted without landscape strips, the applicant shall increase the minimum interior parking lot landscaping from 10% to 12%. The applicant may choose not to utilize the adjustment for a particular parking lot. If a parking lot does not utilize the adjustment and provides no more than eight contiguous parking spaces without an interior landscape strip, the applicant does not have to increase the minimum interior parking lot landscaping for that parking lot from 10% to 12%. The proposed mitigation would increase the landscaping onsite and would comply with the following goals and policies of the Comprehensive Plan:

Goal 6.1 Air Quality - Promote the conservation, protection and improvement of the quality of the air in Oregon City.

Policy 6.1.4 - Encourage the maintenance and improvement of the city's tree canopy to improve air quality.

The applicant can satisfy this standard by complying with Condition of Approval 15.

CHAPTER 17.49 NATURAL RESOURCE OVERLAY DISTRICT

Findings: Complies as Proposed. A portion of the site is mapped within the City of Oregon City Natural Resource Overlay District. All development in the Natural Resource Overlay District is subject to review by the City of Oregon City to ensure adequate protection of a nearby water feature. Oregon City Municipal Code protects the nearby feature by enforcing a vegetated corridor consisting of native plantings along the bank of the stream to improve the water quality and function. The applicant requested the portion of the property outside the NROD boundary is exempt from further NROD review. As the land outside of the NROD area is not subject to compliance with Chapter 17.49 of the Oregon City Municipal Code, staff recommends the Planning Commission except all land outside of the NROD boundary. Though a portion of the property associated with Detailed Development Plan for Phase 1 of the Master Plan is within the NROD, the proposed disturbance area associated with the proposed development is outside the NROD boundary. All future development shall be subject to additional review to demonstrate compliance with the Natural Resource Overlay District.

CHAPTER 17.44 – GEOLOGIC HAZARDS:

Finding: Complies as Proposed. Per OCMC 17.44.050.C, "the City Engineer may waive one or more requirements… if the City Engineer determines that site conditions, size or type of development or grading requirements do not warrant such detailed information". The applicant proposed to construct Phase 1 which includes a parking lot adjacent to Penn Lane and Division Street. Due to the minimal impact on the nearby slopes the City Engineer has waived all requirements of OCMC Chapter 17.44 for the proposed development. The waiver may be challenged on appeal and may be denied by a subsequent review authority. If the development proposal changes from what is represented in this land use application, these findings shall be reviewed and revised by the City Engineer as needed.

All future development shall be subject to additional review to demonstrate compliance with the Geologic Hazards Overlay District.

CHAPTER 17.41 TREE PROTECTION STANDARDS

17.41.020 *Tree Protection – Applicability.*
Finding: Complies. The proposed development within the "MUE" Mixed Use Employment District and is subject to this standard.

17.41.040 – *Tree Protection – Exemptions.*
These regulations are not intended to regulate normal cutting, pruning and maintenance of trees on private property except where trees are located on lots that are undergoing development review or are otherwise protected within the Natural Resource Overlay District (NROD) of section 17.49. Additionally, these standards are not intended to regulate farm and forest practices as those practices,
Finding: Not Applicable. The applicant has not proposed to alter any trees within the Natural Resource Overlay District boundary.

17.41.050 *Tree Protection – Compliance Options.*
Finding: Complies as Proposed. The applicant proposed to remove one 30-inch caliper cedar tree with the Detailed Development Plan.

17.41.060 - *Tree Removal and Replanting - Mitigation (Option 1).*
Regulated trees that are removed outside of the construction area, if removed shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Regulated trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2.
A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in Chapter 17.04 to the extent practicable. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arborculture. At the applicant's expense, the city may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under section 12.08—Community Forest and Street Trees.
B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:
1. Trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or
2. Diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definition in Section 17.04.1360, may be removed from the tree replacement calculation. Regulated healthy trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Regulated healthy trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2.

Table 17.41.060-1
Tree Replacement Requirements
All replacement trees shall be either:
Two-inch caliper deciduous, or
Six-foot high conifer

Size of tree removed (DBH)	*Column 1* *Number of trees to be planted.* *(If removed **Outside** of construction area)*	*Column 2* *Number of trees to be planted.* *(If removed **Within** the construction area)*
6 to 12"	*3*	*1*
13 to 18"	*6*	*2*
19 to 24"	*9*	*3*
25 to 30"	*12*	*4*
31 and over"	*15*	*5*

Steps for calculating the number of replacement trees:
1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.
2. Designate (in certified arborists report) the condition and size (DBH) of all trees pursuant to accepted industry standards.
3. Document any trees that are currently diseased or hazardous.
4. Subtract the number of diseased or hazardous trees in step 3. from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5. through 8.
5. Define the construction area (as defined in Chapter 17.04).
6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
8.Determine the total number of replacement trees from steps 6. and 7.
Finding: Complies as Proposed. The applicant proposed to remove one tree within the construction area associated with Detailed Development Plan. The tree is 30-inches in diameter and no information was provided indicating that it is diseased or hazardous and thus the applicant is required to plant 4 replacement trees.

17.41.070 – *Planting Area Priority for Mitigation (Option 1).*
Development applications which opt for removal or trees with subsequent replanting pursuant to section 17.41.050(A) and shall be required to mitigate for tree cutting by complying with the following priority for replanting standards 1-4.
Finding: Complies with Condition. The applicant has not proposed to plant 4 replacement trees and did not submit a plan identifying the location of the mitigation trees. Prior to issuance of permits associated with the Detailed Development Plan for Phase 1, the applicant shall submit a tree mitigation plan displaying the location of the 4 mitigation trees per OCMC Chapter 17.41. **The applicant can meet this standard by complying with condition of approval 16.**

17.41.075. *Alternative Mitigation Plan.*
Finding: Not Applicable. The applicant has not proposed an alternative mitigation plan.

17.41.080. *Tree Preservation within Subdivisions and Partitions – Dedicated Tract (Option 2).*
Finding: Not Applicable. The applicant has not proposed to utilize option 2.

17.41.090. *Density transfers incentive for Tree Protection Tracts (Option 2).*
Finding: Not Applicable. The applicant has not proposed to utilize option 2.

17.41.100. *Permitted Modifications to Dimensional Standards (Option 2 Only).*
Finding: Not Applicable. The applicant has not proposed to utilize option 2.

17.41.110. *Tree Protection by Restrictive Covenant (Option 3).*
Finding: Not Applicable. The applicant has not proposed to utilize option 3.

17.41.120. *Permitted Adjustments (Option 3 Only).*
Finding: Not Applicable. The applicant has not proposed to utilize option 3.

17.41.130. ***Regulated Tree Protection Procedures During Construction.***
Finding: Complies with Condition. The applicant did not respond to this section. There are existing trees which will remain in the construction area during construction. The applicant failed to adequately respond to this criterion. Prior to issuance of permits associated with the Detailed Development Plan for Phase 1, the applicant shall submit documentation displaying compliance with the tree protection standards in OCMC Chapter 17.41.130 of the Oregon City Municipal Code. **The applicant can meet this standard by complying with condition of approval 17.**

CHAPTER 17.52 OFF –STREET PARKING AND LOADING

17.52.020.A *– Number of Spaces Required*
The construction of a new structure or at the time of enlargement or change in use of an existing structure within any district in the city, off-street parking spaces shall be provided in accordance with this section.

		Parking Required Per 1,000 sq. ft. gross leasable	
	Square Feet	Minimum	Maximum
Hospital	455,181	2 (819 Stalls with Reduction)	4 (1,820 stalls)

Finding: Complies with Condition. The applicant submitted a site plan with parking counts and demands for the 335,076 square feet of existing square footage in addition to the 104,000 in new square footage and 16,105 of existing shelled space to be completed. The applicant indicated that there are 749 existing parking stalls onsite. The existing count includes 66 stalls in the parking lot which will be replaced with the implementation of the Detailed Development Plan associated with Phase 1 of the Master Plan. The completion of the parking lot alteration associated with Phase 1 of the Master Plan will result in a loss of 7 parking stalls for a total of 742 stalls.

The applicant submitted a Transportation Impact Study prepared by Kittleson and Associates (Exhibit 2) which calculated a need for 138 new parking stalls with the proposed development to be installed over the 3 Phases of the Master Plan implementation. However, the TIS did not utilize the appropriate calculations for minimum and maximum parking stalls as defined in the Oregon City Municipal Code. Furthermore, the applicant is required to incrementally upgrade the existing parking lots which were developed prior to the requirement for interior parking lot landscaping with each Detailed Development Plan costing more than $75,000 per OCMC Chapter 17.58. The parking calculations did not account for any reduction in existing parking associated with installation of interior parking lot landscaping. Prior to issuance of permits associated with any Detailed Development Plan, the applicant shall demonstrate that the subject site provides sufficient parking for the proposed development to demonstrate compliance with the number of parking spaces required in OCMC 17.52.020 and that all loss of existing parking due to nonconforming upgrades has been mitigated by installing an additional parking stall onsite. Prior to issuance of permits associated with the Detailed Development Plan for Phase 3, the applicant shall demonstrate that the Providence Willamette Falls campus associated with the Master Plan complies with the with the number of parking spaces required in OCMC 17.52.020. **The applicant can assure this standard is met through Condition of Approval 18.**

17.52.020.A.1 *Multiple Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.*
Finding: Not Applicable. The applicant has not indicated multiple uses of the site.

17.52.020.A.2.
Requirements for types of buildings and uses not specifically listed herein shall be determined by the community development director, based upon the requirements of comparable uses listed.
Finding: Not Applicable. The use of the site was identified in Table 17.52.020.
17.52.020.A.3.
Where calculation in accordance with the following list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
Finding: Complies as Proposed. The applicant used the rounding techniques identified in this Chapter.

17.52.020.A.4.
The minimum required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
Finding: Complies with Condition. The applicant did not respond to this section. Prior to issuance of permits associated with the Detailed Development Plan for Phase 1, the applicant shall submit documentation indicating the minimum required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use. **The applicant can assure this standard is met through Condition of Approval 19.**

17.52.020.A.5.
A Change in use within an existing building located in the MUD Design District is exempt from additional parking requirements. Additions to an existing building or new construction in the district are required to meet the minimum parking requirements in Table 17.52.020.
Finding: Not Applicable. The proposed development does not include a change in use within the Mixed Use Downtown District.

17.52.020.B. *Reduction of the Number of Automobile Spaces Required.*
Reduction of the Number of Automobile Spaces Required. The required number of parking stalls may be reduced if one or more of the following is met:
1. Transit Oriented Development. The community development director may reduce the required number of parking stalls up to ten percent when it is determined that a commercial business center or multi-family project is adjacent to or within one thousand feet of an existing or planned public transit. Also, if a commercial center is within one thousand feet of a multi-family project, with over eighty units and pedestrian access, the parking requirements may be reduced by ten percent.
Finding: Not Applicable. The applicant did not request a reduction in the parking stalls due to transit oriented development.

2. Transportation Demand Management.
Finding: Not Applicable. The applicant did not request a reduction in the parking stalls due to transportation demand management. The applicant submitted a transportation analysis prepared by Kittleson and Associates which discussed the need for parking and parking calculations based on a minimum of 1.95 stalls per 1,000 gross square feet, a calculation which is not identified in the Oregon City Municipal Code. The analysis did not discuss a reduced parking demand due to alternative modes of transportation or a strategy to reduce parking onsite.

3. Shared Parking.
Finding: Not Applicable. The applicant did not request a reduction in the parking stalls due to shared parking.

4. Reduction in Parking for Tree Preservation.
Finding: Not Applicable. The applicant did not request a reduction in the parking stalls for tree preservation.

5. On-Street Parking.

Finding: Not Applicable. The applicant did not request a reduction in the parking stalls for on-street parking.

17.52.030 - Design review.

17.52.030.A. Access. *Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety. Groups of more than four parking spaces shall be so located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.*
Finding: Complies with Condition. The proposed parking lot alteration and expansion would be accessed from a single ingress/egress on Davis Road. The application was reviewed by John Replinger of Replinger and Associates who did not identify a conflict with backing movements onto the public right-of-way (Exhibit 5).

The applicant did not propose any protected accessway for pedestrian to walk through the parking lot to safely walk from a vehicle into the hospital buildings or from the proposed East MOB building and the main hospital facility. Prior to final of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall install a pedestrian accessway to provide safe access to pedestrians walking from the East MOB through the proposed parking lot to the main hospital facility. The pedestrian accessway shall comply with all the standards of the Oregon City Municipal Code. **The applicant can meet this standard by complying with condition of approval 7.**

17.52.030.B. Surfacing*. Required off street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that reduce storm water runoff and improve water quality pursuant to the city's storm water and low impact development design standards are encouraged.*
Finding: Complies as Proposed. The applicant provided a site plan with an asphalt parking lot.

17.52.030.*C. Drainage. Drainage shall be designed in accordance with the requirements of Chapter 13.12 and the city public works storm water and grading design standards.*
Finding: Complies with Conditions. The applicant shall provide stormwater facilities as necessary for street improvements and facility construction. Downstream conveyance calculations/analysis shall be performed for all existing storm systems where the applicant's new facilities increase the stormwater flow. The applicant shall comply with the Oregon City Stormwater Design Standards and evaluate the existing stormwater facilities on 15th Street during Phase 3, West MOB. Current street curb drainage flow on 15th Street exceeds the 400-foot length standard on the north side. Construct a curb basin to connect into the eastern end of the storm line as necessary. During each of the Detailed Development Plan reviews, the applicant shall provide site analysis to determine extent of stormwater detention and water quality that are required by the current code and implement appropriate Low Impact Design efforts. **The applicant can assure this standard is met through Conditions of Approval 8-14.**

17.52.030.D. Dimensional Requirements.
1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all weather surface to a street or alley. Parking stalls in compliance with the American[s] with Disabilities Act may vary in size in order to comply with the building division requirements. Up to thirty five percent of the minimum required parking may be compact, while the remaining required parking stalls are designed to standard dimensions. The community development director may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this Chapter.
2. Alternative parking/landscaping plan. The city understands the physical constraints imposed upon small parking lots and encourages alternative designs for parking lots of less than ten parking stalls. The community development director may approve an alternative parking lot/landscaping plan with variations to the parking angle or space dimensions and landscaping standards for off street parking. The alternative shall be consistent

with the intent of this Chapter and shall create a safe space for automobiles and pedestrians while retaining landscaping to the quantity and quality found within parking lot landscaping requirements.

PARKING STANDARD
PARKING ANGLE SPACE DIMENSIONS

Parking Angle		*Stall Width*	*Stall to Curb*	*Aisle Width*	*Curb Length*	*Overhang*
0 degrees		*8.5*	*9.0*	*12*	*20*	*0*
60 degrees	*Standard* *Compact*	*9'* *8'*	*21'* *17.9'*	*18'* *16'*	*10.4'* *9.2'*	*1.7*
90 degrees	*Standard* *Compact*	*9'* *8'*	*19.0'* *16.0'*	*24'* *22'*	*9'* *8'*	*1.5*

Finding: Complies as Proposed. The development proposal included a site plan with 0, 60 and 90 degree parking. Each of the standard stalls complies with the dimensions required with the exception of curb to stall length which is slightly longer than the required standard.

17.52.030.E Carpool and vanpool parking.
New office and industrial developments with seventy-five or more parking spaces, and new hospitals, government offices, nursing and retirement homes, schools and transit park-and-ride facilities with fifty or more parking spaces, shall identify the spaces available for employee, student and commuter parking and designate at least five percent, but not fewer than two, of those spaces for exclusive carpool and vanpool parking. Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of handicapped parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."
Finding: Complies with Condition. The applicant did not respond to this criterion. The proposed parking lot does not increase the parking for the hospital by 50 stalls, however, it is unknown if the remainder of the campus complies with this standard. Prior to issuance of permits associated with the Detailed Development Plan for Phase 3, the applicant shall submit sufficient documentation to demonstrate the subject site complies with the carpool and vanpool parking standards in OCMC Chapter 17.52.030.E. **The applicant can assure this standard is met through Condition of Approval 20.**

17.52.040 Bicycle parking

17.52.040.A *Purpose-Applicability. To encourage bicycle transportation to help reduce principal reliance on the automobile, and to ensure bicycle safety and security, bicycle parking shall be provided in conjunction with all uses other than single-family dwellings or duplexes.*
Finding: Complies. The proposed development is subject to the bicycle parking standards in OCMC 17.52.040.

17.52.040.B*. Number of Bicycle Spaces Required. For any use not specifically mentioned in Table A, the bicycle parking requirements shall be the same as the use which, as determined by the community development director is most similar to the use not specifically mentioned. Calculation of the number of bicycle parking spaces required shall be determined in the manner established in Section 17.52.020 for determining automobile parking space requirements.*

	MINIMUM BICYCLE PARKING
Hospital	*1 per 20 auto spaces*

Finding: Complies with Condition. The applicant submitted a transportation impact study which indicated that there are only 2 bicycles parked in the parking stalls at any given time. The number of existing and proposed bicycle parking stalls is unclear in the development proposal. Prior to issuance of permits associated with any

Detailed Development Plan, the applicant shall demonstrate that the subject site provides sufficient bicycle parking for the proposed development to demonstrate compliance OCMC 17.52.040. Prior to issuance of permits associated with the Detailed Development Plan for Phase 3, the applicant shall demonstrate that the Providence Willamette Falls campus associated with the Master Plan complies with the with the bicycle parking spaces required in OCMC 17.52.040. **The applicant can assure this standard is met through Condition of Approval 21.**

17.52.040.C.
Finding: Complies with Condition. The applicant did not submit documentation regarding the location of existing and proposed bicycle parking onsite. Prior to issuance of permits associated with any Detailed Development Plan, the applicant shall demonstrate that the subject site provides sufficient bicycle parking for the proposed development to demonstrate compliance OCMC 17.52.040. Prior to issuance of permits associated with the Detailed Development Plan for Phase 3, the applicant shall demonstrate that the Providence Willamette Falls campus associated with the Master Plan complies with the with the bicycle parking spaces required in OCMC 17.52.040. **The applicant can assure this standard is met through Condition of Approval 21.**

D. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary rack to which the bicycle can be locked. All bicycle racks and lockers shall be securely anchored to the ground or to a structure. Bicycle racks shall be designed so that bicycles may be securely locked to them without undue convenience.
Finding: Complies with Condition. The applicant did not submit documentation regarding the location of existing and proposed bicycle parking onsite. Prior to issuance of permits associated with any Detailed Development Plan, the applicant shall demonstrate that the subject site provides sufficient bicycle parking for the proposed development to demonstrate compliance OCMC 17.52.040. Prior to issuance of permits associated with the Detailed Development Plan for Phase 3, the applicant shall demonstrate that the Providence Willamette Falls campus associated with the Master Plan complies with the with the bicycle parking spaces required in OCMC 17.52.040. **The applicant can assure this standard is met through Condition of Approval 21.**

17.52.060 Parking lot landscaping.

17.52.060.A.1 *The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.*
Finding: Complies as Proposed. A site plan prepared by Vala Christensen Landscape Architect, Inc was submitted displaying landscaping throughout the proposed parking lot. The landscaping was located in defined landscaped areas that are uniformly distributed throughout the parking area.

17.52.060.A.2. *All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.*
Finding: Complies with Condition. The applicant submitted a revised landscaping plan dated January 31, 2012. The revised plan includes a striped area in the northeast corner of the site which is not utilized for maneuvering, parking or circulation. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit a revised landscaping plan with landscaping in all areas of the parking lot which are not used for parking, maneuvering, or circulation**. The applicant can assure this standard is met through Condition of Approval 22.**

***17.52.060.A.3**. Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping to provide shade.*
Finding: Complies as Proposed. The applicant submitted a landscaping plan with 4 deciduous tree species and 1 coniferous tree species throughout the parking lot. Any alterations to the landscaping plan shall demonstrate compliance with this standard.

17.52.060.A.4*. Required landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper), planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List;*
Finding: Complies with Condition. The landscaping plan included a variety of tree sizes including 1-inch caliper, 2-inch caliper and 8-foot in height and did not identify if the landscape would be planted according to American Nurseryman Standards. Not all of the trees identified on the landscaping plan were identified on the Oregon City Street Tree List. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit a revised landscaping plan with a street tree from the Oregon City Street Tree List for the appropriate tree well width or documentation from the a certified arborist demonstrating the appropriateness of the tree species and documentation demonstrating that all required landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper) and planted according to American Nurseryman Standards. **The applicant can meet this standard through Condition of Approval 23.**

17.52.060.A.5*. Landscaped areas shall include irrigation systems unless an alternate plan is submitted, and approved by the community development director, that can demonstrate adequate maintenance;*
Finding: Complies with Condition. The applicant did not respond to this criterion. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit documentation assuring that all landscaped areas within the proposed parking lot include irrigation systems unless an alternate plan is submitted, and approved by the community development director, that can demonstrate adequate maintenance. **The applicant can assure this standard is met through Condition of Approval 24.**

17.52.060.A.6*. All plant materials, including trees, shrubbery and ground cover should be selected for their appropriateness to the site, drought tolerance, year-round greenery and coverage and staggered flowering periods. Species found on the Oregon City Native Plant List are strongly encouraged and species found on the Oregon City Nuisance Plant List are prohibited.*
Finding: Complies as Proposed. The applicant submitted a landscaping plan which did not include any plants on the Oregon City Nuisance Plant list.

17.52.060.A.7*. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of Chapter 10.32, Traffic Sight Obstructions.*
Finding: Complies as Proposed. The applicant submitted a transportation impacts study prepared by Julia Kuhn, PE of Kittleson and Associates which indicated pruning existing vegetation. Prior to final of building permits associated with Detailed Development Plan for Phase 1, the applicant shall prune vegetation, relocate signage and review on-street parking as required in the transportation impact study by Julia Kuhn, PE of Kittleson and Associates (Exhibit 2). **The applicant can assure this standard is met through Condition of Approval 25.**

17.52.060.A.8*. Landscaping shall incorporate design standards in accordance with Chapter 13.12, Stormwater Management.*
Finding: Complies with Condition. The applicant did not respond to this criterion. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit documentation assuring that the proposed parking lot complies with the parking lot incorporate design standards in accordance with Chapter 13.12, Stormwater Management. **The applicant can assure this standard is met through Condition of Approval 26.**

17.52.060.B *Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening. Parking lots shall include a five-foot wide landscaped buffer where the parking lot abuts the right-of-way and/or adjoining properties. In order to provide connectivity between non-single-family sites, the community development director may approve an interruption in the perimeter parking lot landscaping for a single*

driveway where the parking lot abuts property designated as multi-family, commercial or industrial. Shared driveways and parking aisles that straddle a lot line do not need to meet perimeter landscaping requirements.
1. The perimeter parking lot are[a] shall include:
a. Trees spaced a maximum of thirty-five feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;
b. Ground cover, such as wild flowers, spaced a maximum of 16-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and
c. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.

Finding: Complies with Condition. The applicant submitted a landscaping plan for the proposed parking lot associated with the Detailed Development Plan for Phase 1 of the Master Plan which included a landscaped area in excess of 5 feet wide between the parking lot and the public right-of-way and between the parking lot and the adjoining property. However, the landscaping within the landscape strip does not comply with this standard as the trees are not spaced a maximum of 35 feet, there is no note that limits bark except under the canopy of shrubs and within 2 feet of the base of trees, and the spacing of the evergreen hedge or shrubs does not comply with this standard. As the applicant has identified sufficient space for the perimeter parking lot landscaping, it is feasible that the landscaping comply with the landscaping requirement identified. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit a revised landscaping plan demonstrating compliance with the perimeter parking lot landscaping standards in OCMC 17.52.060.B. **The applicant can assure this standard is met through Condition of Approval 27.**

17.52.060.C *Parking Area/Building Buffer. Parking areas shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:*
1. Minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) abutting either side of a parking lot sidewalk with:
a. Trees spaced a maximum of thirty-five feet apart;
b. Ground cover such as wild flowers, spaced a maximum of sixteen-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and
c. An evergreen hedge of thirty to forty-two inches or shrubs placed no more than four feet apart on average; or
2. Seven-foot sidewalks with shade trees spaced a maximum of thirty-five feet apart in three-foot by five-foot tree wells.

Finding: Complies with Condition. The applicant submitted a landscaping plan for the proposed parking lot associated with the Detailed Development Plan for Phase 1 of the Master Plan which included a landscaped area in excess of 5 feet wide between the parking lot and the existing building on the eastern portion of the site. However, there is no note that limits bark except under the canopy of shrubs and within 2 feet of the base of trees. As the applicant has identified sufficient space for the parking area/building buffer landscaping, it is feasible that the landscaping comply with the landscaping requirement identified. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit a revised landscaping plan demonstrating compliance with the perimeter parking lot landscaping standards in OCMC 17.52.060.C. **The applicant can assure this standard is met through Condition of Approval 28.**

17.52.060.D *Interior Parking Lot Landscaping. Surface parking lots shall have a minimum ten percent of the interior of the gross area of the parking lot devoted to landscaping to improve the water quality, reduce storm water runoff, and provide pavement shade. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum total site landscaping required by Section 17.62.050(1) unless otherwise permitted by*

the dimensional standards of the underlying zone district. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Interior parking lot landscaping shall include:
a. A minimum of one tree per six parking spaces.
b. Ground cover, such as wild flowers, spaced a maximum of sixteen-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.
c. Shrubs spaced no more than four feet apart on average.
d. No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of ten feet in length.
e. Pedestrian walkways shall have shade trees spaced a maximum of every thirty-five feet in a minimum three-foot by five-foot tree wells; or
Trees spaced every thirty-five feet, shrubs spaced no more than four feet apart on average, and ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.
Finding: Complies with Conditions. The applicant submitted a landscaping plan for the proposed parking lot associated with the Detailed Development Plan for Phase 1 of the Master Plan which included 56 parking stalls with 10 interior parking lot landscaping trees. The landscaping plan includes no more than eight contiguous stalls without a landscape island and a mix of vegetation.

The spacing of shrubs within the interior parking lot landscaping does not comply with this standard and the applicant did not identify the percentage of the interior parking lot landscaping for the proposed parking lot. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit a revised landscaping plan demonstrating compliance with the interior parking lot landscaping standards in OCMC 17.52.060.D. **The applicant can assure this standard is met through Condition of Approval 29.**

17.52.070 *Alternative landscaping plan.*
Finding: Not Applicable. The applicant has not proposed an alternative landscaping plan.

17.52.080 Maintenance *The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of the site including but not limited to the off-street parking and loading spaces, bicycle parking and all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.*
All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise so that:
a. It will not interfere with the maintenance or repair of any public utility;
b. It will not restrict pedestrian or vehicular access; and
c. It will not constitute a traffic hazard due to reduced visibility.
Finding: Complies as Proposed. The applicant indicated compliance with this standard.

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

17.62.050 Standards.

17.62.050.A.1. *Landscaping, A minimum of fifteen percent of the lot shall be landscaped. Existing native vegetation shall be retained to the maximum extent practicable. All plants listed on the Oregon City Nuisance Plant List shall be removed from the site prior to issuance of a final occupancy permit for the building.*
Finding: Complies with Condition. A site plan displaying all landscaping onsite demonstrates that 277,623 square feet of the 769,757 square foot site (36%) is landscaped. However, the site plan shows the location of the proposed parking lot as landscaped. Prior to issuance of permits associated with the Detailed Development Plan for Phase 1, the applicant shall submit a revised calculation demonstrating compliance with the minimum landscaping standards in Chapter 17.31.060.G and 17.62.050.A.1 of the Oregon City Municipal Code. **The applicant can meet this standard by complying with Condition of Approval 4.**

17.62.050.A.1.a. *Except as allowed elsewhere in the zoning and land division Chapters of this Code, all areas to be credited towards landscaping must be installed with growing plant materials. A reduction of up to twenty-five percent of the overall required landscaping may be approved by the community development director if the same or greater amount of pervious material is incorporated in the non-parking lot portion of the site plan (pervious material within parking lots are regulated in OCMC 17.52.070).*
Finding: Complies as Proposed. The applicant did not request a reduction in landscaping.

17.62.050.A.1.b. *Pursuant to Chapter 17.49, landscaping requirements within the Natural Resource Overlay District, other than landscaping required for parking lots, may be met by preserving, restoring and permanently protecting native vegetation and habitat on development sites.*
Finding: Please refer to the analysis in OCMC 17.49 of this report.

17.62.050.A.1.c. *The landscaping plan shall be prepared by a registered landscape architect and include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the Landscape area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. The community development department shall maintain a list of trees, shrubs and vegetation acceptable for landscaping.*
Finding: Complies with Condition. The applicant submitted a revised landscaping plan, dated January 31, 2012 prepared by Dean A Christensen, a registered landscape architect with Vala Christensen, Landscape Architect. The plan did not identify that within three years will cover one hundred percent of the Landscape area or limit mulch, bark chips, or similar materials at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit documentation assuring that within three years, cover one hundred percent of the landscape area and no mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. **The applicant can satisfy this standard with Condition of Approval 30.**

17.62.050.A.1.d. *For properties within the Downtown Design District, or for major remodeling in all zones subject to this Chapter, landscaping shall be required to the extent practicable up to the ten percent requirement.*
Finding: Not Applicable. The site is not within the Downtown Design District.

17.62.050.A.1.e. *Landscaping shall be visible from public thoroughfares to the extent practicable.*
Finding: Complies as Proposed. The Detailed Development Plan includes installation of a parking lot adjacent to an existing parking lot which will be upgraded. The landscaping is distributed throughout the site and is visible from the right-of-way.

17.62.050.A.1.f. *Interior parking lot landscaping shall not be counted toward the fifteen percent minimum, unless otherwise permitted by the dimensional standards of the underlying zone district.*
Finding: Not Applicable. OCMC Chapter 17.31.060.G does not prohibit the interior parking lot landscaping from being counted towards the 15% minimum.

17.62.050.A.2*. Vehicular Access and Connectivity.*
17.62.050.A.2.a. *Parking areas shall be located behind buildings, below buildings, or on one or both sides of buildings.*
Finding: Complies as Proposed. The proposed parking lot is not located in front of a building location.

17.62.050.A.2.b*. Ingress and egress locations on public thoroughfares shall be located in the interest of public safety. Access for emergency services (fire and police) shall be provided.*

Finding: Complies as Proposed. The applicant proposed a single ingress/egress for the parking lot from Davis Road.

17.62.050.A.2.c*. Alleys or vehicular access easements shall be provided in the following Districts: R-2, MUC-1, MUC-2, MUD and NC zones unless other permanent provisions for 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: Not Applicable. The subject site is within the "MUE" Mixed Use Employment District.

17.62.050.A.2.d*. On corner lots, the driveway(s) shall be located off of the side street (unless the side street is an arterial) and away from the street intersection.*
Finding: Complies as Proposed. The subject site is a corner lot, with access from Davis Street, with no access from Division Street.

17.62.050.A.2.e*. Sites abutting an alley shall be required to gain vehicular access from the alley.*
Finding: Not Applicable. The subject site does not abut an alley.

17.62.050.A.2.f*. Where no alley access is available, the development shall be configured to allow only one driveway per frontage. Shared driveways shall be required as needed to accomplish the requirements of this section. The driveway shall be located to one side of the lot and away from the center of the site. The location and design of pedestrian access from the public sidewalk shall be emphasized so as to be clearly visible and distinguishable from the vehicular access to the site. Special landscaping, paving, lighting, and architectural treatments may be required to accomplish this requirement.*
Finding: Complies as Proposed. The parking lot alteration includes three frontages and a single driveway located on Davis Street.

17.62.050.A.2.g*. Development of large sites (more than two acres) shall be required to provide existing or future connections to adjacent sites through the use of a vehicular and pedestrian access easements where applicable.*
Finding: Complies with Condition. The Master Plan utilizes access across adjacent parcels, but it is unknown if an easement existing to provides such access. Prior to final of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall submit a recorded access easement with all adjacent sites where access is obtained. **The applicant can satisfy this standard with Condition of Approval 31.**

17.62.050.A.2.h*. Parking garage entries (both individual, private and shared parking garages) shall not dominate the streetscape. They shall be designed and situated to be ancillary to the use and architecture of the ground floor. This standard applies to both public garages and any individual private garages, whether they front on a street or private interior access road.*
Finding: Not Applicable. The applicant has not proposed to construct a parking garage with the proposed development.

17.62.050.A.2.i*. Buildings containing above-grade structured parking shall screen such parking areas with landscaping or landscaped berms, or incorporate contextual architectural elements that complement adjacent buildings or buildings in the area. Upper level parking garages shall use articulation or fenestration treatments that break up the massing of the garage and/or add visual interest.*
Finding: Not Applicable. The applicant has not proposed to construct a structured parking lot.

17.62.050.A.3*. Building structures shall be complimentary to the surrounding area. All exterior surfaces shall present a finished appearance. All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear facades or decking shall be prohibited.*

Finding: Complies as Proposed. The applicant has not proposed to construct any buildings with the proposed development. The development application includes an upgrade an expansion of a nonconforming parking lot which will comply with the parking lot standards within the Oregon City Municipal Code.

17.62.050.A.4*. This standard requires that grading shall be in accordance with the requirements of Chapter 15.48 and the public works stormwater and grading design standards.*
Finding: Complies with Conditions. The applicant noted that a minimum amount of grading is required for this project. The grading shall be reviewed by the Development Services Department upon submission of a grading permit onsite. All grading activities shall comply with Chapter 3 of the City of Oregon City Stormwater and Grading Design Standards. In addition, the applicant shall comply with Engineering Policy 00-01. **The applicant can meet this standard through Conditions of Approval 6 and 11.**

17.62.050.A.5*. This section requires that development subject to the requirements of the Geologic Hazard overlay district shall comply with the requirements of that district.*
Finding: Please refer to the analysis in Chapter 17.44 of this report.

17.62.050.A.6*. Drainage shall be provided in accordance with city's drainage master plan, Chapter 13.12, and the public works stormwater and grading design standards.*
Finding: Complies with Conditions. Stormwater mains exist bordering the site. The applicant shall provide stormwater facilities as necessary for street improvements and facility construction. Downstream conveyance calculations/analysis shall be performed for all existing storm systems where the Applicant's new facilities increase the stormwater flow. The applicant shall comply with the Oregon City Stormwater Design Standards and evaluate the existing stormwater facilities on 15th Street during Phase 3, West MOB. Current street curb drainage flow on 15th Street exceeds the 400-foot length standard on the north side. Construct a curb basin to connect into the eastern end of the storm line as necessary. During each of the Detailed Development Plan reviews, the applicant shall provide site analysis to determine extent of stormwater detention and water quality that are required by the current code and implement appropriate Low Impact Design efforts. The use of Lynch-style catch basins for water quality is required for all new/revised parking lots. Stormwater detention is required. Water quality treatment will be achieved by means of any number of water quality features such as green roofs, vegetated swale, flow-thru planter box, or other LID system that will be designed per City of Oregon City Design Standards. **The applicant can meet this standard through Conditions of Approval 8, 9, 10, 11 and 12.**

17.62.050.A.7*. This standard requires the development shall comply with City's parking standards as provided in Chapter 17.52.*
Finding: Please see the analysis in Chapter 17.52 of this report.

17.62.050.A.8*. This section requires that sidewalks and curbs shall be provided in accordance with the city's standards.*
Finding: Please refer to the analysis in OCMC Chapter 17.65.050.B.1.i within this report.

17.62.050.A.9.a*. A well-marked, continuous and protected on-site pedestrian circulation system meeting the following standards shall be provided:*
Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct. Exceptions may be allowed by the director where steep slopes or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.
Finding: Complies with Condition. The applicant did not propose any changes to the pedestrian circulation plan within the Master Plan or Detailed Development Plan. The proposed parking lot is located between the proposed East MOB building and the main hospital facility but does not provide a pedestrian accessway to travel between the two locations in a direct and convenient manner. Prior to final of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall install a pedestrian accessway to provide safe

access to pedestrians walking from the East MOB through the proposed parking lot to the main hospital facility. The pedestrian accessway shall comply with all the standards of the Oregon City Municipal Code. Per OCMC Chapter 17.58, the applicant is required to review and upgrade the existing pedestrian circulation onsite with Phase 2 and 3 of the Master Plan. **The applicant can meet this standard by complying with condition of approval 7.**

17.62.050.A.9.b. *The pedestrian circulation system shall connect all main entrances on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard. Pedestrian connections to other areas of the site, such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities shall be required.*
Finding: Complies with Condition. The applicant did not propose any changes to the pedestrian circulation plan within the Master Plan or Detailed Development Plan. The proposed parking lot is located between the proposed East MOB building and the main hospital facility but does not provide a pedestrian accessway to travel between the two locations in a direct and convenient manner. Prior to final of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall install a pedestrian accessway to provide safe access to pedestrians walking from the East MOB through the proposed parking lot to the main hospital facility. The pedestrian accessway shall comply with all the standards of the Oregon City Municipal Code. **The applicant can meet this standard by complying with condition of approval 7.**

17.62.050.A.9.c. *Elevated external stairways or walkways, that provide pedestrian access to multiple dwelling units located above the ground floor of any building are prohibited. The community development director may allow exceptions for external stairways or walkways located in, or facing interior courtyard areas provided they do not compromise visual access from dwelling units into the courtyard.*
Finding: Not Applicable. The site does not contain a dwelling unit.

17.62.050.A.9.d. *The pedestrian circulation system shall connect the main entrances of adjacent buildings on the same site.*
Finding: Complies with Condition. The applicant did not propose any changes to the pedestrian circulation plan within the Master Plan or Detailed Development Plan. The proposed parking lot is located between the proposed East MOB building and the main hospital facility but does not provide a pedestrian accessway to travel between the two locations in a direct and convenient manner. Prior to final of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall install a pedestrian accessway to provide safe access to pedestrians walking from the East MOB through the proposed parking lot to the main hospital facility. The pedestrian accessway shall comply with all the standards of the Oregon City Municipal Code. **The applicant can meet this standard by complying with condition of approval 7.**

17.62.050.A.9.e. *The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent commercial and residential sites where practicable. Walkway linkages to adjacent developments shall not be required within industrial developments or to industrial developments or to vacant industrially-zoned land.*
Finding: Complies with Condition. The applicant did not propose any changes to the pedestrian circulation plan within the Master Plan or Detailed Development Plan. The proposed parking lot is located between the proposed East MOB building and the main hospital facility but does not provide a pedestrian accessway to travel between the two locations in a direct and convenient manner. Prior to final of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall install a pedestrian accessway to provide safe access to pedestrians walking from the East MOB through the proposed parking lot to the main hospital facility. The pedestrian accessway shall comply with all the standards of the Oregon City Municipal Code. **The applicant can meet this standard by complying with condition of approval 7.**

17.62.050.A.9.f. *On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops*

are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel. Pedestrian walkways that cross drive isles or other vehicular circulation areas shall utilize a change in textual material or height to alert the driver of the pedestrian crossing area.
Finding: Complies with Condition. The applicant did not propose any changes to the pedestrian circulation plan within the Master Plan or Detailed Development Plan. The proposed parking lot is located between the proposed East MOB building and the main hospital facility but does not provide a pedestrian accessway to travel between the two locations in a direct and convenient manner. Prior to final of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall install a pedestrian accessway to provide safe access to pedestrians walking from the East MOB through the proposed parking lot to the main hospital facility. The pedestrian accessway shall comply with all the standards of the Oregon City Municipal Code. **The applicant can meet this standard by complying with condition of approval 7.**

17.62.050.A.10. *This standard requires adequate means to ensure continued maintenance and necessary normal replacement of common facilities and areas, drainage ditches, streets and other ways, structures, recreational facilities, landscaping, fill and excavation areas, screening and fencing, groundcover, garbage storage areas and other facilities not subject to periodic maintenance by the city or other public agencies.*
Finding: Complies with Condition. The applicant did not respond to this criterion. Prior to final of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall submit sufficient documentation demonstrating maintenance in accordance with the standards identified in OCMC 17.62.050.A.10. **The applicant can meet this standard by complying with condition of approval 32.**

17.62.050.A.11. *This standard requires that site planning shall conform to the requirements of Oregon City Municipal Code Chapter 17.41—Tree Protection.*
Finding: Please refer to the analysis in Chapter 17.41 of this report.

17.62.050.A.12. *This standard requires compliance with the Natural Resource Overlay District when applicable.*
Finding: Please refer to the analysis in Chapter 17.49 of this report.

17.62.050.A.13. *This standard requires that all development shall maintain compliance with applicable Federal, State, and City standards pertaining to air, water, odor, heat, glare, noise and vibration, outdoor storage, and toxic material.*
Finding: Complies as Proposed. The applicant indicted compliance with this standard.

17.62.050.A.14. *Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to city standards as set out in the city's facility master plans and public works design standards. A development may be required to modify or replace existing off-site systems if necessary to provide adequate public facilities. The city may require over sizing of facilities where necessary to meet standards in the city's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the developer may request reimbursement from the city for over sizing based on the city's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.*
Finding: Please refer to the analysis in OCMC Chapter 17.65.050.C.3 of this report.

17.62.050.A.15. *This standard requires that all traffic related impacts should be mitigated. The traffic mitigation elements may include adequate right-of-way improvements, pedestrian ways, and bike routes. The proposal shall demonstrate consistency with the Oregon City Transportation System Plan (TSP).*
Finding: Please refer to the analysis in OCMC Chapter 17.65.050.B.1.i of this report.

17.62.050.A.16*. If Tri-Met, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, bus landing pad or transit stop connection be constructed at the time of development, the review authority shall require such improvement, using designs supportive of transit use.*
Finding: Complies as Proposed. Transit operates on the abutting portion of Division Street, with a bus stop adjacent to the site. The applicant submitted comments from Tri-Met confirming the location of the transit stop as appropriate. No concerns regarding the application were expressed.

17.62.050.A.17*. This standard requires that all utilities shall be placed underground.*
Finding: Complies as Proposed. The applicant indicated that all utilities would be placed underground.

17.62.050.A.18*. Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable federal and state requirements, with particular attention to providing continuous, uninterrupted access routes.*
Finding: Complies as Proposed. The Building Division will review the proposal for compliance with applicable building codes upon submission of a building permit application.

17.62.050.A.19*. This standard requires minimum densities for residential developments.*
Finding: Not Applicable. This project is not a residential development.

17.62.050.A.20. *Screening of Mechanical Equipment:*
Finding: Not Applicable. The applicant did not propose to install mechanical equipment with the proposed development.

17.62.050.A.21. *Building Materials.*
Finding: Not Applicable. The development proposal does not include construction of a building.

17.62.050.A.22*. Conditions of Approval. The review authority may impose such conditions as it deems necessary to ensure compliance with these standards and other applicable review criteria.*
Finding Complies. As demonstrated within this report, the proposal will comply with the standards of the Oregon City Municipal Code with conditions.

17.62.055 *- Institutional and commercial building standards.*
17.62.055.B. *Applicability. In addition to Section 17.62.050 requirements, institutional and commercial buildings shall comply with design standards contained in this section.*
Finding: Applicable. The subject site is developed as a hospital within the Mixed Use Employment District.

17.62.055.C. *Relationship between zoning district design standards and requirements of this section.*
17.62.055.C.1. *Building design shall contribute to the uniqueness of the underlying zoning district by applying appropriate materials, elements, features, color range and activity areas tailored specifically to the site and its context.*
Finding: Not Applicable. The applicant has not proposed to construct a building with the proposed development. All future construction shall demonstrate compliance with this standard.

17.62.055.C .2 *A standardized prototype or franchise design shall be modified if necessary to meet the provisions of this section.*
Finding: Not Applicable. The applicant has not proposed to construct a building with the proposed development. All future construction shall demonstrate compliance with this standard.

17.62.055.C.3. *In the case of a multiple building development, each individual building shall include predominant characteristics, architectural vocabulary and massing shared by all buildings in the development so that the development forms a cohesive place within the underlying zoning district or community.*
Finding: Not Applicable. The applicant has not proposed to construct a building with the proposed development. All future construction shall demonstrate compliance with this standard.

17.62.055.C.4 *With the exception of standards for building orientation and building front setbacks, in the event of a conflict between a design standard in this section and a standard or requirement contained in the underlying zoning district, the standard in the zoning district shall prevail.*
Finding: Not Applicable. A conflict between the design standards and a standard in the underlying district does not exist.

17.62.055.C.5 *On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line, unless a greater setback is accepted under the provisions of Section 17.62.055D. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line unless a greater setback is accepted under the provisions of Section 17.62.055D.*
Finding: Complies with Condition. The applicant did not respond to this criterion. Prior to issuance of the proposed Detailed Development Plan and Master Plan Phase 3, the applicant shall submit documentation demonstrating that for all new buildings, where there is one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line, unless a greater setback is accepted under the provisions of Section 17.62.055D. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line unless a greater setback is accepted under the provisions of Section 17.62.055D. **The applicant can meet this standard by complying with Condition of Approval 33.**

17.62.055.D.1 *Relationship of Buildings to Streets and Parking.*
Finding: Not Applicable. The Master Plan included approximate locations of future structures and additions which appear to demonstrate greater compliance with this standard. Future phases of the Master Plan shall be reviewed for compliance with this standard. The applicant did not propose to construct a new building with the Detailed Development Plan.

17.62.055.D.2 *The front most architecturally significant facade shall be oriented toward the street and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.*
Finding: Not Applicable. The applicant has not proposed to construct a building with the proposed development. All future construction shall demonstrate compliance with this standard.

17.62.055.D.3 *Entryways.*
Finding: Not Applicable. The applicant has not proposed to construct a building with the proposed development. All future construction shall demonstrate compliance with this standard.

17.62.055.D.4 *Where additional stores will be located in the large retail establishment, each such store shall have at least one exterior customer entrance, which shall conform to the same requirements.*
Finding: Not Applicable. The proposed development is not within a large retail establishment.

17.62.055.D.5 *Trellises, canopies and fabric awnings may project up to five feet into front setbacks and public rights-of-way, provided that the base is not less than eight feet at the lowest point and no higher than ten feet above the sidewalk. Awnings shall be no longer than a single storefront.*
Finding: Not Applicable. The applicant has not proposed to construct a trellis, canopy or awning into the public right-of-way.

17.62.055.E *Corner Lots.*
Finding: Not Applicable. The applicant has not proposed to construct a building with the Detailed Development Plan for Phase 1 of the Master Plan. All future construction shall demonstrate compliance with this standard.

17.62.055.F *Commercial First Floor Frontage.*
In order to ensure that the ground floor of structures have adequate height to function efficiently for retail uses, the first floor height to finished ceiling of new infill buildings in the mixed use and neighborhood commercial districts shall be no lower than fourteen feet floor to floor. Where appropriate, the exterior facade at the ceiling level of new structures shall include banding, a change of materials or relief which responds to the cornice lines and window location of existing buildings that abut new structures.
Finding: Not Applicable. The applicant has not proposed to construct a building with the proposed development. All future construction shall demonstrate compliance with this standard.

17.62.055.G. *Variation in Massing.*
A single, large, dominant building mass shall be avoided in new buildings and, to the extent reasonably feasible, in development projects involving changes to the mass of existing buildings.
Finding: Not Applicable. The applicant has not proposed to construct a building with the proposed development. All future construction shall demonstrate compliance with this standard.

17.62.055.H*Minimum Wall Articulation.*
Finding: Not Applicable. The applicant has not proposed to construct a building with the proposed development. All future construction shall demonstrate compliance with this standard.

17.62.055.I. *Facade Transparency.*
Finding: Not Applicable. The applicant has not proposed to construct a building with the proposed development. All future construction shall demonstrate compliance with this standard.

17.62.055.J *Roof Treatments.*
Finding: Not Applicable. The applicant has not proposed to construct a building with the proposed development. All future construction shall demonstrate compliance with this standard.

17.62.055.K *Drive-through facilities shall:*
1. Be located at the side or rear of the building.
2. Be designed to maximize queue storage on site.
Finding Not Applicable. The proposed development does not include the installation of a drive through facility.

***17.62.065** Outdoor Lighting*

***17.62.065 .B** Applicability.*
Finding: Complies. The applicant proposed to install exterior lighting with this proposed development. The development is subject to the standards in OCMC 17.62.065.

***17.62.065 .C** General Review Standard. If installed, all exterior lighting shall meet the functional security needs of the proposed land use without adversely affecting adjacent properties or the community. For purposes of this section, properties that comply with the design standards of subsection D. below shall be deemed to not adversely affect adjacent properties or the community.*
Finding: Refer to the analysis in 17.62.065.D within this report.

***17.62.065 .D** Design and Illumination Standards.*

General Outdoor Lighting Standard and Glare Prohibition.
17.62.065 .D.1 *Outdoor lighting, if provided, shall be provided in a manner that enhances security, is appropriate for the use, avoids adverse impacts on surrounding properties, and the night sky through appropriate shielding as defined in this section. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 footcandles of light as measured at the property line. In no case shall exterior lighting add more than 0.5 footcandle to illumination levels at any point off-site. Exterior lighting is not required except for purposes of public safety. However, if installed, all exterior lighting shall meet the following design standards:*
Finding: Complies as Proposed. The applicant submitted a photometric plan for the proposed lighting alterations within the parking lot (Exhibit 2). The plan did not identify glare on adjacent properties more than 0.5 footcandles.

17.62.065 .D.2 *Any light source or lamp that emits more than nine hundred lumens (thirteen watt compact fluorescent or sixty watt incandescent) shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property. All fixtures shall utilize one of the following bulb types: metal halide, induction lamp, compact fluorescent, incandescent (including tungsten-halogen), or high pressure sodium with a color rendering index above seventy.*
Finding: Complies as Proposed. The applicant indicated compliance with this criterion.

17.62.065 .D.3 *The maximum height of any lighting pole serving a multi-family residential use shall be twenty feet. The maximum height serving any other type of use shall be twenty-five feet, except in parking lots larger than five acres, the maximum height shall be thirty-five feet if the pole is located at least one hundred feet from any residential use.*
Finding: Not Applicable. The applicant did not propose multi-family residential development.

17.62.065 .D.4 *Lighting levels:*
Table 1-17.62.065. Foot-candle Levels

Location	*Max*
Pedestrian Walkways	*7:1 max/min ratio*
Pedestrian Walkways in Parking Lots	*10:1 max/min ratio*
Pedestrian Accessways	*7:1 max/min ratio*
Building Entrances	
Bicycle Parking Areas	
Abutting property	*.05*

Finding: Complies with Condition. The applicant submitted a photometric plan which appeared to comply with the lighting levels identified in OCMC 17.62.065. However, the applicant is required to install a pedestrian walkway within the proposed parking lot. Prior to issuance of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall submit a photometric plan demonstrating compliance with OCMC 17.62.065 for the pedestrian walkway within the parking lot. **The applicant can meet this standard through Condition of Approval 34.**

17.62.065 .D .5 *Parking lots and other background spaces shall be illuminated as unobstrusively as possible while meeting the functional needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize pedestrian scale lighting that defines the space without glare.*
Finding: Please refer to the analysis in 17.62.065.D.4.

17.62.065 .D .6 *Any on-site pedestrian circulation system shall be lighted to enhance pedestrian safety and allow employees, residents, customers or the public to use the walkways at night. Pedestrian walkway lighting through parking lots shall be lighted to light the walkway and enhance pedestrian safety pursuant to Table 1.*
Finding: Please refer to the analysis in 17.62.065.D.4.

17.62.065 .D.7 *Pedestrian Accessways. To enhance pedestrian and bicycle safety, pedestrian accessways required pursuant to OCMC 12.28 shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances. Lamps shall include a high-pressure sodium bulb with an unbreakable lens.*
Finding: Complies with Condition. The development proposal did not include installation of a pedestrian accessway. However, as demonstrated within this report the applicant is required to install a pedestrian walkway within the proposed parking lot. Prior to issuance of a building permit associated with the development the applicant shall submit a photometric plan demonstrating compliance with OCMC 17.62.065 for the pedestrian walkway within the parking lot. **The applicant can meet this standard through Condition of Approval 34.**

17.62.065 .D.8 *Floodlights shall not be utilized to light all or any portion of a building facade between ten p.m. and six a.m.*
Finding: Not Applicable. No floodlights are proposed.

17.62.065 .D.9 *Lighting on automobile service station, convenience store, and other outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.*
Finding: Not Applicable. No canopy lighting is proposed.

17.62.065 .D.10 *The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site.*
Finding: Complies as Proposed. The applicant indicated that the proposed fixtures match the existing fixtures onsite.

17.62.065 .D.11 *In no case shall exterior lighting add more than one foot-candle to illumination levels at any point off-site.*
Finding: Complies as Proposed. The applicant submitted a photometric plan for the proposed lighting alterations within the parking lot (Exhibit 2). The plan did not identify glare on adjacent properties more than 0.5 footcandles.

17.62.065 .D .12 *All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.*
Finding: Complies as Proposed. The applicant indicated that all outdoor lighting in this application is for the purposes of security and ease of use for the parking lot.

17.62.065 .D.13 *Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.*
Finding: Not Applicable. No flags, statues, or any other objects mounted on a pole, pedestal, or platform are proposed.

17.62.065 .D.14 *For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.*
Finding: Not Applicable. No upward directed lighting is proposed.

17.62.065 .D.15 *No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.*

Finding: Complies as Proposed. The applicant indicated that no flickering or flashing lights are proposed.

17.62.065 .D.16 *Wireless Sites.*
Finding: Not Applicable. This section relates to wireless sites, and does not apply.

17.62.065 .D .17 *Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards:*
i. Maximum permitted light post height: eighty feet.
ii . Maximum permitted illumination at the property line: 0.5 foot-candles
Finding: Not Applicable. This section applies to outdoor recreation sites, and does not apply.

17.62.080 *Special Development along Transit Streets*

17.62.080.B*. Applicability. Except as otherwise provide in this section, the requirements of this section shall apply to the construction of new retail, office and institutional buildings which front on a transit street.*
Finding: Complies. The abutting portion of Division Street which supports bus routes.

17.62.080.C
1. All buildings shall have at least one main building entrance oriented towards the transit street. A main building entrance is oriented toward a transit street if it is directly located on the transit street, or if it is linked to the transit street by an on-site pedestrian walkway that does not cross off-street parking or maneuvering areas.
a. If the site has frontage on more than one transit street, or on a transit street and a street intersecting a transit street, the building shall provide one main building entrance oriented to the transit street or to the corner where the two streets intersect.
b. For building facades over three hundred feet in length on a transit street, two or more main building entrances shall be provided as appropriate and oriented towards the transit street.
2. Main building entrances shall be well lighted and visible from the transit street. The minimum lighting level for building entries shall be three foot-candles. Lighting shall be a pedestrian scale with the source light shielded to reduce glare.
3. In the event a requirement of this section conflicts with other requirements in Title 17, the requirements of this section shall control.
Finding: Not Applicable. The applicant has not proposed to construct a building with the proposed development. All future construction shall demonstrate compliance with this standard.

17.62.080.D *Exemptions. The following permitted uses are exempted from meeting the requirements of subsection C. of this section:*
1. Heavy equipment sales;
2. Motor vehicle service stations, including convenience stores associated therewith;
3. Solid waste transfer stations; and
4. Truck stops, including convenience stores, eating or drinking establishments, overnight accommodations or other similar services associated therewith. A use found by the community development director to be similar to the exempt uses above.
Finding: Not Applicable. The applicant has not proposed an exempted use.

17.62.085 *Refuse and Recycling Standards for commercial, industrial and multi-family developments*
The purpose and intent of these provisions is to provide an efficient, safe and convenient refuse and recycling enclosure for the public as well as the local collection firm. All new development, change in property use, expansions or exterior alterations to uses other than single-family or duplex residences shall include a refuse and recycling enclosure.
Finding: Not Applicable. The subject site utilized as a hospital, an institutional site which is no subject to this standard.

Chapter 12.04 STREETS, SIDEWALKS AND PUBLIC PLACES

12.04.005 *Jurisdiction and management of the public rights-of-way*

Finding: Complies with Condition. The adjacent right-of-way is under the jurisdiction of Oregon City. The City has approved all changes to the right-of-way identified within this report. The applicant shall sign a Non-Remonstrance Agreement (NRA) prior to final occupancy for any Phase or portion of a Phase built on a property not already covered by a NRA for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement; this includes paying the document recording fee. **The applicant can meet this standard through Condition of Approval 37.**

12.04.010 *Construction specifications – improved streets*

All sidewalks hereafter constructed in the city on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan. The curb shall be constructed at the same time as the construction of the sidewalk and shall be located as provided in the ordinance authorizing the improvement of said street next proceeding unless otherwise ordered by the city commission. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the city engineer.

Finding: Complies as Proposed. The applicant indicated compliance the Oregon City street design standards.

12.04.020 *Construction specification – unimproved streets*

Finding: Not Applicable. The site does not abut an unimproved street.

12.04.025 *Street design – Curb cuts*

Finding: Complies as Proposed. The applicant proposed to limit the access to the proposed parking lot to a single ingress/egress on Davis Road. The parking lot is currently accessed from multiple points along the frontage. Limiting access to the site will result in a safer facility.

12.04.030 *– Maintenance and repair*

The owner of land abutting the street where a sidewalk has been constructed shall be responsible for maintaining said sidewalk and abutting curb, if any, in good repair.

Finding: Complies. The applicant is subject to compliance with OCMC Chapter 12.04.

12.04.031 *Liability for sidewalk injuries*

A. The owner or occupant of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of negligence of such owner or occupant in failing to maintain the sidewalk in good condition.

B. If the city is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty that this ordinance imposes, the person shall compensate the city for the amount of the damages paid. The city may maintain an action in a court of competent jurisdiction to enforce this section.

Finding: Complies. The applicant is subject to compliance with OCMC Chapter 12.04.

12.04.032 *Required sidewalk repair*

A. When the public works director determines that repair of a sidewalk is necessary he or she shall issue a notice to the owner of property adjacent to the sidewalk.

B. The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within ninety days after the service of notice. The notice shall also state that if the repair is not made by the owner, the City may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.

C. The public works director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the public works director shall cause a

copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.
D. The person serving the notice shall file with the city recorder a statement stating the time, place and manner of service or notice.
Finding: Complies as Proposed. The adjacent right-of-way is under the jurisdiction of Oregon City. The City has approved all changes to the right-of-way identified within this report.

***12.04.033** city may do work*
If repair of the sidewalk is not completed within ninety days after the service of notice, the public works director shall carry out the needed work on the sidewalk. Upon completion of the work, the public works director shall submit an itemized statement of the cost of the work to the finance director. The city may, at its discretion, construct, repair or maintain sidewalks deemed to be in disrepair by the public works director for the health, safety and general welfare of the residents of the city.
Finding: Not Applicable. The City has not proposed to do sidewalk repairs with this development.

***12.04.034** Assessment of costs*
Upon receipt of the report, the finance director shall assess the cost of the sidewalk work against the property adjacent to the sidewalk. The assessment shall be a lien against the property and may be collected in the same manner as is provided for in the collection of street improvement assessment.
Finding: Not Applicable. The City has not proposed to do sidewalk repairs with this development.

***12.04.040** Streets - Enforcement*
Any person whose duty it is to maintain and repair any sidewalk, as provided by this Chapter, and who fails to do so shall be subject to the enforcement procedures of Chapters 1.16, 1.20 and 1.24. Failure to comply with the provisions of this Chapter shall be deemed a nuisance. Violation of any provision of this Chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.
Finding: Not Applicable. The subject site is not under enforcement action at this time.

***12.04.045** Street design – Constrained local streets and/or rights-of-way*

Finding: Not Applicable. No constrained streets are proposed or required.

***12.04.050** Retaining walls - Required*

Every owner of a lot within the city, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved street, and the wall shall be so constructed as to prevent the soil or earth from the lot or tract of land from falling or sliding into the street or upon the sidewalk, or both, and the owner of any such property shall keep the wall in good repair.
Finding: Not Applicable. The applicant did not propose to install a retaining wall in the public right-of-way. Future retaining walls within the right-of-way are subject to compliance with this standard.

***12.04.060** Retaining walls- Maintenance*
When a retaining wall is necessary to keep the earth from falling or sliding onto the sidewalk or into a public street and the property owner or person in charge of that property fails or refuses to build such a wall, such shall be deemed a nuisance. The violation of any provision of this Chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.
Finding: Not Applicable. The applicant did not propose to install a retaining wall in the public right-of-way.

***12.04.070**- Removal of sliding dirt.*
It shall be the duty of the owner of any property as mentioned in Section 12.04.050, and in case the owner is a nonresident, then the agent or other person in charge of the same, to remove from the street or sidewalk or both

as the case may be, any and all earth or dirt falling on or sliding into or upon the same from the property, and to build and maintain in order at all times, the retaining wall as herein required; and upon the failure, neglect or refusal of the land owner, the agent or person in charge of the same to clean away such earth or dirt, falling or sliding from the property into the street or upon the sidewalk, or both, or to build the retaining wall, shall be deemed guilty of a misdemeanor.

Finding: Not Applicable. The applicant has not proposed and is not required to remove sliding dirt with this application.

***12.04.080** - Excavations—Permit required.*

It shall be unlawful for any person to dig up, break, excavate, disturb, dig under or undermine any public street or alley, or any part thereof or any macadam, gravel, or other street pavement or improvement without first applying for and obtaining from the engineer a written permit so to do.
Finding: Complies. The applicant is subject to compliance with OCMC Chapter 12.04.

***12.04.090** - Excavations—Permit restrictions.*
The permit shall designate the portion of the street to be so taken up or disturbed, together with the purpose for making the excavation, the number of days in which the work shall be done, and the trench or excavation to be refilled and such other restrictions as may be deemed of public necessity or benefit.
Finding: Not Applicable. The City shall review a permit upon submittal.

***12.040.095** - Street Design—Curb Cuts.*
To assure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents
Finding: Complies as Proposed. The applicant proposed to limit the access to the proposed parking lot to a single ingress/egress on Davis. The parking lot is currently accessed from multiple points along the frontage. Limiting access to the site will result in a safer facility.

***12.04.100** - Excavations—Restoration of pavement.*
Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the city for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to put the street or alley in as good condition as it was before it was so broken, dug up or disturbed, and shall remove all surplus dirt, rubbish, or other material from the street or alley.
Finding: Applies. The applicant is subject to this standard.

***12.04.110** - Excavations—Nuisance—Penalty.*
Any excavation in violation of this Chapter shall be deemed a nuisance. Violation of any provision of this Chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.
Finding: Not Applicable. All excavations will comply with this Chapter via the conditions of approval.

***12.04.120** - Obstructions—Permit required.*
Finding: Not Applicable. The applicant has not proposed an obstruction within the right-of-way in this application.

***12.04.130** - Obstructions—Sidewalk sales.*
A. It is unlawful for any person to use the public sidewalks of the city for the purpose of packing, unpacking or storage of goods or merchandise or for the display of goods or merchandise for sale. It is permissible to use the public sidewalks for the process of expeditiously loading and unloading goods and merchandise.
B. The city commission may, in its discretion, designate certain areas of the city to permit the display and sale of goods or merchandise on the public sidewalks under such conditions as may be provided.
Finding: Not Applicable. The applicant has not proposed a sidewalk sale with this application.

***12.04.140** - Obstructions—Nuisance—Penalty.*

Any act or omission in violation of this Chapter shall be deemed a nuisance. Violation of any provision of this Chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.
Finding: Complies. The applicant is subject to compliance with OCMC Chapter 12.04.

12.04.150 *- Street and alley vacations—Cost.*
At the time of filing a petition for vacation of a street, alley or any part thereof, a fee as established by city commission resolution shall be paid to the city.
Finding: Not Applicable. The applicant has not proposed a street or alley vacation with this application.

12.04.160 *- Street vacations—Restrictions.*
The commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.
Finding: Not Applicable. The applicant has not proposed a street or alley vacation with this application.

12.04.170 *- Street design—Purpose and general provisions.*
All development shall be in conformance with the policies and design standards established by this Chapter and with applicable standards in the city's public facility master plan and city design standards and specifications. In reviewing applications for development, the city engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.
Finding: Complies as Proposed. The applicant indicated compliance the Oregon City street design standards.

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. Where location is not shown in the development plan, 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. Access control in accordance with section 12.04.200 shall be required to preserve the objectives of street extensions.
Finding: The site is currently developed with existing sidewalks on the development areas except along the northern part of the parking lot expansion. Please refer to the analysis in OCMC Chapter 17.65.050.B.1.i for full details of required improvements for each phase.

12.04.180 *- Street design—Minimum right-of-way.*
All development shall provide adequate right-of-way and pavement width. Adequate right-of-way and pavement width shall be provided by:
A. Complying with the street design standards contained in the table provided in Chapter 12.04. The street design standards are based on the classification of streets that occurred in the Oregon City Transportation

System Plan (TSP), in particular, the following TSP figures provide the appropriate classification for each street in Oregon City: Figure 5-1: Functional Classification System and New Roadway Connections; Figure 5-3: Pedestrian System Plan; Figure 5.6: Bicycle System Plan; and Figure 5.7: Public Transit System Plan. These TSP figures from the Oregon City Transportation System Plan are incorporated herein by reference in order to determine the classification of particular streets.

Table 12.04.020 STREET DESIGN STANDARDS		
Type of Street	*Maximum Right-of-Way Width*	*Pavement Width*
Major arterial	*124 feet*	*98 feet*
Minor arterial	*114 feet*	*88 feet*
Collector street	*86 feet*	*62 feet*
Neighborhood Collector street	*81 feet*	*59 feet*
Local street	*54 feet*	*32 feet*
Alley	*20 feet*	*16 feet*

B. The applicant may submit an alternative street design plan that varies from the street design standards identified above. An alternative street design plan may be approved by the city engineer if it is found the alternative allows for adequate and safe traffic, pedestrian and bicycle flows and transportation alternatives and protects and provides adequate multi-modal transportation services for the development as well as the surrounding community.

Finding: Please refer to the analysis in OCMC Chapter 17.65.050.B.1.i of this report for full details of required improvements for each phase.

***12.04.185** - Street design—Access control.*

A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the city as a city controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.

B. The city may grant a permit for the adjoining owner to access through the access control.

C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."

A. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

Finding: Complies as Proposed. The applicant proposed to limit the access to the proposed parking lot to a single ingress/egress on Davis. The parking lot is currently accessed from multiple points along the frontage. Limiting access to the site will result in a safer facility.

***12.04.190** - Street design—Alignment.*

The centerline of streets shall be:

A. Aligned with existing streets by continuation of the centerlines; or

A. Offset from the centerline by no more than ten 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: Not Applicable. The applicant has not proposed a street alignment with this application.

***12.04.195** - Minimum street intersection spacing standards.*

Finding: Not Applicable. The applicant has not proposed and is not required to install a new intersection with this development.

12.04.200 *- Street design—Constrained local streets and/or rights-of-way.*
Finding: Not Applicable. The development proposal does not include a constrained street.

12.04.205 *- Intersection level of service standards.*
When reviewing new developments, the City of Oregon City requires all relevant intersections to be maintained at the minimum acceptable Level Of Service (LOS) upon full build-out of the proposed development. The minimum acceptable LOS standards are as follows:
A. For signalized intersection areas of the city that are located outside the Regional Center boundaries a LOS of "D" or better for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of critical movements.
B. For signalized intersections within the Regional Center boundaries a LOS "D" can be exceeded during the peak hour; however, during the second peak hour, LOS "D" or better will be required as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0.
C. For unsignalized intersection throughout the city a LOS "E" or better for the poorest approach and with no movement serving more than twenty peak hour vehicles operating at worse than LOS "F" will be tolerated for minor movements during a peak hour.
Finding: Please refer to the analysis in OCMC Chapter 17.65.050.B.1.i of this report.

12.04.210 *- Street design—Intersection angles.*
Finding: Not Applicable. The applicant has not proposed and is not required to redesign an intersection.

12.04.215 *- Street design—Off-site street improvements.*
During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the city's applicable planned minimum design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.
Finding: Not Applicable. The applicant has not proposed and the City is not requiring off-site improvements.

12.04.220 *- Street design—Half street.*
Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker must first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant must construct an additional ten feet of pavement width so as to make the half street safe and usable until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access control as described in [Section] 12.04.200 may be required to preserve the objectives of half streets.
Finding: Not Applicable. A half street is not proposed or existing adjacent to the site.

12.04.225 *- Street design—Cul-de-sacs and dead-end streets.*
Finding: Not Applicable. A cul-de-sac or dead end is not proposed or required.

12.04.230 *- Street design—Street names.*
Finding: Not Applicable. A new street is not proposed or existing with the proposed development.

12.04.235 *- Street design—Grades and curves.*

Grades and center line radii shall conform to the standards in the city's street design standards and specifications.
Finding: Not applicable. A new street is not proposed with the proposed development.

12.04.240 *- Street design—Development abutting arterial or collector street.*
Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.
Finding: Complies with Condition. The applicant has not proposed and the City has not requiring the applicant to change the location of the existing accessways with this development. The applicant shall sign a Non-Remonstrance Agreement (NRA) prior to final occupancy for any Phase or portion of a Phase built on a property not already covered by a NRA for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement; this includes paying the document recording fee. **The applicant can meet this standard through Condition of Approval 37.**

12.04.245 *- Street design—Pedestrian and bicycle safety.*
Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision maker may require that local streets be so designed as to discourage their use by nonlocal automobile traffic.
All crosswalks shall include a large vegetative or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The decision maker may approve an alternative design that achieves the same standard for constrained sites or where deemed unnecessary by the city engineer.
Finding: The site is currently developed sidewalks on all frontages except along the northern half of the proposed parking lot expansion. The applicant proposes to install the missing sidewalk as part of Phase 1. Please refer to the analysis in OCMC Chapter 17.65.050.B.1.i for full details of required improvements for Phase 1.

12.04.255 *- Street design—Alleys.*
Finding: Not Applicable. The applicant has not proposed to install a new alley with this application.

12.04.260 *- Street design—Transit.*
Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with Tri-Met where the application impacts transit streets as identified on Figure 5.7: Public Transit System Plan of the Oregon City Transportation System Plan. Pedestrian/bicycle access ways shall be provided as necessary in conformance with the requirements in Section 17.90.220 of this code and Chapter 12.24 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.
Finding: Not Applicable. The applicant has not proposed and is not required to install transit improvements.

12.04.265 *- Street design—Planter strips.*
All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the decision maker finds it is not practicable. The decision maker may permit constrained sites to place street trees on the abutting private property within 10 feet

of the public right-of-way if a covenant is recorded on the title of the property identifying the tree as a city street tree which is maintained by the property owner. Development proposed along a collector, minor arterial, or major arterial street may use tree wells with root barriers located near the curb within a wider sidewalk in lieu of a planter strip, in which case each tree shall have a protected area to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.
To promote and maintain the community tree canopy adjacent to public streets, trees shall be selected and planted in planter strips in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining healthy and attractive trees and vegetation in the planter strip. If a homeowners' association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this code and enforceable as a civil infraction.
Finding: Please refer to the analysis in OCMC Chapter 17.65.050.B.1.i for full details of required improvements for each phase including the planter strip and street tree requirements.

12.04.270 *- Standard construction specifications.*
The workmanship and materials for any work performed under permits issued per this Chapter shall be in accordance with the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, in effect at the time of application. The exception to this requirement is where this Chapter and the Public Works Street Design Drawings provide other design details, in which case the requirements of this Chapter and the Public Works Street Design Drawings shall be complied with. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.
Finding: Complies as Proposed. The applicant indicated compliance the Oregon City street design standards.

Chapter 12.08 PUBLIC AND STREET TREES

12.08.015 *- Street tree planting and maintenance requirements.*
All new construction or major redevelopment shall provide street trees adjacent to all street frontages. Species of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List or be approved by a certified arborist. If a setback sidewalk has already been constructed or the Development Services determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed within the front yard setback, exclusive of any utility easement.
Finding: Complies with Condition. The applicant submitted a revised landscaping plan, for the proposed parking lot associated with the Detailed Development Plan for Phase 1 of the Master Plan, dated January 31, 2012, identifying the location of street trees, but not identifying the species. Prior to issuance of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall submit a revised landscaping plan with a street tree from the Oregon City Street Tree List for the appropriate tree well width or documentation from the a certified arborist demonstrating the appropriateness of the tree species within the size of the tree well. **The applicant can meet this standard through Condition of Approval 23.**

12.08.015.A *One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The community development director may approve an alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.*
Finding: Complies with Condition. The applicant submitted a revised landscaping plan, dated January 31, 2012, for the proposed parking lot associated with the Detailed Development Plan for Phase 1 of the Master Plan. The landscaping plan identified less than 1 street tree for every 35 feet of frontage along the Division Street and Penn Lane frontages.

It is feasible that the applicant revise the landscaping plan to include the proper amount of street trees required along each frontage. The parking lot associated with the Detailed Development Plan for Phase 1 of the Master Plan extends along the entire Division Street frontage and along a portion of the Penn Lane frontage. The landscaping plan displays the appropriate number of trees abutting the parking lot on the Penn Lane frontage however, the street improvements, including street trees along eastern portion of the frontage where the future Medical Office Building is identified to be constructed in Phase 3. Prior to issuance of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall submit documentation demonstrating compliance with OCMC Chapter 12.08 for the Division Street frontage adjacent to the proposed parking lot associated with the Phase 1 Detailed Development Plan. If the applicant submits documentation from an engineer indicating the proper spacing cannot me met due to sight line or other unavoidable issues, the Community Development Director may approve an alternative such as planting a tree in an alternate location or providing a fee-in-lieu. All future Detailed Development Plans shall demonstrate compliance with this standard. **The applicant can meet this standard through Condition of Approval 35.**

12.08.015.B *The following clearance distances shall be maintained when planting trees:*

1. *Fifteen feet from streetlights;*
2. *Five feet from fire hydrants;*
3. *Twenty feet from intersections;*
4. *A minimum of five feet (at mature height) below power lines.*

Finding: Complies with Condition. The applicant is required to revise the location of the street trees adjacent to the parking lot. Prior to issuance of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall submit documentation demonstrating compliance with OCMC Chapter 12.08 for Phase 1 of the Detailed Development Plan. All future Detailed Development Plans shall demonstrate compliance with this standard. **The applicant can meet this standard through Condition of Approval 35.**

12.08.015.C *All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.*

Finding: Complies as Proposed. The street trees proposed are 2-inches in caliper.

12.08.015.D *All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.*

Finding: Complies with Condition. The applicant did not provide a response to this criterion. Prior to issuance of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall submit documentation demonstrating compliance with OCMC Chapter 12.08 for Phase 1 of the Detailed Development Plan. All future Detailed Development Plans shall demonstrate compliance with this standard. **The applicant can meet this standard through Condition of Approval 35.**

12.08.020 *- Street tree species selection.*

The community development director may specify the species of street trees required to be planted if there is an established planting scheme adjacent to a lot frontage, if there are obstructions in the planting strip, or if overhead power lines are present.

Finding: Complies with Condition. The applicant submitted a revised landscaping plan, dated January 31, 2012 identifying the location of street trees, but not identifying the species. Prior to issuance of a permit associated with the site, the applicant shall submit a revised landscaping plan with a street tree from the Oregon City Street Tree List for the appropriate tree well width or documentation from the a certified arborist demonstrating the appropriateness of the tree species within the size of the tree well. **The applicant can meet this standard through Condition of Approval 23.**

12.08.025 *- General tree maintenance.*

Abutting property owners shall be responsible for the maintenance of street trees and planting strips. Topping of trees is permitted only under recommendation of a certified arborist, or other qualified professional, if required by city staff. Trees shall be trimmed appropriately. Maintenance shall include trimming to remove

dead branches, dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash.
Finding: Complies with Condition. The applicant did not respond to this section. Prior to issuance of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall submit documentation demonstrating compliance with OCMC Chapter 12.08 for Phase 1 of the Detailed Development Plan. All future Detailed Development Plans shall demonstrate compliance with this standard. **The applicant can meet this standard through Condition of Approval 35.**

12.08.030 *- Public property tree maintenance.*
The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The natural resources committee may recommend to the community development director the removal of any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to above or below-ground public utilities or other public improvements.
Finding: Complies with Condition. The applicant did not respond to this section. Prior to issuance of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall submit documentation demonstrating compliance with OCMC Chapter 12.08 for Phase 1 of the Detailed Development Plan. All future Detailed Development Plans shall demonstrate compliance with this standard. **The applicant can meet this standard through Condition of Approval 35.**

12.08.035 *- Public tree removal.*
Finding: Not Applicable. The applicant did not propose and is not required to remove any street trees with this application. The applicant shall submit an application for street tree removal if any street trees are required to be removed to accommodate the proposed construction or conditions of approval.

12.08.040 *- Heritage Trees and Groves.*

Finding: Not Applicable. The applicant does not have any designated heritage trees or groves onsite and is not proposing or required to designate any trees.

12.08.045 *- Gifts and funding.*

Finding: Not Applicable. The applicant has not proposed and the City has not required any gift or funding for street trees.

12.08.050 *- Violation—Penalty.*
The violation of any provision of this Chapter shall be constitute a civil infraction, subject to code enforcement procedures of Chapter 1.16 and/or Chapter 1.20.
Finding: Not Applicable. This application does not include a violation.

CHAPTER 17.54.100 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS- FENCE, HEDGE & WALLS
Finding: Not Applicable. The applicant has not requested to install a fence, hedge or wall onsite. All future fences, hedges and walls shall be subject to review for compliance with the Oregon City Municipal Code.

CHAPTER 17.58 NONCONFORMING USES, STRUCTURES AND LOTS
Finding: Complies with Condition. The site is currently nonconforming as it does not comply with the current standards for parking lot landscaping, etc. OCMC Chapter 17.58.040.C.2.a requires upgrades to nonconforming portions of the site for additions and exterior alterations more than $75,000. Per OCMC 17.58, ten percent of the project cost shall be allocated to assuring compliance with pedestrian circulation systems, minimum perimeter parking lot landscaping, minimum interior parking lot landscaping, minimum site landscaping requirements, bicycle parking by upgrading existing racks and providing additional spaces,

screening, and paving of surface parking and exterior storage and display areas. Depending on the cost of construction, it is anticipated that all of the aforementioned nonconforming items would be upgraded within the Master Plan.

The applicant proposed to upgrade an existing parking lot to comply with all standards of the Oregon City Municipal Code with phase 1 of the Master Plan. The nonconforming portions of the site will be reviewed upon review of subsequent Detailed Development Plans implementing Phases 2 and 3. Prior to final of permits associated with the Detailed Development Plan for Phase 2 of the Master Plan, the applicant shall submit a phasing plan displaying the general location and prioritization of the nonconforming upgrades to the site required per OCMC 17.58.040.C. Each Detailed Development Plan will be reviewed for compliance with the Nonconforming chapter in the Oregon City Municipal Code. **The applicant can meet this standard by complying with condition of approval 36.**

RECOMMENDATION:

Based on the analysis and findings as described above, Staff recommends the Planning Commission conditionally approve Planning files CP 11-01: Master Plan, DP 11-03: Detailed Development Plan, NR 11-05: Natural Resource Overlay Exemption and LL 11-07: Lot Line Adjustment for the properties located at Clackamas County Map 2-2EAB, Tax Lots 1201, 1900, 2000, 2100, 2200, 2400, 2500, 2800, 2900, 3100, 3900, 4000, 4100, 4200, 4400, 4600, Clackamas County Map 2-2E-32AA, TL 400 and Clackamas County Map 2-2E-32AC, TL 101, 201.

EXHIBITS:

1. Vicinity Map
2. Applicant's Narrative and Site Plan (On-File)
3. Staff Report for Conditional Use file CU 03-03
4. Staff Report for Site Plan and Design Review file SP03-19
5. Comments Submitted by John Replinger, Replinger and Associates
6. Engineering Policy 00-01 (On-File)
7. Comments submitted by Gail Curtis, Senior Planner at Oregon Department of Transportation
8. Comments submitted by Denyse McGriff of the McLoughlin Neighborhood Association
9. Comments submitted by Paul Edgar of the Citizen Involvement Committee
10. Comments submitted by Tim Powell, Chair of the McLoughlin Neighborhood Association
11. Comments submitted by Michael Robinson, dated February 17, 2012
12. Comments submitted by Nancy Bush, Code Enforcement Manager

RECOMMENDED CONDITIONS OF APPROVAL

CP 11-01: Master Plan, DP 11-03: Detailed Development Plan,
NR 11-05: Natural Resource Overlay Exemption and LL 11-07: Lot Line Adjustment

1. The applicant shall construct this development as proposed in this application and as required by the attached conditions of approval.
2. Prior to issuance of the first Detailed Development Plan for Phase 3, the applicant shall submit documentation demonstrating that the master plan complies with the minimum floor area ratio of 0.25. *(P)*
3. Prior to issuance of permits associated with the Detailed Development Plan for Phase 1, the applicant shall submit a revised calculation demonstrating the master plan does not have more than eighty percent site coverage of buildings and parking lots. *(P)*

4. Prior to issuance of permits associated with the Detailed Development Plan for Phase 1, the applicant shall submit a revised calculation demonstrating compliance with the minimum landscaping standards in Chapter 17.31.060.G and 17.62.050.A.1 of the Oregon City Municipal Code. *(P)*
5. The applicant shall install the following public improvements as required.
    - Division Street, a Minor Arterial, would be improved with each phase of the Master Plan as follows:
        - Phase 1 (Parking Lot Improvements between Davis Road and Penn Lane): Construction of 2.5-foot wide full depth pavement restoration adjacent to new curb and gutter, 8 ft sidewalk with 4- by 6-ft tree wells, bike lane striping and markings, street lighting, and street trees.
        - Phase 2 (Front Entry Improvements and Birthplace Expansion): Match improvements from ED expansion approved in CU 03-03, including but not limited to a 4-foot ROW dedication across Tax Lot 1900 and 2000. Construction of full depth pavement restoration from the northern end of the ED improvements to Davis Road for a width of 26 feet on the eastern half and 10 feet on the opposing side. New curb and gutter, 8-foot sidewalk with 4- by 6-ft tree wells, bike lane striping and markings, street lighting, and street trees.
        - Phase 3 (East MOB): Construction of full depth pavement restoration between Davis Road and Penn Lane for a width of 20 feet on the eastern half (2-inch mill on the easternmost 2.5 feet done in Phase 1) and 10 feet on the opposing side.
        - Phase 3 (West MOB): A 4-foot ROW dedication from 15th Street to 16th Street to provide 34 feet from centerline on the west side. Construction of full depth pavement restoration between 15th Street and 16th Street for a width of 26 feet on the western half and 10 feet on the opposing side (if not completed by other phases). Construction of curb and gutter, 8 ft sidewalk with 4- by 6-ft tree wells, bike lane striping and markings, street lighting, and street trees.
    - Davis Road, a Local Street, would be improved with Phase 1 and 2 of the Master Plan as follows:
        - Phase 1 (Parking Lot Improvements between Davis Road and Penn Lane): A 1-foot street dedication. Construction of 2.5-foot wide full depth pavement restoration adjacent to new curb and gutter, 4.5-foot planter strip with street trees, 5 ft sidewalk, and street lighting. Provide opposing ADA ramp at southeast corner of Davis Road/Division Street.
        - Phase 2 (Front Entry Improvements): Dedication to result in 26.5 feet of ROW on the southern side. Construction of pavement restoration as determined by Applicant's Engineer's analysis/design (and coordination with City's Pavement Condition Index at time of design). Construction of 2.5-foot wide full depth pavement restoration adjacent to new curb and gutter, 4.5-foot planter strip with street trees, 5 ft sidewalk, and street lighting.
    - 15th Street, a Collector, would be improved with Phase 3 of the Master Plan as follows:
        - Phase 3 (West MOB): There is 38 feet of existing pavement, with 19 feet on the MOB side. Construction of pavement restoration as determined by applicant's engineer's analysis/design (and coordination with City's Pavement Condition Index at time of design) across the tax lot frontages for a width of 19 feet on the northern half and 10 feet on the opposing side. Evaluation of the existing street lighting and install as necessary to meet current IES. Installation of street trees in existing planter strip and bike route signs.
    - Penn Lane, a Local Street, would be improved with Phase 3 of the Master Plan as follows:
        - Phase 3 (East MOB): Construction of full pavement section adjacent to 1716 Penn Lane for a width of about 6 feet on the southern half with curb and gutter, 4.5-foot planter strip, 5-foot sidewalk, street trees, and street lighting.

Although this Master Plan approval is for all three phases of the project, it is not possible at this time to determine what transportation improvements may be required to mitigate impacts on the transportation system from Phases 2 and 3 which would be constructed up to 10 years in the future. A determination of the adequacy of the existing traffic infrastructure, the extent of the Providence Willamette Falls impacts, what improvements in the form of mitigation measures will be required, and/or the portion of the construction costs of those measures which should be borne by the Providence Willamette Falls, will be made at the time of consideration of the detailed development plan for each Phase 2 and 3. Cost estimates shall be based on estimates contained in the Regional Transportation Plan or Oregon City Transportation

System Plan, whichever is most current, with cost estimates updated by applying a published construction cost index. For projects already programmed for construction, the final project cost of most current cost estimates shall be utilized. If the impacts cannot be adequately mitigated based on the standards in effect at the time of filing the detailed development application, the detailed development plan will be denied. *(P and DS)*

6. The applicant is responsible for this project's compliance with Engineering Policy 00-01. *(DS)*
7. Prior to issuance of permits associated with the Detailed Development Plan for Phase 1, the applicant shall install a pedestrian accessway within or adjacent to the proposed parking lot which complies with the Oregon City Municipal Code and provides safe access to pedestrians walking from the northern portion of the parking lot south towards the main hospital facility. *(P)*
8. During the Detailed Development Plan reviews, the applicant shall provide connection to new/existing water lines for new future facilities as required by plumbing code. *(DS)*
9. During the Detailed Development Plan reviews, the applicant shall provide connection to new/existing sanitary sewer for new future facilities as required by plumbing code. *(DS)*
10. The applicant shall provide stormwater facilities as necessary for street improvements and facility construction. Downstream conveyance calculations/analysis shall be performed for all existing storm systems where the applicant's new facilities increase the stormwater flow. *(DS)*
11. The applicant shall comply with the Oregon City Stormwater Design Standards and evaluate the existing stormwater facilities on 15th Street during Phase 3, West MOB. Current street curb drainage flow on 15th Street exceeds the 400-foot length standard on the north side. Construct a curb basin to connect into the eastern end of the storm line as necessary. *(DS)*
12. During each of the Detailed Development Plan reviews, the applicant shall provide site analysis to determine extent of stormwater detention and water quality that are required by the current code and implement appropriate Low Impact Design efforts. *(DS)*
13. New fire hydrants would be placed according to fire department code at the time of individual Detailed Development Plan review. *(DS)*
14. The development proposal shall be reviewed for compliance with the Clackamas County Fire Department upon submittal of the Detailed Development Plan. *(DS)*
15. In order to mitigate the impact of the adjustment to increase the number of contiguous parking stalls permitted without landscape strips, the applicant shall increase the minimum interior parking lot landscaping from 10% to 12%. The applicant may choose not to utilize the adjustment for a particular parking lot. If a parking lot does not utilize the adjustment and provides no more than eight contiguous parking spaces without an interior landscape strip, the applicant does not have to increase the minimum interior parking lot landscaping for that parking lot from 10% to 12%. *(P)*
16. Prior to issuance of permits associated with the Detailed Development Plan for Phase 1, the applicant shall submit a tree mitigation plan displaying the location of the 4 mitigation trees per OCMC Chapter 17.41. *(P)*
17. Prior to issuance of permits associated with the Detailed Development Plan for Phase 1, the applicant shall submit documentation displaying compliance with the tree protection standards in OCMC Chapter 17.41.130 of the Oregon City Municipal Code. *(P)*
18. Prior to issuance of permits associated with any Detailed Development Plan, the applicant shall demonstrate that the subject site provides sufficient parking for the proposed development to demonstrate compliance with the number of parking spaces required in OCMC 17.52.020 and that all loss of existing parking due to nonconforming upgrades has been mitigated by installing an additional parking stall onsite. Prior to issuance of permits associated with the Detailed Development Plan for Phase 3, the applicant shall demonstrate that the Providence Willamette Falls campus associated with the Master Plan complies with the with the number of parking spaces required in OCMC 17.52.020. *(P)*
19. Prior to issuance of permits associated with the Detailed Development Plan for Phase 1, the applicant shall submit documentation indicating the minimum required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use. *(P)*

20. Prior to issuance of permits associated with the Detailed Development Plan for Phase 3, the applicant shall submit sufficient documentation to demonstrate the subject site complies with the carpool and vanpool parking standards in OCMC Chapter 17.52.030.E. *(P)*
21. Prior to issuance of permits associated with any Detailed Development Plan, the applicant shall demonstrate that the subject site provides sufficient bicycle parking for the proposed development to demonstrate compliance OCMC 17.52.040. Prior to issuance of permits associated with the Detailed Development Plan for Phase 3, the applicant shall demonstrate that the Providence Willamette Falls campus associated with the Master Plan complies with the with the bicycle parking spaces required in OCMC 17.52.040. *(P)*
22. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit a revised landscaping plan with landscaping in all areas of the parking lot which are not used for parking, maneuvering, or circulation**.** *(P)*
23. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit a revised landscaping plan with a street tree from the Oregon City Street Tree List for the appropriate tree well width or documentation from the a certified arborist demonstrating the appropriateness of the tree species and documentation demonstrating that all required landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper) and planted according to American Nurseryman Standards. *(P)*
24. Prior to issuance of a permit associated with Detailed Development Plan for Phase 1the applicant shall submit documentation assuring that all landscaped areas within the proposed parking lot include irrigation systems unless an alternate plan is submitted, and approved by the community development director, that can demonstrate adequate maintenance. *(P)*
25. Prior to final of building permits associated with Detailed Development Plan for Phase 1, the applicant shall prune vegetation, relocate signage and review on-street parking as required in the transportation impact study by Julia Kuhn, PE of Kittleson and Associates (Exhibit 2) for proper sight distance. *(P and DS)*
26. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit documentation assuring that the proposed parking lot complies with the parking lot incorporate design standards in accordance with Chapter 13.12, Stormwater Management. *(DS)*
27. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit a revised landscaping plan demonstrating compliance with the perimeter parking lot landscaping standards in OCMC 17.52.060.B. *(P)*
28. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit a revised landscaping plan demonstrating compliance with the perimeter parking lot landscaping standards in OCMC 17.52.060.C. *(P)*
29. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit a revised landscaping plan demonstrating compliance with the interior parking lot landscaping standards in OCMC 17.52.060.D. *(P)*
30. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit documentation assuring that within three years, cover one hundred percent of the landscape area and no mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. *(P)*
31. Prior to final of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall submit a recorded access easement with all adjacent sites where access is obtained. *(P)*
32. Prior to final of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall submit sufficient documentation demonstrating maintenance in accordance with the standards identified in OCMC 17.62.050.A.10. *(P)*
33. Prior to issuance of the proposed Detailed Development Plan and Master Plan Phase 3, the applicant shall submit documentation demonstrating that for all new buildings, where there is one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line, unless a greater setback is accepted under the provisions of Section 17.62.055D. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line unless a greater setback is accepted under the provisions of Section 17.62.055D. *(P)*

34. Prior to issuance of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall submit a photometric plan demonstrating compliance with OCMC 17.62.065 for the pedestrian walkway within the parking lot. *(P)*
35. Prior to issuance of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall submit documentation demonstrating compliance with OCMC Chapter 12.08 for the Division Street frontage adjacent to the proposed parking lot associated with the Phase 1 Detailed Development Plan. If the applicant submits documentation from an engineer indicating the proper spacing cannot me met due to sight line or other unavoidable issues, the Community Development Director may approve an alternative such as planting a tree in an alternate location or providing a fee-in-lieu. *(P)*
36. Prior to final of permits associated with the Detailed Development Plan for Phase 2 of the Master Plan, the applicant shall submit a phasing plan displaying the general location and prioritization of the nonconforming upgrades to the site required per OCMC 17.58.040.C. Each Detailed Development Plan will be reviewed for compliance with the Nonconforming chapter in the Oregon City Municipal Code. *(P)*
37. The applicant shall sign a Non-Remonstrance Agreement (NRA) prior to final occupancy for any Phase or portion of a Phase built on a property not already covered by a NRA for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement; this includes paying the document recording fee. *(DS)*

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

NOTICE OF LAND USE DECISION

DATE OF MAILING OF THE DECISION: March 1, 2012

FILE NO.: CP 11-01: Master Plan
DP 11-03: Detailed Development Plan
NR 11-05: Natural Resource Overlay Exemption
LL 11-07: Lot Line Adjustment

APPLICATION TYPE: Type III

APPLICANT/ OWNER: Providence Willamette Falls Medical Center
C/o Russell Reinhard
1500 Division Street
Oregon City, Oregon 97045

REPRESENTATIVE: Peterson Kolberg & Associates
C/o Steve Kolberg
6969 SW Hampton Street
Portland, Oregon 97223

REQUEST: The applicant submitted a Concept (General) Development Plan, Detailed Development Plan, Lot Line Adjustment and Natural Resource Overlay District Exemption to analyze the build out of the Providence Willamette Falls Hospital over the next 10 years and construct a parking lot.

LOCATION: 1500 Division Street, Oregon City, OR 97045
Clackamas County Map 2-2EAB, Tax Lots 1201, 1900, 2000, 2100, 2200, 2400, 2500, 2800, 2900, 3100, 3900, 4000, 4100, 4200, 4400, 4600
Clackamas County Map 2-2E-32AA, TL 400 and
Clackamas County Map 2-2E-32AC, TL 101, 201

DECISION: Approval with Conditions.

On February 27, 2012, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opponents and interested parties, the Planning Commission concluded by a 5-0 vote that the applications would meet the requirements of each applicable section of the Oregon City Municipal Code as proposed by the applicant or with conditions adopted by the Commission. Therefore, the Planning Commission adopts as their own the staff report with conditions and approves with conditions the application.

The decision of the Planning Commission is final unless appealed to the City Commission within fourteen (14) days following the mailing of this notice. Only persons who participated in the process, either through written comments or public testimony, may appeal this limited land use decision. The request for a hearing shall be in writing. The request for a hearing shall demonstrate how the party is aggrieved or how the proposal does not meet the applicable criteria. The application, decision (including specific

conditions of approval), and supporting documents are available for inspection at the Oregon City Planning Division. Copies of these documents are available (for a fee) upon request.

A city-recognized neighborhood association with standing that is requesting an appeal fee waiver 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.

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

CONDITIONS OF APPROVAL

CP 11-01: Master Plan, DP 11-03: Detailed Development Plan,
NR 11-05: Natural Resource Overlay Exemption and LL 11-07: Lot Line Adjustment

1. The applicant shall construct this development as proposed in this application and as required by the attached conditions of approval.
2. Prior to issuance of the first Detailed Development Plan for Phase 3, the applicant shall submit documentation demonstrating that the master plan complies with the minimum floor area ratio of 0.25. *(P)*
3. Prior to issuance of permits associated with the Detailed Development Plan for Phase 1, the applicant shall submit a revised calculation demonstrating the master plan does not have more than eighty percent site coverage of buildings and parking lots. *(P)*
4. Prior to issuance of permits associated with the Detailed Development Plan for Phase 1, the applicant shall submit a revised calculation demonstrating compliance with the minimum landscaping standards in Chapter 17.31.060.G and 17.62.050.A.1 of the Oregon City Municipal Code. *(P)*
5. The applicant shall install the following public improvements as required.
    - Division Street, a Minor Arterial, would be improved with each phase of the Master Plan as follows:
        - Phase 1 (Parking Lot Improvements between Davis Road and Penn Lane): Construction of 2.5-foot wide full depth pavement restoration adjacent to new curb and gutter, 8 ft sidewalk with 4- by 6-ft tree wells, bike lane striping and markings, street lighting, and street trees.
        - Phase 2 (Front Entry Improvements and Birthplace Expansion): Match improvements from ED expansion approved in CU 03-03, including but not limited to a 4-foot ROW dedication across Tax Lot 1900 and 2000. Construction of full depth pavement restoration from the northern end of the ED improvements to Davis Road for a width of 26 feet on the eastern half and 10 feet on the opposing side. New curb and gutter, 8-foot sidewalk with 4- by 6-ft tree wells, bike lane striping and markings, street lighting, and street trees.
        - Phase 3 (East MOB): Construction of full depth pavement restoration between Davis Road and Penn Lane for a width of 20 feet on the eastern half (2-inch mill on the easternmost 2.5 feet done in Phase 1) and 10 feet on the opposing side.
        - Phase 3 (West MOB): A 4-foot ROW dedication from 15th Street to 16th Street to provide 34 feet from centerline on the west side. Construction of full depth pavement restoration between 15th Street and 16th Street for a width of 26 feet on the western half and 10 feet on the opposing side (if not completed by other phases). Construction of curb and gutter, 8 ft sidewalk with 4- by 6-ft tree wells, bike lane striping and markings, street lighting, and street trees.
    - Davis Road, a Local Street, would be improved with Phase 1 and 2 of the Master Plan as follows:
        - Phase 1 (Parking Lot Improvements between Davis Road and Penn Lane): A 1-foot street dedication. Construction of 2.5-foot wide full depth pavement restoration adjacent to new curb and gutter, 4.5-foot planter strip with street trees, 5 ft sidewalk, and street lighting. Provide opposing ADA ramp at southeast corner of Davis Road/Division Street.
        - Phase 2 (Front Entry Improvements): Dedication to result in 26.5 feet of ROW on the southern side. Construction of pavement restoration as determined by Applicant's Engineer's analysis/design (and

coordination with City's Pavement Condition Index at time of design). Construction of 2.5-foot wide full depth pavement restoration adjacent to new curb and gutter, 4.5-foot planter strip with street trees, 5 ft sidewalk, and street lighting.

- 15th Street, a Collector, would be improved with Phase 3 of the Master Plan as follows:
  - Phase 3 (West MOB): There is 38 feet of existing pavement, with 19 feet on the MOB side. Construction of pavement restoration as determined by applicant's engineer's analysis/design (and coordination with City's Pavement Condition Index at time of design) across the tax lot frontages for a width of 19 feet on the northern half and 10 feet on the opposing side. Evaluation of the existing street lighting and install as necessary to meet current IES. Installation of street trees in existing planter strip and bike route signs.
- Penn Lane, a Local Street, would be improved with Phase 3 of the Master Plan as follows:
  - Phase 3 (East MOB): Construction of full pavement section adjacent to 1716 Penn Lane for a width of about 6 feet on the southern half with curb and gutter, 4.5-foot planter strip, 5-foot sidewalk, street trees, and street lighting.

Although this Master Plan approval is for all three phases of the project, it is not possible at this time to determine what transportation improvements may be required to mitigate impacts on the transportation system from Phases 2 and 3 which would be constructed up to 10 years in the future. A determination of the adequacy of the existing traffic infrastructure, the extent of the Providence Willamette Falls impacts, what improvements in the form of mitigation measures will be required, and/or the portion of the construction costs of those measures which should be borne by the Providence Willamette Falls, will be made at the time of consideration of the detailed development plan for each Phase 2 and 3. Cost estimates shall be based on estimates contained in the Regional Transportation Plan or Oregon City Transportation System Plan, whichever is most current, with cost estimates updated by applying a published construction cost index. For projects already programmed for construction, the final project cost of most current cost estimates shall be utilized. If the impacts cannot be adequately mitigated based on the standards in effect at the time of filing the detailed development application, the detailed development plan will be denied. *(P and DS)*

6. The applicant is responsible for this project's compliance with Engineering Policy 00-01. *(DS)*
7. Prior to issuance of permits associated with the Detailed Development Plan for Phase 1, the applicant shall install a pedestrian accessway within or adjacent to the proposed parking lot which complies with the Oregon City Municipal Code and provides safe access to pedestrians walking from the northern portion of the parking lot south towards the main hospital facility. *(P)*
8. During the Detailed Development Plan reviews, the applicant shall provide connection to new/existing water lines for new future facilities as required by plumbing code. *(DS)*
9. During the Detailed Development Plan reviews, the applicant shall provide connection to new/existing sanitary sewer for new future facilities as required by plumbing code. *(DS)*
10. The applicant shall provide stormwater facilities as necessary for street improvements and facility construction. Downstream conveyance calculations/analysis shall be performed for all existing storm systems where the applicant's new facilities increase the stormwater flow. *(DS)*
11. The applicant shall comply with the Oregon City Stormwater Design Standards and evaluate the existing stormwater facilities on 15th Street during Phase 3, West MOB. Current street curb drainage flow on 15th Street exceeds the 400-foot length standard on the north side. Construct a curb basin to connect into the eastern end of the storm line as necessary. *(DS)*
12. During each of the Detailed Development Plan reviews, the applicant shall provide site analysis to determine extent of stormwater detention and water quality that are required by the current code and implement appropriate Low Impact Design efforts. *(DS)*
13. New fire hydrants would be placed according to fire department code at the time of individual Detailed Development Plan review. *(DS)*
14. The development proposal shall be reviewed for compliance with the Clackamas County Fire Department upon submittal of the Detailed Development Plan. *(DS)*
15. In order to mitigate the impact of the adjustment to increase the number of contiguous parking stalls permitted without landscape strips, the applicant shall increase the minimum interior parking lot landscaping from 10% to 12%. The applicant may choose not to utilize the adjustment for a particular parking lot. If a parking lot

does not utilize the adjustment and provides no more than eight contiguous parking spaces without an interior landscape strip, the applicant does not have to increase the minimum interior parking lot landscaping for that parking lot from 10% to 12%. *(P)*

16. Prior to issuance of permits associated with the Detailed Development Plan for Phase 1, the applicant shall submit a tree mitigation plan displaying the location of the 4 mitigation trees per OCMC Chapter 17.41. *(P)*
17. Prior to issuance of permits associated with the Detailed Development Plan for Phase 1, the applicant shall submit documentation displaying compliance with the tree protection standards in OCMC Chapter 17.41.130 of the Oregon City Municipal Code. *(P)*
18. Prior to issuance of permits associated with any Detailed Development Plan, the applicant shall demonstrate that the subject site provides sufficient parking for the proposed development to demonstrate compliance with the number of parking spaces required in OCMC 17.52.020 and that all loss of existing parking due to nonconforming upgrades has been mitigated by installing an additional parking stall onsite. Prior to issuance of permits associated with the Detailed Development Plan for Phase 3, the applicant shall demonstrate that the Providence Willamette Falls campus associated with the Master Plan complies with the with the number of parking spaces required in OCMC 17.52.020. *(P)*
19. Prior to issuance of permits associated with the Detailed Development Plan for Phase 1, the applicant shall submit documentation indicating the minimum required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use. *(P)*
20. Prior to issuance of permits associated with the Detailed Development Plan for Phase 3, the applicant shall submit sufficient documentation to demonstrate the subject site complies with the carpool and vanpool parking standards in OCMC Chapter 17.52.030.E. *(P)*
21. Prior to issuance of permits associated with any Detailed Development Plan, the applicant shall demonstrate that the subject site provides sufficient bicycle parking for the proposed development to demonstrate compliance OCMC 17.52.040. Prior to issuance of permits associated with the Detailed Development Plan for Phase 3, the applicant shall demonstrate that the Providence Willamette Falls campus associated with the Master Plan complies with the with the bicycle parking spaces required in OCMC 17.52.040. *(P)*
22. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit a revised landscaping plan with landscaping in all areas of the parking lot which are not used for parking, maneuvering, or circulation. *(P)*
23. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit a revised landscaping plan with a street tree from the Oregon City Street Tree List for the appropriate tree well width or documentation from the a certified arborist demonstrating the appropriateness of the tree species and documentation demonstrating that all required landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper) and planted according to American Nurseryman Standards. *(P)*
24. Prior to issuance of a permit associated with Detailed Development Plan for Phase 1the applicant shall submit documentation assuring that all landscaped areas within the proposed parking lot include irrigation systems unless an alternate plan is submitted, and approved by the community development director, that can demonstrate adequate maintenance. *(P)*
25. Prior to final of building permits associated with Detailed Development Plan for Phase 1, the applicant shall prune vegetation, relocate signage and review on-street parking as required in the transportation impact study by Julia Kuhn, PE of Kittleson and Associates (Exhibit 2) for proper sight distance. *(P and DS)*
26. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit documentation assuring that the proposed parking lot complies with the parking lot incorporate design standards in accordance with Chapter 13.12, Stormwater Management. *(DS)*
27. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit a revised landscaping plan demonstrating compliance with the perimeter parking lot landscaping standards in OCMC 17.52.060.B. *(P)*
28. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit a revised landscaping plan demonstrating compliance with the perimeter parking lot landscaping standards in OCMC 17.52.060.C. *(P)*

29. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit a revised landscaping plan demonstrating compliance with the interior parking lot landscaping standards in OCMC 17.52.060.D. *(P)*
30. Prior to issuance of building permits associated with Detailed Development Plan for Phase 1, the applicant shall submit documentation assuring that within three years, cover one hundred percent of the landscape area and no mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. *(P)*
31. Prior to final of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall submit a recorded access easement with all adjacent sites where access is obtained. *(P)*
32. Prior to final of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall submit sufficient documentation demonstrating maintenance in accordance with the standards identified in OCMC 17.62.050.A.10. *(P)*
33. Prior to issuance of the proposed Detailed Development Plan and Master Plan Phase 3, the applicant shall submit documentation demonstrating that for all new buildings, where there is one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line, unless a greater setback is accepted under the provisions of Section 17.62.055D. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line unless a greater setback is accepted under the provisions of Section 17.62.055D. *(P)*
34. Prior to issuance of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall submit a photometric plan demonstrating compliance with OCMC 17.62.065 for the pedestrian walkway within the parking lot. *(P)*
35. Prior to issuance of the proposed Detailed Development Plan and Master Plan Phase 1, the applicant shall submit documentation demonstrating compliance with OCMC Chapter 12.08 for the Division Street frontage adjacent to the proposed parking lot associated with the Phase 1 Detailed Development Plan. If the applicant submits documentation from an engineer indicating the proper spacing cannot me met due to sight line or other unavoidable issues, the Community Development Director may approve an alternative such as planting a tree in an alternate location or providing a fee-in-lieu. *(P)*
36. Prior to final of permits associated with the Detailed Development Plan for Phase 2 of the Master Plan, the applicant shall submit a phasing plan displaying the general location and prioritization of the nonconforming upgrades to the site required per OCMC 17.58.040.C. Each Detailed Development Plan will be reviewed for compliance with the Nonconforming chapter in the Oregon City Municipal Code. *(P)*
37. The applicant shall sign a Non-Remonstrance Agreement (NRA) prior to final occupancy for any Phase or portion of a Phase built on a property not already covered by a NRA for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement; this includes paying the document recording fee. *(DS)*

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

Providence Willamette Falls
Medical Center
1500 Division St.
Oregon City, OR 97045
t: 503.656.1631
www.providence.org/oregon

PROVIDENCE
Willamette Falls
Medical Center

February 17, 2012

To whom it may concern:

In the interest of controlling congestion and being good neighbors, PWFMC has made recent changes to their campus parking policy. The most significant to our neighbors is that employee parking has been restricted on the streets nearest the hospital. We have made the area within three blocks of the campus a "no employee parking" zone. We have also instituted a parking hotline. It is a designated number for neighbors to call and let us know about any vehicles that might be blocking driveways or are parked inappropriately. That number is 503-215-0615. The parking regulations are strictly enforced and violations may result in the issuance of citations and disciplinary actions.

We have made changes to our campus parking to provide for more employee spots on our main campus. We have also assigned areas for short-term parking – two hours or less.

In addition, all PWFMC employees, volunteers and physicians must register their vehicles with security and display a fully visible parking permit on any vehicle they drive to work.

It's only been a week, but I personally have noticed a significant difference in the amount of parking available on the streets around the facility. This should only continue to improve with time.

Best wishes,

Russ Reinhard

Russ Reinhard
Chief Executive

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PROVIDENCE HEALTH and SERVICES
Oregon Region – Acute Care

GENERAL OPERATING POLICY

Effective: **PMH May 1999** **Policy No: 340.00**
PPMC May 1997
PSVMC August 1998
PCC, POP, TBC, MBC, SATELLITES July 2000
PWFMC, PHRMC, PNMC October 2011

SUBJECT: PARKING PROGRAM

I. OBJECTIVES:

A. To support the Providence Health & Services' mission and responsibility to ensure adequate parking for our patients and visitors while providing reasonable and cost free parking opportunities for our staff.
B. To control traffic congestion in the neighborhood and to ensure practical and respectful use of parking availability and to promote utilization of alternative means of transportation.
C. To establish responsibility for compliance with and enforcement of this policy and its regulations.

II. POLICY STATEMENT:

A. All staff, students, physicians, patients, volunteers and guests will abide by the basic Oregon driving rules while on the Providence Health & Services' property including, one-way, speed limit and other like signs.
B. Staff and students are expected to obey indicated vehicle driving and parking regulations to promote a safe environment and ensure that parking spaces are available to benefit patients, physicians, visitors and volunteers of Providence Health & Services.
C. Providence Health & Services promotes alternative modes of transportation and may provide specific parking spaces for

carpool, motorcycle and bicycle parking based on facility need. Car pools must have two (2) or more occupants to qualify for parking in the reserved areas. Permits for carpool are required and they may be obtained through Security Services.

D. All staff, physicians, students and volunteers are assigned to specific parking areas at all entities. (Refer to attachments). All vehicles must be registered with Security Services and display a parking decal as directed on any vehicle they park on a Providence Health & Services' campus.

III. PROCEDURE:

A. Regional employees or other staff members who travel from one entity to another will abide by each facility's parking program.

B. Employees with a temporary disability may obtain assistance through Employee Health Services, to determine if the employee may be eligible to obtain a Handicapped Permit, issued by the State of Oregon. This state permit affords the holder to park in any designated disabled parking space regardless of its location on a campus.

C. Providence Health & Services assumes no liability for theft, damage, or vandalism to any vehicle, cycle or personal property parked on the campus and/or surface parking lots.

D. Security Services will make a reasonable attempt to locate the owner prior to towing a vehicle. Only when vehicles are blocking traffic or illegally parked will a towing company be called. Vehicles may be relocated to another area on the campus rather than taken off site. Owners of the vehicles are responsible for towing charges. Abandoned vehicles may be towed after a 72 hour notice is posted on the vehicle.

E. A vehicle registration form must be filled out completely and submitted to Security Services prior to issuance of parking decals. It is the staff's responsibility to update the form when vehicle information has changed.

F. Employees who violate the Parking Policy will be subject to the corrective action process as outlined in HR Policy #603, Performance Management. When the manager receives notification of a violation they should work with their Human Resources Business Partner. Whenever circumstances are present that make him/her unable to comply with the terms of this policy, staff members will immediately contact the appropriate facility office.

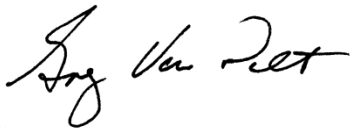
IV. FACILITIES:

Providence St. Vincent Medical Center (refer to attachment A)
Providence Portland Medical Center (refer to attachment B)
Providence Milwaukie Hospital (refer to attachment C)
Providence Office Park (refer to attachment D)
Satellite Buildings (refer to attachment E)
Providence Child Center (refer to attachment F)
Tigard Business Center (refer to attachment G)
Halsey Business Center (refer to attachment H)
Providence Hood River Memorial Hospital (refer to attachment I)
Providence Newberg Medical Center (refer to attachment J)
Providence Medford Medical Center (refer to attachment K)
Providence Seaside Hospital (refer to attachment L)

List Cross-Reference:

HR Policy #603 – Performance Management
Security Services Policy #6.04 – Vehicular Access to Urgent Care Areas

APPROVED BY:



Greg Van Pelt
Senior Vice President/Chief Executive-Oregon Region
Providence Health and Services – Oregon
Date: December 2011

PROVIDENCE HEALTH and SERVICES
Oregon Region – Acute Care

GENERAL OPERATING POLICY
REVIEW AND REVISION DATE

NAME OF POLICY: **No. 340.00**

POLICY NAME: **Parking Program**

Effective:
PMH May 1999
PPMC May 1997
PSVMC August 1998
PCC, POP, TBC, MBC, SATELLITES July 2000
PWFMC, PHRMC, PNMC October 2011

Primary Responsibility for Review/Revisions

Regional Security Services	**Rich Hildreth, Director**
Department Name	Name/Title of Person

Authority for Policy Review/Revisions:

Regional Security Services	**Rich Hildreth, Director**
Department Name	Name/Title of Person
Human Resources	**Susan Norris, HR Business Partner**
Department Name	Name/Title of Person

Review and/or Revision Dates:

Reviewed	Revised	Approved By (Name and Title)
	PMH 5/99	Janice Burger, PMH, Operations Administrator
PPMC 11/86, 8/89	PPMC 10/85, 4/89, 2/91, 11/92, 1/95, 7/95, 5/97/ 9/97, 3/98, 7/98, 3/99, 6/99, 8/99	Dave Underriner, PPMC, Operations Administrator
PSV, 8/99	PSV 4/89,	Don Elsom, PSV, Operations Administrator
9/03,	1/00, 8/00, 10,00, 9/01, 6/02, 6/04, 4/05, 06/05, 04/06, 06/07, 6/09, 6/10	PSA Policy and Procedure Committee
	10/11, 12/11	Oregon Region GOP Committee

Providence St. Vincent Medical Center Parking

All staff, students and volunteers are assigned to the following areas. All vehicles must be registered with Security and display a fully visible parking permit on any vehicle they drive to work. Permit should be placed on left rear (driver's side) of vehicle on the window or bumper if you park front end in. If you back in, the permit should be placed on the left front (driver's side) of vehicle on the window or bumper being careful not to obstruct the vehicle identification number located on the left dashboard.

STAFF PARKING IS ALLOWED IN THE FOLLOWING AREAS:

NOTE: Sections pertaining to the **West Parking Structure** have been endorsed by the Providence St. Vincent Medical Condominium Board represented by Providence Health and Services and Kaiser Permanente.

General parking (unless specifically designated otherwise):

a. North Parking Structure, all levels, all shifts, all days
b. Contractor parking, North Parking Structure, 7th and 8th floor
c. Surface parking areas are limited to oversized vehicles, 2-hour parking and designated physicians.
d. West Parking Structure, 3rd, 5th, 6th floors, and ramp 4-B. **Employees and physicians of Mother Joseph Plaza only**.
e. Sign restrictions are applicable at all times of the day, all shifts, all days of the week.

Volunteer parking:

a. East Parking Structure, 4th and 5th levels
b. North Parking Structure, all levels other than designated spaces.

Physician parking:

c. East Parking Structure, all levels 5:00am - 9:00am.
d. North Parking Structure, all levels, reserved spaces on lower, first floor and 3rd levels.
e. West Parking Structure, reserved spaces on ground level and 1st floor, ED area near the helipad when called in for emergencies.

The Baltic Ave. entrance (formerly 98th St.) is only for use by:

a. Emergency Department patients and ambulance traffic.
b. Campus employees who park in the North Parking Structure.
c. Medical Center deliveries.
d. All others shall use the main campus entrance on Barnes Rd.

STAFF MAY NOT PARK IN THE FOLLOWING AREAS:

- **Patients and Visitors spaces**
- **Clergy spaces**
- **Handicap (unless permitted by the State)**
- **Other spaces requiring special permits**
- **Main entrance parking lot**
- **On *any* street within a** three block radius **of the medical center campus**

Thank you for following the parking regulations. They are designed to provide patients and visitors with the safest and most convenient access to our campus. Please be advised that the parking regulations are strictly enforced and violations may result in the issuance of citations and disciplinary actions taken. Please do not hesitate to contact Security for clarification or assistance.

Providence Portland Medical Center Parking

All staff, students and volunteers are assigned to the following areas. All vehicles must be registered with Security and display a fully visible parking permit on any vehicle they drive to work. Permit should be placed on left rear (driver's side) of vehicle on the window or bumper if you park front end in. If you back in, the permit should be placed on the left front (driver's side) of vehicle on the window or bumper being careful not to obstruct the vehicle identification number located on the left dashboard.

STAFF PARKING IS ALLOWED IN THE FOLLOWING AREAS:

GLISAN STREET GARAGE

ALL SHIFTS:

North Structure: Levels E, F, G
Note: Level C access available 10:30 am to 11:30 am and 1:30 pm to 4:00 am.
East Structure: Levels E, F, G, and H
West Structure: Levels A, F, G

Motorcycle Parking is available on levels C, E, F, North structure.
Car pool parking is available in the North employee parking area on Level A with permit. See Security for permit.

47TH STREET GARAGE

ALL SHIFTS:

Levels C and above.

Oversize Parking

PPMC does not offer specific oversized parking on campus. See security for locations available off campus.

STAFF MAY NOT PARK IN THE FOLLOWING AREAS:

- **Patients and Visitors spaces**
- **Clergy spaces**
- **Handicap (unless permitted by the State)**
- **Other spaces requiring special permits**
- **Main entrance parking lot**
- **On *any* street within a** three block radius **of the medical center campus**

VOLUNTEERS:
Volunteers with limited mobility are allowed to park in Visitor/Patient areas via their own discretion.

Thank you for following the parking regulations. They are designed to provide patients and visitors with the safest and most convenient access to our campus. Please be advised that the parking regulations are strictly enforced and violations may result in the issuance of citations and disciplinary actions taken. Please do not hesitate to contact Security for clarification or assistance.

Providence Milwaukie Hospital Parking

All staff, students and volunteers are assigned to the following areas. All vehicles must be registered with Security and display a fully visible parking permit on any vehicle they drive to work. Permit should be placed on left rear (driver's side) of vehicle on the window or bumper if you park front end in. If you back in, the permit should be placed on the left front (driver's side) of vehicle on the window or bumper being careful not to obstruct the vehicle identification number located on the left dashboard.

STAFF PARKING IS ALLOWED IN THE FOLLOWING AREAS:

Staff/student parking is allowed:

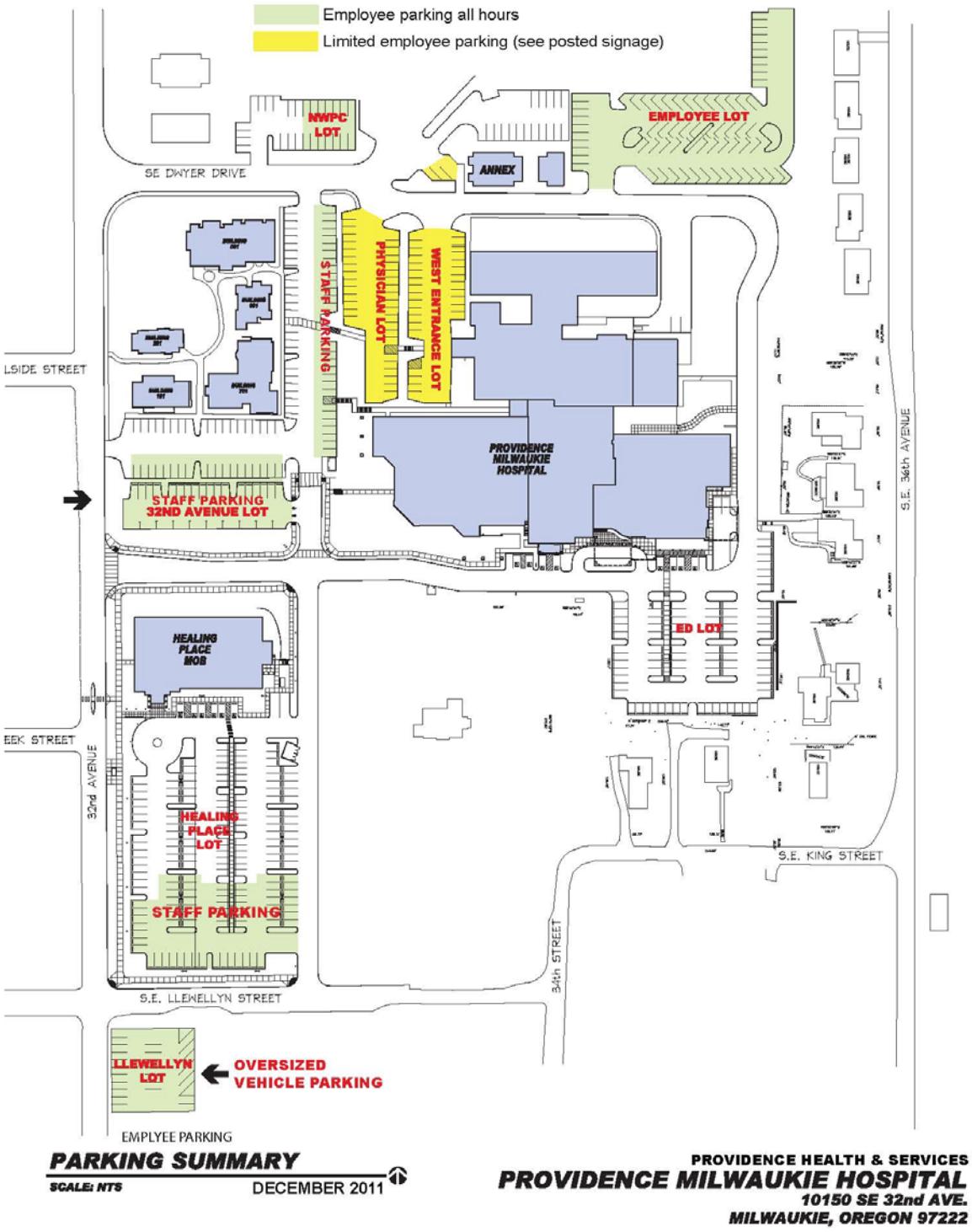
Employee Lot, all shifts – all spaces
Annex Lot, non-posted parking spaces only – all shifts
NWPC Lot, spaces posted for hospital employees only – all shifts
West Entrance Lot, after 2 PM and prior to 8 AM only (evening and night shifts preferred)
Physician Lot, after 2 PM and prior to 6 AM only (evening and night shifts preferred)
32nd Avenue Lot, all shifts
Healing Place Lot, all shifts in section designated for employees
Llewellyn Lot, all shifts

STAFF PARKING IS NOT ALLOWED IN THE FOLLOWING AREAS:

Staff/student Parking is NOT allowed:

ED Lot, all shifts – all spaces
Handicap, (unless permitted by the State)
Other spaces requiring special permits
Neighborhood property or streets surrounding the campus

Thank you for following the parking regulations. They are designed to provide patients and visitors with the safest and most convenient access to our campus. Please be advised that the parking regulations are strictly enforced and violations may result in the issuance of citations and disciplinary actions. Please do not hesitate to contact Security for clarification or assistance.



PARKING SUMMARY
SCALE: NTS DECEMBER 2011

PROVIDENCE HEALTH & SERVICES
PROVIDENCE MILWAUKIE HOSPITAL
10150 SE 32nd AVE.
MILWAUKIE, OREGON 97222

Providence Office Park Campus Parking

All staff, students and volunteers are assigned to the following areas. All vehicles must be registered with Security and display a fully visible parking permit on any vehicle they drive to work. Permit should be placed on left rear (driver's side) of vehicle on the window or bumper if you park front end in. If you back in, the permit should be placed on the left front (driver's side) of vehicle on the window or bumper being careful not to obstruct the vehicle identification number located on the left dashboard.

STAFF PARKING IS ALLOWED IN THE FOLLOWING AREAS:

1. POLICY

All Providence Office Park employees are directed to park in the designated parking structures, or off street parking lots, Monday through Friday, 7:00 a.m. - 7:00 p.m. All vehicles must be registered with Security and display a parking decal on the left side of the rear bumper or window or on the driver side front bumper or windshield area of any vehicle driven to work. Vehicles are allowed to back in as long as the permit is visible on the front.

A. Permitted Parking:
Staff has permitted parking from Monday thru Friday, 7:00 a.m. – 7:00 p.m., *with an authorized parking decal*, in Parking Structures # 1, 2, and 3; except, in the designated restricted parking spaces as outlined in this policy. Also, staff may park in the Multnomah lot.

The Multnomah Parking Lot gates are unlocked at approximately 5:00 a.m., Monday thru Friday and are not locked in the evening until the last vehicle has left the lot.

B. Two-hour Limit
These designated spaces may only be used by employees, or visitors, Monday thru Friday for two hours or less and Employees are not authorized to move their vehicle from space to space every two hours in parking structures.

C. Carpool
Only those vehicles displaying carpool permits may park in designated carpool spaces.

D. Oversized Vehicles
Oversized vehicles are defined as any vehicle over 7 feet high. These vehicles are assigned to the Multnomah lot, east wall parking spaces.

E. Visitor Parking
Visitor spaces are for visitors only and PHS employees are not authorized to park in such spaces from 7:00 a.m. to 7:00 p.m. There are No restricted time limits for visitors.

F. Neighborhood street parking:
Employees may not park in any of the surrounding neighborhood streets within a 3-block radius of the Providence Office Park or Providence Portland Medical Center.

G. Designated LEV (Low Emission or Hybrid Vehicles) and Electric Vehicles
Only LEV designated vehicles may park in LEV parking spaces.

H. Motorcycle Parking
Only authorized motorcycles may park in such designated spaces.

I. Handicapped Parking
No vehicles other than those displaying a state issued handicapped permit are allowed to park in

these designated spaces. In addition, no vehicle, other than those displaying a state issued "Wheelchair User Permit", is allowed to use the designated "Wheelchair Use Only" spaces.

J. Reserved Parking
Only vehicles displaying "reserved" permits are allowed to park in the appropriately signed "Reserved" designated areas.

K. Overnight Parking
No overnight parking is allowed at the Providence Office Park Campus.

Thank you for following the parking regulations. They are designed to provide patients and visitors with the safest and most convenient access to our campus. Please be advised that the parking regulations and signage are strictly enforced and violations may result in the issuance of citations and disciplinary actions taken. Please do not hesitate to contact Security for clarification or assistance.

Providence Health & Services Satellite Buildings Parking

All staff, students and volunteers are assigned to the following areas. All vehicles must be registered with Security and display a fully visible parking permit on any vehicle they drive to work. Permit should be placed on left rear (driver's side) of vehicle on the window or bumper if you park front end in. If you back in, the permit should be placed on the left front (driver's side) of vehicle on the window or bumper being careful not to obstruct the vehicle identification number located on the left dashboard.

STAFF PARKING IS ALLOWED IN THE FOLLOWING AREAS:

All employees will park in parking spaces away from the main entrances of the clinics to allow easy and convenient access for patients.

Specific questions regarding parking at the satellite buildings will be directed to Leasehold Management, 215-6579.

Providence Child Center Parking

All staff, students and volunteers are assigned to the following areas. All vehicles must be registered with Security and display a fully visible parking permit on any vehicle they drive to work. Permit should be placed on left rear (driver's side) of vehicle on the window or bumper if you park front end in. If you back in, the permit should be placed on the left front (driver's side) of vehicle on the window or bumper being careful not to obstruct the vehicle identification number located on the left dashboard.

STAFF PARKING IS ALLOWED IN THE FOLLOWING AREAS:

47TH STREET GARAGE

ALL SHIFTS:

Levels C and above.

GLISAN STREET GARAGE

ALL SHIFTS:

North Structure: Levels E, F, G
Note: Level C access available 10:30 am to 11:30 am and 1:30 pm to 4:00 am.
East Structure: Levels E, F, G, and H
West Structure: Levels A, F, G

Motorcycle Parking is available on levels C, E, F, North structure.
Car pool parking is available in the North employee parking area on Level A with permit. See Security for permit.

Oversize Parking

PPMC does not offer specific oversized parking on campus. See security for locations available off campus.

STAFF MAY NOT PARK IN THE FOLLOWING AREAS:

- **Patients and Visitors spaces**
- **Clergy spaces**
- **Handicap (unless permitted by the State)**
- **Other spaces requiring special permits**
- **Main entrance parking lot**
- **On *any* street within a** three block radius **of the medical center campus**

Thank you for following the parking regulations. They are designed to provide patients and visitors with the safest and most convenient access to our campus. Please be advised that the parking regulations are strictly enforced and violations may result in the issuance of citations and disciplinary actions taken. Please do not hesitate to contact Security for clarification or assistance.

Tigard Business Center Parking

All staff, students and volunteers are assigned to the following areas. All vehicles must be registered with Security and display a fully visible parking permit on any vehicle they drive to work. Permit should be placed on left rear (driver's side) of vehicle on the window or bumper if you park front end in. If you back in, the permit should be placed on the left front (driver's side) of vehicle on the window or bumper being careful not to obstruct the vehicle identification number located on the left dashboard.

STAFF PARKING IS ALLOWED IN THE FOLLOWING AREAS:

Staff parking is assigned as follows:

Day parking

- Parking lots in all areas unless otherwise designated.(Eg. handicapped without a permit, reserved for evening shift after2:00pm)

Evening shift parking

- Employees may park in any area unless otherwise designated. Specific parking spaces are designate in the front of the building for evening shift employees after 2:00pm.

Visitor Parking:

- All spaces in the parking lots. Parking in spaces set aside for evening shift after 2:00 pm will not be used by visitors. (Note: Individuals will be considered visitors if they do not work at Tigard Business Center)

NOTE: Employee and visitor parking is not allowed at the back of the building near the basketball court other than for loading and unloading.

STAFF MAY NOT PARK IN THE FOLLOWING AREAS:

- **Patients and Visitors spaces**
- **Clergy spaces**
- **Handicap (unless permitted by the State)**
- **Other spaces requiring special permits**
- **Main entrance parking lot**
- **On *any* street within a** three block radius **of the medical center campus**

Thank you for following the parking regulations. They are designed to provide patients and visitors with the safest and most convenient access to our campus. Please be advised that the parking regulations are strictly enforced and violations may result in the issuance of citations and disciplinary actions taken. Please do not hesitate to contact Security for clarification or assistance.

Providence Home Services Parking

All staff, students and volunteers are assigned to the following areas. All vehicles must be registered with Security and display a fully visible parking permit on any vehicle they drive to work. Permit should be placed on left rear (driver's side) of vehicle on the window or bumper if you park front end in. If you back in, the permit should be placed on the left front (driver's side) of vehicle on the window or bumper being careful not to obstruct the vehicle identification number located on the left dashboard.

1. POLICY
   All Providence Home Services employees are assigned parking in designated, off street parking lots at all times. All vehicles must be registered with Security and display a parking decal must be clearly visible on the front or back area of any vehicle driven to work.

2. Halsey Location
   a. Patient/Customer parking areas are designated as "patient" and are reserved for patient/customer use only. Employees are not allowed to park in these spaces.

   b. Loading zone spaces are limited to 15 minute parking and are to be used for the purpose of loading and unloading only.

   c. Staff may not park in restricted parking spaces.

   d. Staff may not park on any of the surrounding neighborhood streets within a 3-block radius of the facility.

   e. Providence owned vans/cars will be parked in designated areas. Employees driving these vehicles will park their personal vehicle in the parking space of the Providence owned van/car.

   f. Providence owned trucks will be parked in designated areas. Employees driving these trucks will park their own vehicle in the truck space except at dock spaces and when the loading workflow or safety prohibits it.

   g. Employees are required to submit their name, office/cell phone number, vehicle description and license number with the Home Services Central Reception.

   h. Vendors and non-customer visitors visiting the facility are required to park in the general parking lot. Visitors may use the loading zone spaces only when loading/unloading and for 15 minutes or less.

   i. Visitors (non-Providence employees) must sign in with Central Reception before entering the secured areas of the building. The visitor will be required to log their name, the arrival time, who they are visiting and their vehicle license number.

Thank you for following the parking regulations. They are designed to provide patients and visitors with the safest and most convenient access to our campus. Please be advised that the parking regulations are strictly enforced and violations may result in the issuance of citations and disciplinary actions taken. Please do not hesitate to contact Security for clarification or assistance.

GORGE SERVICE AREA PARKING

Providence Hood River Memorial Hospital Parking; Providence Medical Group – Hood River Parking; Providence Gorge Counseling & Treatment Services Parking; Providence Hood River Occupational Health and Travel Clinic Parking

All staff, students and volunteers are assigned to the following areas. All vehicles must be registered with Security and display a fully visible parking permit on any vehicle they drive to work. Permit should be placed on left rear (driver's side) of vehicle on the window or bumper if you park front end in. If you back in, the permit should be placed on the left front (driver's side) of vehicle on the window or bumper being careful not to obstruct the vehicle identification number located on the left dashboard.

STAFF/VOLUNTEER PARKING IS ALLOWED IN THE FOLLOWING AREAS:

Staff/student parking is allowed:

Parking Structure at 12th and May Street: All shifts; use employee entrance on Prospect Street; all spaces on lower floor; oversize vehicles may use ramp at May Street entrance.

Overflow Lot at 13th and May Streets: Evening and overnight shifts; must have permission from manager.

Northwest Lot (below Emergency Room): Evening and overnight shifts; must have permission from manager.

Occupational Health and Travel Clinic Lot: Occupational Health and Travel Clinic employees only.

Volunteer parking is allowed:

Overflow Lot at 13th and May Streets.

STAFF/VOLUNTEER PARKING IS NOT ALLOWED IN THE FOLLOWING AREAS:

Staff/student/volunteer parking is NOT allowed:

Front entrance lot at 12th and May Streets and Emergency Driveway: All shifts – all spaces

Handicap: (unless permitted by the State)

Other spaces requiring special permits

Neighborhood property or streets surrounding the hospital campus, including satellite facilities

Providence Willamette Falls Medical Center

All staff, students and volunteers are assigned to the following areas. All vehicles must be registered with Security and display a fully visible parking permit on any vehicle they drive to work. Permit should be placed on left rear (driver's side) of vehicle on the window or bumper if you park front end in. If you back in, the permit should be placed on the left front (driver's side) of vehicle on the window or bumper being careful not to obstruct the vehicle identification number located on the left dashboard.

STAFF PARKING IS ALLOWED IN THE FOLLOWING AREAS:

Staff/student parking is allowed in the following lots unless otherwise prohibited.

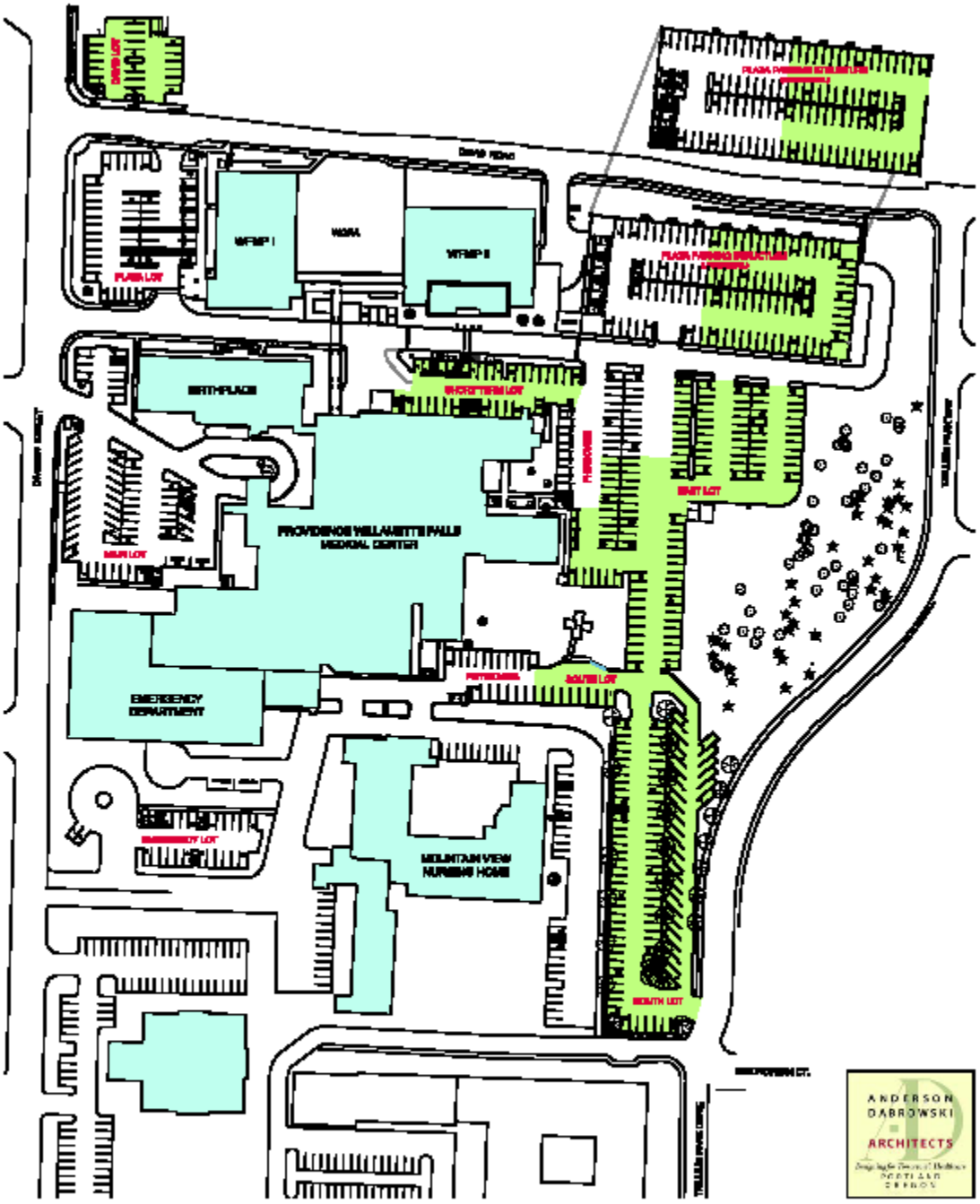
- South Lot
- East Lot
- Davis Lot
- Two-hour Lot

STAFF PARKING IS NOT ALLOWED IN THE FOLLOWING AREAS:

Staff/student Parking is NOT allowed:

- Plaza I, Main Entrance Lot
- Main Entrance Lot
- Emergency Department Lot
- Handicap, (unless permitted by the State)
- Other designated non-employee spaces
- **On *any* street within a** three block radius **of the Medical Center campus**

Thank you for following the parking regulations. They are designed to provide patients and visitors with the safest and most convenient access to our campus. Please be advised that the parking regulations are strictly enforced and violations may result in the issuance of citations and disciplinary actions. Please do not hesitate to contact Security for clarification or assistance.



PARKING SUMMARY

PROVIDENCE HEALTH & SERVICES
PROVIDENCE WILLAMETTE FALLS MEDICAL CENTER
1500 DIVISION ST.
OREGON CITY, OR 97045

Providence Newberg Medical Center

All staff, students, and volunteers are assigned to the following areas. All vehicles must be registered with Security and display a fully visible parking permit on any vehicle they drive to work. Permit should be placed on the left rear (driver's side) of vehicle on the window. If you back in, the permit should be placed on the left front (driver's side) of vehicle on window being careful not to obstruct the vehicle identification number located on the left dashboard.

The designated parking areas identified on the attached map are:

- **Lot A** - Staff Parking
- **Lot B** - Patient and Visitor Parking
- **Lot C** - Medical Office Building (MOB) Parking
- **Lot D** - Emergency Department Patient Parking
- **Lot E** – Vendor and Delivery Parking
- **Area OF** (within Lot B)- Available for Employee Overflow Parking (only if needed)

STAFF PARKING IS ALOWED IN THE FOLLOWING AREAS:

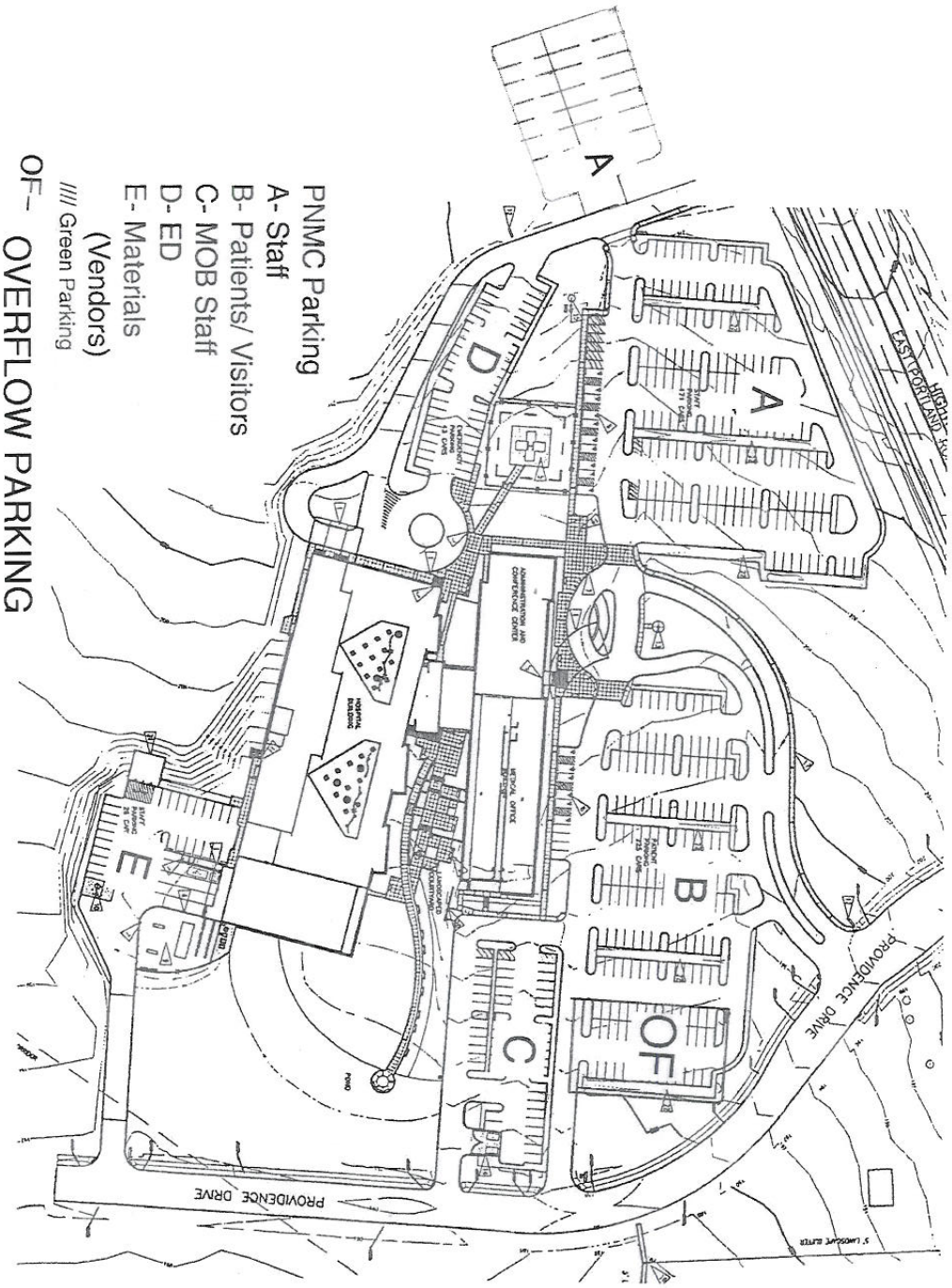
Lot A or Lot OF-Hospital Staff, volunteers, and students all shifts, all spaces.
Lot C – MOB Staff
Lot E- Vendor/Delivery, Lab and Materials Courier. There are also four spots designated for clinicians and are marked as such

Green Parking

As part of PNMC's commitment to a healthy community, eleven choice parking spots (eight for hospital staff, three for MOB staff) have been designated as parking for "green" staff vehicles. To participate in the Green Parking Program, simply send your vehicle's year, make, and model to Security. Security will search to determine your vehicle's green car score as determined by the ACEEE Green Book®. If your vehicle scores a minimum green score of 40 and over, you will be given a special "Green" Parking Permit and be allowed to park in one of the choice parking spots.

A depiction of the Green Parking spot signs is attached.

It is our goal to have issued more Green Parking Permits than available "green" spaces so use of these spaces is on a first come, first serve basis. The need to increase the number of available "green" spaces will be evaluated on an annual basis.


PNMC Parking
A- Staff
B- Patients/ Visitors
C- MOB Staff
D- ED
E- Materials
(Vendors)
//// Green Parking
OF– OVERFLOW PARKING
A
D
A
E
B
C
OF
PROVIDENCE DRIVE
PROVIDENCE DRIVE
EAST PORTLAND HWY

EXHIBITS ENTERED INTO THE RECORD AT A HEARING

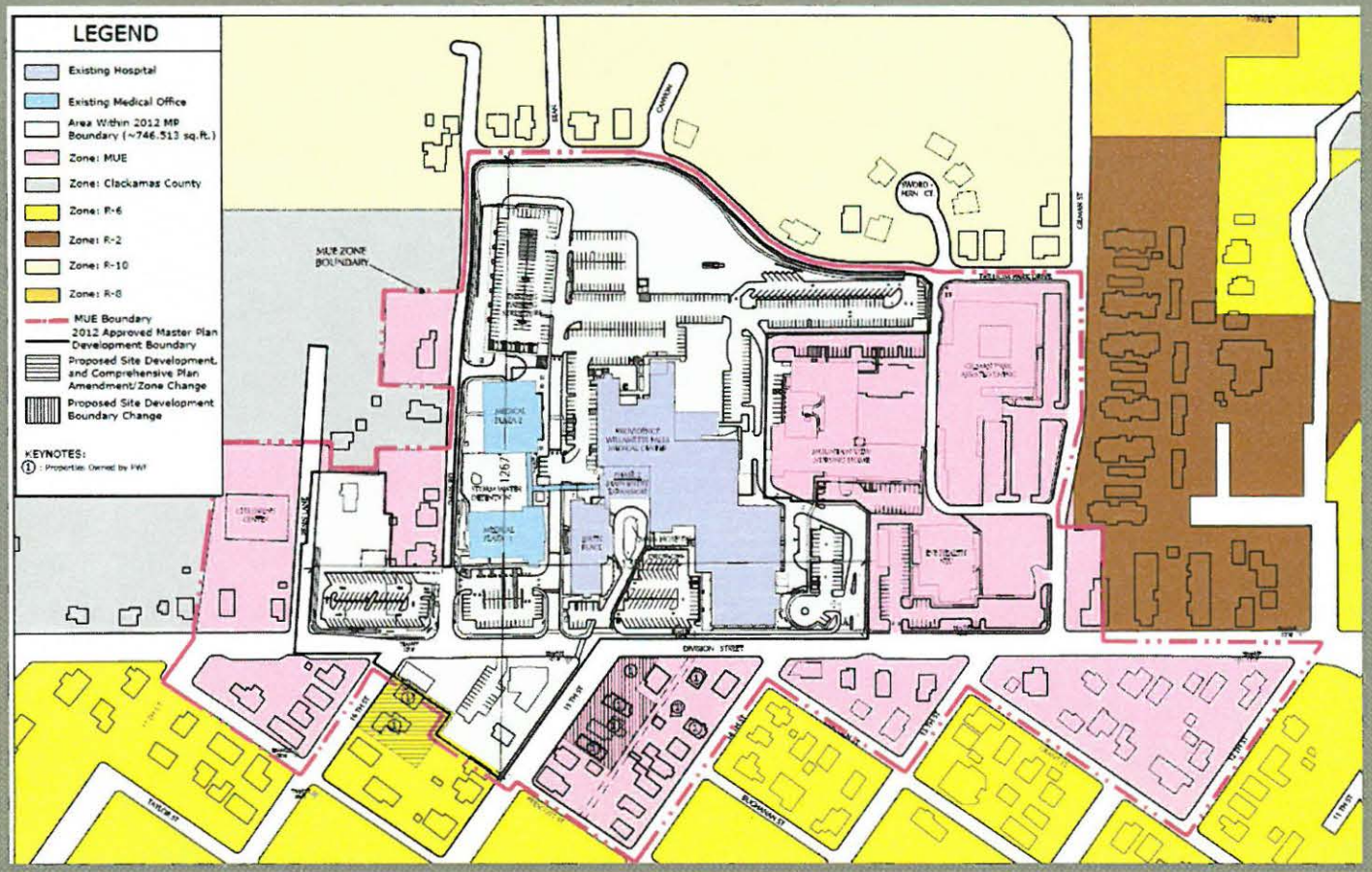
Community Development Department, 221 Molalla Avenue, Suite 200, P.O. Box 3040, Oregon City, OR 97045, (503) 722.3789
www.orcity.org

Hearing Date: 11/9/15

File Number: PZ 15-02
ZC 15-04
CP 15-02

Exhibit Number:	Description of Exhibit:	Submitted By:
1	PowerPoint Presentation	Staff - L. Terway
2	Items submitted to the Planning Division after 10/30/15	Staff - L. Terway
3	Written comments	J. Nicita

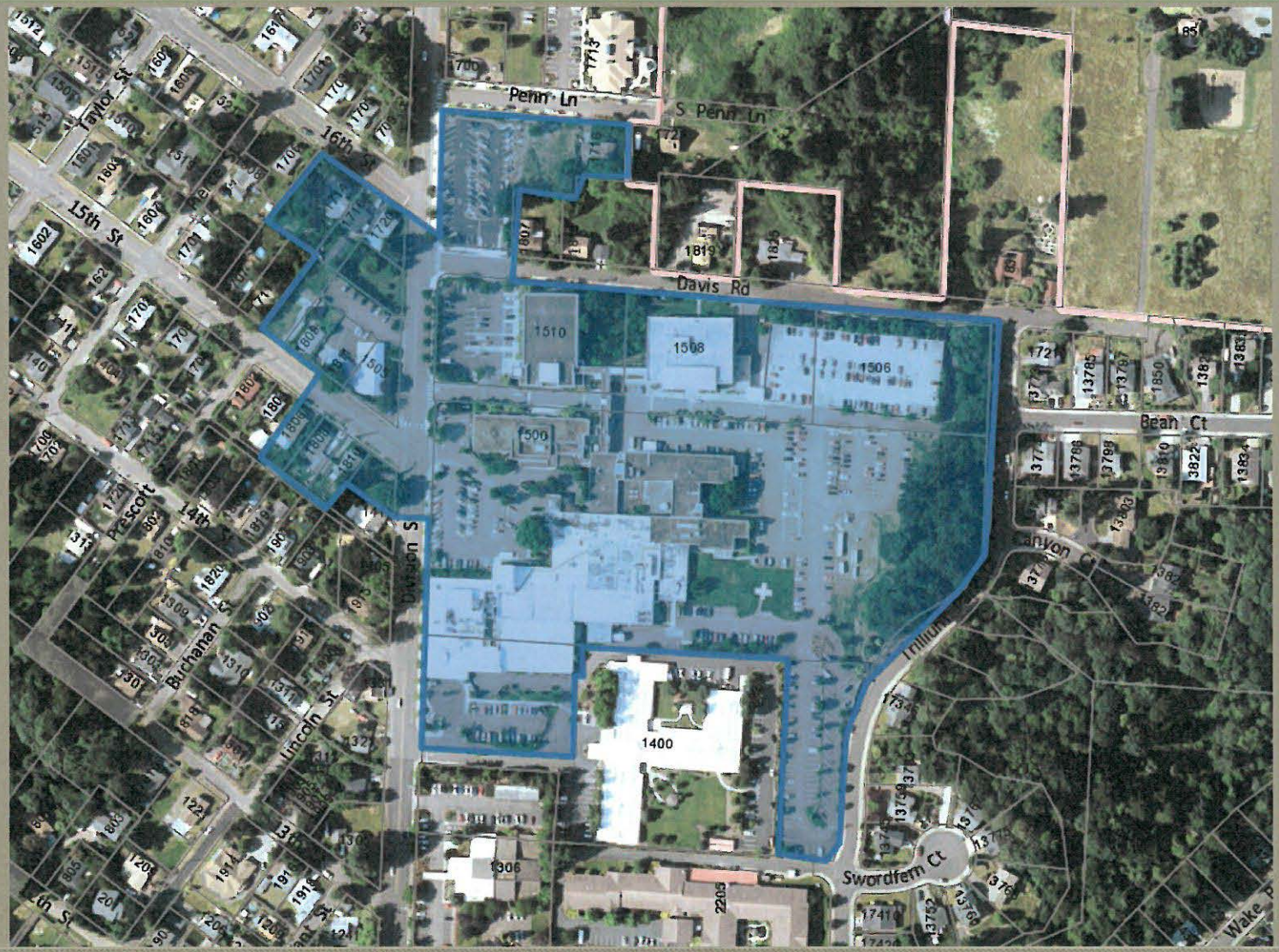
Providence Willamette Falls Medical Center
PZ 15-02: Amendment to the Comprehensive Plan
ZC 15-04: Zone Change
CP 15-02: Master Plan Amendment



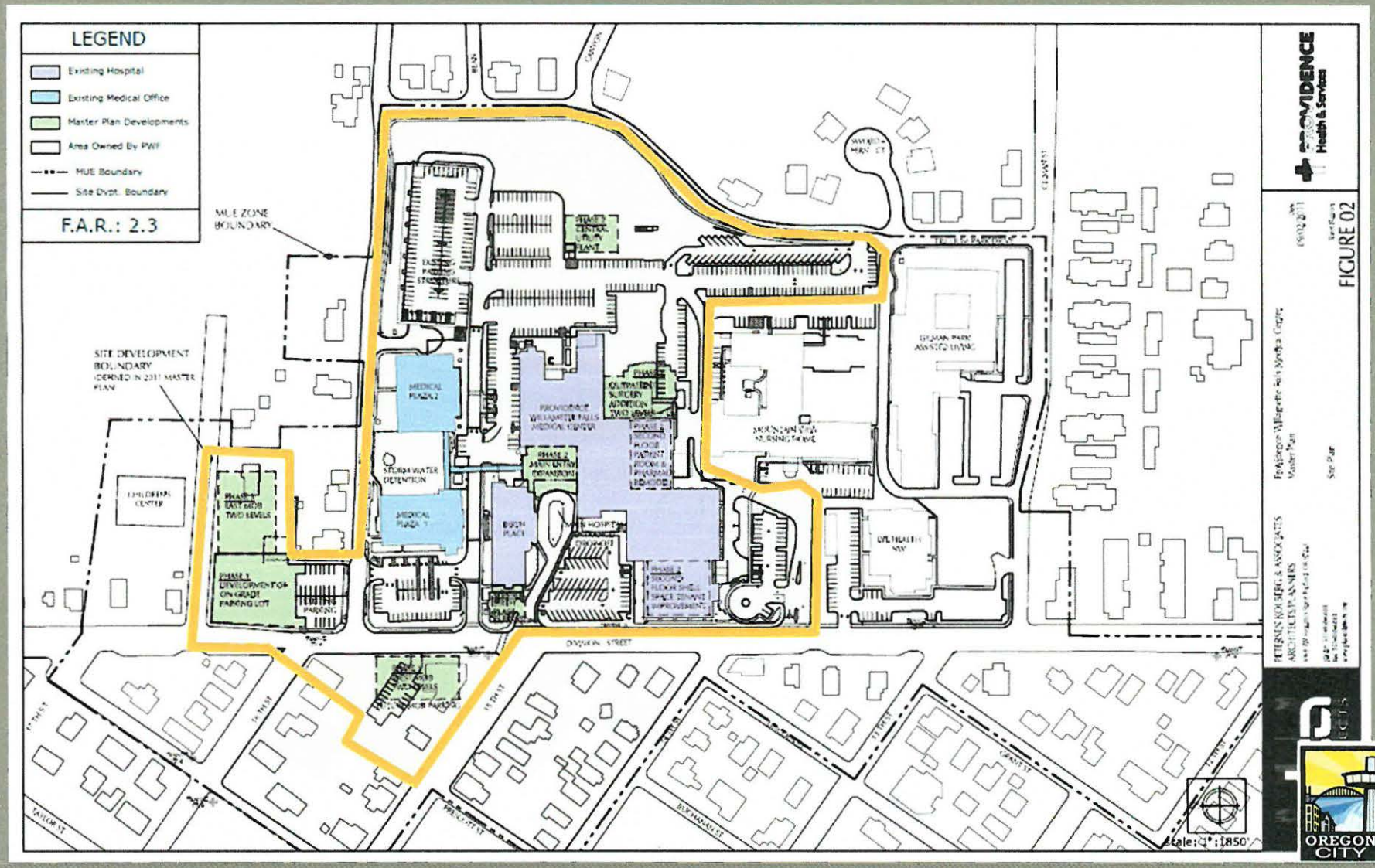
Laura Terway, AICP

ENTERED INTO THE RECORD
DATE RECEIVED: 11/9/15
SUBMITTED BY: Staff
SUBJECT: CP 15-02 + ZC 15-04

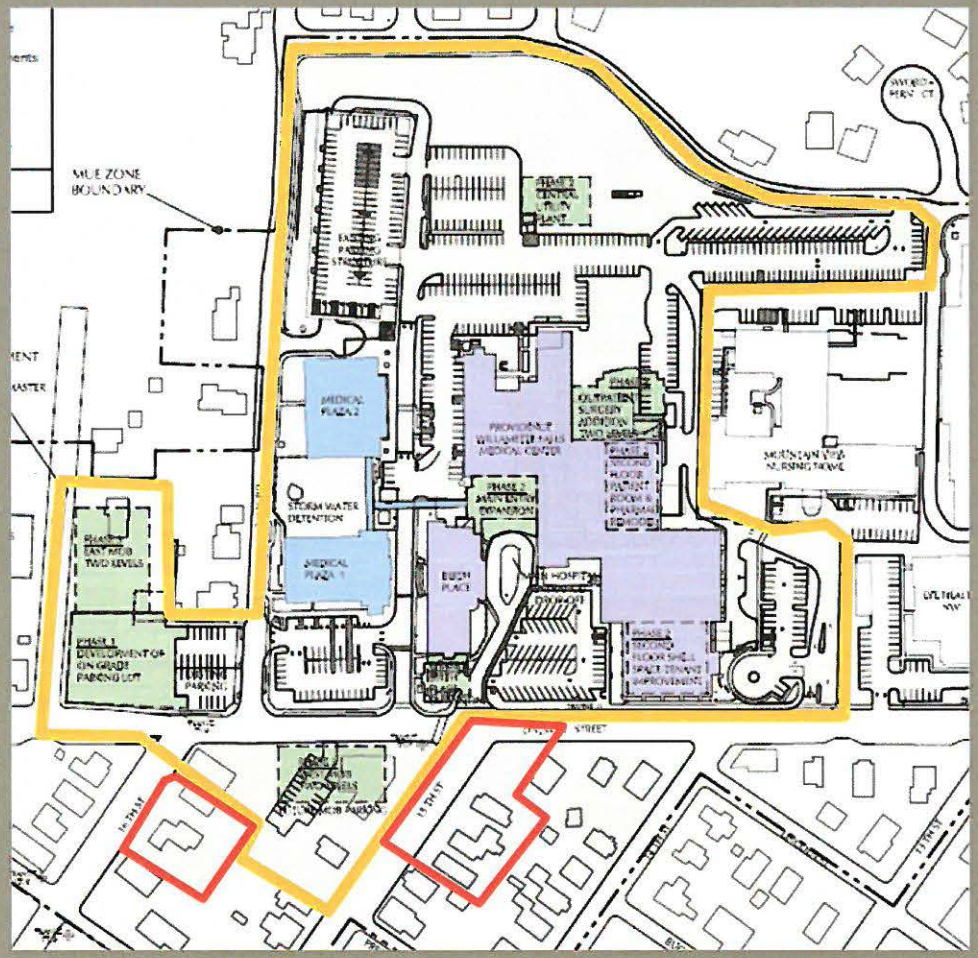
Subject Site



CP 11-01 Master Plan Amendment

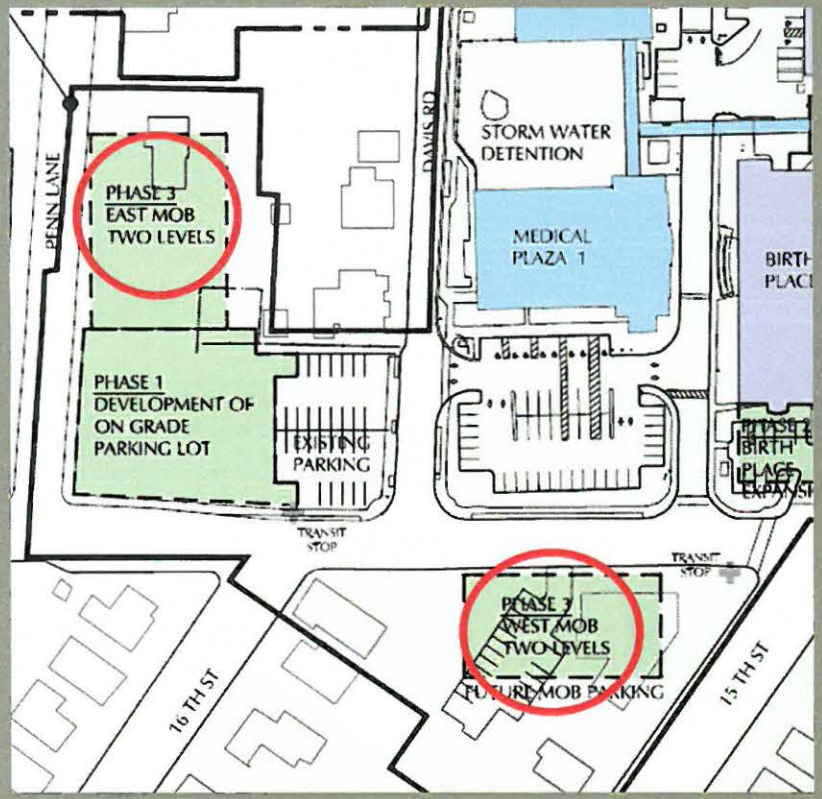


Master Plan Amendment: Expansion of the Master Plan Boundary



- Add 6 properties to the Master Plan boundary.
  - 2 properties on 16th Street
  - 4 properties on 15th Street
- Increase the campus boundary approximately 1 acre.
- Future MOB and parking.

Master Plan Amendment: Consolidate & Decrease Size of Medical Offices



- 2012 Master Plan identified an East and West MOB (20,000 – 25,000 sq. ft. each)
- Consolidate to the West MOB location with one 30,000 - 35,000 sq. ft. building
- Reduction from 104,000 sq. ft. of new building area throughout the campus to 84,000 - 89,000 sq. ft.

Master Plan Amendment: Revise the Phasing

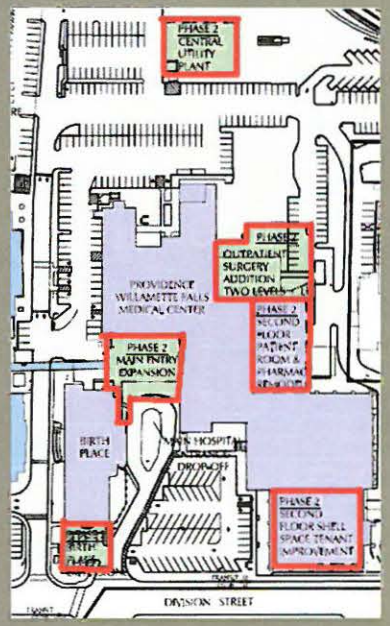
Existing Phasing

Project Phase 1: Division St. Parking Lot (2012)

- Completed - An alteration and expansion of the existing parking lot at the intersection of Davis Road, Division Street and Penn Lane.

Project Phase 2: Approx. 54,000 sq. ft. (2012-2021)

- Outpatient Surgery Expansion
- New Front Entry
- Second Floor Patient Room and Pharmacy Remodel
- Birthplace Expansion
- Central Utility Plant
- Second Floor Shell Space Tenant Improvements



Project Phase 3: Medical Office Buildings (2014-2021)

- East and West site for 20,000 - 25,000 sq. ft. MOB's for physician's practices.

OREGON CITY

Master Plan Amendment: Revise the Phasing

Proposed Phasing

Project Phase 1: Division St. Parking Lot (2012)

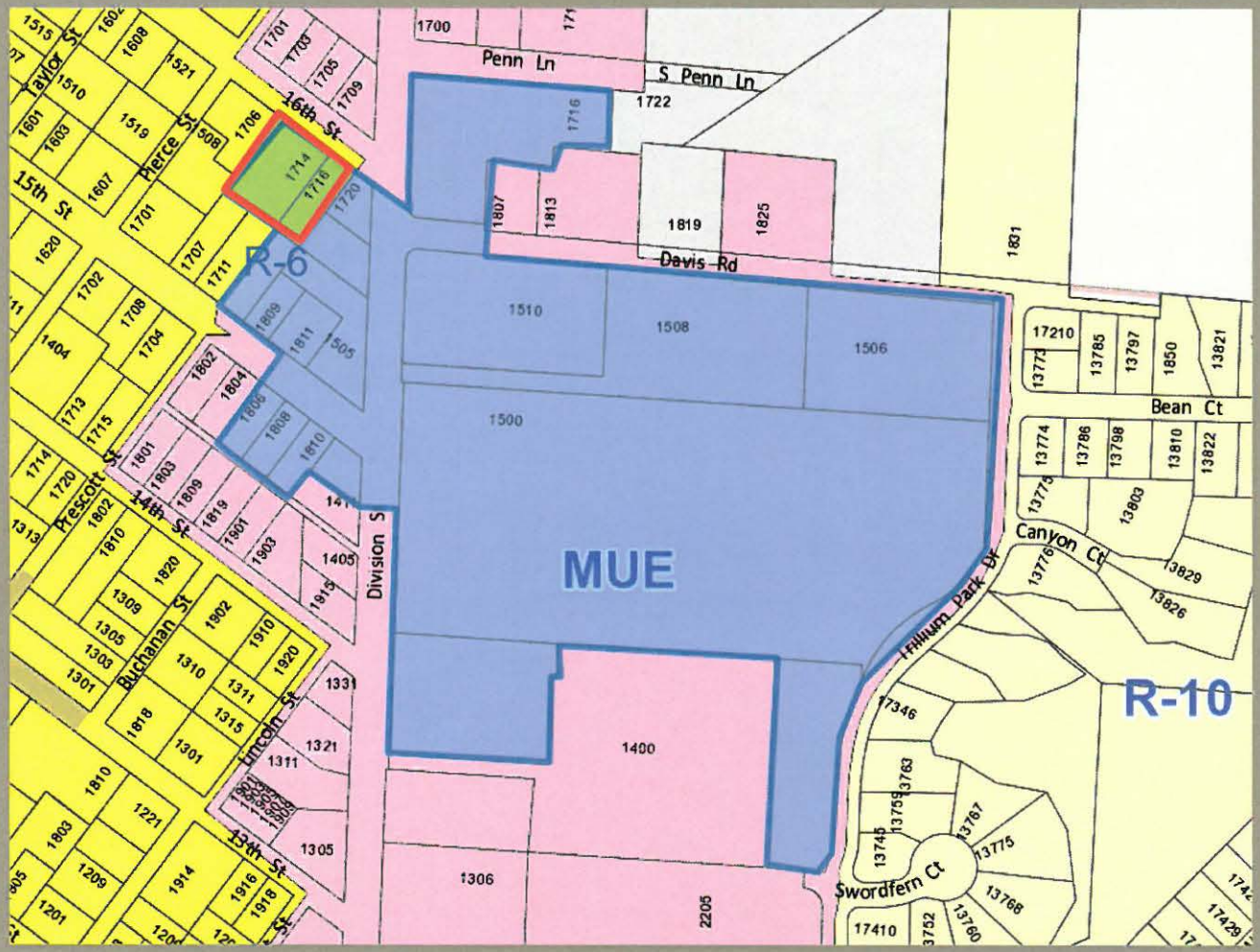
- Completed

Project Phase 2: Approx. 54,000 sq. ft. (2012-2021)

- Outpatient Surgery Expansion
- New Front Entry
- Second Floor Patient Room and Pharmacy Remodel
- Birthplace Expansion
- Central Utility Plant
- Second Floor Shell Space Tenant Improvements
- West MOB 30,000 - 35,000 sq. ft.

Completed in any order before 2021.

Proposed Zone Change

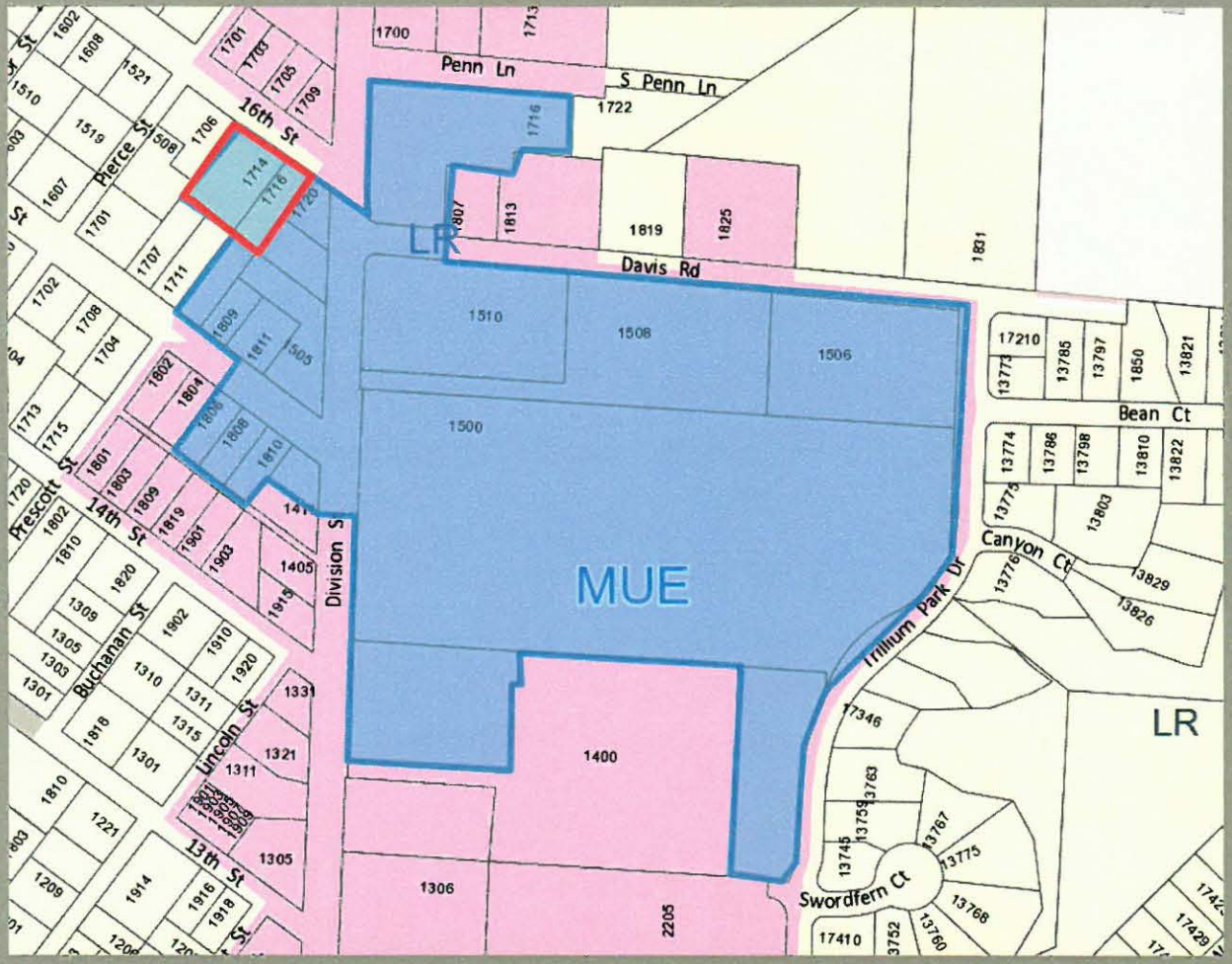


"R-6" Single-Family Dwelling District

"MUE" Mixed Use Employment District

1714 & 1716 16th Street

Proposed Comprehensive Plan Amendment



"LR"
Low Density Residential

"MUE" Mixed Use Employment District

1714 & 1716 16th Street

Oregon City Municipal Code Criteria

12.04 - Streets, Sidewalks, and Public Places
12.08 - Public and Street Trees
13.12 - Stormwater Management
15.48 - Grading, Filling and Excavating
16.08 - Subdivisions-Process 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
17.20 – Residential Design and Landscaping Standards
17.41 – Tree Protection
17.47 - Erosion and Sediment Control
17.50 - Administration and Procedures
17.68 – Zoning Changes and Amendments
17.54.100 – Fences, Hedges and Walls

Excerpt Zone Change Criteria

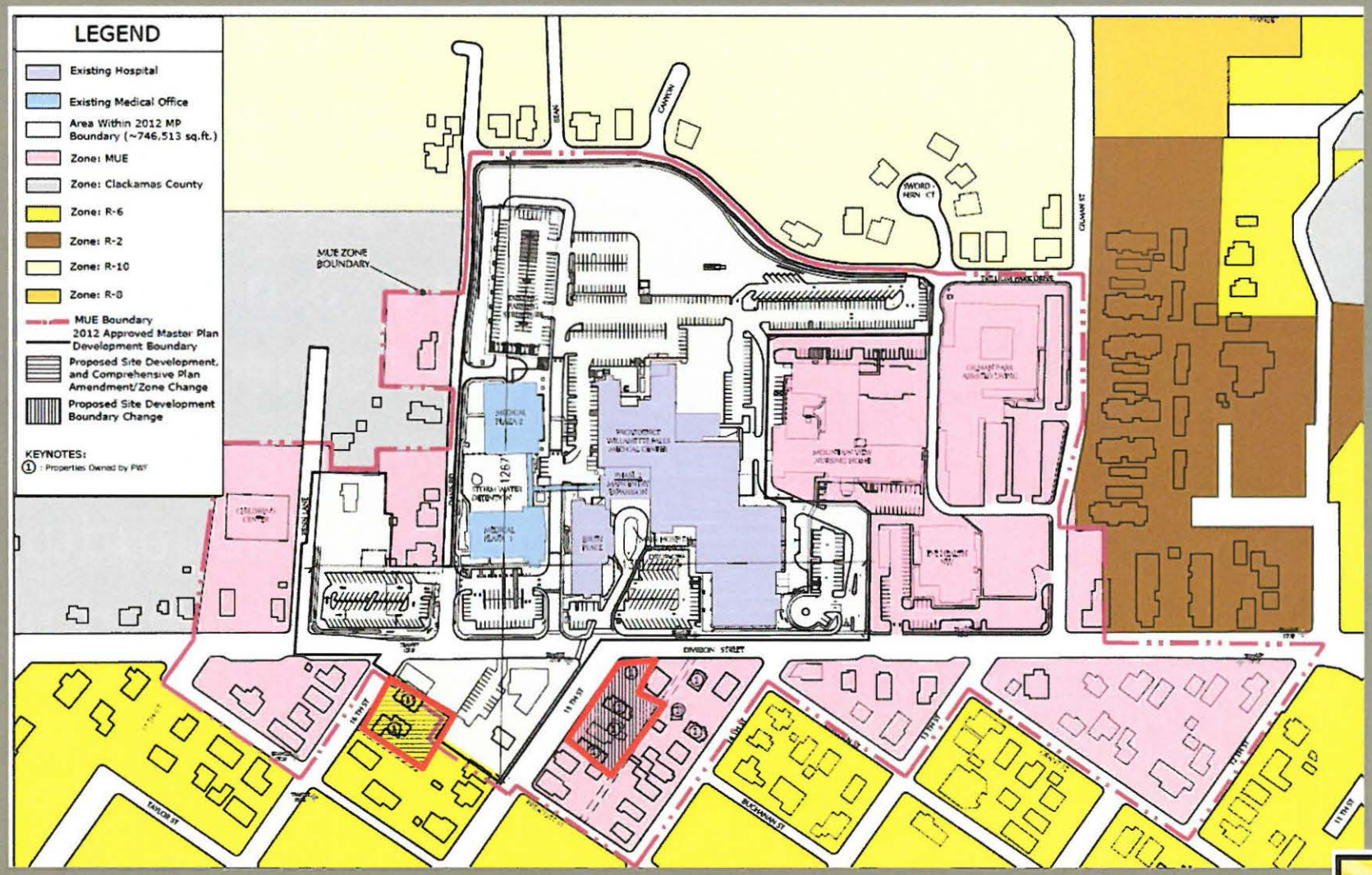
Compliance with the Comprehensive Plan Goals and Policies:

- 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%

OREGON CITY

Recommend: Approval with Conditions



PZ 15-02: Amendment to the Comprehensive Plan, ZC 15-04: Zone Change &
CP 15-02: Master Plan Amendment

OREGON CITY

ZC 15-04: Zone Change
PZ 15-02: Amendment to the Comprehensive Plan
CP 15-02: Master Plan Amendment

Items submitted to the Planning Division after October 30, 2015

ENTERED INTO THE RECORD
DATE RECEIVED: 11/9/15
SUBMITTED BY: Staff
SUBJECT: ZC 15-04
PZ 15-02
CP 15-02

2895 S Beavercreek Rd, Suite 103
Oregon City OR 97045
503-656-1619
F: 503-656-2274
www.oregoncity.org

OREGON CITY CHAMBER of COMMERCE

November 6, 2015

Oregon City Planning Commission
City of Oregon City
625 Center Street
Oregon City, OR 97045

Chair Kidwell and Planning Commission Members:

The Oregon City Chamber of Commerce is committed to supporting Providence Willamette Falls Medical Center in their request for a master plan expansion and land use zoning change. Providence Willamette Falls Medical Center is a longtime partner in our community and one of Oregon City's largest employers. As our community grows, so do the medical needs that the public asks of Providence Willamette Falls. In short, there really is no more additional land mass contiguous to the hospital for expansion. Our community and Providence have already invested a great deal in this location and it serves a critical service to our residents and visitors alike. As our population increases and new employers come to Oregon City, our health care facilities must be ready to address the need.

As you know, Providence Willamette Falls filed a land use application in June requesting two properties on 16th Avenue be included in Providence Willamette Falls Medical Center's master plan that was adopted in 2012, and to rezone these two properties to mixed use employment. This space will be needed for additional parking to accommodate the new medical office building and improve parking for main entrance users. Additionally four properties on 15th Avenue will be added to the master plan but fortunately they are already zoned appropriately.

Since the 2012 master plan, a great deal has occurred. The hospital now houses a child and adolescent psychiatric unit critical to our region, bringing more than 50 high wage jobs to Oregon City. The initial master plan which was approved included the development of two medical office buildings. The additional medical office buildings on campus could increase access to primary care, specialty care, and improve access to outpatient services. These services provide high wage, clean jobs to Oregon City, and help address health care needs of a growing Clackamas County.

Providence Willamette Falls realizes that development of this magnitude causes disruption and encroachment of the McLoughlin Neighborhood Association. In an effort to minimize the impact to their neighbors, Providence has made several changes to the planned development in response to their concerns. Additionally, Providence has created provisions for those who will need to relocate once the development is underway. Could Providence release an equal amount of land to what is being requested back to residential?

A strong medical facility for a growing Oregon City is critical. Businesses that can bring future living wage jobs to Oregon City want good schools, parks, infrastructure, and medical care. The Oregon City Chamber of Commerce supports our Providence Willamette Falls Medical Center in their effort to expand the master plan and change zoning to accommodate the increasing need of this facility and community.

Sincerely,

Amber D. Holveck
Executive Director

2895 S Beavercreek Rd, Suite 103
Oregon City OR 97045
503-656-1619
F: 503-656-2274
www.oregoncity.org

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November 6, 2015

Oregon City City Commission
City of Oregon City
625 Center Street
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Mayor Holladay and Oregon City Commission:

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Sincerely,

Amber D. Holveck
Executive Director

From: Jesse A. Buss
To: Laura Terway
Subject: Planning Commission meeting tonight - request for continuance
Date: Monday, November 09, 2015 12:20:56 PM

Hi, Laura:

On behalf of the McLoughlin Neighborhood Association (as the MNA's treasurer, not as an attorney) I'm requesting a continuance of file number PC 15-220 (Providence Willamette Falls Hospital expansion), item 3b on tonight's Planning Commission meeting agenda, in order to allow more time for public comment.

Please let me know if this email will be sufficient as a formal request, or if I need to attend the meeting tonight and make the request during public testimony.

Thank you,

Jesse

Jesse A. Buss
Attorney at Law
411 Fifth Street
Oregon City OR 97045-2224
ph: 503-656-4884
fax: 503-608-4100

Note: this email and any attachments will NOT follow via U.S. Mail or fax unless otherwise stated above.

This message may contain confidential communications and/or privileged information. If you have received this message in error, please delete it and notify the sender.

NOTICE OF PROPOSED LAND USE ACTION

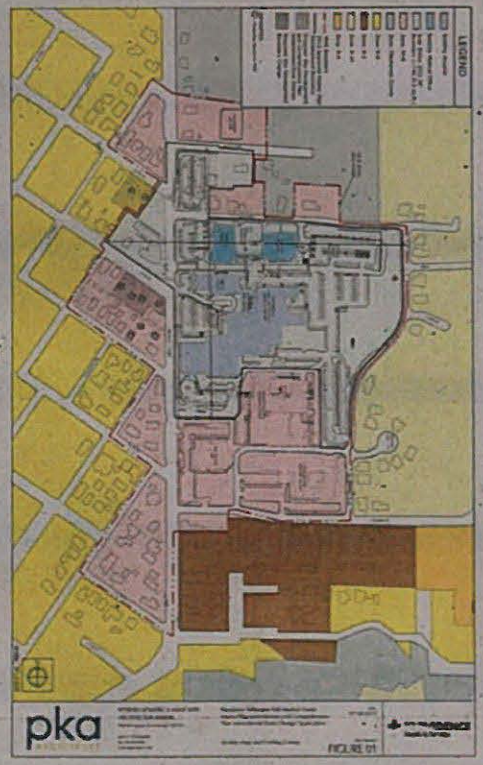
OREGON CITY — Community Development – Planning

NOTICE OF PUBLIC HEARING
Notice Mailed: September 14, 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, 625 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 15-04: Zone Change PZ 15-02: Amendment to the Comprehensive Plan CP 15-02: Master Plan Amendment
OWNER/ APPLICANT:	Providence Willamette Falls Medical Center, c/o Russell Reinhart 1500 Division Street, Oregon City, Oregon 97045
REPRESENTATIVE:	Harper Houf Peterson Righellis Inc., c/o Stefanie Slyman, AICP 205 SE Spokane Street, Suite 200, Portland, Oregon 97202
REQUEST:	Providence Willamette Falls Medical Center (PWF) is seeking amend a previously approved Master Plan and change the Oregon City Comprehensive Plan and Zoning Map for two properties from Low Density Residential "R-6" Single-family Dwelling District to Mixed Use Employment/"MUE" Mixed Use Employment District.
LOCATION:	Clackamas County 2-2E-32AB, Tax Lots 12201, 19400, 20000, 21500, 22900, 23000, 24000, 25500, 29000, 30000, 31000, 33000, 40000, 42000, 43000, Clackamas County 2-2E-32AA, Tax Lot 400, Clackamas County 2-2E-32AC, Tax Lots 300, 301, 7300
CONTACT PERSON:	Laura Terway, AICP, Planner (503) 496-1553 or lterway@orcity.org
NEIGHBORHOOD:	McLoughlin Neighborhood Association
REVIEW CRITERIA:	Oregon City Municipal Code Chapters: 12.04 - Streets, Sidewalks and Public Places, 12.08 - Public and Street Trees, 13.12 – Stormwater Management, 15.48 – Grading, Filling and Excavating, 17.12 –" R-6" Single-Family Dwelling District, 17.31 – "MUE" Mixed Use Employment District, 17.41- Tree Protection Standards, 17.44 - Geologic Hazards, 17.49 – Natural Resource Overlay District, 17.50 – Administrative Processes, 17.52 – Off Street parking and Loading, 17.62 – Site Plan and Design Review, 17.54 – Supplemental Zoning Regulations and Exceptions, 17.65 – Master Plans and 17.68 - Zoning Changes and Amendments. The City Code Book is available on-line at www.orcity.org

This applications and all documents and materials 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.



ZC15-04
PZ15-02
CP15-02

FOR INFORMATION CONTACT
Oregon City Planning Division
503-657-0891

OREGON CITY

Community Development – Planning

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

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CONTACT PERSON:	Laura Terway, AICP, Planner (503) 496-1553 or lterway@orcity.org
NEIGHBORHOOD:	McLoughlin Neighborhood Association
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This application and all documents and evidence submitted by or on behalf of the applicant are available for

From: James Nicita
To: Laura Terway
Cc: Kattie Riggs
Subject: Public comment: Oregon City Planning file # PC 15-220
Date: Monday, November 09, 2015 1:55:22 PM
Attachments: PZ1502A.jpg
PZ1502B.jpg
PZ1502C.jpg

Hi Laura,

Hope you are well. Please enter these comments into the record of tonight's Planning Commission hearing on file # PC 15-220, consisting of ZC 15-04: Zone Change; PZ 15-02: Amendment to Comprehensive Plan; and CP 15-02: Master Plan Amendment.

There is a notice issue that I believer 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

October 26, 2015

City of Oregon City
Attn: Laura Terway
221 Molalla Ave. Ste. 200
Oregon City, OR 97045

Re: FILE NUMBER ZC 15-04: Zone Change

Dear Laura,

On behalf of the Oregon City Business Alliance (OCBA), I am confirming our support of the zone change request for the properties adjacent to the Providence Willamette Fall's Medical Center (PWFMC) to mixed use employment (MEU). The PWFMC's Master Plan was approved in 2012. Since then the hospital has opened the child and adolescent psychiatric unit creating over 50 high wage jobs. Their new Medical Office Building (MOB) should increase access to primary care, specialty care, and improve individual's ambulatory services. The hospital team has met with the McLoughlin Neighborhood Association several times and understands their concerns to minimize the impacts that could occur to their residential community. Several changes have been made throughout this process to address their requests.

At this point the PWFMC plans to develop one MOB up to 35,000 ft^2 instead of the approved two totaling up to 50,000 ft^2. This proposed change has created a need for appropriate parking for the one building. The current application addresses this by bringing four PWFMC properties zoned MUE on 15th Avenue and rezoning two other properties to MUE into the master plan.

The overall goal is to improve patient access to the main entrance and West MOB while reducing parking impacts on McLoughlin neighborhood streets. More importantly, the proposal will result in fewer traffic impacts and less parking demand for the master plan buildout since there will be a reduction of 15,000 ft^2 of space. Again, OCBA requests that you approve the application on 11/9/15 with the O.C Planning Commission and on 12/16/15 with the City Commission.

Warmest regards,

Kent Zeigler

President, Oregon City Business Alliance

Oregon City Business Alliance
P.O. Box 1593, Oregon City 97045
Phone (503) 479-0080 / Fax (503) 479-0081
www.ocbusinessalliance.com

JAMES J. NICITA

302 Bluff Street
Oregon City, OR 97045
E-mail: james.nicita@gmail.com

Public Comment on # PC 15-220, consisting of ZC 15-04: Zone Change; PZ 15-02: Amendment to Comprehensive Plan; and CP 15-02: Master Plan Amendment.

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

ENTERED INTO THE RECORD
DATE RECEIVED: 11/9/15
SUBMITTED BY: J. Nicita
SUBJECT: ZC 15-04
PZ 15-02
CP 15-02

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 post-acknowledgment 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,

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).

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 11/9/15

Item Number From Agenda 3b

NAME: Sam Dutton

ADDRESS: **Street:** 13796 NW Trevino St

City, State, Zip: Portland, OR 97229

PHONE NUMBER: 702.622.9740

E-MAIL ADDRESS: Sam.dutton@providence.org

SIGNATURE:

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- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 11/9/2015

Item Number From Agenda b

NAME: James Nicita

ADDRESS: **Street:** 302 Bluff Street

City, State, Zip: Oregon City, Oregon 97045

PHONE NUMBER: 503-799-0785

E-MAIL ADDRESS:

SIGNATURE:

COMMENT FORM

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Date of Meeting 11/9/15

Item Number From Agenda 3b

NAME: Tiffany Mumma

ADDRESS: **Street:** 1810 14th St.

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER: 503-650-9596

E-MAIL ADDRESS: tiffmumma@aol.com

SIGNATURE:

COMMENT FORM

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Date of Meeting Nov 9 2015

Item Number From Agenda 3B

NAME: JAY PEARCE

ADDRESS: **Street:** 1214 WASHINGTON

City, State, Zip: OREGON CITY 97045

PHONE NUMBER:

E-MAIL ADDRESS: multijay@teleport.com

SIGNATURE:

COMMENT FORM

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Date of Meeting 11/9/15

Item Number From Agenda 3b

NAME: Renee Boutin King

ADDRESS: **Street:** 1500 Division

City, State, Zip: Oregon City OR 97045

PHONE NUMBER: 506 650 6262

E-MAIL ADDRESS: renee.king@providence.org

SIGNATURE: ReneBoutin King

COMMENT FORM

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Date of Meeting 11/9/15

Item Number From Agenda 3b

NAME: JOSH KOLBERG

ADDRESS: **Street:** 6969 SW HAMPTON

City, State, Zip: PORTLAND, OR 97223

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E-MAIL ADDRESS: josh@pkaarchitects.com

SIGNATURE:

COMMENT FORM

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Date of Meeting 11/9/15

Item Number From Agenda 3b

NAME: Sherri Paris

ADDRESS: **Street:** 1500 Division St

City, State, Zip: Oregon City, OR 97045

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E-MAIL ADDRESS: sherri.paris@providence.org

SIGNATURE:

COMMENT FORM

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- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 11/9/15

Item Number From Agenda 3b

NAME: Stefanie Slyman, HHPR Inc

ADDRESS: **Street:** 205 SE Spokane St. #200

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E-MAIL ADDRESS: stefanies@hhpr.com

SIGNATURE:

COMMENT FORM

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Date of Meeting 11/9/15

Item Number From Agenda 3b

NAME: Jett West

ADDRESS: **Street:** 1500 Division

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER: 503-215-7325

E-MAIL ADDRESS: jettwest@providence.org

SIGNATURE: JWest

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- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting Nov-9-2015

Item Number From Agenda Willamette falls master plan expansion

NAME: Callie Edwards

ADDRESS: **Street:** 1810 15th st Oregon city

City, State, Zip: ORegon 97045

PHONE NUMBER: 503 995 3994

E-MAIL ADDRESS: Callieandbabies@yahoo.com

SIGNATURE: Callie Edwards

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,[1] 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 be 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

[1] 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

	Oregon City		Portland PMSA	
Age	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 to14	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

	1990		2000		1990-2000 Change	
Area	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 un-related 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
Single-family				
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
Subtotal	*7554*	*74.0*	*474,755*	*73.0*
Multi Family				
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
Subtotal	*2611*	*26.0*	*175,679*	*27.0*
Boat, RV, van etc	0		1,836	
Total	10,165		652,270	

Source: 2000 Decennial Census, Profile of Selected Economic Characteristics Household Characteristics

According to the 2000 Census, multifamily housing (structures with three of 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).[2] 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.[3] 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.[4,5] 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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[2] City staff used existing neighborhood association boundaries that were slightly modified to include all areas within the UGB.

[3] 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.

[4] Single-family units include single-family detached, single-family attached, duplex, mobile homes in parks, and accessory dwelling units.

[5] 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**
Inside City Limits								
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
Subtotal	*7,427*	*674*	*381*	*72*	*2,205*	*131*	*505*	*11,395*
Outside City Limits								
County	637	2	512	0	0	11	0	1,162
Subtotal	*637*	*2*	*512*	*0*	*0*	*11*	*0*	*1,162*
Total	**8,064**	**676**	**893**	**72**	**2,205**	**142**	**505**	**12,557**

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
Inside City Limits								
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**
Subtotal	***7,427***	***674***	***381***	***72***	***2,205***	***131***	***505***	***11,395***
Outside of the City Limits						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**
Subtotal	***637***	***2***	***512***	***0***	***0***	*11*	***0***	***1,162***
Total	**8,064**	**676**	**893**	**72**	**2,205**	**142**	**505**	**12,557**

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)
ZONING DESIGNATIONS							
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 meets 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.[6] 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

[6] 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 of 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.[7]

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

[7] 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 ($45,531annually)	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. **Eligible for subsidized housing**		
Extremely low-income (30 percent or less of MHI: $13,659 annually)	Rents. **Eligible for subsidized housing**		

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

~~3.2.1~~3.1.1 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.[8]

~~3.2.1.13.1.1.1~~ 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

[8] 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.[9] 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.[10]

Within the entire UGB, there is the potential for 2,806 new units on partially vacant lots within the UGB.

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[9] Vacant parcels that would be designated for non-residential uses (such as Mixed-Use Employment) are not included in total acreage.

[10] 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)[11]	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)
Within the UGB										
LC [12]	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
Subtotal	416	445.3	369.6	168.5	44.2	23.5	209.0		257	1,215
Between the City Limits and the UGB										
County	91	226.6	188.1	55.8	29.1	15.5	100.4	5.5	16	571
Total	507	671.9	557.6	224.3	73.3	39.0	336.6		273	1,787

Source: Clackamas County Assessors Office; Analysis by David Evans and Associates, Inc.

[11] 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.

[12] 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

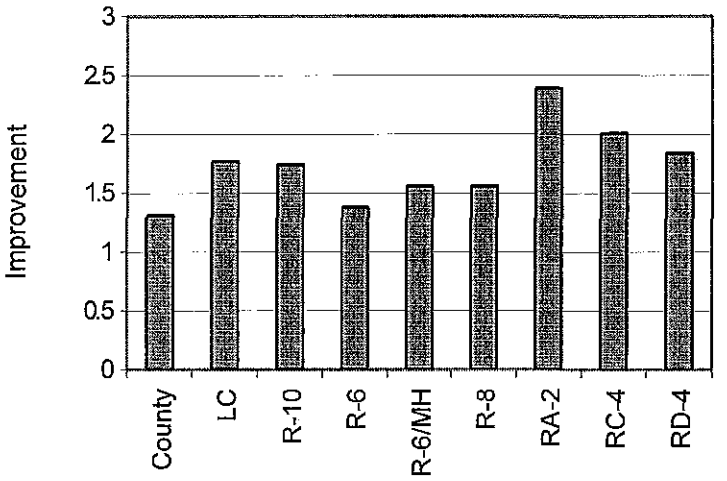
Source: Clackamas County Assessors Office, May 2002; Analysis by David Evans and Associates, Inc.

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

	Building to Land Value			
Redevelopment Potential	0-0.25 (High)	0.26-0.50 (Medium)	0.51-0.99 (Low)	Total Acres
Zoning District				
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 welling units in manufactured home parks	(38)
Dwelling Unit Capacity Deficiency	***1,444***

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 than 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.

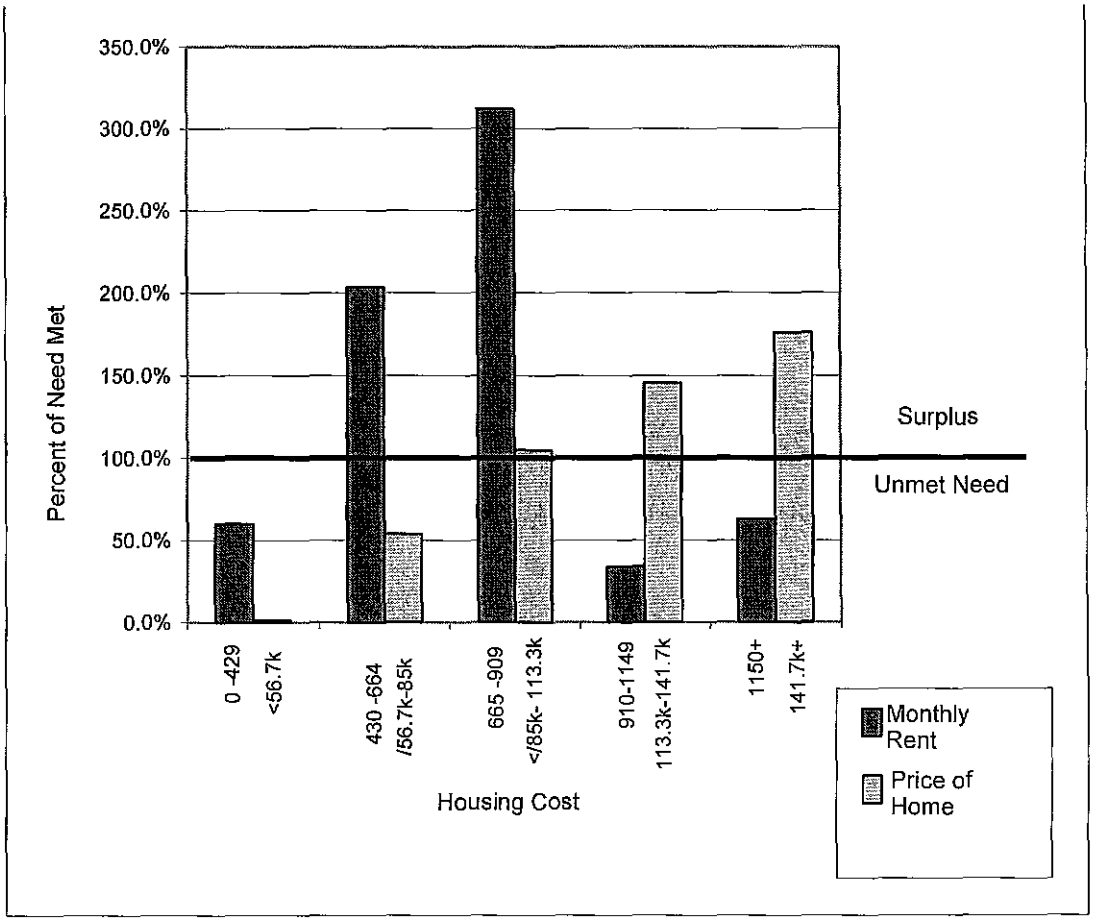
The Oregon Department of Housing and Community Services (HCS) has developed a model that projects housing needs based on the existing housing stock, demographics and anticipated population growth. The model evaluates the existing housing units by structure type and cost, compares those units to local 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 the 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%
Metro Target using future housing mix		*4,538*	*1,537*	*6,075*
Potential New Units on Land within the UGB		Single-family Zoning Districts[13]	Multifamily Zoning District[14]	Total
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				
(Need)/Surplus (New units-Metro Target Future Housing Mix)		*(10)*	*(1,434)*	*(1,444)*
Potential New units on rezoned residential land (Table 29)		365	1,510	1,875
Total Units (needed)/surplus		**355**	**76**	**431**

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 by 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.

[13] 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.

[14] 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**

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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City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Staff Report

File Number: PC 15-248

Agenda Date: 1/11/2016

Status: Agenda Ready

To: Planning Commission

Agenda #: 3c.

From: Planner Laura Terway

File Type: Land Use Item

SUBJECT:
ZC 15-03: Zone Change and PZ 15-01: Comprehensive Plan Amendment

RECOMMENDED ACTION (Motion):
Staff recommends the Planning Commission recommend approval of ZC 15-03 and PZ 15-01 to the City Commission.

BACKGROUND:
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 Comprehensive Plan Map from Low Density Residential and Medium Density Residential to “MUC” Mixed Use Corridor for property located near Beavercreek Road, Maplelane Road and Highway 213.

BUDGET IMPACT:
Amount:
FY(s):
Funding Source:

City of Oregon City

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Oregon City, OR 97045
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BUDGET IMPACT:
Amount:
FY(s):
Funding Source:

OREGON CITY

Community Development – Planning

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

TYPE IV APPLICATION
STAFF REPORT AND RECOMMENDATION
January 4, 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 Maplelane Ct, 14375 Maplelane Rd, 3391 Beavercreek 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. For each land use application and business license submitted, the applicant shall provide an accounting of trips generated through previously approved land use actions for the entire subject site associated with this proposal and demonstrate that the proposal complies with both the maximum AM and PM peak hour trip caps. *(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, Beavercreek Road from Highway 213 to Maplelane Road, and Maplelane Road from Beavercreek 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. Once the necessary studies are compiled and Chapter 12.04.205.D of the Oregon City Municipal Code is amended to adopt new performance measures that identify alternative mobility targets addressing Highway 213 and Beavercreek Road, the applicant may amend this application to amend or remove the trip cap, through a minor modification of conditions application processed through a Type II procedure. *(P)*

I. BACKGROUND:

1. Existing Conditions

The subject site is located within Oregon City, largely bounded by Beavercreek 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 Beavercreek Road with trees generally following existing property lines. The upper portion of Newell Creek crosses the site parallel to Beavercreek Road.

Figure 1. Vicinity Map

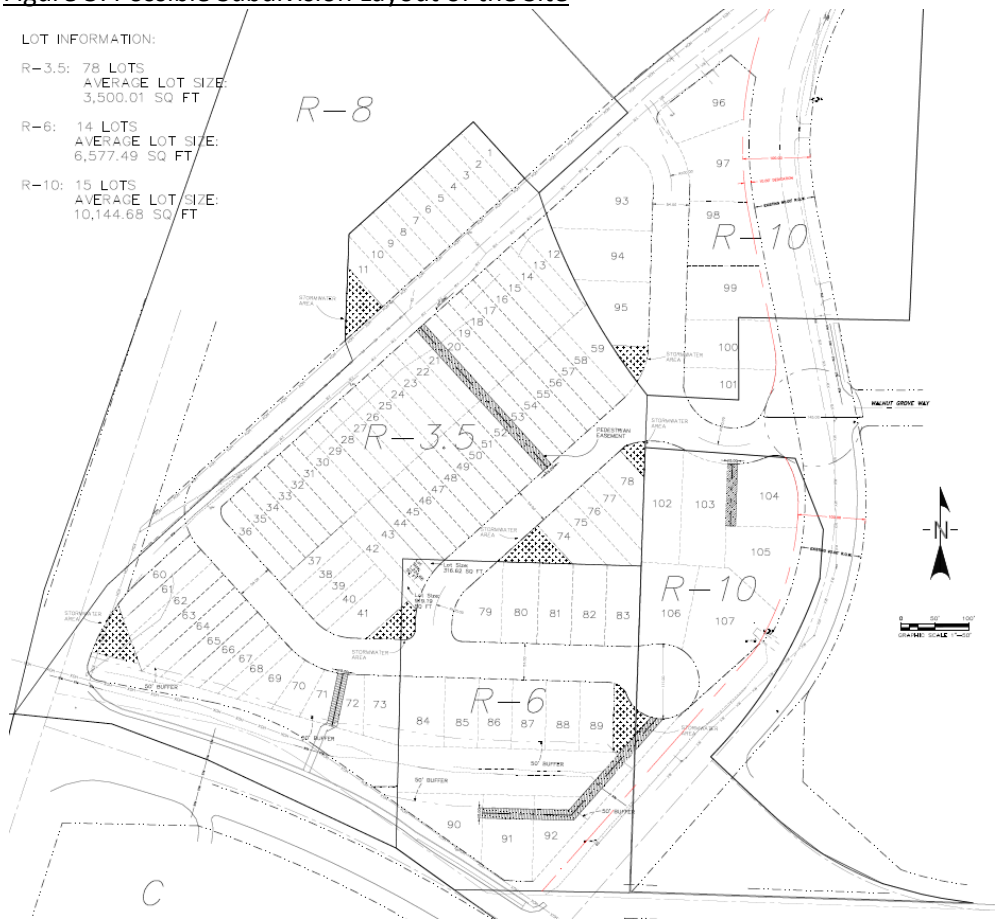
Figure 2: Existing Conditions – Aerial Image

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 designation. 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 a reasonable traffic impact of the site if it were developed as a permitted use. 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



This application is being processed as a Type IV application which will go before the Planning Commission and City Commission for a decision. The applicant proposed a trip cap to limit the transportation impact allowed onsite. As identified in OCMC 12.04.007, one reason for the trip cap is that when the Transportation System Plan was adopted, the City was not able to identify a reasonable transportation solution for the intersection of Highway 213 and Beavercreek Road which would result in compliance with mobility standards. The City is obligated to conduct and adopt a corridor study or alternate mobility standard to identify a reasonable solution to congestion at this location. Once complete, the study would be reviewed by the Planning and City Commission and would include amendments to the mobility standards in Chapter 12.04 of the Oregon City Municipal Code. The Oregon City Municipal Code requires any future amendments to this application, including removing or adjusting the trip cap, to be reviewed again before the Planning and City Commissions as a Type IV application. The applicant submitted a request that would allow the condition of approval associated with the trip cap to

be amended through a Type II or Type III process if the Oregon City Municipal Code is amended to allow additional vehicular trips through the aforementioned intersections (specifically Highway 213 and Beavercreek Road).

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 Beavercreek 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 Beavercreek Road is zoned General Commercial.

Figure 4: Current Zoning Map

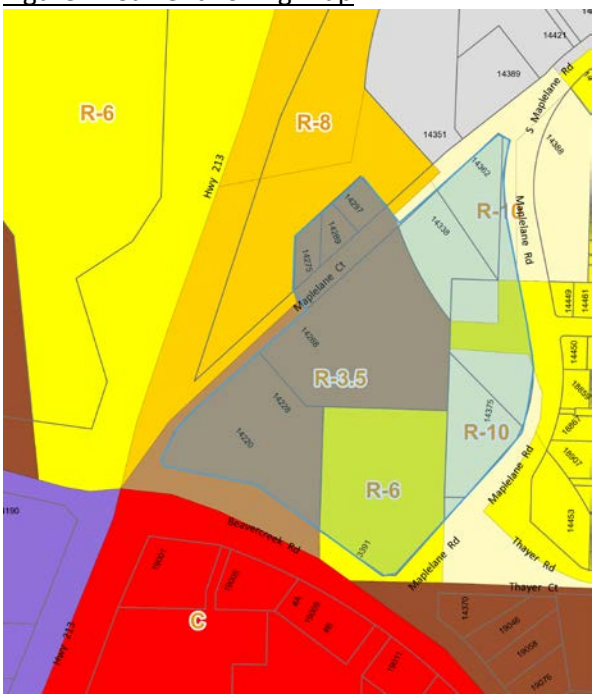
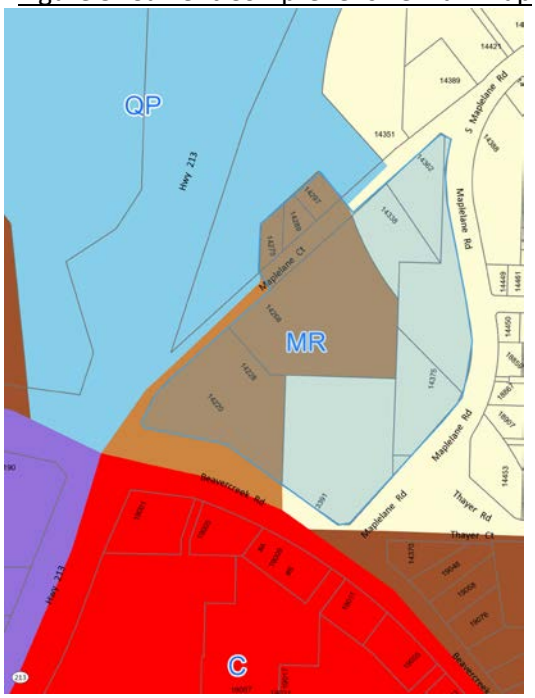


Figure 5: Current Comprehensive Plan Map



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.orcity.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; infirmary 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 from occurring onsite:

- 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 has 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[2] (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:
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, Citizens 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.

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 as Proposed. 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 though 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 6.1.1: 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 goal 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 a variety of residential, 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. This goal is met.

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. The 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. Future development of the site will be reviewed upon submittal of a development application. This policy is not applicable.

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.*
Finding: Not Applicable. Future development of the site will be reviewed upon submittal of a development application, whereby erosion prevention and sediment control measures will be implemented during construction. No construction is proposed with this development application. This policy is not applicable.

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. Light pollution is limited in Chapter 17.62.065 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.

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. Noise is addressed in Chapter 17.62.050.A.13 of the Oregon City Municipal Code, as well as in adopted Nuisance standards. Future development of the site will be reviewed upon submittal of a development application. This policy is not applicable.

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 posse 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-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 property 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).

Public comments were submitted identifying concerns for compliance with this Goal in OCMC 17.50.090.

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. This goal is not applicable.

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 (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.[1] 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:

[1] 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.

- 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 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.[2]

In addition, the City adopted a 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 it intends 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.

[2] 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

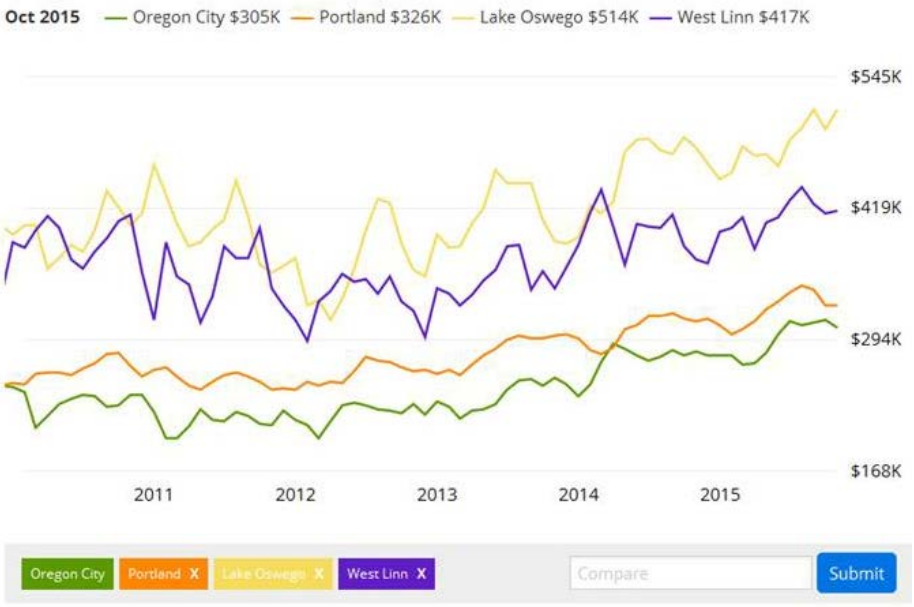
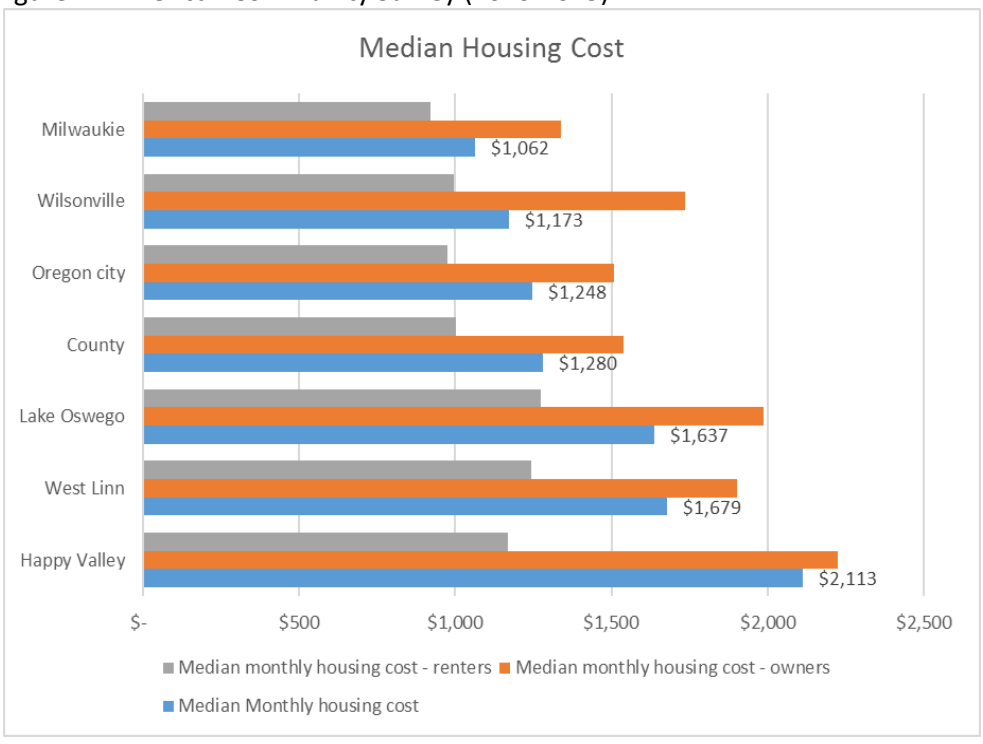


Figure 7: American Community Survey (2010-2015)



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.*

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

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.*

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.*

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.*

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: Complies as Proposed. The subject area is presently served or capable of being served adequately by extension of nearby facilities. Utility extensions to serve future development on the subject site will be required with future development applications. The provision of public facilities and services will be consistent with 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. Public comments were submitted identifying concerns for compliance with this Goal in OCMC 17.50.090. The subject site is an infill re-development opportunity. This goal is met.

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 and* ***11.12,*** *Library*

Finding: Complies with Condition. The proposal will not negatively impact public facilities and services within the City. Public comments were submitted identifying concerns for compliance with this Goal in OCMC 17.50.090. 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 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. **Staff has determined that 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.

Policy 12.1.1

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

Policy 12.1.2

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.
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.
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.
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.
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 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 accessary 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 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." (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 Beavercreek Road from Highway 213 to Maplelane Road, inclusive, and along Maplelane Road from Beavercreek 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.

Public comments were submitted identifying concerns for compliance with this Goal in OCMC 17.50.090.

Ken Kent, Land Use Review Coordinator for Clackamas County submitted comments regarding the transportation analysis (Exhibit 5). The applicant revised the original transportation analysis based upon the comments by Clackamas County. Mr. Relplinger's comments above are based on the revised analysis. **Staff has determined that 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. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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. Public comments were submitted identifying concerns for compliance with this Goal in OCMC 17.50.090. 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.

Public comments were submitted identifying concerns for compliance with this Goal in OCMC 17.50.090. **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. **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:** Please refer to the analysis in Goal 1 of the Comprehensive Plan.
>
> ***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. The analysis provides a factual base to which the application is being reviewed. City staff has coordinated with affected agencies by providing written notice of the application and identification of the public hearing dates.
>
> ***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:** Please refer to the analysis in Goal 5 of the Comprehensive Plan.

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. Upon submittal of a development application for the subject site, the property will be reviewed for compliance with all applicable development standards. As a result, all stormwater discharged 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. 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.

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: Please refer to the analysis in Goal 7 of the Comprehensive Plan.

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: Please refer to the analysis in Goal 8 of the Comprehensive Plan.

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: Please refer to the analysis in Goal 9 of the Comprehensive Plan.

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: Please refer to the analysis in Title 10 of the Comprehensive Plan above.

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: Please refer to the analysis in Title 12 of the Comprehensive Plan.

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: Please refer to the analysis in Goal 13 of the Comprehensive Plan.

Statewide Planning Goal 14: Urbanization. T*his 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 applicant proposed to limit the transportation impact of the proposed development with a trip cap equal to the transportation impact of a permitted use, as demonstrated in the analysis in Chapter 12.04.007. Thus, the proposed zone change 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.

The applicant submitted the following:

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 public submitted comments regarding this criteria in OCMC 17.50.090.

The applicant proposed prohibiting some of the allowed and conditional uses in the MUC-2 zoning district, which, according to the transportation analysis provided by Mike Ard of Lancaster Engineering, will mitigate the "significant affect" created by the proposed map amendment. John Replinger of Replinger and Associates concurs with this analysis. **Staff has determined that 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 has 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

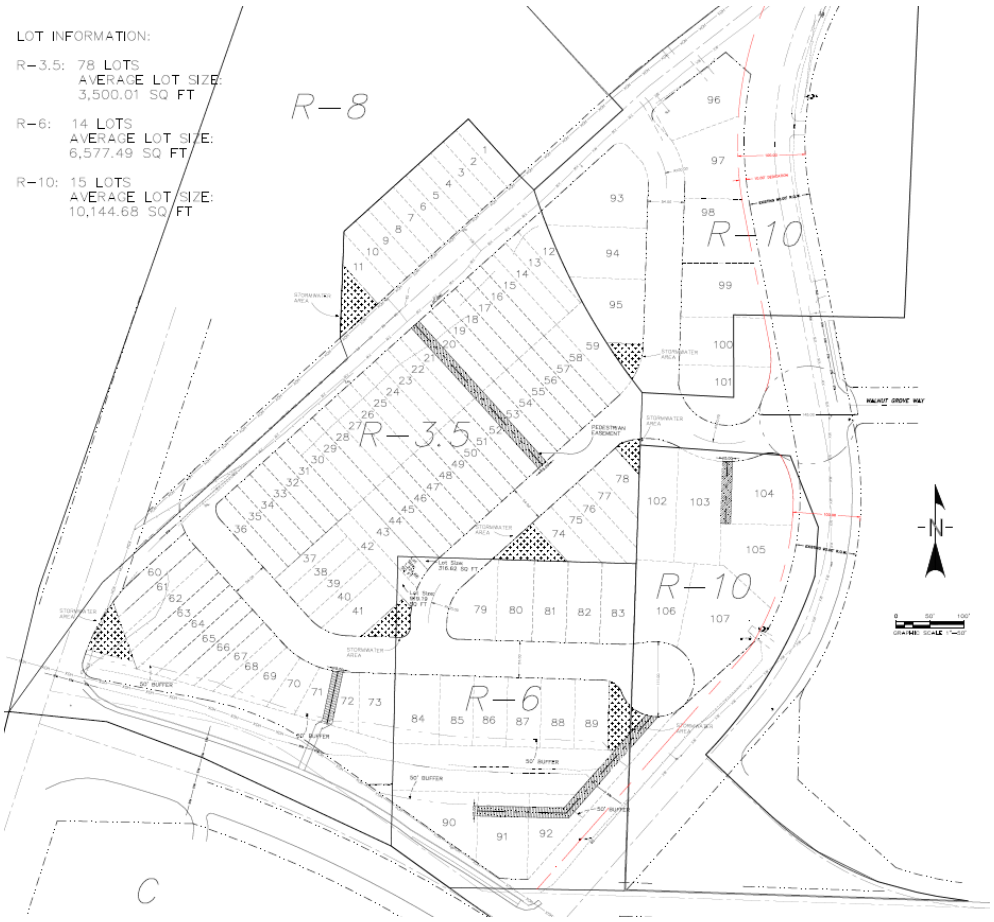
3.07.120, "Housing Capacity"

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. 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" (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.

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.

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 he 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 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 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, Beavercreek Road from Highway 213 to Maplelane Road, and Maplelane Road from Beavercreek 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 Throughway 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 Throughway 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 / Beavercreek 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 Maplelane Road. The applicant indicated that "A cul-de-sac is show[n] 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 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 Beavercreek Road to make a right turn from Thayer and go around the circle to gain access to Beavercreek 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" (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 and depth and are feasible.

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 and depth and are feasible.

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 and depth and are feasible.

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 did not complete a study to determine the exact location of the Natural Resource Overlay District, though the general design may potentially comply with the standards in Chapter 17.49 of the Oregon City Municipal Code.

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. City records indicate limited areas impacted by the Geologic Hazards Overlay District. The applicant did not complete a study to determine the exact location of the Overlay, though the general design appears to potentially comply with the standards in Chapter 17.44 of the Oregon City Municipal Code.

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.

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: Complies as Proposed. The application was deemed complete on September 10, 2015. The City has until January 8, 2016 to make a final determination.

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 or 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 and 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 Goal7.

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: Complies with Condition. 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 aments to this application to also go before the Planning and City Commissions as a Type IV application. The applicant proposed a trip cap to limit the transportation impact allowed onsite. The Oregon City Municipal Code requires any future amendments to this application, including removing or adjusting the trip cap, to be reviewed again before the Planning and City Commissions as a Type IV application. The applicant submitted a request that would allow the applicant to exceed the limited vehicular trip cap once the necessary studies are compiled and the Oregon City Municipal Code

is amended to allow additional vehicular trips through the aforementioned intersections (specifically Highway 213 and Beavercreek Road) by a Type III or Type II review.

The City believes this is a reasonable request provided the following:

- As identified in OCMC 12.04.007, one of the reasons the trip cap is proposed is because the City had not previously identified a reasonable solution resulting in compliance with the mobility standards at the intersection of Highway 213 and Beavercreek Road. The City is obligated to complete a corridor study or alternate mobility standard to identify a reasonable solution to congestion at this location. Once complete, the study would likely be adopted through a Legislative process before the Planning and City Commission and include amendments to the mobility standards in Chapter 12.04 of the Oregon City Municipal Code which would allow an increased transportation impact. As the solution will be reviewed by the Planning Commission and City Commission, the applicant should not be required to go before both Commissions a third time to modify the trip cap and implement the adopted solutions.
- Infrastructure for the site is required to be developed in a comprehensive manner. 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 but not limited to Beavercreek Road from Highway 213 to Maplelane Road, and Maplelane Road from Beavercreek Road to the applicant's north property boundary). The design shall comply with the Oregon City Municipal Code and be based upon a transportation impact analysis for all permitted and conditional uses identified within the "MUC-2" Mixed Use Corridor 2 District, without a trip cap. 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.**

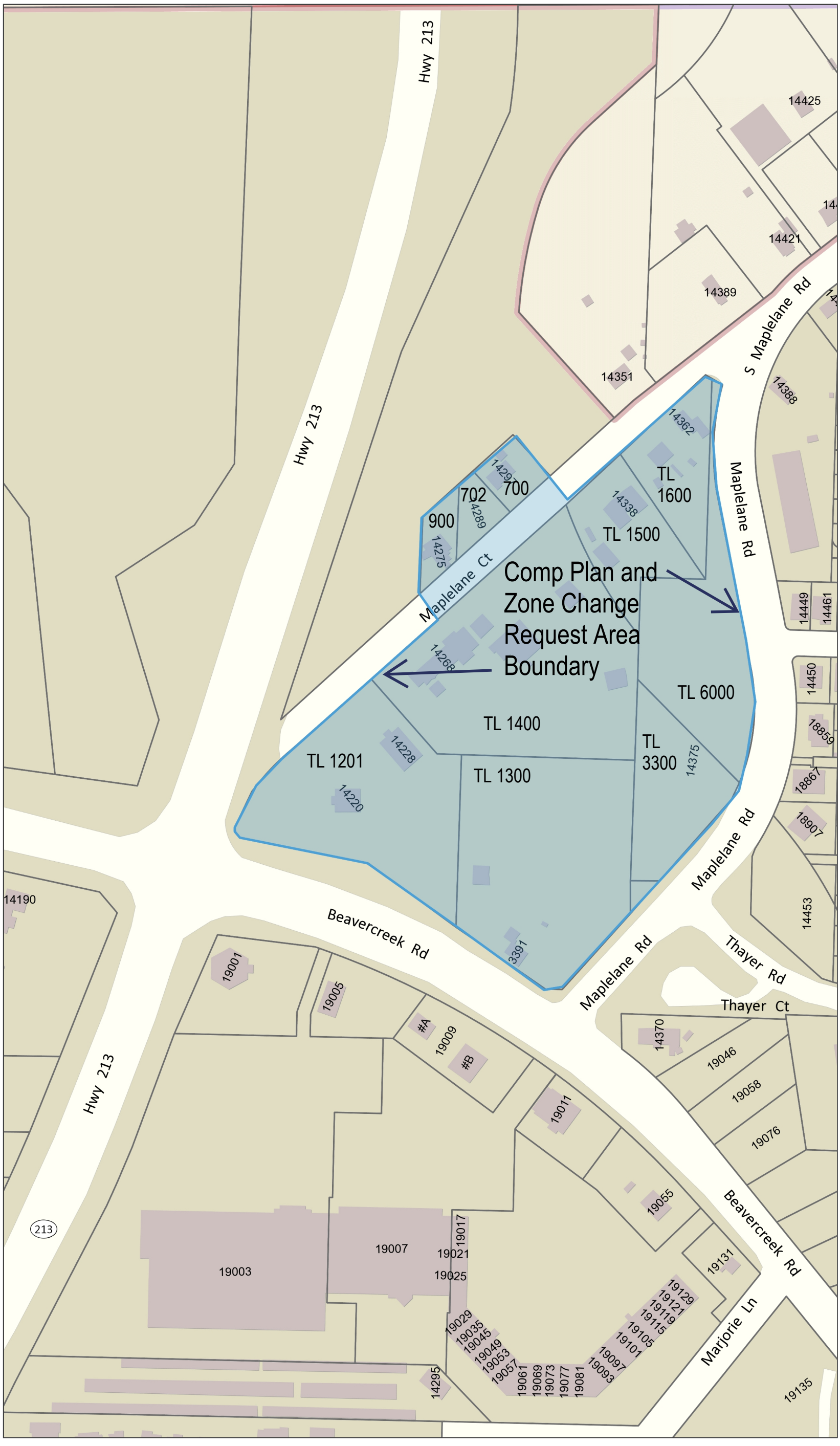
CONCLUSION AND RECOMMENDATION:

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

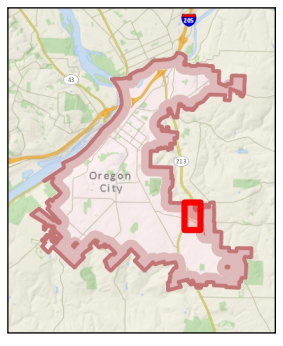


Legend

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

Notes

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.

N

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.orcity.org

OREGON CITY

Community Development – Planning

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

LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)	Type II (OCMC 17.50.030.B)	Type III / IV (OCMC 17.50.030.C)
❑ Compatibility Review	❑ Extension	❑ Annexation
❑ Lot Line Adjustment	❑ Detailed Development Review	❑ Code Interpretation / Similar Use
❑ Non-Conforming Use Review	❑ Geotechnical Hazards	❑ Concept Development Plan
❑ Natural Resource (NROD) Verification	❑ Minor Partition (<4 lots)	❑ Conditional Use
	❑ Minor Site Plan & Design Review	❑ Comprehensive Plan Amendment (Text/Map)
	❑ Non-Conforming Use Review	❑ Detailed Development Plan
	❑ Site Plan and Design Review	❑ Historic Review
	❑ Subdivision (4+ lots)	❑ Municipal Code Amendment
	❑ Minor Variance	❑ Variance
	❑ Natural Resource (NROD) Review	❑ 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 Beavercreek 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: Histroic 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 Beavercreek 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	1. Comprehensive Plan Amendment to change CP designations from Low and Medium Density Residential (LR and MR) to Mixed Use Corridor (MUC) 2. Zone change from R-10, R-6 and R-3.5 to Mixed Use Corridor (MUC-2) 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. 4. Eliminate the following permitted and conditional uses from the proposed zone change area a) Permitted Uses i. Medical or dental clinics, outpatient infirmary services ii. Museums, libraries and cultural activities

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 Beavercreek 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 Maplelane Road and north of Thayer Road and the commercial area to the south of Beavercreek 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 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 allow 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 am 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. Beavercreek 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 Beavercreek 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 Beavercreek 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 Beavercreek 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 an 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 Beavercreek 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 show 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 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 Beavercreek Road to make a right turn from Thayer and go around the circle to gain access to Beavercreek 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 Raod 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

Hi Laura,

We have reviewed the language and fine it acceptable. The only change is we would like **item a. Medical or dental clinics, outpatient infirmary 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

Oregon City GIS Map

Comp Plan and Zone Change Request Area Boundary

TL 1600
TL 1500
TL 6000
TL 1400
TL 1201
TL 1300
TL 3300
900
702
700

Hwy 213
S Maplelane Rd
Maplelane Rd
Maplelane Ct
Beavercreek Rd
Thayer Rd
Thayer Ct
Marjorie Ln

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.

N

0 200 400 600 Feet

1: 2,400

Map created 7/24/2015

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

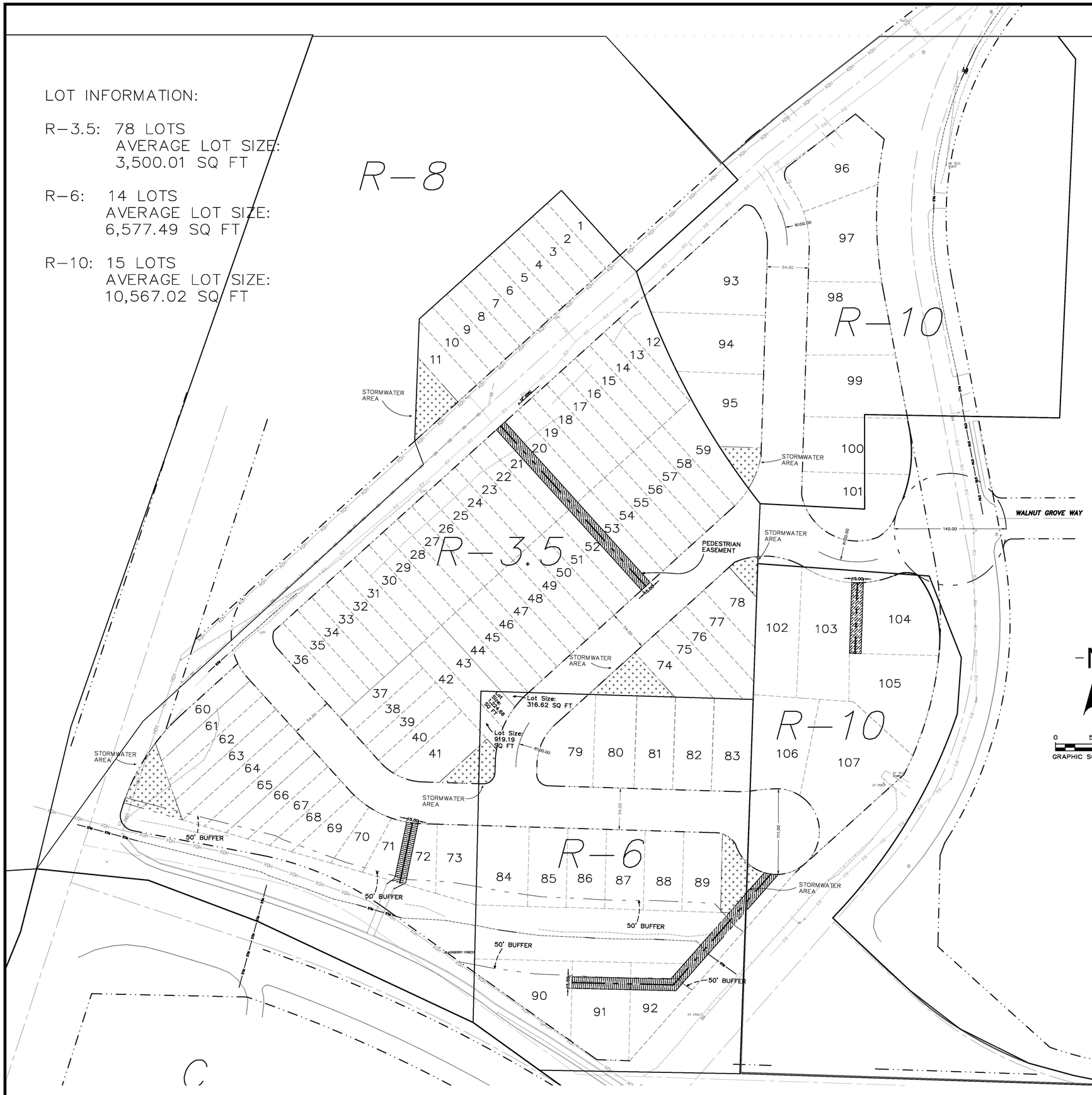
City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orcity.org

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
	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
	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
	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*
	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
	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
	74	3437.11
	75	3382.84
	76	3656.47
	77	3525.22
	78	3423.60
R6	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
	89	5143.50
	90	7632.04
	91	9197.97
	92	11917.25
R10	93	14195.77
	94	9952.83
	95	8050.85
	96	9542.53
	97	9874.54
	98	9979.79
	99	10071.37
	100	9959.52
	101	9772.03
	102	10046.65
	103	10559.74
	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

HILL TOP MASTER PLAN

LOT LAYOUT

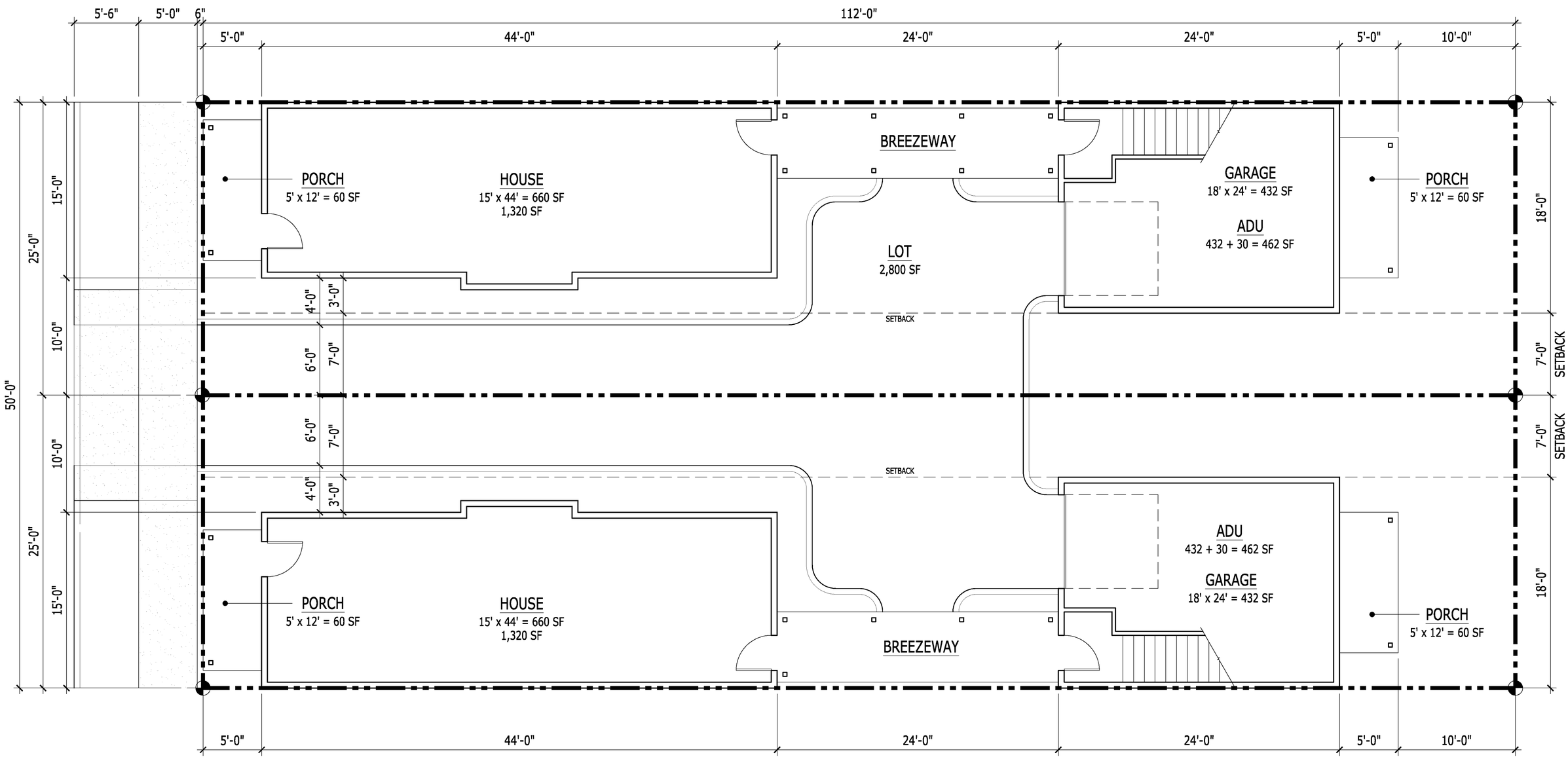
SISUL ENGINEERING
375 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 657-0188

DRAWING

DATE	AUGUST 2015
SCALE	1" = 50'
DRAWN	JDM
JOB	SGL12-045
SHEET	1
OF	1 SHEETS

REGISTERED PROFESSIONAL ENGINEER 12,820 OREGON FEB 14, 1985 THOMAS J. SISUL

EXPIRES: 6/30/16



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%)

0 2' 4' 8'

HILLTOP MASTER PLAN

OREGON CITY, OREGON

HILL ARCHITECTS

CONCEPTUAL SITE PLAN
R-3.5 ZONE 2,800 SF LOT W/ ADU **2.1**

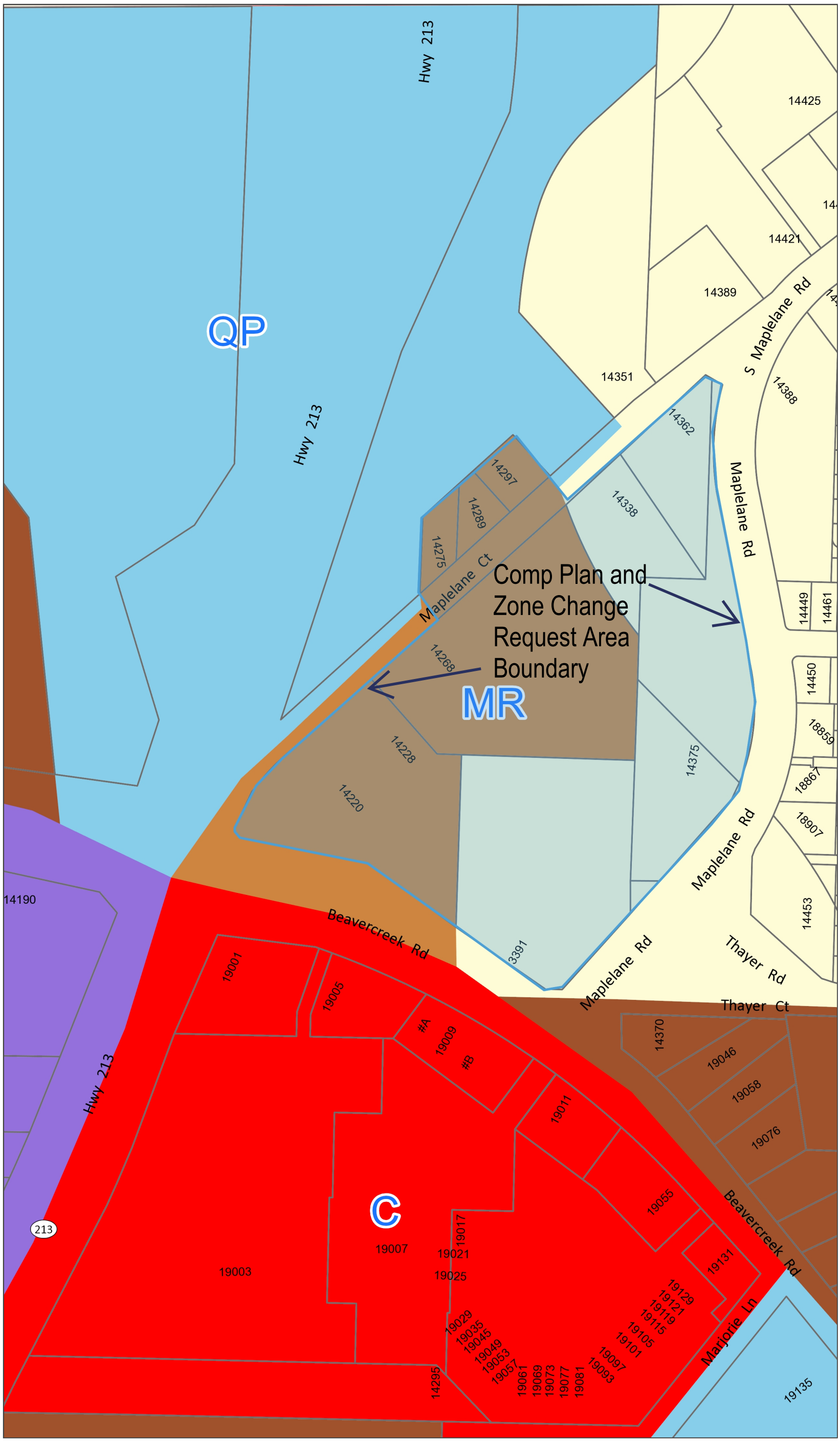
AUGUST 17, 2015

1750 BLANKENSHIP ROAD • SUITE 400 • WEST LINN • OREGON 97068

#11619

© 2014

Oregon City GIS Map

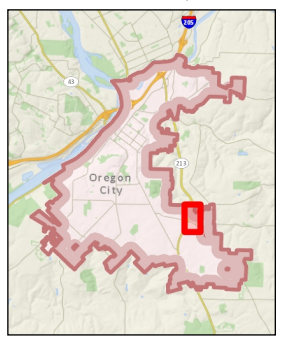


Legend

- 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

Overview Map



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N

0 200 400 600 Feet

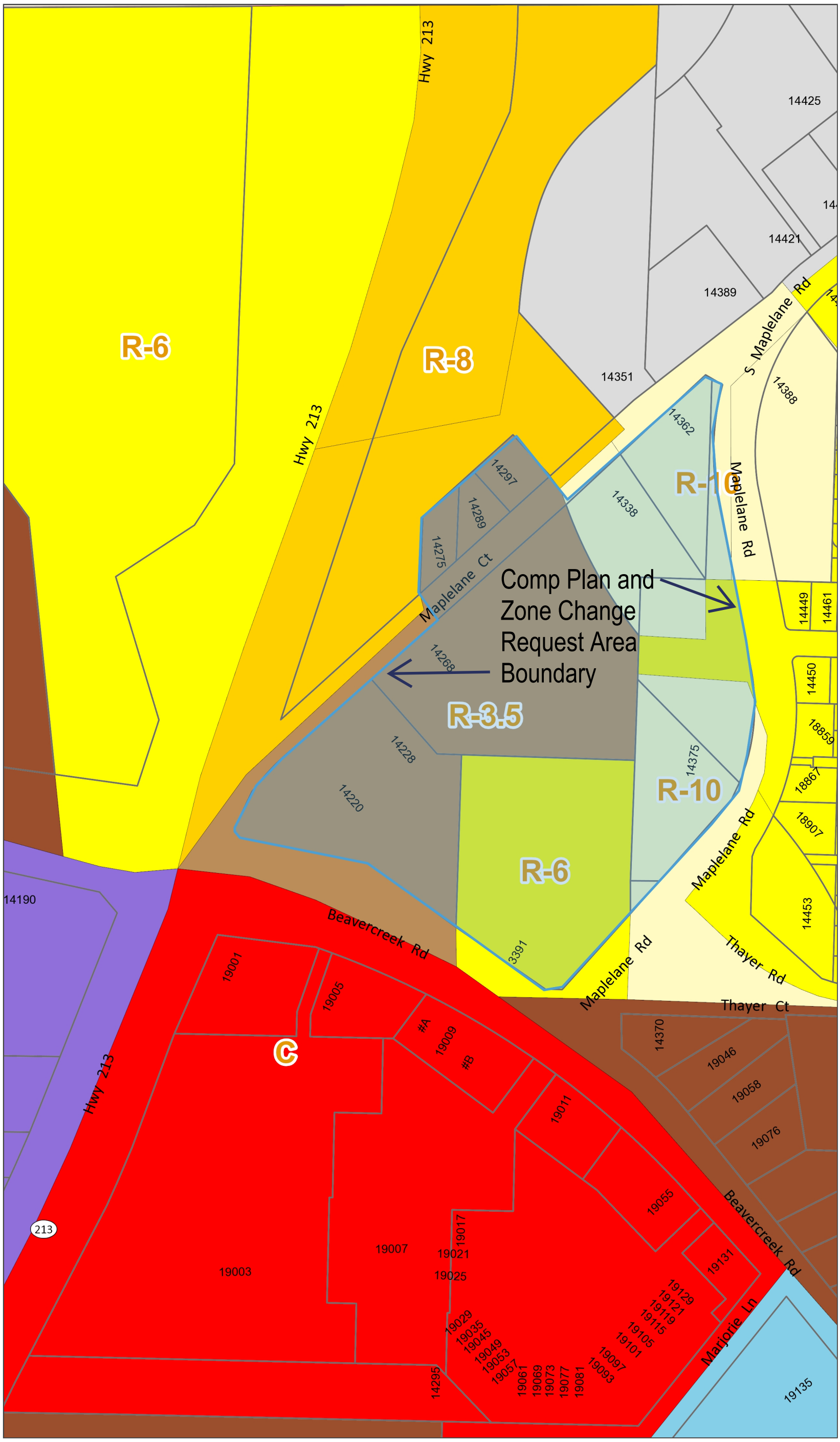
1: 2,400

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.orcity.org

Oregon City GIS Map

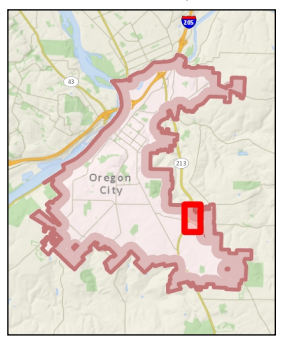


Legend

- Taxlots
- Unimproved ROW
- Zoning
  - R-10 - Single Family Dwelling
  - R-8 - Single Family Dwelling
  - R-6 - Single Family Dwelling
  - RC-4 - McLoughlin Conditiona
  - 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 Commerc
  - HC - Historic Commercial
  - WFDD - Willamette Falls Dow
  - MUD - Mixed Use Downtown
  - MUE - Mixed Use Employmer
  - GI - General Industrial
  - CI - Campus Industrial
  - I - Institutional
  - FU-10 - County Zoning
  - County
- City Limits
- UGB
- Basemap

Notes

Overview Map



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Map created 7/24/2015

CPA-ZC Boundary Area overlaid on Existing Zoning Designations

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

August 28, 2015

LANCASTER
ENGINEERING

321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

Dan Fowler
Historic Properties, LLC
1300 John Adams Street, Suite 100
Oregon City, OR 97045

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

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, 9TH 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

		AM Peak Hour			PM Peak Hour			Weekday		
	Units	In	Out	Total	In	Out	Total	In	Out	Total
Single-Fmaily 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
Total		***30***	***90***	***120***	***101***	***60***	***161***	***764***	***764***	***1,528***

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.

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.

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(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

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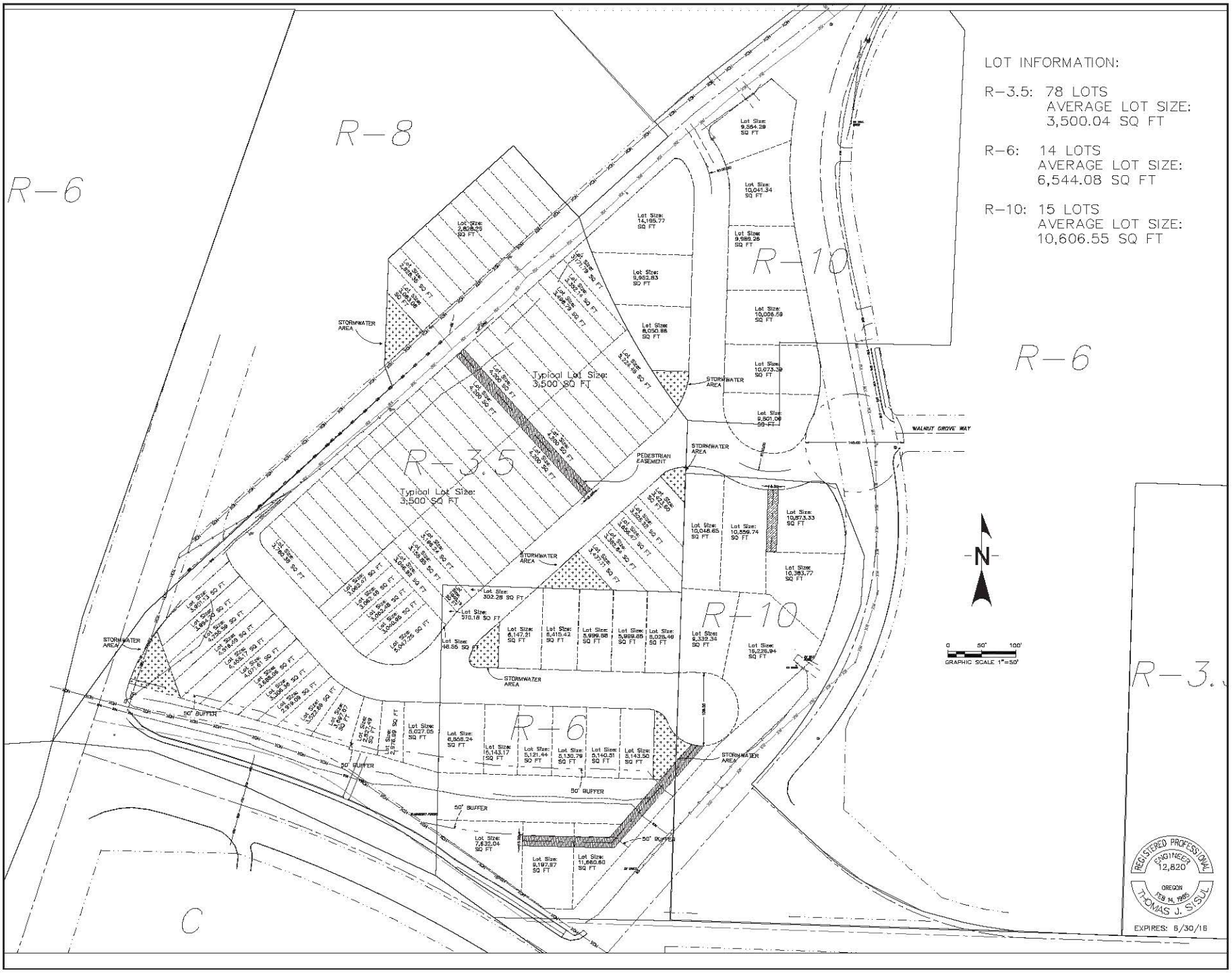
In this instance the proposed zone change cannot result in degradation of performance of area roads and intersections as compared to allowed uses in the existing zones since the proposed trip cap limits traffic levels to no greater than the levels permitted under the existing zoning.

Based on the analysis, the proposed zone change 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



LOT INFORMATION:

R-3.5: 78 LOTS
AVERAGE LOT SIZE:
3,500.04 SQ FT

R-6: 14 LOTS
AVERAGE LOT SIZE:
6,544.08 SQ FT

R-10: 15 LOTS
AVERAGE LOT SIZE:
10,606.55 SQ FT

REGISTERED PROFESSIONAL ENGINEER
12,820
OREGON
FEB 14, 1995
THOMAS J. SISUL
EXPIRES: 6/30/16

REVISIONS	BY

HILL TOP MASTER PLAN

LOT LAYOUT

SISUL ENGINEERING
375 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 657-0188

DATE	AUGUST 2015
SCALE	1" = 50'
DRAWN	JDM
JOB	SGL12-045
SHEET	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	**20**	**60**	**80**

PM PEAK HOUR

Trip Rate: 1.00

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	**67**	**40**	**107**

WEEKDAY

Trip Rate: 9.52

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**509**	**509**	**1,018**

SATURDAY

Trip Rate: 9.91

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**530**	**530**	**1,060**

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**

Source: TRIP GENERATION, Ninth Edition

October 28, 2015

LANCASTER
ENGINEERING

321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

Dan Fowler
Historic Properties, LLC
1300 John Adams Street, Suite 100
Oregon City, OR 97045

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

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, 9TH 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

		AM Peak Hour			PM Peak Hour			Weekday		
	Units	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
Total		***32***	***96***	***128***	***106***	***62***	***168***	***829***	***829***	***1,658***

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.

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

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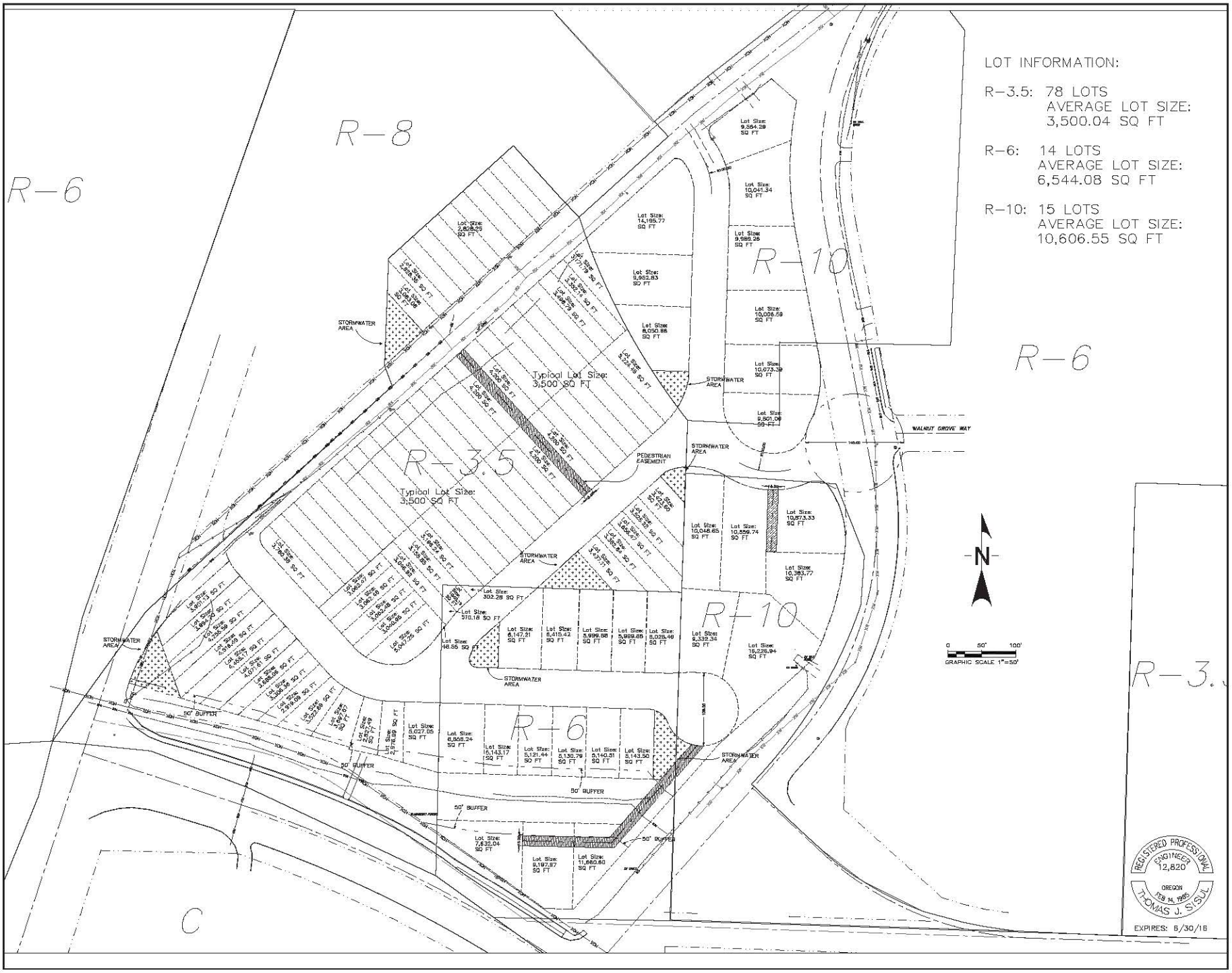
Based on the analysis, the proposed zone change will not result in increased traffic volumes in the site vicinity and the Transportation Planning Rule is satisfied. No additional mitigations are necessary or recommended in conjunction with the proposed zone change and trip cap.

Sincerely,

Michael Ard, PE
Senior Transportation Engineer

APPENDIX



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REVISIONS	BY

HILL TOP MASTER PLAN

LOT LAYOUT

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(503) 657-0188

DATE	AUGUST 2015
SCALE	1" = 50'
DRAWN	JDM
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SHEET	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	**21**	**64**	**85**

PM PEAK HOUR

Trip Equation: Ln(T)=0.90Ln(X)+0.51

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	**71**	**41**	**112**

WEEKDAY

Trip Equation: Ln(T)=0.92Ln(X)+2.72

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**553**	**553**	**1,106**

SATURDAY

Trip Equation: Ln(T)=0.93Ln(X)+2.64

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**565**	**565**	**1,130**

Source: TRIP GENERATION, Ninth Edition

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**

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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 Beavercreek 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 possibly 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,

Thomas J. Sisul, P.E.

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	CLOCKAMAS FIRE		
Marylo & James Tyler	20006 Mossy Meadows		
Mike Fernandez	19028 Emerson Dr.		
Ronald Lee	200 No. State St. Lake Oswego		
Maggie Grant	14946 Coquille 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 Becerril	6216 Nicklaus Loop N. Keizer OR		
Mark Foley	14725 S. Brenner Rd. OC		
Wes Rogers	906 Summit St O.C.		
Kurt & Jane Radtke	20023 Quinault 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 LANE/ BEAVERCREEK JUNCTION DEVELOPMENT PROPOSAL.

CORDIALLY,

ROBERT MALCHOW
CNA SECRETARY

OREGON CITY

Jan. 27, 2015
Meeting Date

Caufield Neighborhood Association

NAME	ADDRESS	PHONE	EMAIL
WAYNE & LAVERNE BAUER	19921 CONNIE CT O.C.		
LaRee Johnson	14980 Emerson Ct		
MATT PASCHALL	OREGON CITY PD		
Alex Bursheim	405 Linn Ave Oregon City		
Michael Ard	321 SW 4th Ave, Suite 400 Port		
ROBERT MALCHOW	20153 S. WOODGLEN WAY		

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 Maplelane 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 Maplelane 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 Beavercreek
Back-up on 213 at pm
Answer: Make a forced right – describe circle impact
Analysis for 20-years out
Question: Widen Beavercreek 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

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.

8910 SW Gemini Drive
Beaverton, OR 97008-7123
Fax 503.620.6918
Tel 503.620.7284

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.

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**	Ref Parcel Number	: 32E04CD05900
Co Owner	:	Parcel Number	: 05026487
Site Address	: *no Site Address*	T: 03S R: 02E S: 04 Q:	QQ:
Mail Address	: 914 Madison St Oregon City Or 97045	County	: Clackamas (OR)
Taxpayer	: Historic Properties LLC	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	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:

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.

First American Title Company of Oregon

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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**	Ref Parcel Number	: 32E04CD06000
Co Owner	:	Parcel Number	: 05026488
Site Address	: *no Site Address*	T: 03S R: 02E S: 04 Q:	QQ:
Mail Address	: 914 Madison St Oregon City Or 97045	County	: Clackamas (OR)
Taxpayer	: Historic Properties LLC	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	:

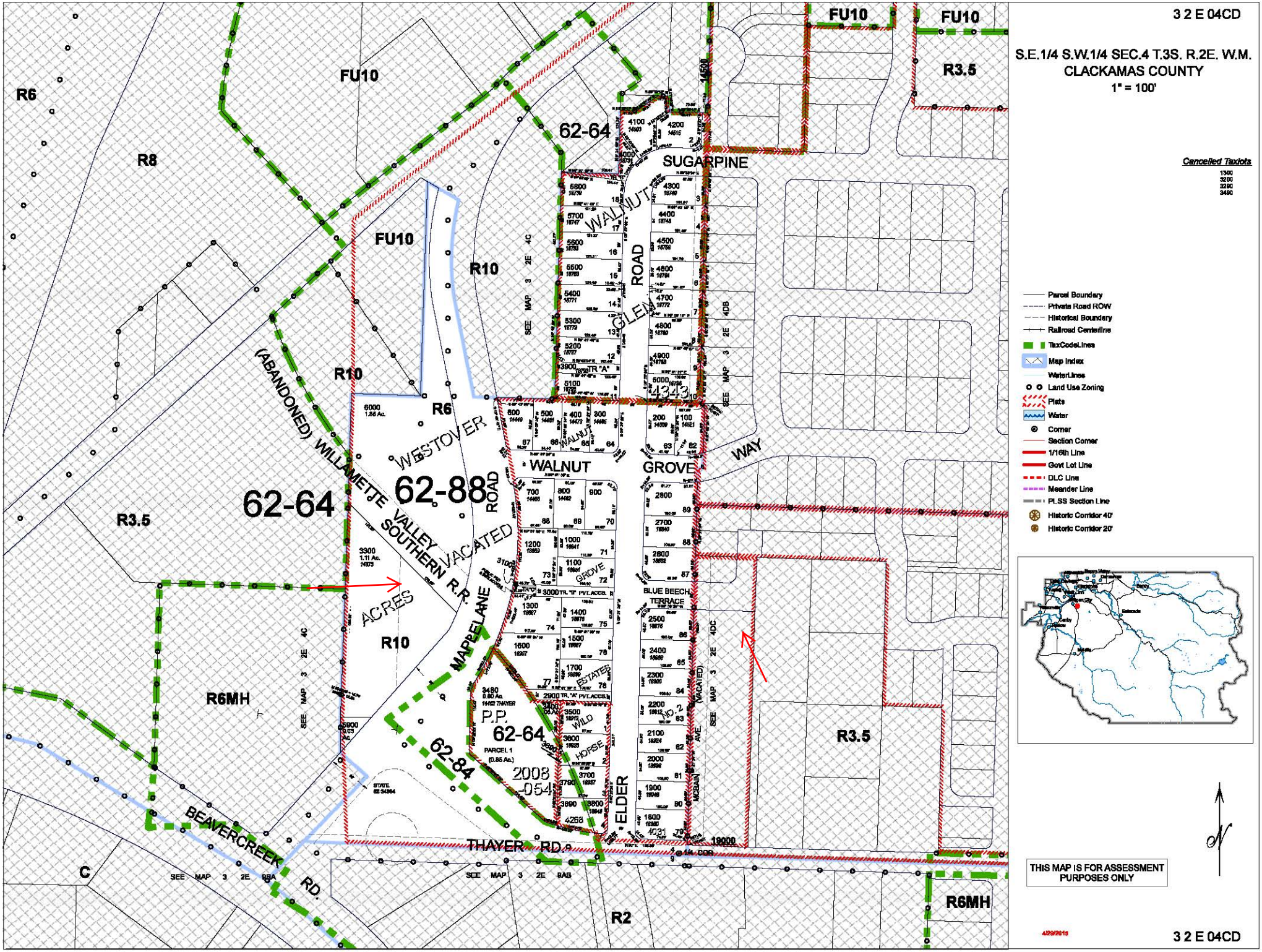
PROPERTY CHARACTERISTICS

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	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:

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.


3 2 E 04CD
S.E.1/4 S.W.1/4 SEC.4 T.3S. R.2E. W.M.
CLACKAMAS COUNTY
1" = 100'
Cancelled Taxlots
1300
3200
3290
3490
FU10
R6
R8
R10
R3.5
R6MH
R2
C
62-64
62-88
62-84
4343
SUGARPINE
WALNUT
GLEN
ROAD
WESTOVER
GROVE
WAY
BLUE BEECH
TERRACE
ESTATES
WILD
HORSE
ELDER
MAPLELANE
ACRES
VACATED
(ABANDONED) WILLAMETTE VALLEY SOUTHERN R.R.
BEAVERCREEK RD.
THAYER RD.
P.P. 62-64
PARCEL 1 (0.86 Ac.)
2008-054
1/4 COR
SEE MAP 3 2E 4C
SEE MAP 3 2E 4DB
SEE MAP 3 2E 4DC
SEE MAP 3 2E 5AA
SEE MAP 3 2E 5AB
Parcel Boundary
Private Road ROW
Historical Boundary
Railroad Centerline
TaxCodeLines
Map Index
WaterLines
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
4/29/2013
3 2 E 04CD

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

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

This space reserved for use by the County Recording Office

After recording return to:
Historic Properties, LLC
914 Madison
Oregon City, OR 97045

FATCO NO. 2345708-55

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

X : 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.)

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

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

FIRST AMERICAN - 2345708 - 85

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.

Dated this 17th day of November, 2014.

David W. Frasher

David W. Frasher, City Manager

John M. Lewis

John M. Lewis, Public Works Director

STATE OF Oregon)
)ss.
County of Clackamas)

This instrument was acknowledged before me on this 17th day of November, 2014 by **John M. Lewis, Public Works director of the City of Oregon City on behalf of the corporation.**

OFFICIAL STAMP
NANCY S IDE
NOTARY PUBLIC-OREGON
COMMISSION NO. 921771
MY COMMISSION EXPIRES NOVEMBER 12, 2017

Nancy S. Ide

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 17th day of November, 2014 by **David W. Frasher as City Manager of the City of Oregon City on behalf of the corporation.**

OFFICIAL STAMP
NANCY S IDE
NOTARY PUBLIC-OREGON
COMMISSION NO. 921771
MY COMMISSION EXPIRES NOVEMBER 12, 2017

Nancy S. Ide

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.

EXHIBIT "B"

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 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: _____
_____, 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

Quit Claim
2014-059930 5 pgs

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 26th day of November, 20 14

SHERRY HALL, County Clerk

By: _____ Deputy

STATE OF OREGON — COUNTY OF CLACKAMAS

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.

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**	Ref Parcel Number	: 32E04C 01300
Co Owner	:	Parcel Number	: 00842351
Site Address	: 3391 Beavercreek Rd Oregon City 97045	T: 03S R: 02E S: 04 Q: SW QQ:	
Mail Address	: 606 15th St Oregon City Or 97045	County	: Clackamas (OR)
Taxpayer	: Historic Properties LLC		

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

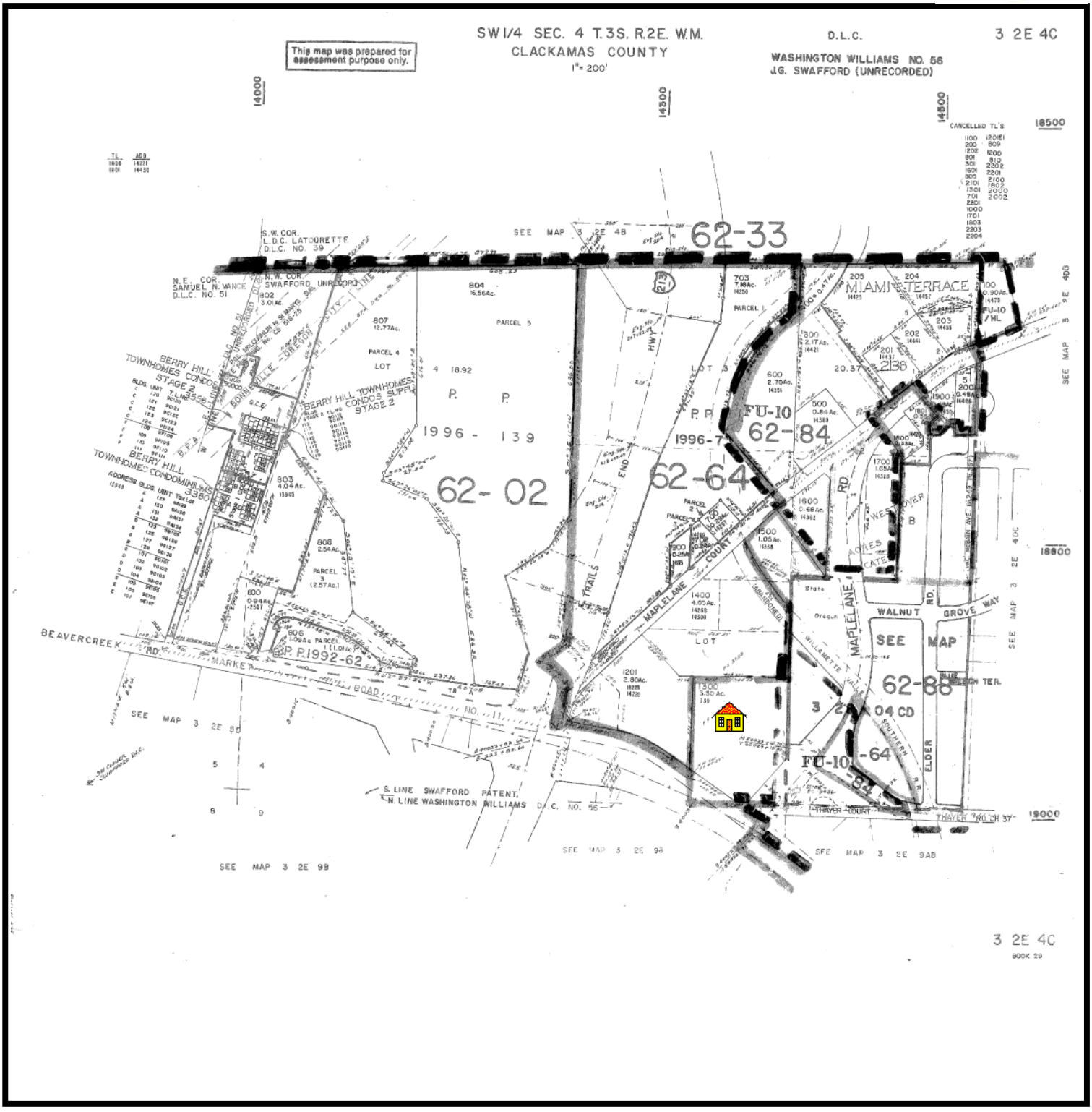
Bedrooms	: 2	Building Living SF	: 2,094	BldgTotSqFt	: 1,278
Bathrooms	: 2.00	1st Floor SF	: 972	Lot Acres	: 3.33
Full Baths	: 2	Upper Finished SF	: 306	Lot SqFt	: 145,268
Half Baths	:	Finished SF	: 1,278	Garage SF	:
Fireplace	: Single Fireplce	Above Ground SF	: 1,278	Year Built	: 1938
Heat Type	: Forced 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
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:

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 01300

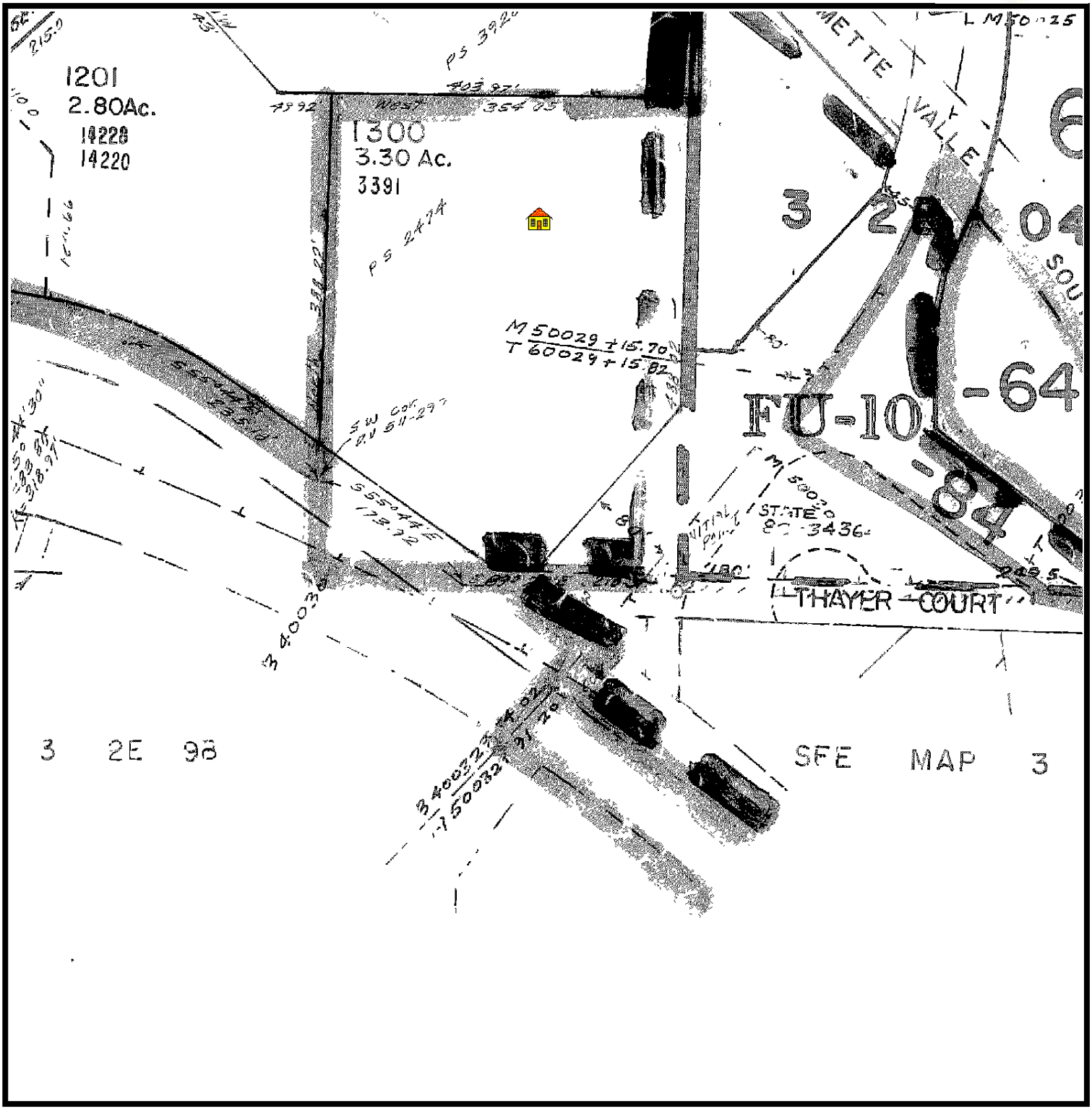


First American Title Company of Oregon

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

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 01300



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Email: cs.portland@firstam.com

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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

Recorded By TICOR TITLE

C881563

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 Atty in fact
Frieda M. Sanders

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

OFFICIAL SEAL
D I HERRLY
NOTARY PUBLIC-OREGON
COMMISSION NO. 422418
MY COMMISSION EXPIRES NOV. 3, 2011

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**	Ref Parcel Number	: 32E04C 01201
Co Owner	:	Parcel Number	: 00842342
Site Address	: 14228 Maplelane Ct Oregon City 97045	T: 03S R: 02E S: 04 Q: SW QQ:	
Mail Address	: 1300 John Adams St #100 Oregon City Or 97045	County	: Clackamas (OR)
Taxpayer	: Historic Properties LLC		

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	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
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:	:		:	:	:	:

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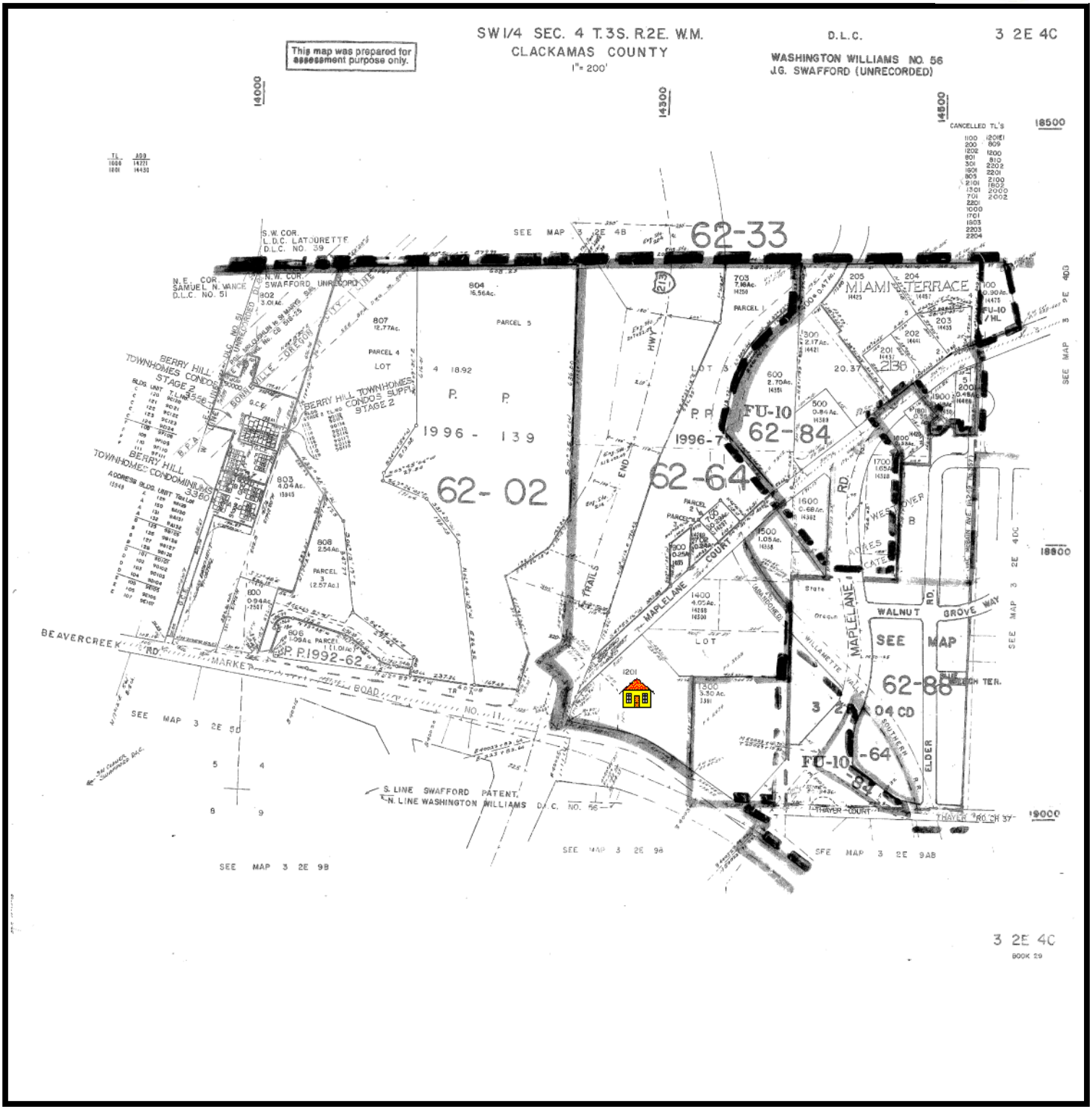
Reference Parcel #: 32E04C 01201

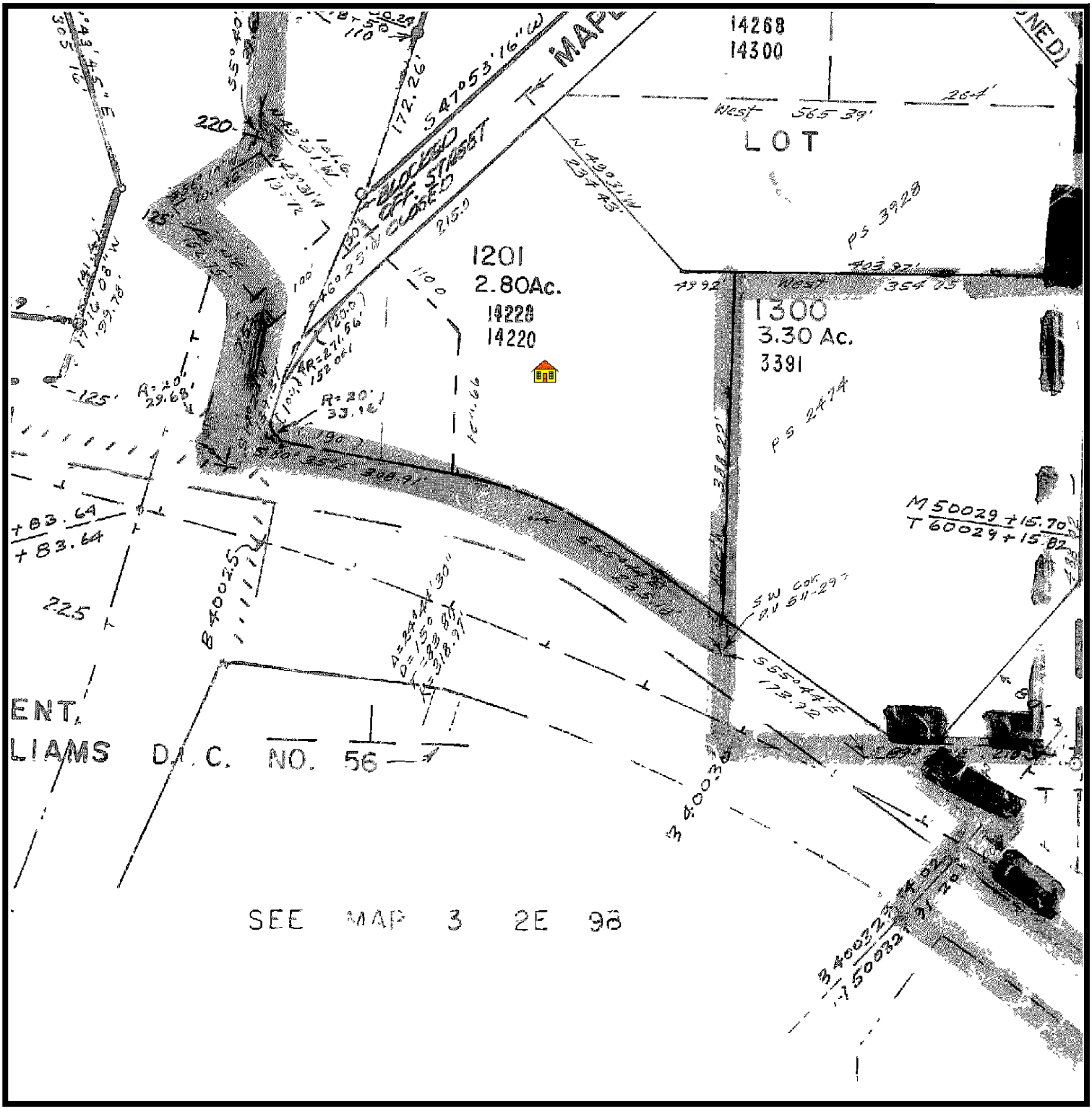


First American Title Company of Oregon

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 #: 32E04C 01201



First American Title Company of Oregon

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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

Recorded by TICOR TITLE 3rd 890791 Idun

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

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. Maplelane 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.

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: Phillip H Dilsaver Board Member
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.

Notary Public - State of Oregon

My commission expires: 1-31-16

OFFICIAL SEAL
KRISTEN LYNN MERRISS
NOTARY PUBLIC-OREGON
COMMISSION NO. 465404
MY COMMISSION EXPIRES JANUARY 31, 2016

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**	Ref Parcel Number	: 32E04C 01400
Co Owner	:	Parcel Number	: 00842360
Site Address	: 14268 Maplelane Ct Oregon City 97045	T: 03S R: 02E S: 04 Q: SW QQ:	
Mail Address	: 1300 John Adams St #100 Oregon City Or 97045	County	: Clackamas (OR)
Taxpayer	: Historic Properties LLC		

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

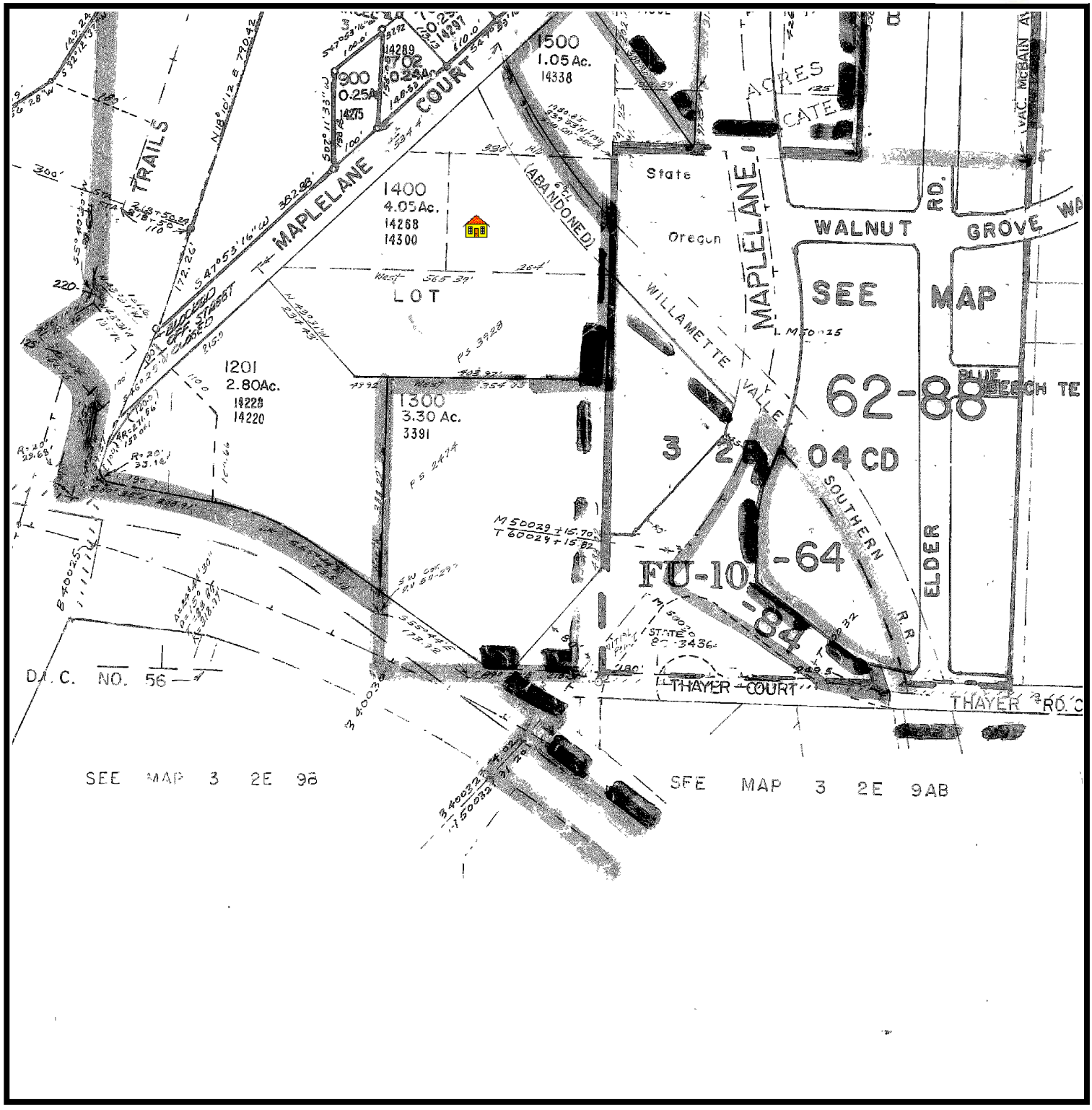
Bedrooms	:	Building Living SF	:	BldgTotSqFt	:
Bathrooms	:	1st Floor SF	:	Lot Acres	: 4.04
Full Baths	:	Upper Finished SF	:	Lot SqFt	: 176,136
Half Baths	:	Finished SF	:	Garage SF	:
Fireplace	:	Above Ground SF	:	Year Built	: 1930
Heat Type	:	Upper Total SF	:	Foundation	:
Floor Cover	:	UnFinUpperStorySF	:	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	:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:

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 01400



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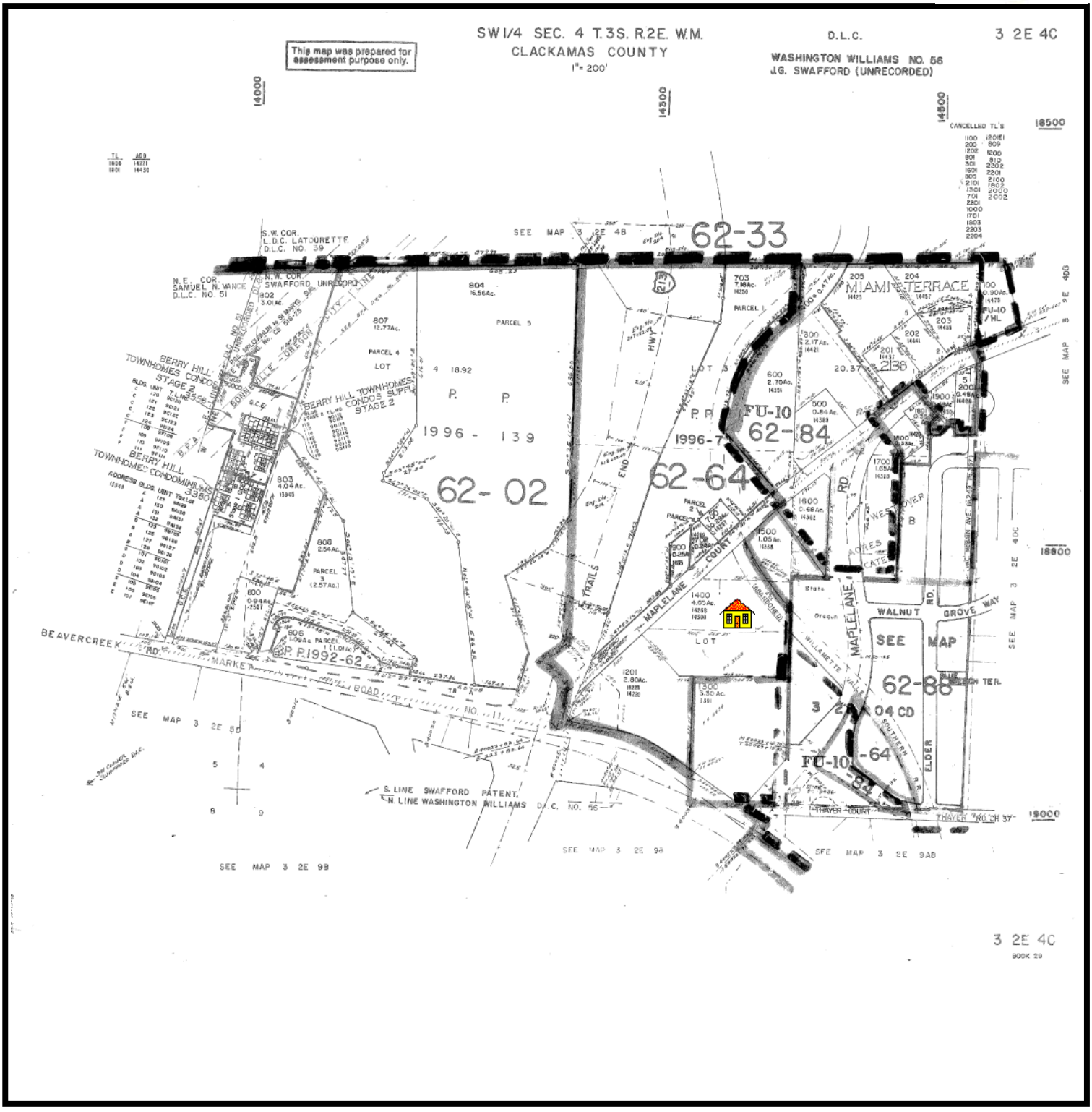
Reference Parcel #: 32E04C 01400



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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

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

FIRST AMERICAN 2334912-SS

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)

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 24th 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 24th day of November, 2014 by Larry Didway as Superintendent of Oregon City School District No. 62, on behalf of the School District.

OFFICIAL STAMP
SHEILA MARIE HOUCK
NOTARY PUBLIC-OREGON
COMMISSION NO. 479597A
MY COMMISSION EXPIRES AUGUST 01, 2017

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**	Ref Parcel Number	: 32E04C 00900
Co Owner	:	Parcel Number	: 00842315
Site Address	: 14275 Maplelane Ct Oregon City 97045	T: 03S R: 02E S: 04 Q: SW QQ:	
Mail Address	: 1300 John Adams St Oregon City Or 97045	County	: Clackamas (OR)
Taxpayer	: Historic Properties LLC		

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

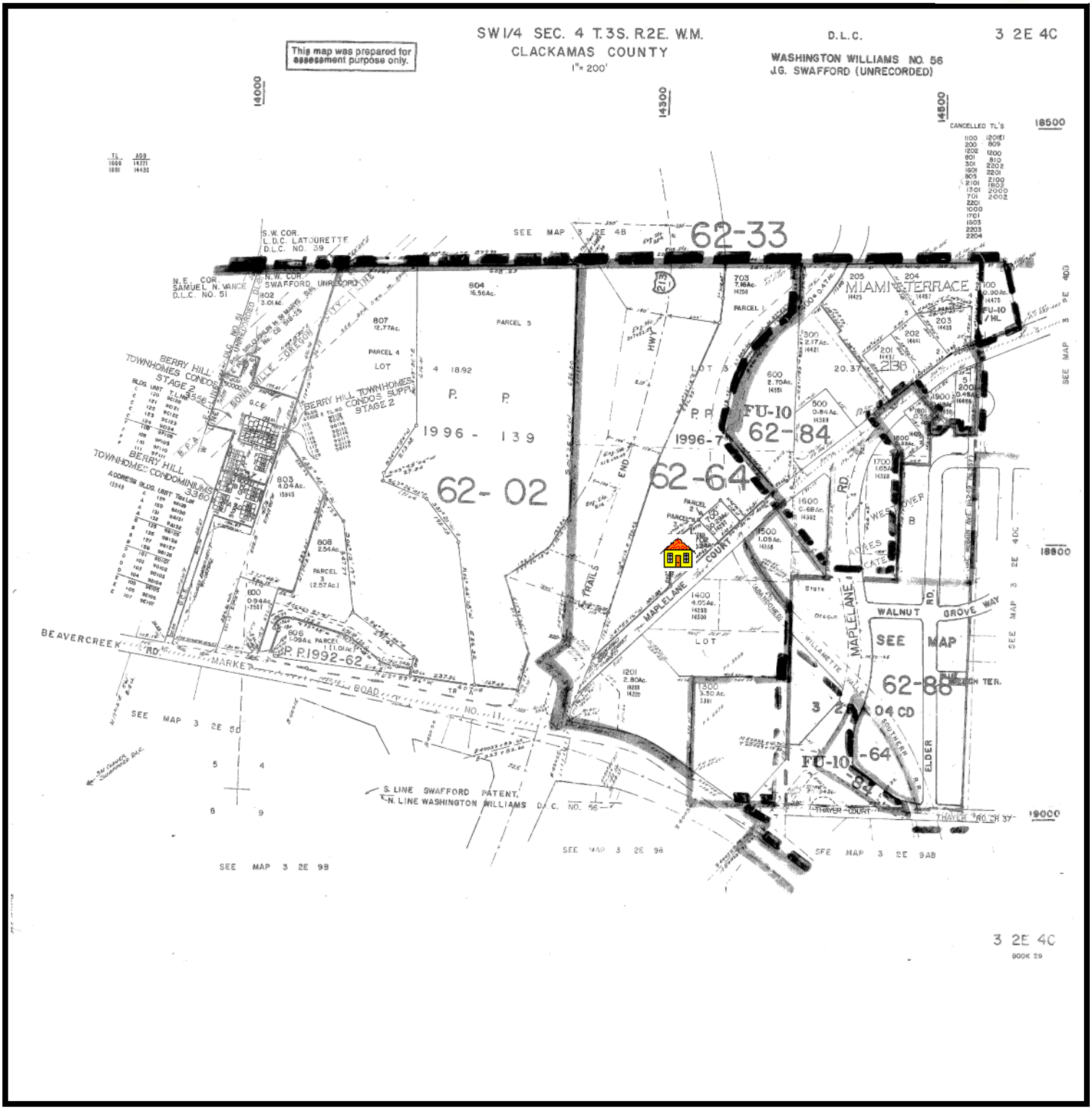
Bedrooms	:	Building Living SF	: 2,000	BldgTotSqFt	: 2,000
Bathrooms	: 1.50	1st Floor SF	: 2,000	Lot Acres	: .26
Full Baths	: 1	Upper Finished SF	:	Lot SqFt	: 11,313
Half Baths	: 1	Finished SF	: 2,000	Garage SF	:
Fireplace	:	Above Ground SF	: 2,000	Year Built	: 1950
Heat Type	: Forced Air-Oil	Upper Total 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	:	:
:	:		:	:	:	:
:	:		:	:	:	:

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 00900



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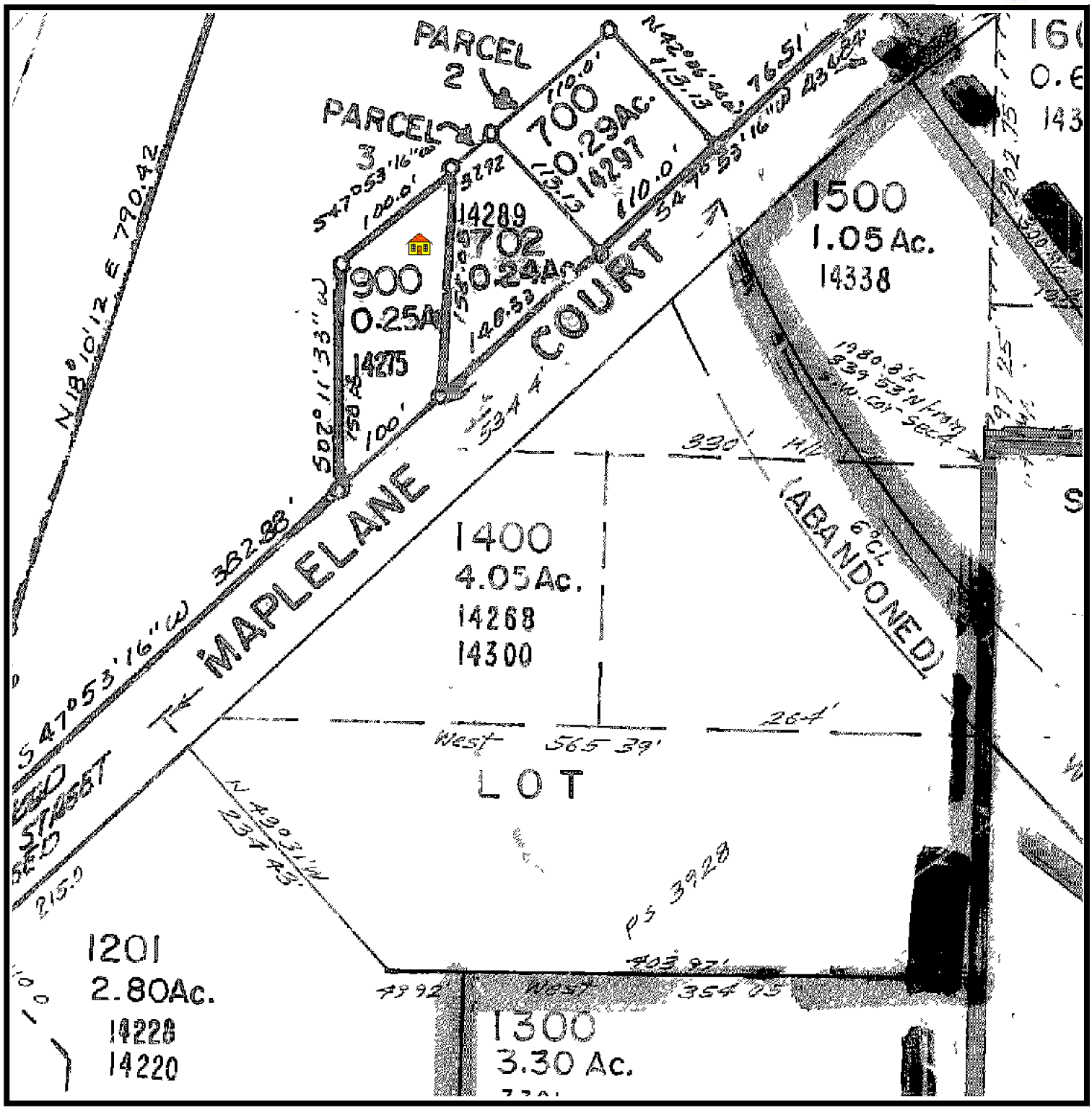
Reference Parcel #: 32E04C 00900



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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

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

FIRST AMERICAN 2150827 SS

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)

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.**

Christina Rose Brusco

Notary Public for Oregon
My commission expires: 9-29-17

OFFICIAL SEAL
CHRISTINA ROSE BRUSCO
NOTARY PUBLIC - OREGON
COMMISSION NO. 481087
MY COMMISSION EXPIRES SEPTEMBER 29, 2017

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 Northwesterly 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 Northwesterly 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 Northwesterly 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.

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**	Ref Parcel Number	: 32E04C 00702
Co Owner	:	Parcel Number	: 01689676
Site Address	: 14289 Maplelane Ct Oregon City 97045	T: 03S R: 02E S: 04 Q: SW QQ:	
Mail Address	: 1300 John Adams St #100 Oregon City Or 97045	County	: Clackamas (OR)
Taxpayer	: Historic Properties LLC		

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

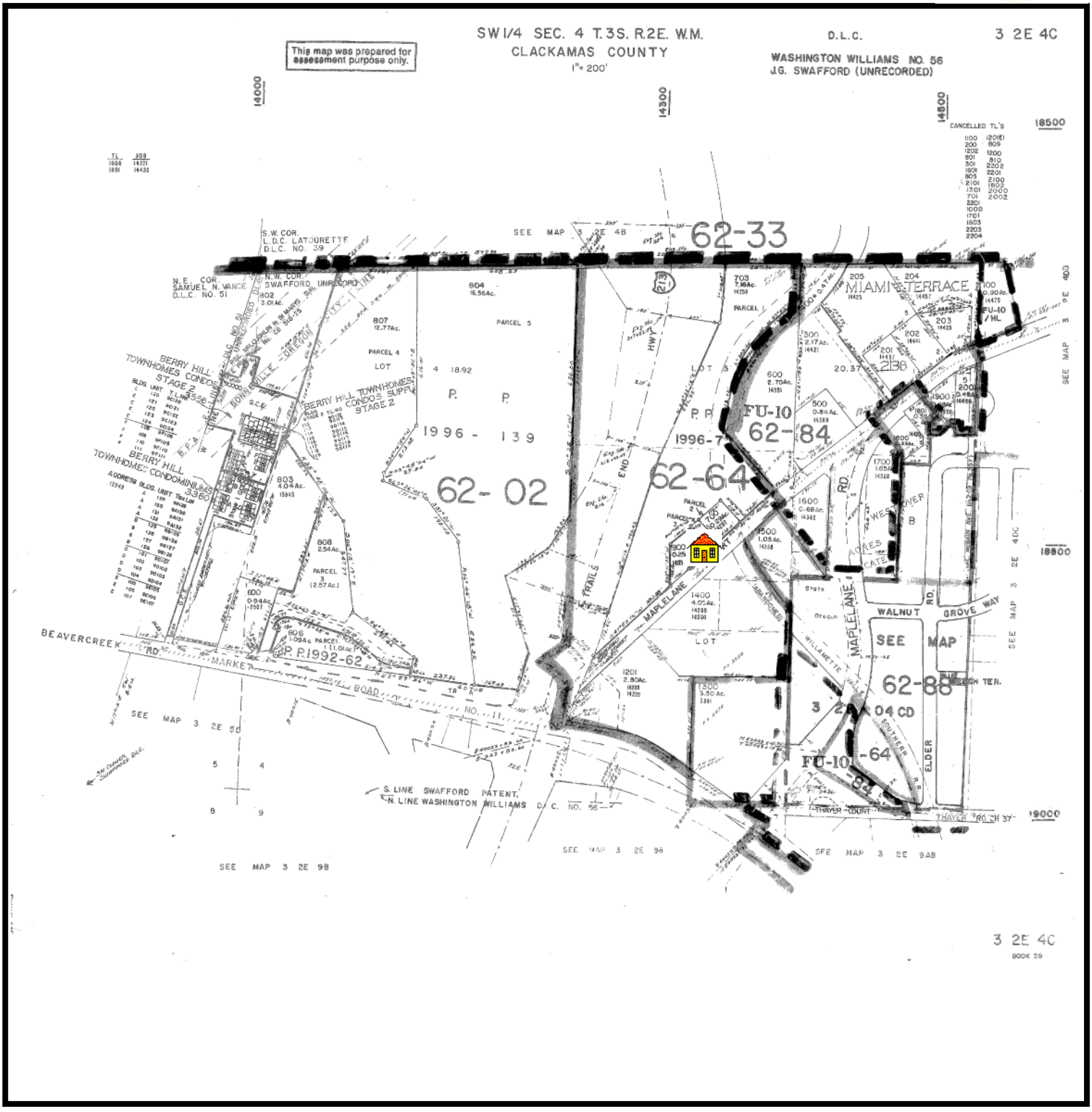
Bedrooms	:	Building Living SF	:	BldgTotSqFt	:
Bathrooms	:	1st Floor SF	:	Lot Acres	: .24
Full Baths	:	Upper Finished SF	:	Lot SqFt	: 10,535
Half Baths	:	Finished SF	:	Garage SF	:
Fireplace	:	Above Ground SF	:	Year Built	:
Heat Type	:	Upper Total SF	:	Foundation	:
Floor Cover	:	UnFinUpperStorySF	:	Roof 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
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:

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 00702

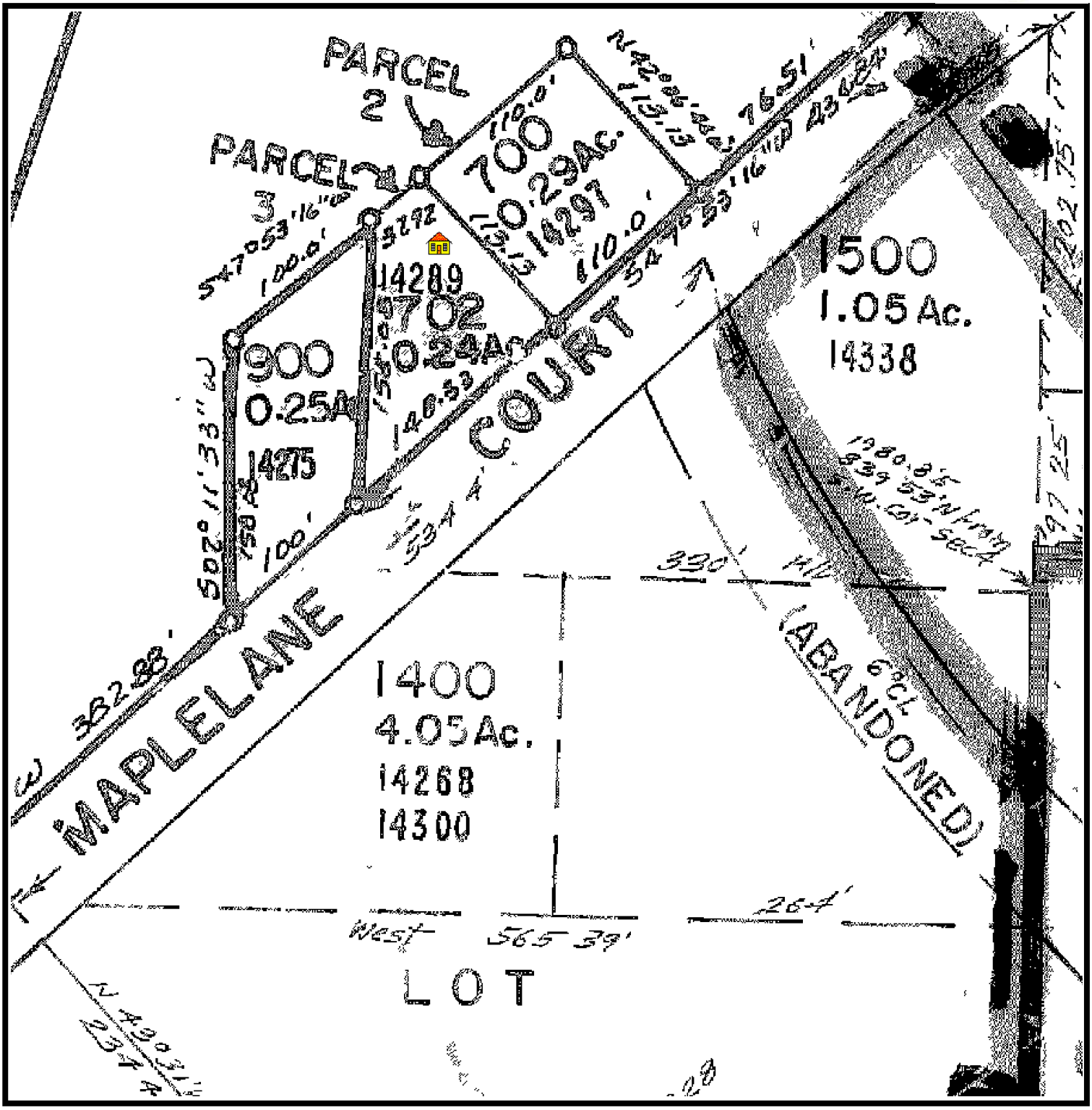


First American Title Company of Oregon

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

Reference Parcel #: 32E04C 00702



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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

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

FIRST AMERICAN 1989553-SS

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 3rd day of December, 20 12.

Thomas R. Rasch

STATE OF Oregon)
)ss.
County of Clackamas)

This instrument was acknowledged before me on this 3rd day of December, 20 12 by **Thomas R. Rasch**.

OFFICIAL SEAL
SHEILA M ENGEL
NOTARY PUBLIC-OREGON
COMMISSION NO. 440978
MY COMMISSION EXPIRES AUGUST 1, 2013

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**	Ref Parcel Number	: 32E04C 00700
Co Owner	:	Parcel Number	: 00842262
Site Address	: 14297 Maplelane Ct Oregon City 97045	T: 03S R: 02E S: 04 Q: SW QQ:	
Mail Address	: 1300 John Adams St #100 Oregon City Or 97045	County	: Clackamas (OR)
Taxpayer	: Historic Properties LLC		

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

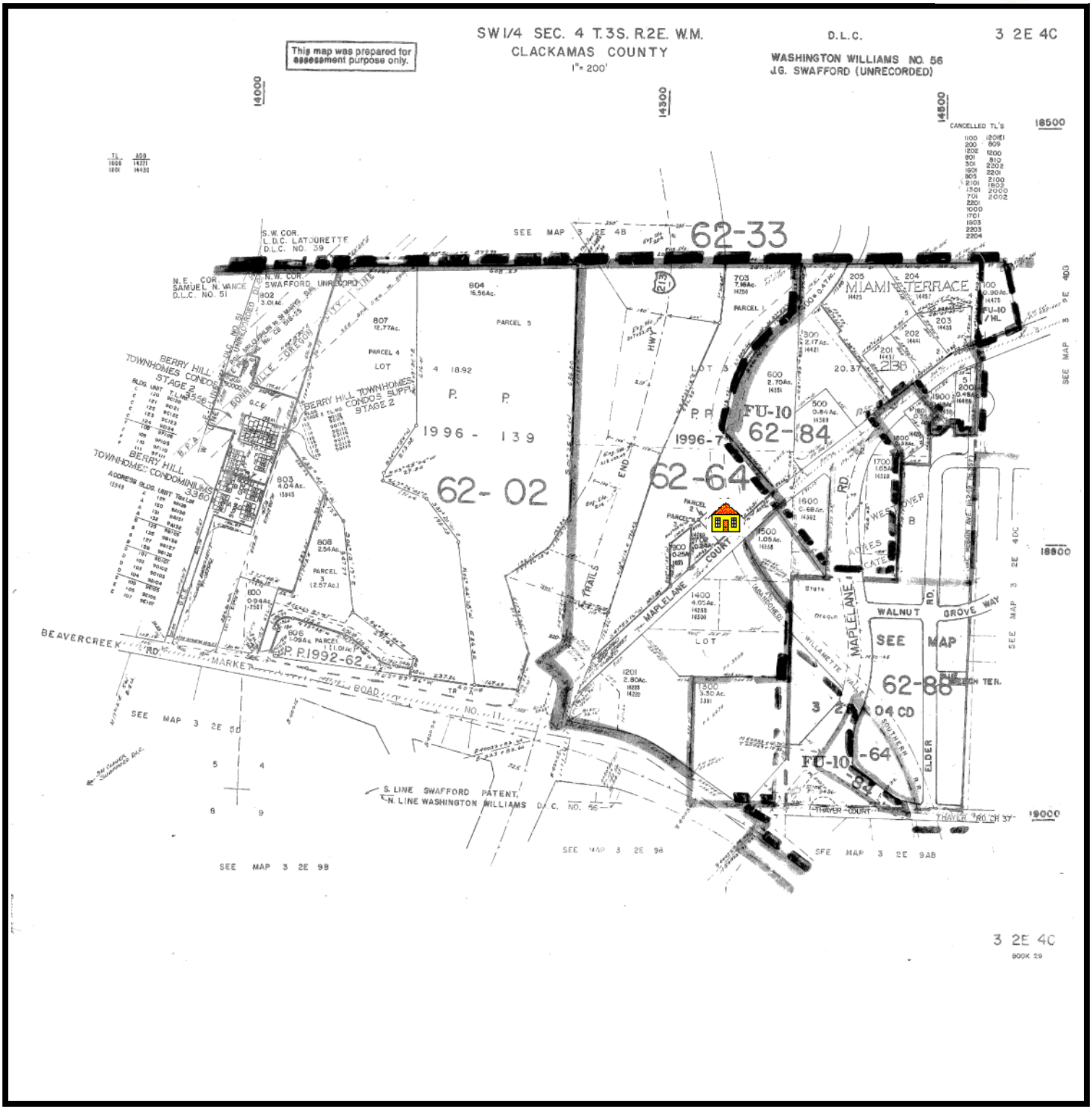
Bedrooms	: 2	Building Living SF	: 2,144	BldgTotSqFt	: 1,552
Bathrooms	: 1.00	1st Floor SF	: 1,072	Lot Acres	: .29
Full Baths	: 1	Upper Finished SF	:	Lot SqFt	: 12,444
Half Baths	:	Finished SF	: 1,552	Garage SF	: 294
Fireplace	: Stacked	Above Ground SF	: 1,072	Year Built	: 1960
Heat Type	: Elec Baseboard	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



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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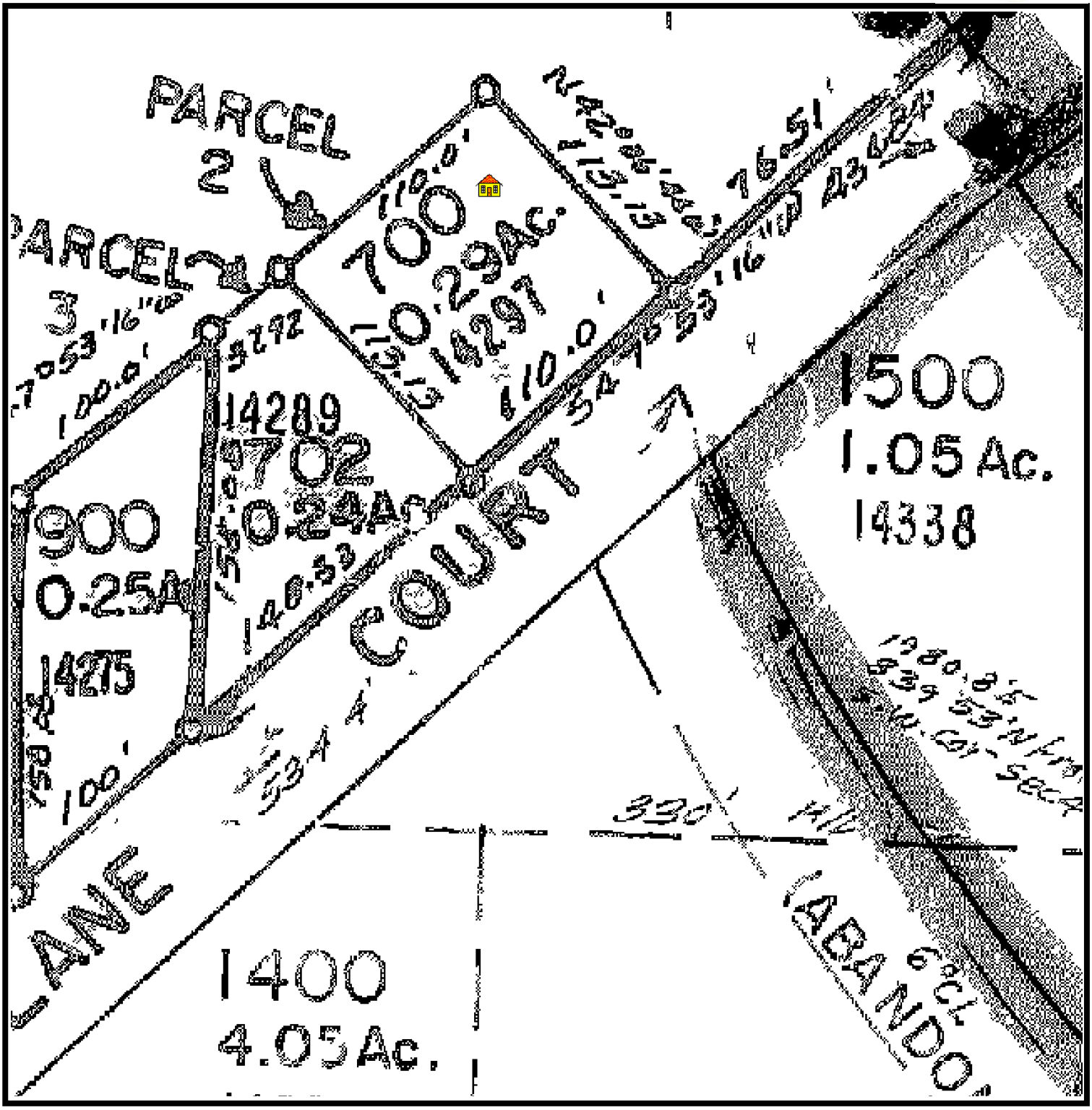
Reference Parcel #: 32E04C 00700



First American Title Company of Oregon

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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

FIRST AMERICAN - 2332455-55

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

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

OFFICIAL SEAL
JULIE MARIE NAMES
NOTARY PUBLIC-OREGON
COMMISSION NO. 480572
MY COMMISSION EXPIRES AUGUST 12, 2017

STATE OF Oregon)
)ss.
County of Josephine)

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**	Ref Parcel Number	: 32E04C 01500
Co Owner	:	Parcel Number	: 00842379
Site Address	: 14338 Maple Lane Rd Oregon City 97045	T: 03S R: 02E S: 04 Q: SW QQ:	
Mail Address	: 606 15th St Oregon City Or 97045	County	: Clackamas (OR)
Taxpayer	: Historic Properties LLC		

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

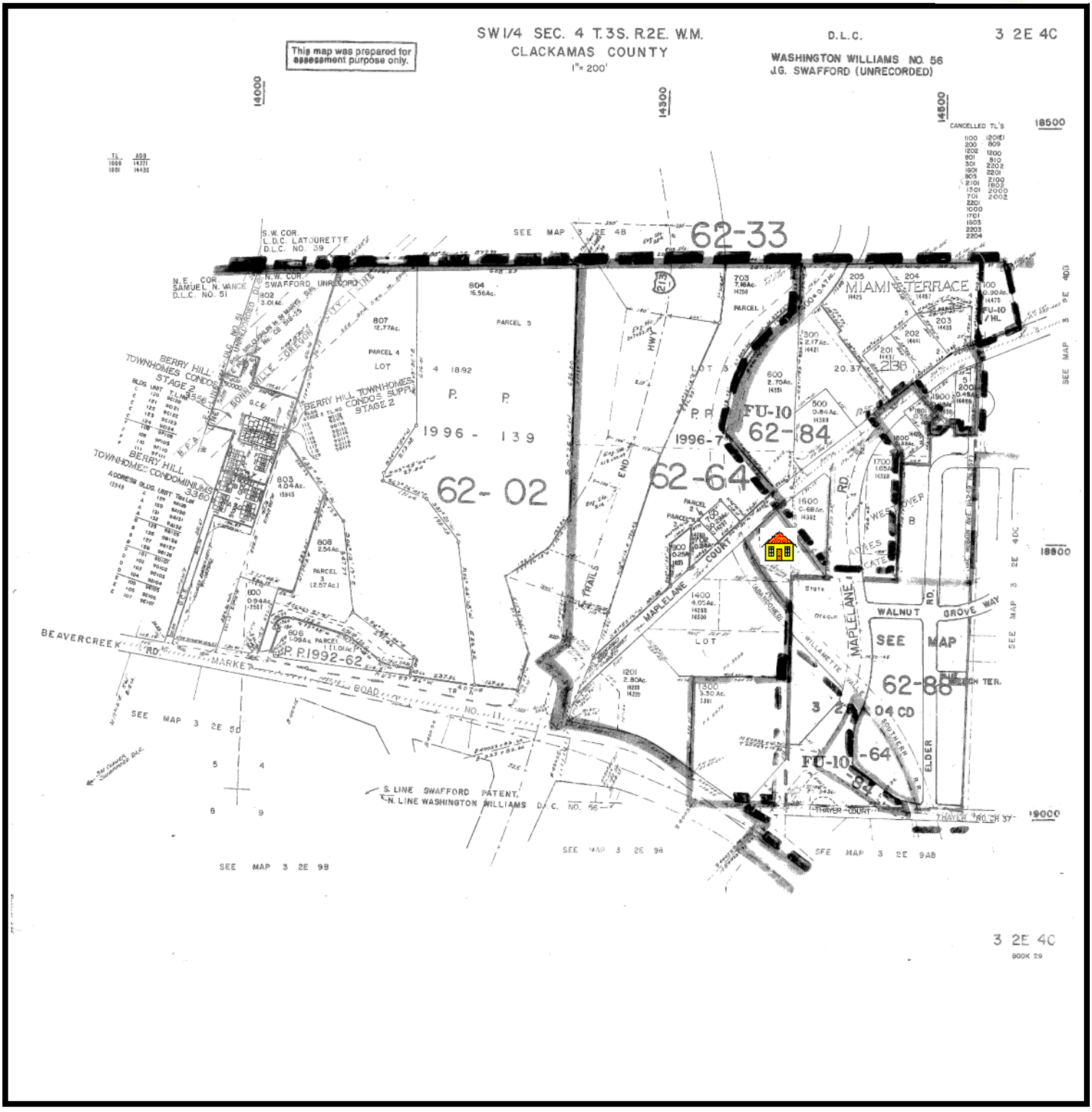
Bedrooms	: 3	Building Living SF	: 1,869	BldgTotSqFt	: 1,869
Bathrooms	: 2.50	1st Floor SF	: 1,869	Lot Acres	: 1.02
Full Baths	: 2	Upper Finished SF	:	Lot SqFt	: 44,315
Half Baths	: 1	Finished SF	: 1,869	Garage SF	: 940
Fireplace	: Single Fireplce	Above Ground SF	: 1,869	Year Built	: 1963
Heat Type	: 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
:Stclaire Leonard & Jo Ellen	:12/01/1993	0093-97758	:$134,900	:Warranty	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:

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 01500



First American Title Company of Oregon

Customer Service Department
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Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: cs.portland@firstam.com

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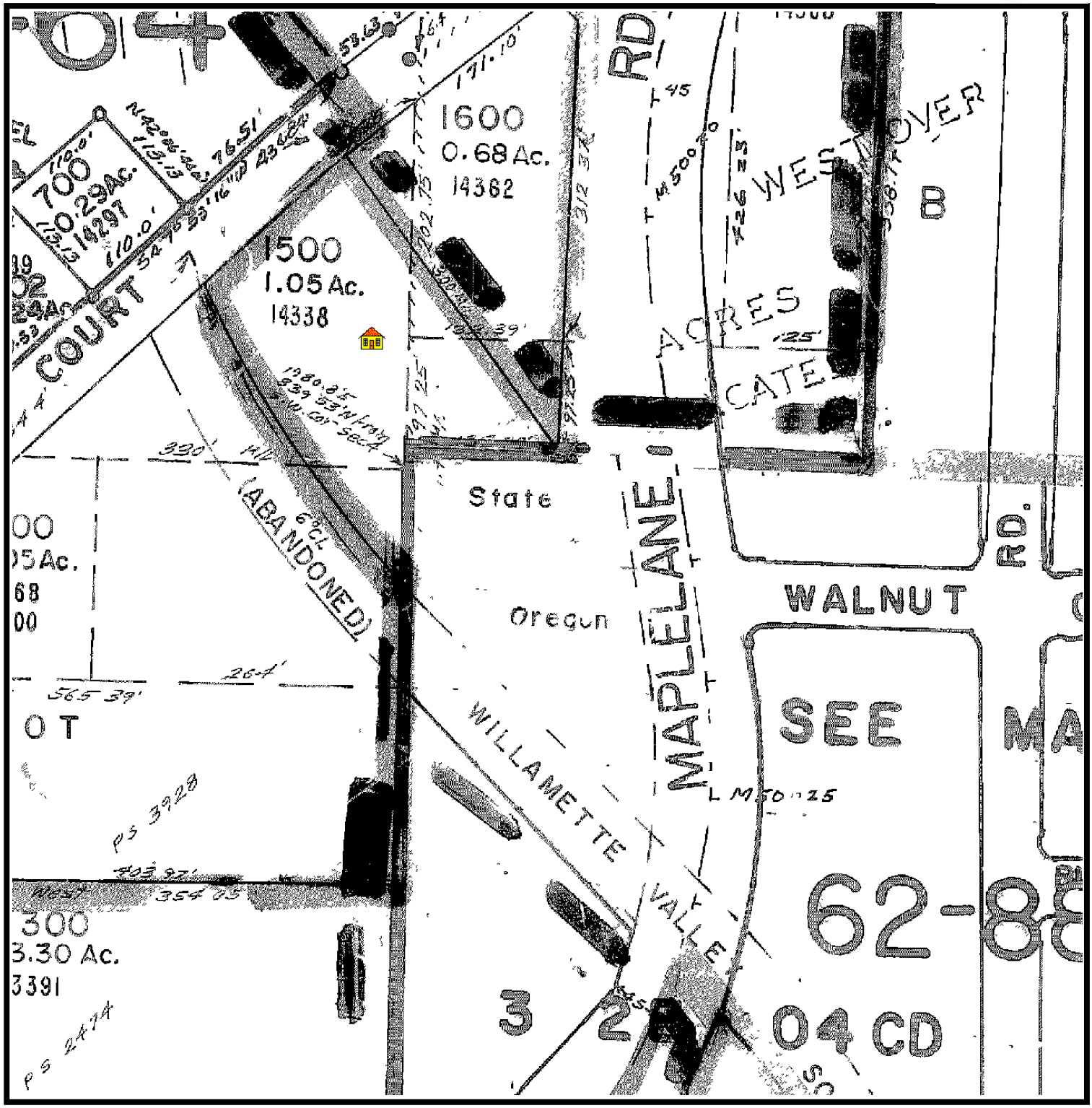
Reference Parcel #: 32E04C 01500



First American Title Company of Oregon

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5
15
11

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

Recorded By TICOR TITLE

Clackamas County Official Records **2007-076917**
Sherry Hall, County Clerk

$31.00

01141493200700769170010012 **09/06/2007 10:27:56 AM**

D-D Cnt=1 Stn=6 KARLYNWUN
$5.00 $16.00 $10.00

C 905066

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

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

Notary Public

My Commission Expires: _____

OFFICIAL SEAL
D I HERRLY
NOTARY PUBLIC-OREGON
COMMISSION NO. 374359
MY COMMISSION EXPIRES NOV. 3, 2007

D I HERRLY

OFFICIAL SEAL
D I HERRLY
NOTARY PUBLIC-OREGON
COMMISSION NO. 374359
MY COMMISSION EXPIRES NOV. 3, 2007

TICOR TITLE INSURANCE COMPANY
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**	Ref Parcel Number	: 32E04C 01600
Co Owner	:	Parcel Number	: 00842388
Site Address	: 14362 Maple Lane Rd Oregon City 97045	T: 03S R: 02E S: 04 Q: SW QQ:	
Mail Address	: 1300 John Adams St #100 Oregon City Or 97045	County	: Clackamas (OR)
Taxpayer	: Historic Properties LLC		

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

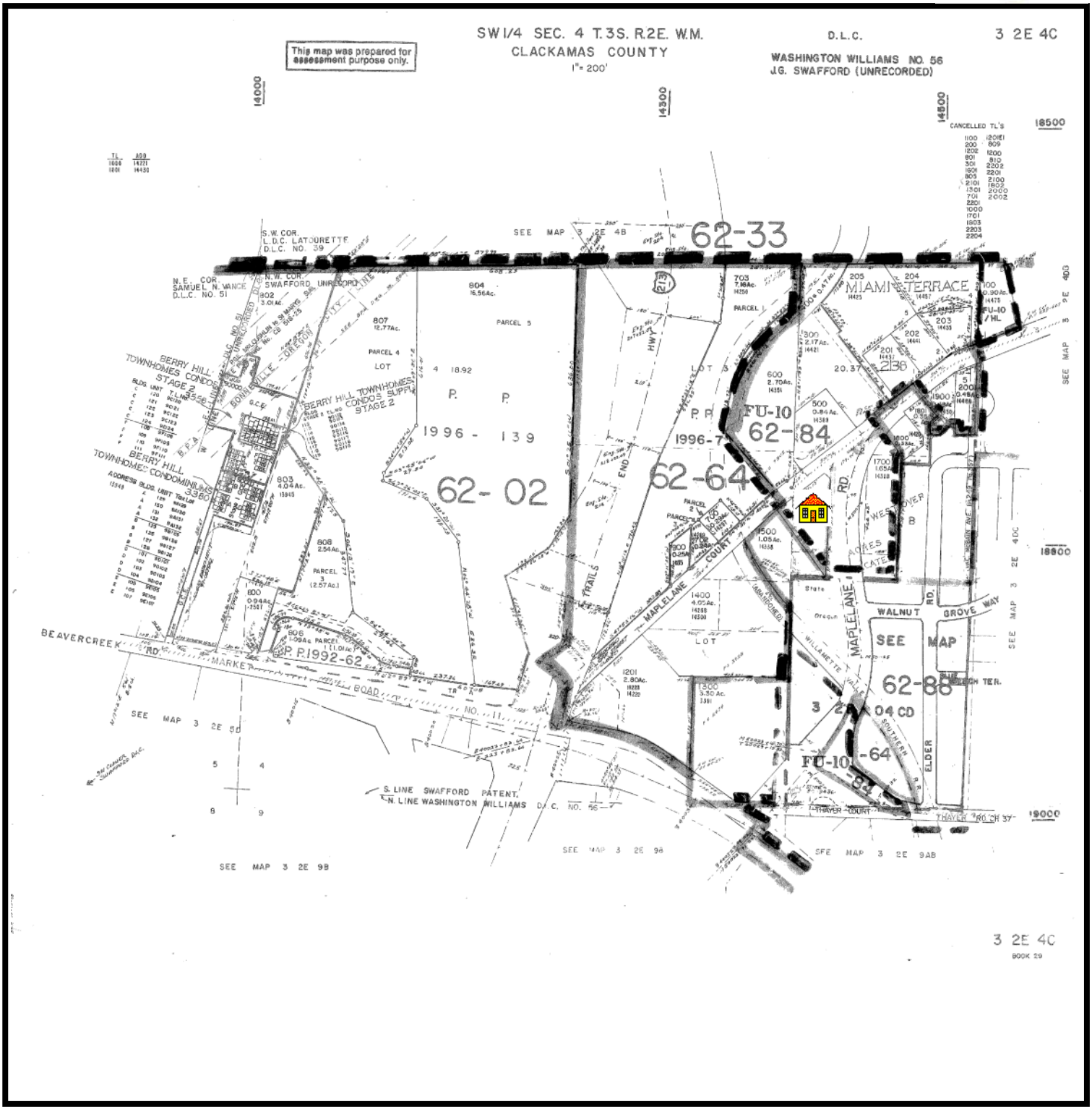
Bedrooms	: 1	Building Living SF	: 886	BldgTotSqFt	: 886
Bathrooms	: 1.00	1st Floor SF	: 886	Lot Acres	: .90
Full Baths	: 1	Upper Finished SF	:	Lot SqFt	: 38,985
Half Baths	:	Finished SF	: 886	Garage SF	:
Fireplace	:	Above Ground SF	: 886	Year Built	: 1943
Heat Type	: Elec Wall Unit	Upper Total SF	:	Foundation	: 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	:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:

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 01600

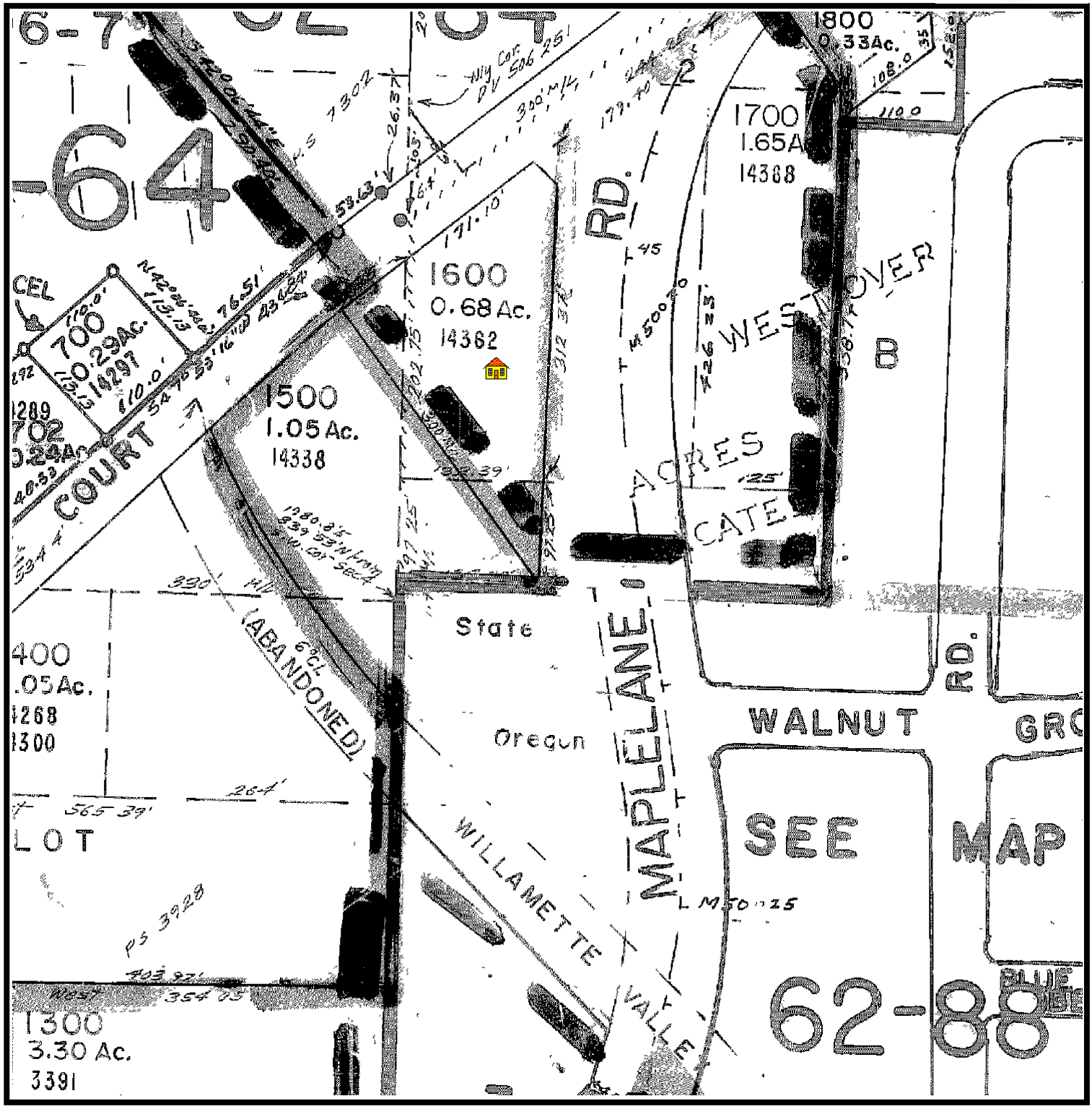


First American Title Company of Oregon

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

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



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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 12th day of September, 2013.

Gary R. Bowles

STATE OF Oregon)
)ss.
County of Clackamas)

This instrument was acknowledged before me on this 12th day of September, 2013 by **Gary R. Bowles**.

Amy K. Bell

Notary Public for Oregon
My commission expires: NOV. 20, 2015

OFFICIAL SEAL
AMY K BELL
NOTARY PUBLIC - OREGON
COMMISSION NO. 463426
MY COMMISSION EXPIRES NOVEMBER 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**	Ref Parcel Number	: 32E04CD03300
Co Owner	:	Parcel Number	: 00842501
Site Address	: 14375 Maple Lane Rd Oregon City 97045	T: 03S R: 02E S: 04 Q: SW QQ: SE	
Mail Address	: 606 15th St Oregon City Or 97045	County	: Clackamas (OR)
Taxpayer	: Historic Properties LLC		

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	: 2,160
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 Fireplce	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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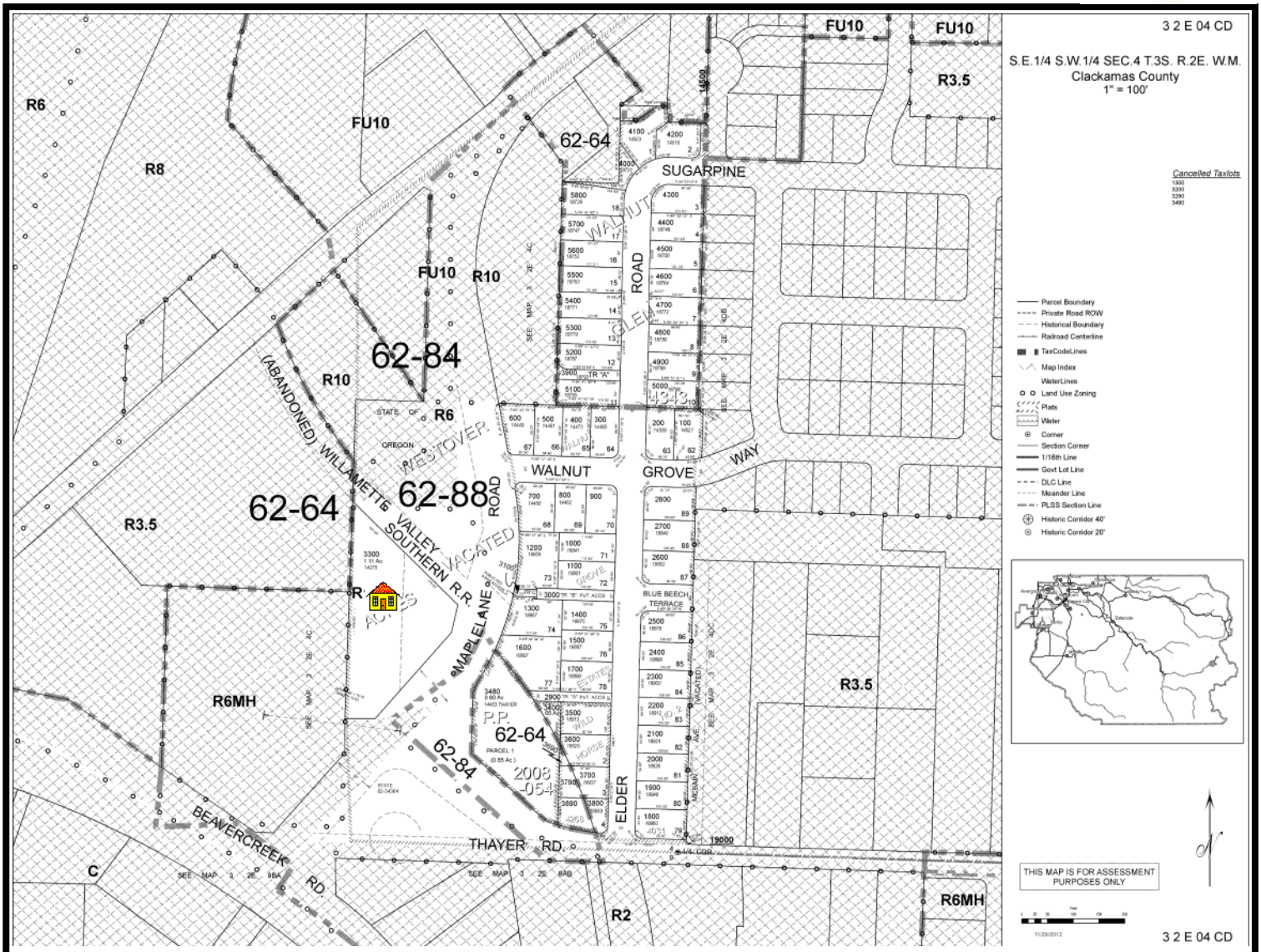
:	:		:	:	:	:

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 #: 32E04CD03300



First American Title Company of Oregon

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Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: cs.portland@firstam.com

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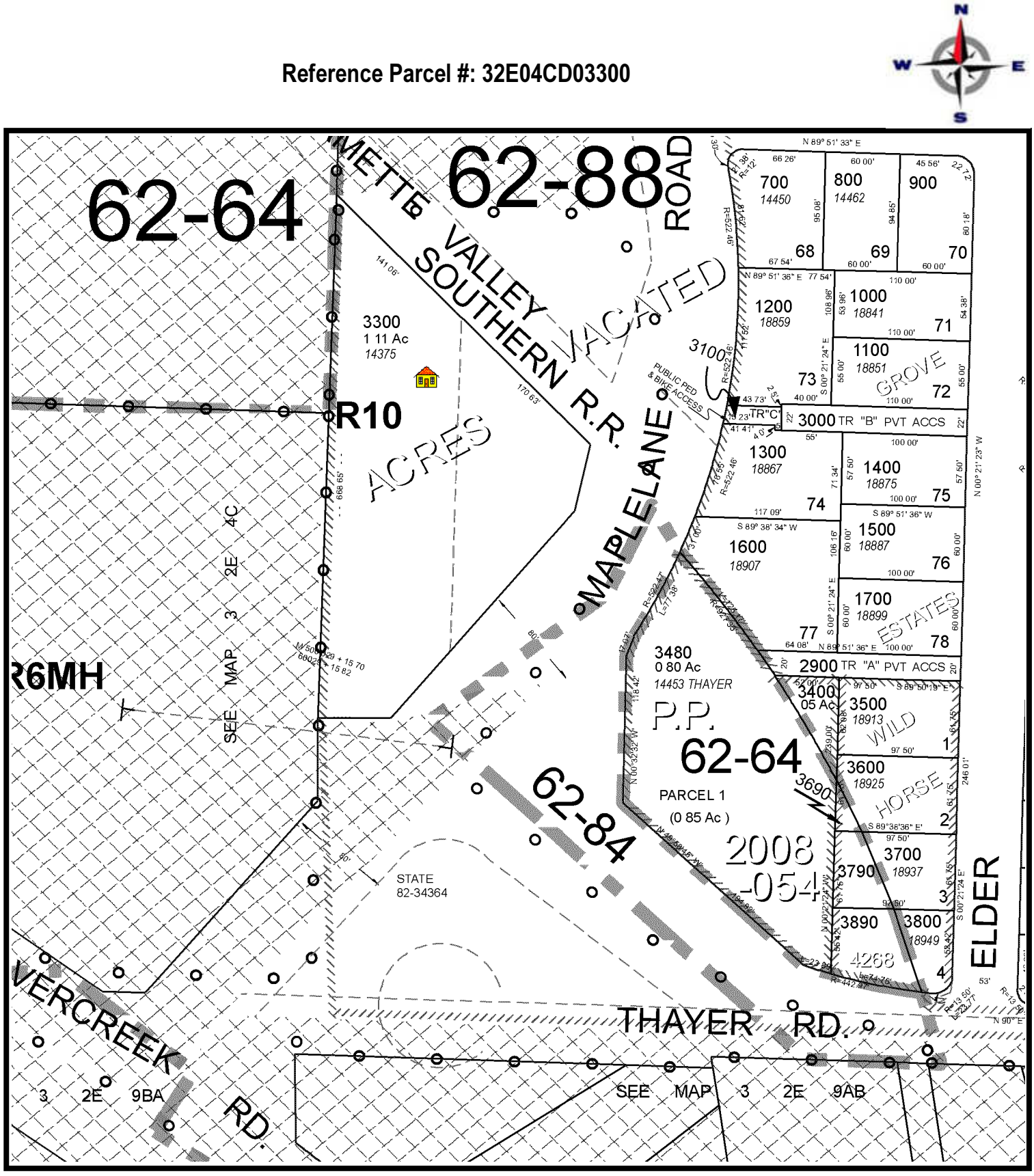
Reference Parcel #: 32E04CD03300



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5
15
11

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

Recorded By TICOR TITLE

Clackamas County Official Records **2007-076917**
Sherry Hall, County Clerk

$31.00

01141493200700769170010012 **09/06/2007 10:27:56 AM**

D-D Cnt=1 Stn=6 KARLYNWUN
$5.00 $16.00 $10.00

C 905066

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

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

Notary Public

My Commission Expires: _____

OFFICIAL SEAL
D I HERRLY
NOTARY PUBLIC-OREGON
COMMISSION NO. 374359
MY COMMISSION EXPIRES NOV. 3, 2007

D I HERRLY

OFFICIAL SEAL
D I HERRLY
NOTARY PUBLIC-OREGON
COMMISSION NO. 374359
MY COMMISSION EXPIRES NOV. 3, 2007

TICOR TITLE INSURANCE COMPANY
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**	Ref Parcel Number	: 32E04CD06000
Co Owner	:	Parcel Number	: 05026488
Site Address	: *no Site Address*	T: 03S R: 02E S: 04 Q:	QQ:
Mail Address	: 914 Madison St Oregon City Or 97045	County	: Clackamas (OR)
Taxpayer	: Historic Properties LLC		

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	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:

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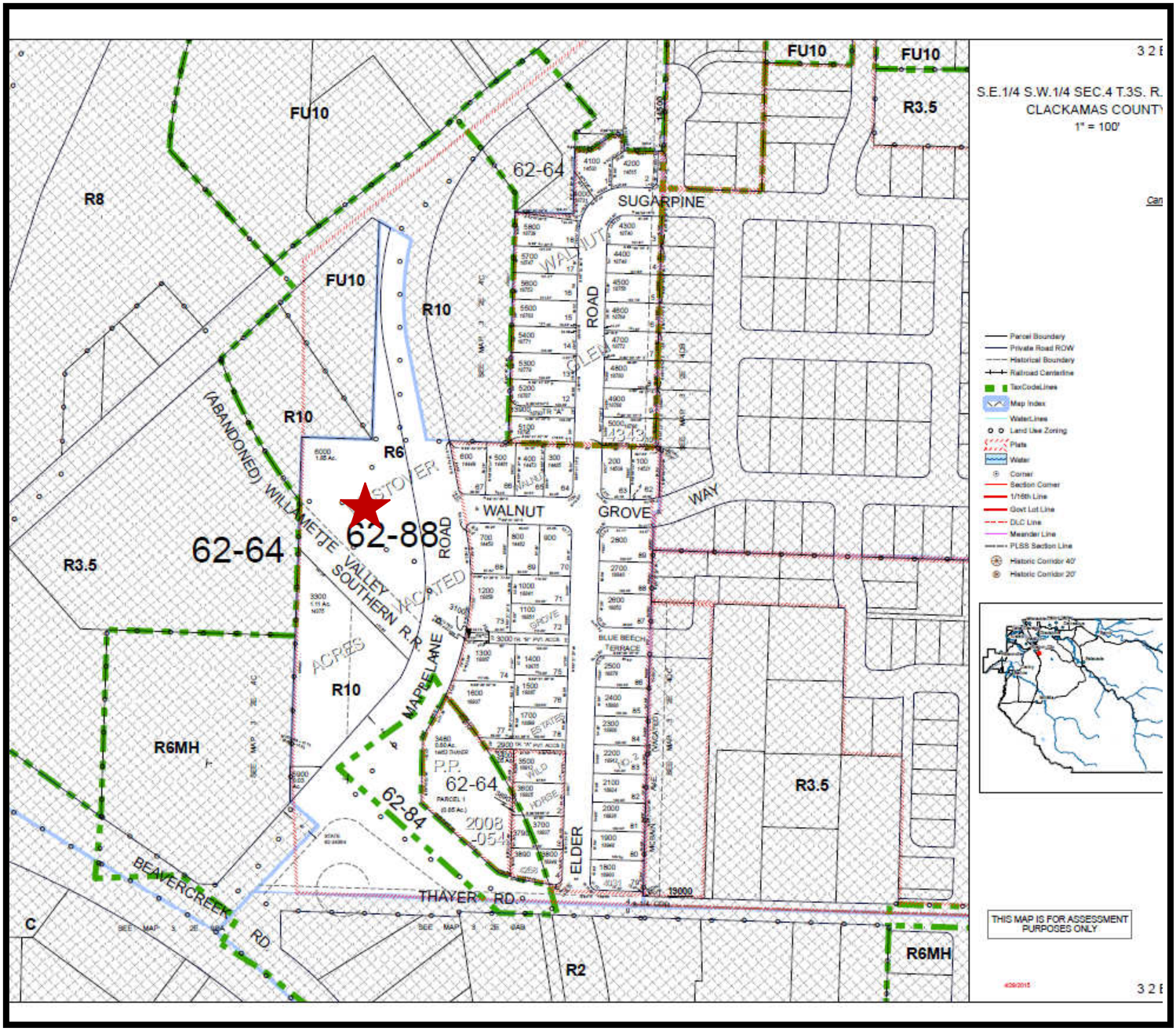
Reference Parcel Number 32E04CD 06000



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

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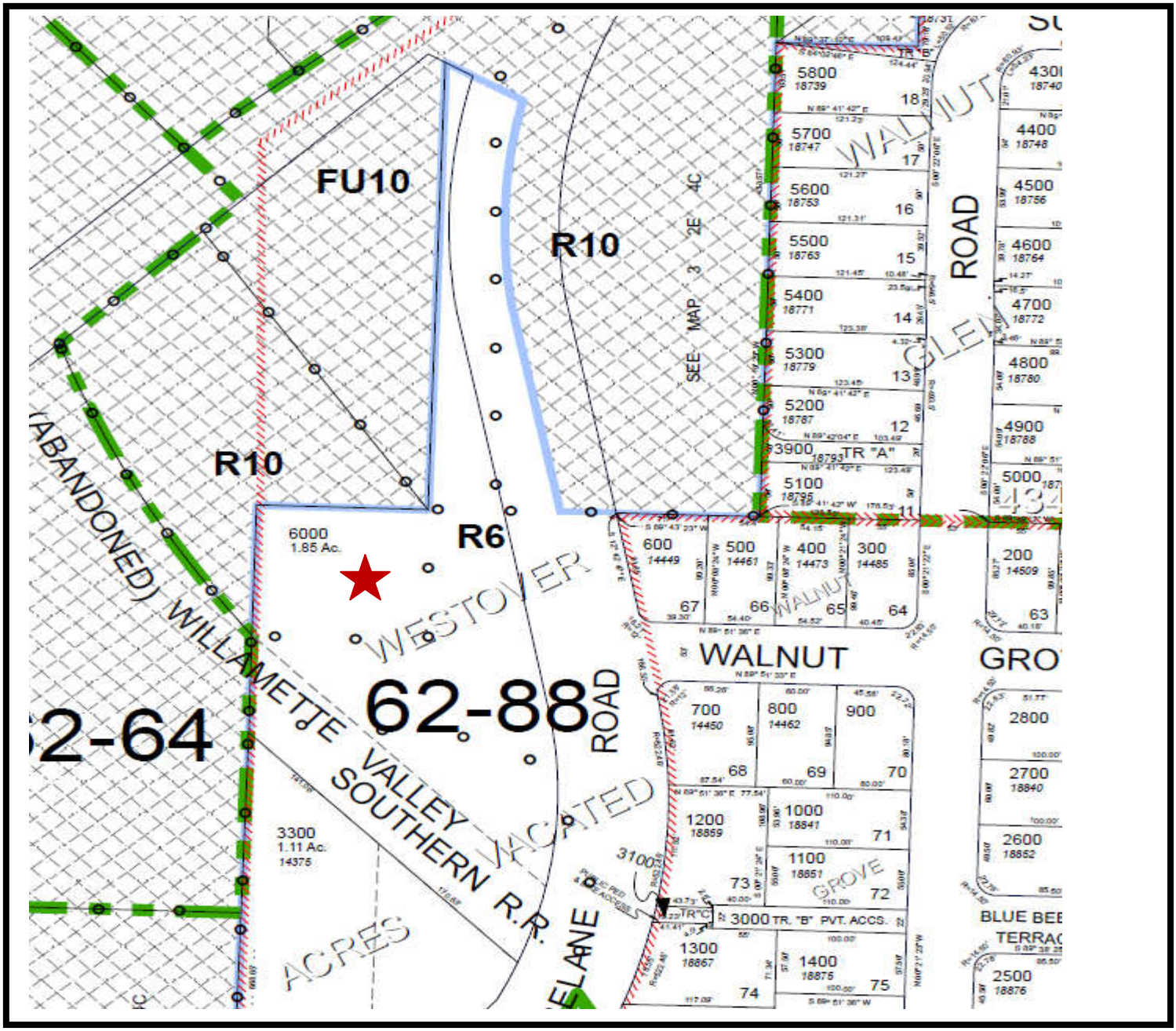
Reference Parcel Number 32E04CD 06000



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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

FIRST AMERICAN - 2345708 - DS

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.

THIS SPACE RESERVED FOR RECORDER'S USE

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

FIRST AMERICAN - 2345708 - 85

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.

Dated this 17th day of November, 2014.

David W. Frasher

David W. Frasher, City Manager

John M. Lewis

John M. Lewis, Public Works Director

STATE OF Oregon)
)ss.
County of Clackamas)

This instrument was acknowledged before me on this 17th day of November, 2014 by **John M. Lewis, Public Works director of the City of Oregon City on behalf of the corporation.**

OFFICIAL STAMP
NANCY S IDE
NOTARY PUBLIC-OREGON
COMMISSION NO. 921771
MY COMMISSION EXPIRES NOVEMBER 12, 2017

Nancy S. Ide

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 17th day of November, 2014 by **David W. Frasher as City Manager of the City of Oregon City on behalf of the corporation.**

OFFICIAL STAMP
NANCY S IDE
NOTARY PUBLIC-OREGON
COMMISSION NO. 921771
MY COMMISSION EXPIRES NOVEMBER 12, 2017

Nancy S. Ide

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

First American Title Accommodation
Recording Assumes No Liability

FIRST AMERICAN - 2345708 - SS

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

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 mem./mgr.
Mark E. Foley, Manager

State of Oregon)
) ss.
County of Clackamas)

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

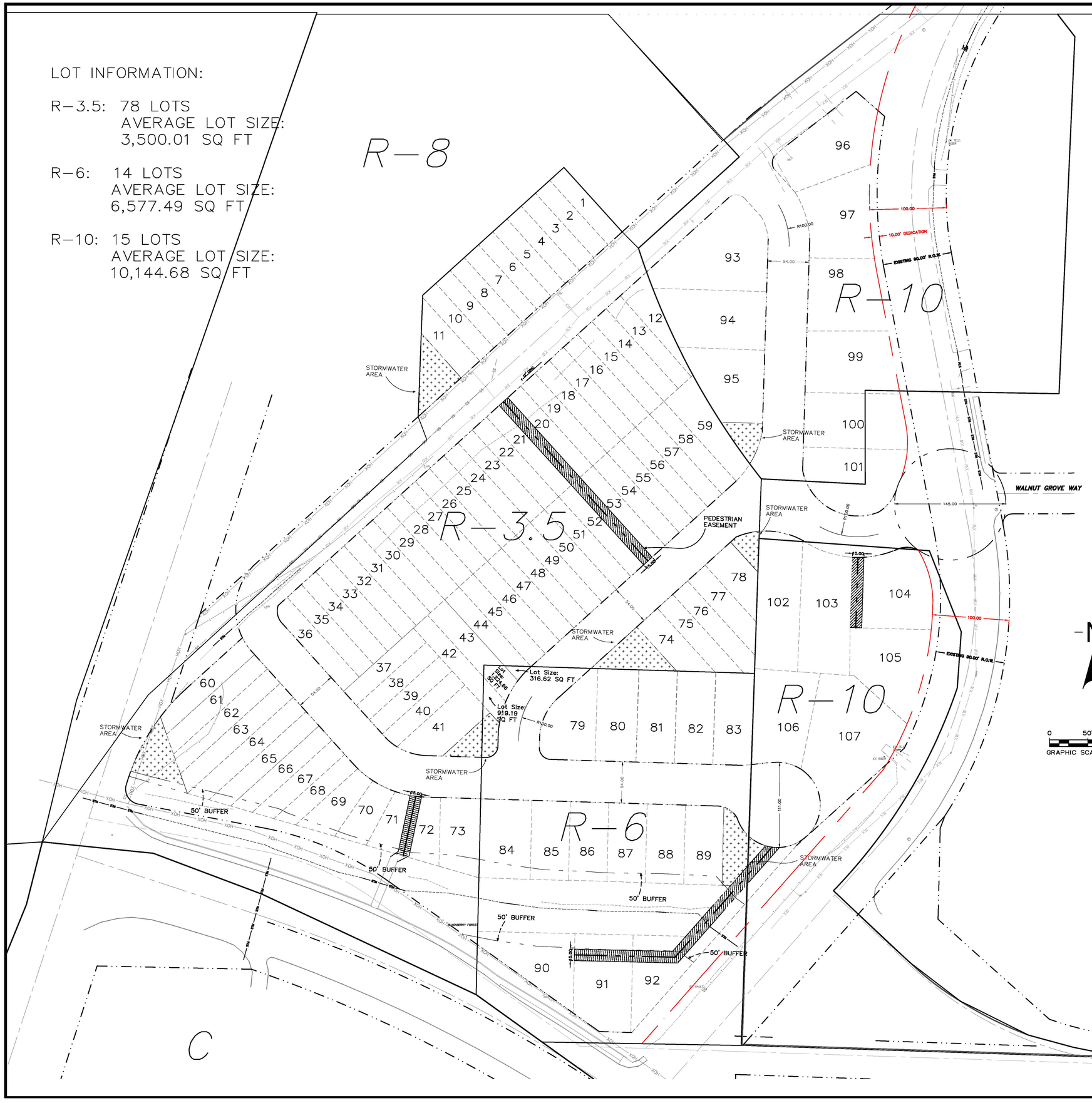
OFFICIAL SEAL
DEBORAH J CHASE
NOTARY PUBLIC-OREGON
COMMISSION NO. 472447
MY COMMISSION EXPIRES NOVEMBER 17, 2016

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



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
	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
	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*
	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
	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
	74	3437.11
	75	3382.84
	76	3656.47
	77	3525.22
	78	3423.60
R6	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
	89	5143.50
	90	7632.04
	91	9197.97
	92	11917.25
R10	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
	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

HILL TOP 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

REGISTERED PROFESSIONAL ENGINEER
12,820
OREGON
JULY 28, 1978
THOMAS J. SISUL

EXPIRES: 6/30/16

LOT INFORMATION:

R-3.5: 78 LOTS
AVERAGE LOT SIZE:
3,500.04 SQ FT

R-6: 14 LOTS
AVERAGE LOT SIZE:
6,544.08 SQ FT

R-10: 15 LOTS
AVERAGE LOT SIZE:
10,606.55 SQ FT

R-8

R-6

R-10

R-6

R-3.5

Typical Lot Size:
3,500 SQ FT

Typical Lot Size:
3,500 SQ FT

Lot Size: 9,564.29 SQ FT
Lot Size: 10,041.34 SQ FT
Lot Size: 14,195.77 SQ FT
Lot Size: 9,989.26 SQ FT
Lot Size: 9,952.83 SQ FT
Lot Size: 10,006.59 SQ FT
Lot Size: 8,050.88 SQ FT
Lot Size: 10,073.39 SQ FT
Lot Size: 9,801.06 SQ FT
Lot Size: 2,828.25 SQ FT
Lot Size: 2,853.35 SQ FT
Lot Size: 3,061.08 SQ FT
Lot Size: 3,177.79 SQ FT
Lot Size: 3,152.14 SQ FT
Lot Size: 3,498.79 SQ FT
Lot Size: 5,224.45 SQ FT
Lot Size: 4,200 SQ FT
Lot Size: 4,200 SQ FT
Lot Size: 4,200 SQ FT
Lot Size: 4,200 SQ FT
Lot Size: 4,200 SQ FT
Lot Size: 4,200 SQ FT
Lot Size: 3,923.22 SQ FT
Lot Size: 3,656.41 SQ FT
Lot Size: 3,382.84 SQ FT
Lot Size: 3,437.11 SQ FT
Lot Size: 3,198.24 SQ FT
Lot Size: 3,135.80 SQ FT
Lot Size: 3,046.95 SQ FT
Lot Size: 3,062.47 SQ FT
Lot Size: 3,062.46 SQ FT
Lot Size: 3,062.48 SQ FT
Lot Size: 3,040.95 SQ FT
Lot Size: 5,047.25 SQ FT
Lot Size: 4,780.38 SQ FT
Lot Size: 3,951.13 SQ FT
Lot Size: 3,994.70 SQ FT
Lot Size: 4,355.59 SQ FT
Lot Size: 4,516.49 SQ FT
Lot Size: 4,455.17 SQ FT
Lot Size: 4,071.61 SQ FT
Lot Size: 3,688.06 SQ FT
Lot Size: 3,306.36 SQ FT
Lot Size: 2,919.09 SQ FT
Lot Size: 3,522.89 SQ FT
Lot Size: 3,597.87 SQ FT
Lot Size: 2,827.49 SQ FT
Lot Size: 2,976.99 SQ FT
Lot Size: 5,027.05 SQ FT
Lot Size: 6,856.24 SQ FT
Lot Size: 5,143.17 SQ FT
Lot Size: 5,121.44 SQ FT
Lot Size: 5,130.79 SQ FT
Lot Size: 5,140.51 SQ FT
Lot Size: 5,143.50 SQ FT
Lot Size: 7,632.04 SQ FT
Lot Size: 9,197.97 SQ FT
Lot Size: 11,660.60 SQ FT
Lot Size: 302.28 SQ FT
Lot Size: 510.18 SQ FT
Lot Size: 48.55 SQ FT
Lot Size: 6,147.21 SQ FT
Lot Size: 6,415.42 SQ FT
Lot Size: 5,999.88 SQ FT
Lot Size: 5,999.88 SQ FT
Lot Size: 6,028.46 SQ FT
Lot Size: 10,046.65 SQ FT
Lot Size: 10,559.74 SQ FT
Lot Size: 10,873.33 SQ FT
Lot Size: 10,383.77 SQ FT
Lot Size: 9,332.34 SQ FT
Lot Size: 16,226.94 SQ FT

STORMWATER AREA
PEDESTRIAN EASEMENT
50' BUFFER
WALNUT GROVE WAY
R100.00
145.00
15.00
106.00

0 50' 100'
GRAPHIC SCALE 1"=50'

REGISTERED PROFESSIONAL ENGINEER
12,820
OREGON
FEB 14, 1985
THOMAS J. SISUL
EXPIRES: 6/30/16

REVISIONS	BY

HILL TOP MASTER PLAN

LOT LAYOUT

SISUL ENGINEERING
375 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 657-0188

DATE	AUGUST 2015
SCALE	1" = 50'
DRAWN	JDM
JOB	SGL12-045
SHEET	1
OF	1 SHEETS

July 22, 2015

LANCASTER
ENGINEERING

321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

Dan Fowler
Historic Properties, LLC
1300 Jon Adams Street, Suite 100
Oregon City, OR 97045

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

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.

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, 9TH 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

		AM Peak Hour			PM Peak Hour			Weekday		
	Units	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	**19**	**57**	**76**

PM PEAK HOUR

Trip Rate: 1.00

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	**64**	**37**	**101**

WEEKDAY

Trip Rate: 9.52

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**481**	**481**	**962**

SATURDAY

Trip Rate: 9.91

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**500**	**500**	**1,000**

Source: TRIP GENERATION, Ninth Edition

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	**10**	**42**	**52**

PM PEAK HOUR

Trip Rate: 0.62

	Enter	Exit	Total
Directional Distribution	65%	35%	
Trip Ends	**41**	**22**	**63**

WEEKDAY

Trip Rate: 6.65

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**336**	**336**	**672**

SATURDAY

Trip Rate: 6.39

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**323**	**323**	**646**

Source: TRIP GENERATION, Ninth Edition

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 Beavercreek Road and Maplelane 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 Beavercreek 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.

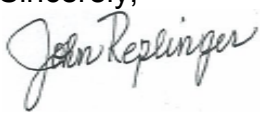
Because the applicant is proposing a trip cap and because the MUC zoning allows a variety of uses that generate high traffic volumes, it is likely that a portion of the land will remain vacant or underutilized while the trip cap is in place. Also, because the parcels involved in this rezoning are likely 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 Beavercreek Road from Highway 213 to Maplelane Road, inclusive, and along Maplelane Road from Beavercreek 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.

Sincerely,



John Replinger, PE
Principal

Oregon City\2015\ZC15-03 v2

From: Wes Rogers
To: Laura Terway
Subject: RE: ZC 15-03: Zone Change near HWY 213 and Beavercreek
Date: Thursday, September 10, 2015 6:57:11 PM

No issues.

..wes

Wes Rogers, Director of Operations
Oregon City SD
503-785-8426

From: Laura Terway [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 Beavercreek

Good Afternoon,

Please review the proposed development posted here and provide your comments by October 9th.

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 Maplelane Ct, 14375 Maplelane Rd, 3391 Beavercreek Rd, 32E04C- 700, 702, 900, 1201, 1300, 1400, 1500, 1600 and 32E04CD- 3300, 5900, 6000
PA RERERANCE:	PA 15-02, 2/10/2015

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 | 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.

CLACKAMAS COUNTY

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

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 Beavercreek 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 Beavercreek 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

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

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

OR213 at Beavercreek Rd.

Cascade Highway
Clackamas County

Sept. 19th, 2012

Requested ROW for ODOT Purposes

N

OR213 Cascade Highway (#160)

S Maple Lane Ct

S Maple Lane Rd

Beavercreek Rd (MP 2.98)

S Thayer Rd

LEGEND

200 100 0 50

- Tax Lot Boundaries
- Requested ROW for ODOT Purposes
  Approximate Area ~11280 sq ft
- ODOT Owned Property
  Approximate Area ~91,100 sq ft
- Desired Street ROW
  Approximate Area ~7400 sq ft

This product was created using GIS teodot data and 2007 metro digital aerial photography and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.

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

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 sup- ports 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 he 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, wit out 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 addresses 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-feet-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 1st hour and 2nd 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 2012 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) 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) 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). 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 **(Title 1, Street System Design Sec 3.08.110A(1))**	Existing code and the updated TSP meet these RTFP requirements in the following ways. 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. 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 green street designs consistent with federal regulations for stream protection **(Title 1, Street System Design Sec 3.08.110A(2))**	
Allow transit-supportive street designs that facilitate existing and planned transit service pursuant 3.08.120B **(Title 1, Street System Design Sec 3.08.110A(3))**	
Allow implementation of: • Narrow streets (<28 ft curb to curb); • Wide sidewalks (at least five feet of through zone); • Landscaped pedestrian buffer strips or paved furnishing zones of at least five feet, that include street trees; • Traffic calming to discourage traffic infiltration and excessive speeds; • 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;	Existing code, proposed code amendments (TSP Volume 2, Section K), and the updated TSP meet these RTFP requirements as follows: • 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. • 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,

Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
• Opportunities to extend streets in an incremental fashion, including posted notification on streets to be extended. **(Title 1, Street System Design Sec 3.08.110B)**	sidewalk, a public access is required for all streets. OCMC 12.04.265 (Street design—Planter strips) and the TSP address planting strips. 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. 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). • 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). • 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." Multimodal circulation within a site or land division is supported

Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
	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. 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). 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. • 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

Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
	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." 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).
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: • Provides full street connections with spacing of no more than 530 feet between connections except where prevented by barriers • 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) • Provides bike and pedestrian accessways in lieu of streets with spacing of no more than 330 feet except where prevented by barriers • Limits use of cul-de-sacs and other closed-end street systems to situations where barriers prevent full street connections • Includes no closed-end street longer than 220 feet or having no more than 25 dwelling units **(Title 1, Street System Design Sec 3.08.110E)**	Existing code and proposed code amendments (TSP Volume 2, Section K) meet these RTFP requirements as follows: • In general, multimodal circulation within a site or land division is supported by OCMC 16.08.025.B (Traffic/Transportation Plan). • 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). • 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

Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
	bicycle accessways from cul-de-sacs.
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). **(Title 1, Street System Design Sec 3.08.110F)**	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).
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. **(Title 1, Street System Design Sec 3.08.110G)**	Existing code, proposed code amendments and the updated TSP meet this RTFP requirement in the following ways. 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. 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).

Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
	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).
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: • Provide reasonably direct pedestrian connections between transit stops and building entrances and between building entrances and streets adjoining transit stops; • Provide safe, direct and logical pedestrian crossings at all transit stops where practicable At major transit stops, require the following: • 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; • Transit passenger landing pads accessible to disabled persons to transit agency standards; • 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; • Lighting to transit agency standards at the major transit stop; • Intersection and mid-block traffic management improvements as needed and practicable to enable marked crossings at major transit stops. **(Title 1, Transit System Design Sec 3.08.120B(2))**	Existing code and proposed code amendments (TSP Volume 2, Section K) meet these RTFP requirements in the following ways: 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. 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). 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

Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
	adjacent to a designated transit street.
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: • A connected street and pedestrian network for the district; • An inventory of existing facilities, gaps and deficiencies in the network of pedestrian routes; • Interconnection of pedestrian, transit and bicycle systems; • Parking management strategies; • Access management strategies; • Sidewalk and accessway location and width; • Landscaped or paved pedestrian buffer strip location and width; • Street tree location and spacing; • Pedestrian street crossing and intersection design; • Street lighting and furniture for pedestrians; • A mix of types and densities of land uses that will support a high level of pedestrian activity. **(Title 1, Pedestrian System Design Sec 3.08.130B)**	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.
Require new development to provide on-site streets and accessways that offer reasonably direct routes for pedestrian travel. **(Title 1, Pedestrian System Design Sec 3.08.130C)**	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).

Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
Establish parking ratios, consistent with the following: • No minimum ratios higher than those shown on Table 3.08-3. • Mo 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. • Establish a process for variances from minimum and maximum parking ratios that include criteria for a variance. • 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. 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. • Provide for the designation of residential parking districts in local comprehensive plans or implementing ordinances. • 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	Existing code and proposed code amendments (TSP Volume 2, Section K) meet these RTFP requirements as follows: • 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, • Creation of 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 • 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. • Residential parking districts: The City has an exisitng parking permit program. • 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). • 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). • Long-term bicycle parking: OCMC 17.52.040 (Bicycle parking

Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
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. • Require on-street freight loading and unloading areas at appropriate locations in centers. Establish short-term and long-term bicycle parking minimums for: • New multi-family residential developments of four units or more; • New retail, office and institutional developments; • Transit centers, high capacity transit stations, inter-city bus and rail passenger terminals; and • Bicycle facilities at transit stops and park-and-ride lots. **(Title 4, Parking Management Sec 3.08.410)**	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).

Table 2: Findings of Compliance of the Comprehensive Plan with the RTFP

Regional Transportation Functional Plan Requirement	Findings of Compliance – Comprehensive Plan
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. 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. **(Title 5, Amendments of City and County Comprehensive and Transportation System Plans Sec 3.08.510A,B)**	The strategies and actions in RTFP Sections 3.08.220A and 3.08.230E were integrated into the updated TSP. 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. 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.
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 *TriMet Bicycle Parking Guidelines*. Policies shall be adopted in the TSP. Policies, plans and regulations must consider and may include the following range of strategies: • By-right exemptions from minimum parking requirements; • Parking districts;	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.

• 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
660-012-0025(3)(a) *Identify the transportation need for which decisions regarding function, general location or mode are being deferred;*	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. • 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. 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. 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. 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.

660-012-0025(3)(b) *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;*	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.
660-012-0025(3)(c) *Explain how deferral does not invalidate the assumptions upon which the TSP is based or preclude implementation of the remainder of the TSP;*	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.
660-012-0025(3)(d) *Describe the nature of the findings which will be needed to resolve issues deferred to a refinement plan; and*	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.
660-012-0025(3)(e) *Set a deadline for adoption of a refinement plan prior to initiation of the periodic review following adoption of the TSP.*	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.

OAR 660-012-0045 Implementation of the TSP	**Findings of Compliance**

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
	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. 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 cente, 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. 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.

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	***Addressed by RTFP, Title 4: Regional Parking Management, 3.08.410.I.*** Bicycle parking requirements are established for all uses in Oregon City Municipal Code (OCMC) Section 17.52.040 (Bicycle Parking Standards).
(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	***Addressed by RTFP, Title 1: Pedestrian System Design, 3.08.130, and Title 1: Bicycle System Design, 3.08.140*** 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

OAR 660-012-0045 Implementation of the TSP	Findings of Compliance
	system." 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. 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. Roadway cross-sections are provided in OCMC 12.04.180.
(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	***Addressed by RTFP, Title 1: Street System Design, 3.08.110E*** 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.
(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	***Addressed by RTFP, Title 1: Transit System Design, 3.08.120***

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;	***Addressed by RTFP, Title 1: Transit System Design, 3.08.120*** 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	***Addressed by RTFP Title 1: Pedestrian System Design, 3.08.130B*** 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 stamdards 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;	***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*** 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.
(g) Along existing or planned transit routes, designation of types and densities of land uses adequate to support transit.	Zoning along transit lines in Oregon City is generally consistent with this TPR provision. 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

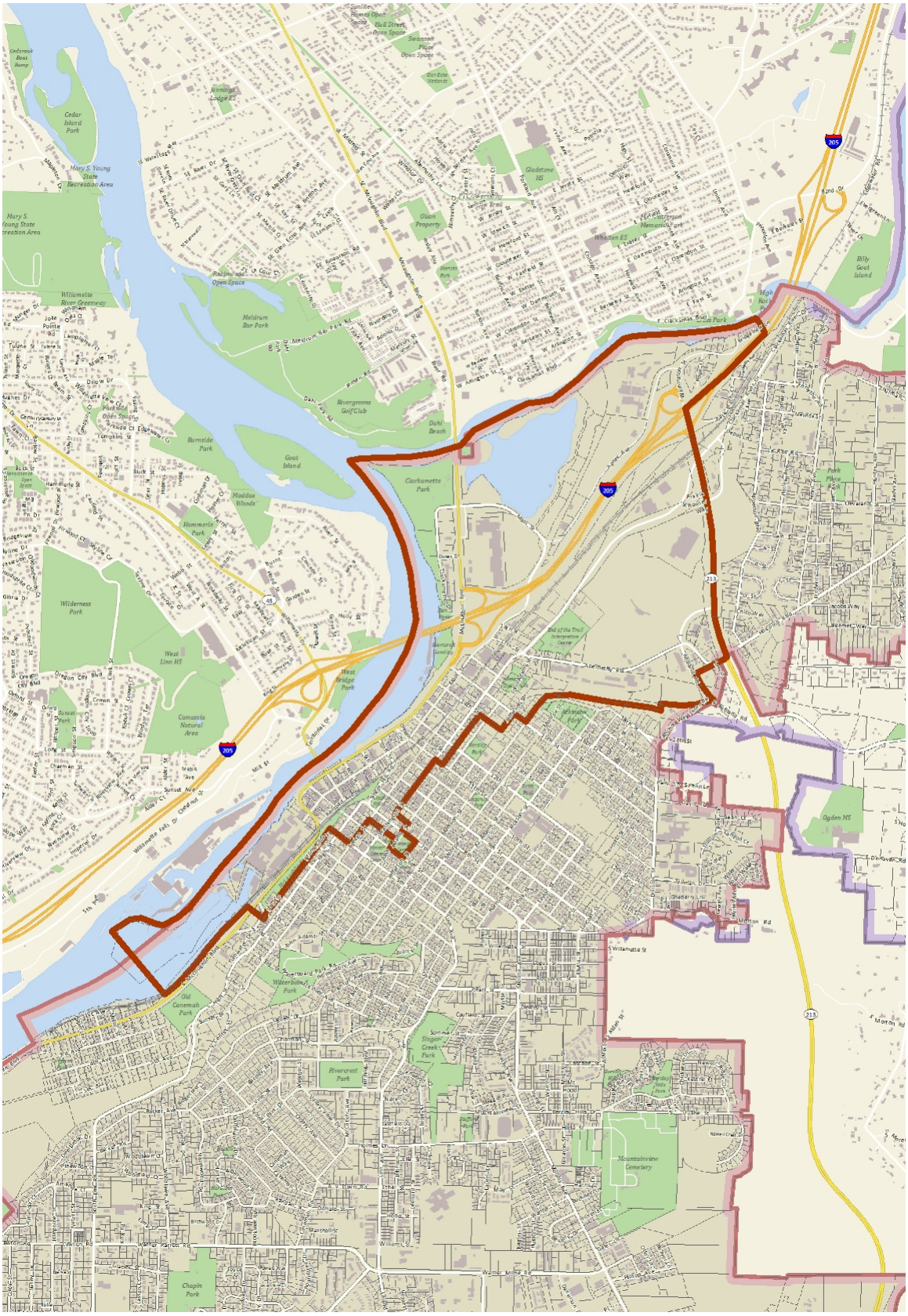
OAR 660-012-0045 Implementation of the TSP	Findings of Compliance
	MUC (Mixed Use Corridor). In reaching its destination of the Clackamas Community College campus, it is surrounded by a mixture of MUC, C (General Commercial), R2 (Single Family Residential, minimum 2,000 sf lot), GI (General Industrial), 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. Line 33 – In downtown Oregon City, this line is adjacen 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. 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 R 3.5, 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

OAR 660-012-0045 Implementation of the TSP	Findings of Compliance
	operates during peak hours only for commuters, further allowing in particular for the range of residential zoning found along it. Line 99 – This line takes its own route on 7th 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. 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.
(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;	See OAR 660-012-0045(4)(g) above. 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.
(b) Implements a demand management program to meet the measurable standards set in the TSP;	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. 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.
(c) Implements a parking plan which:	Off-street parking requirements for non-residential uses have been reduced from 1990 levels because Oregon City adopted RTP

OAR 660-012-0045 Implementation of the TSP	Findings of Compliance
(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; (B) Aids in achieving the measurable standards set in the TSP in response to OAR 660-012-0035(4) [reducing reliance on the automobile]; (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 (D) Is consistent with demand management programs, transit-oriented development requirements and planned transit service. ***OR*** (d) As an alternative to (c) above, local governments in an MPO may instead revise ordinance requirements for parking as follows: (A) Reduce minimum off-street parking requirements for all non-residential uses from 1990 levels; (B) Allow provision of on-street parking, long-term lease parking, and shared parking to meet minimum off-street parking requirements; (C) Establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments; (D) Exempt structured parking and on-street parking from parking maximums; (E) Require that parking lots over 3 acres in size provide street-like features along major	parking ratios as part of its last TSP update. 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. Section and Table 17.52.020 (Number of automobile spaces required) establish both minimum and maximum parking space requirements. No exemptions are made for structured parking. Structured parking is a conditional use subject to other review and requirements. Section 17.52.060 (Parking lot landscaping) sets standards for walkways/sidewalks and landscaping the perimeters and interiors of parking areas. Residential parking districts can be established through an existing permit parking program.

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

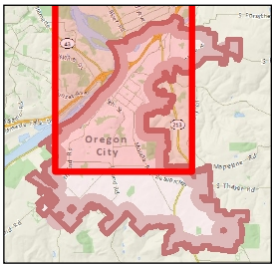


Legend

- 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.

N

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

Map created 6/7/2013

Exhibit 3

EXHIBITS ENTERED INTO THE RECORD AT A HEARING

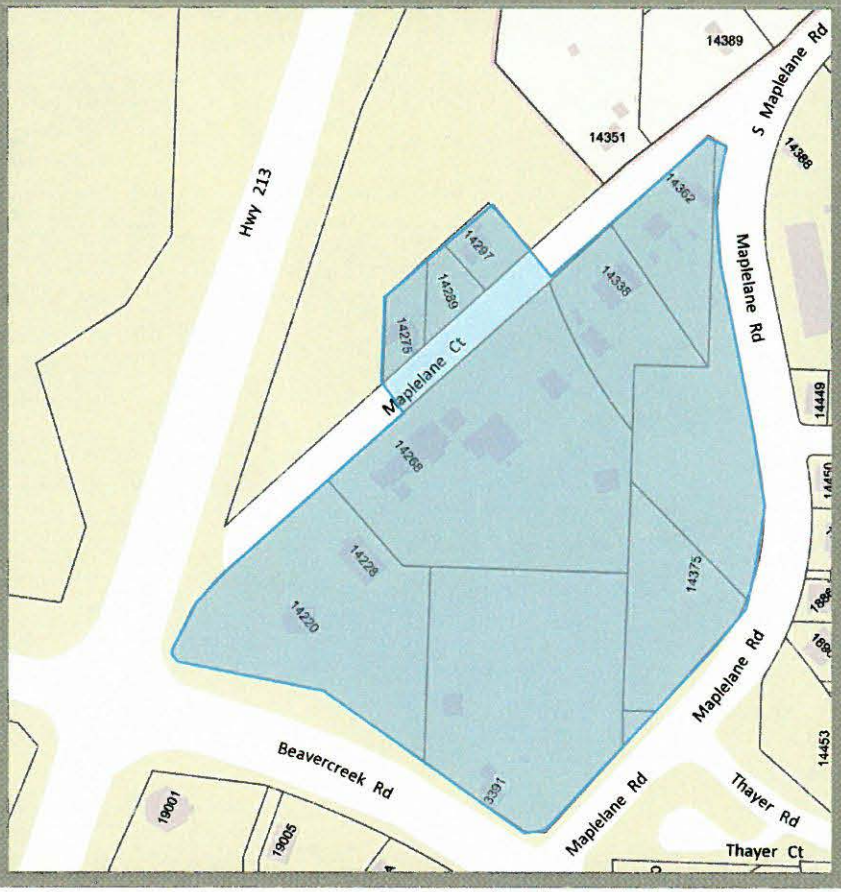
Community Development Department, 221 Molalla Avenue, Suite 200, P.O. Box 3040, Oregon City, OR 97045, (503) 722.3789
www.orcity.org

Hearing Date: 11/9/15

File Number: ZC15-03 + PZ 15-01

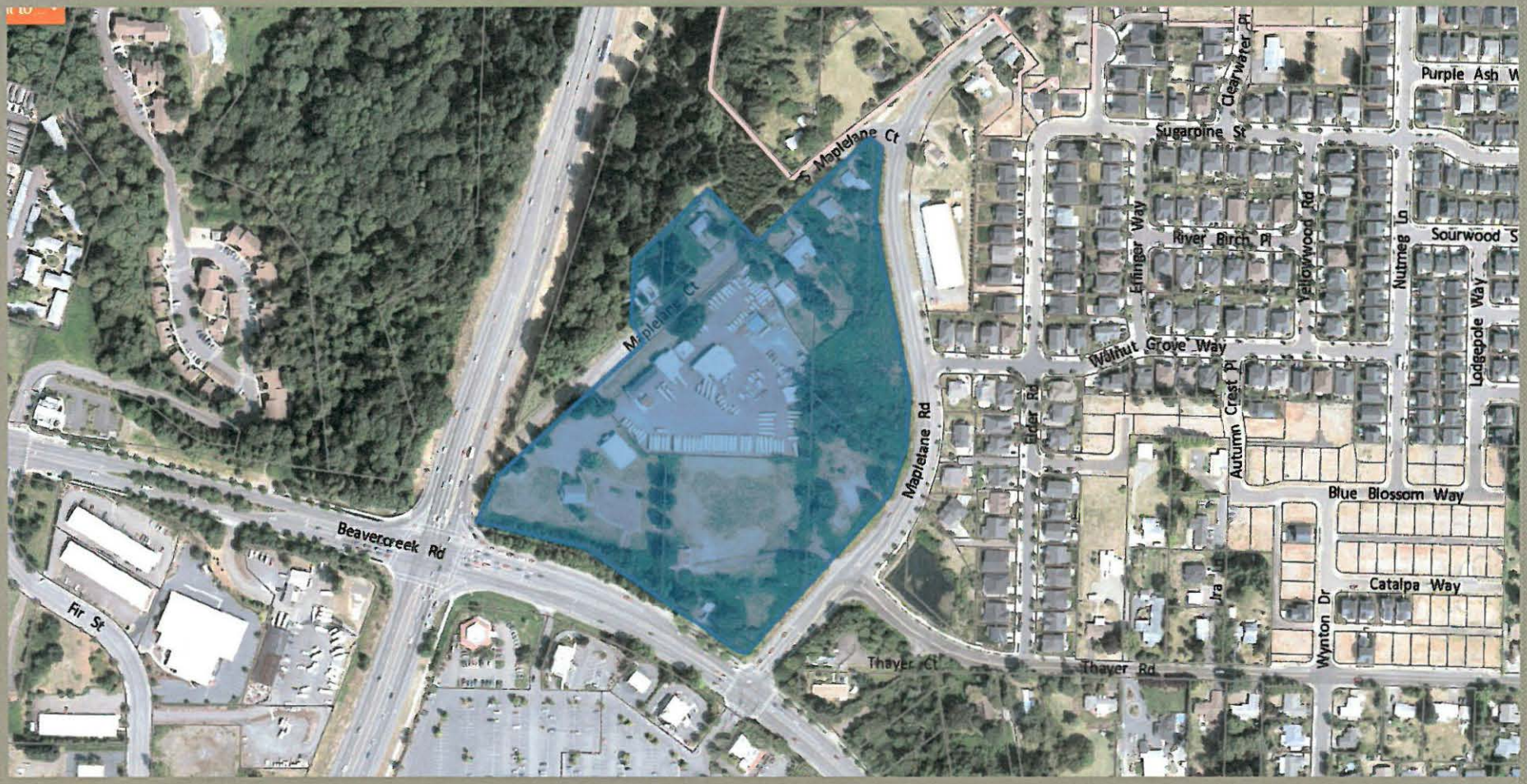
Exhibit Number:	Description of Exhibit:	Submitted By:
1	PowerPoint Presentation	Staff - L. Terway
2	Information submitted to staff after 10/30/15	Staff - L Terway
3	Written comments + Map	Christine Kosinski
4	Written comments	James Nicita
5	Written comments	Kristi Beyer
6	Written Comments	Elizabeth Graser - Lindsay
7	Written Comments	Bob Nelson

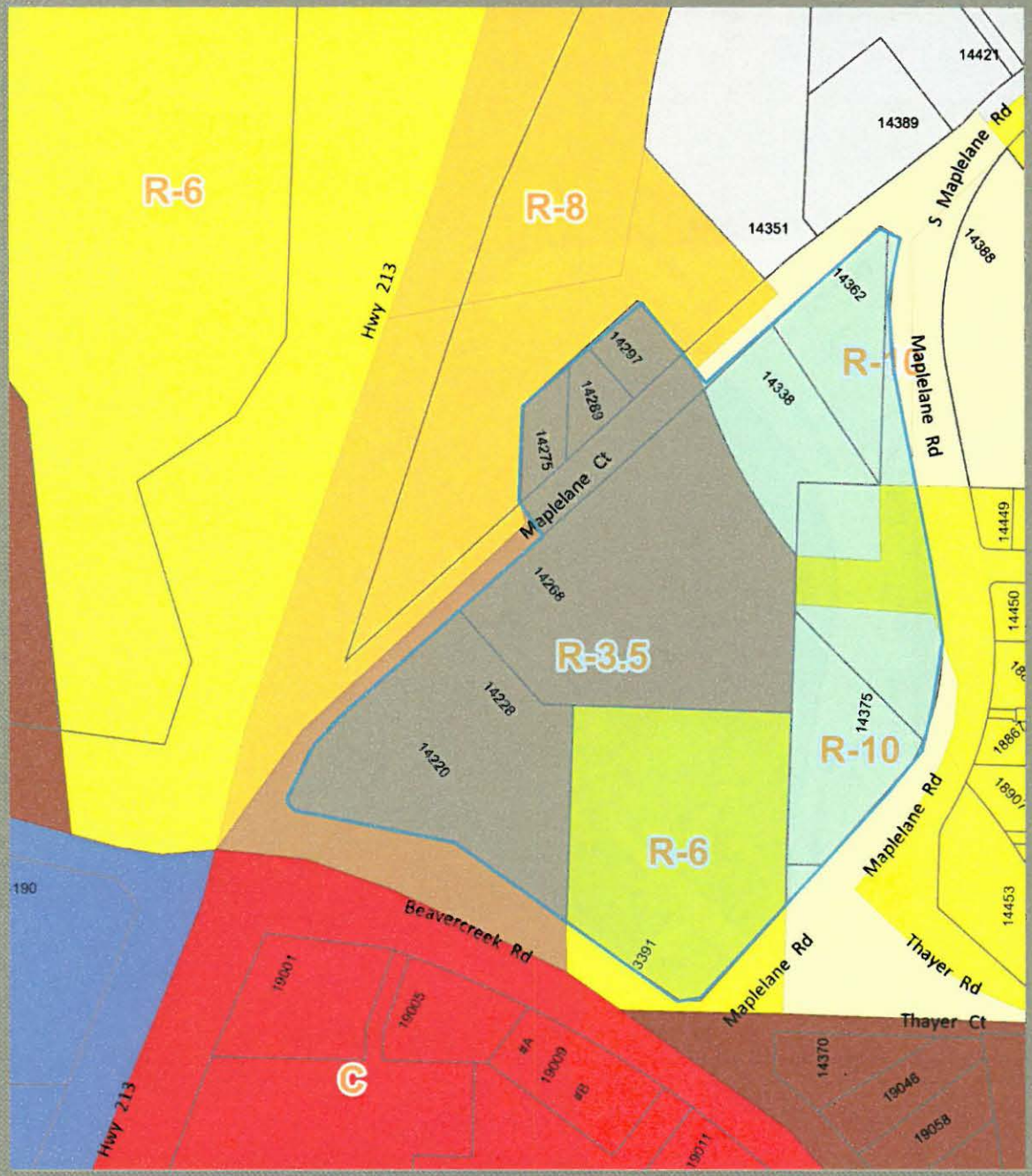
ZC 15-03: Zone Change
PZ 15-01: Comprehensive Plan Amendment



ENTERED INTO THE RECORD
DATE RECEIVED: 11/9/15
SUBMITTED BY: Staff
SUBJECT: PZ 15-01
ZC 15-03

Subject Site





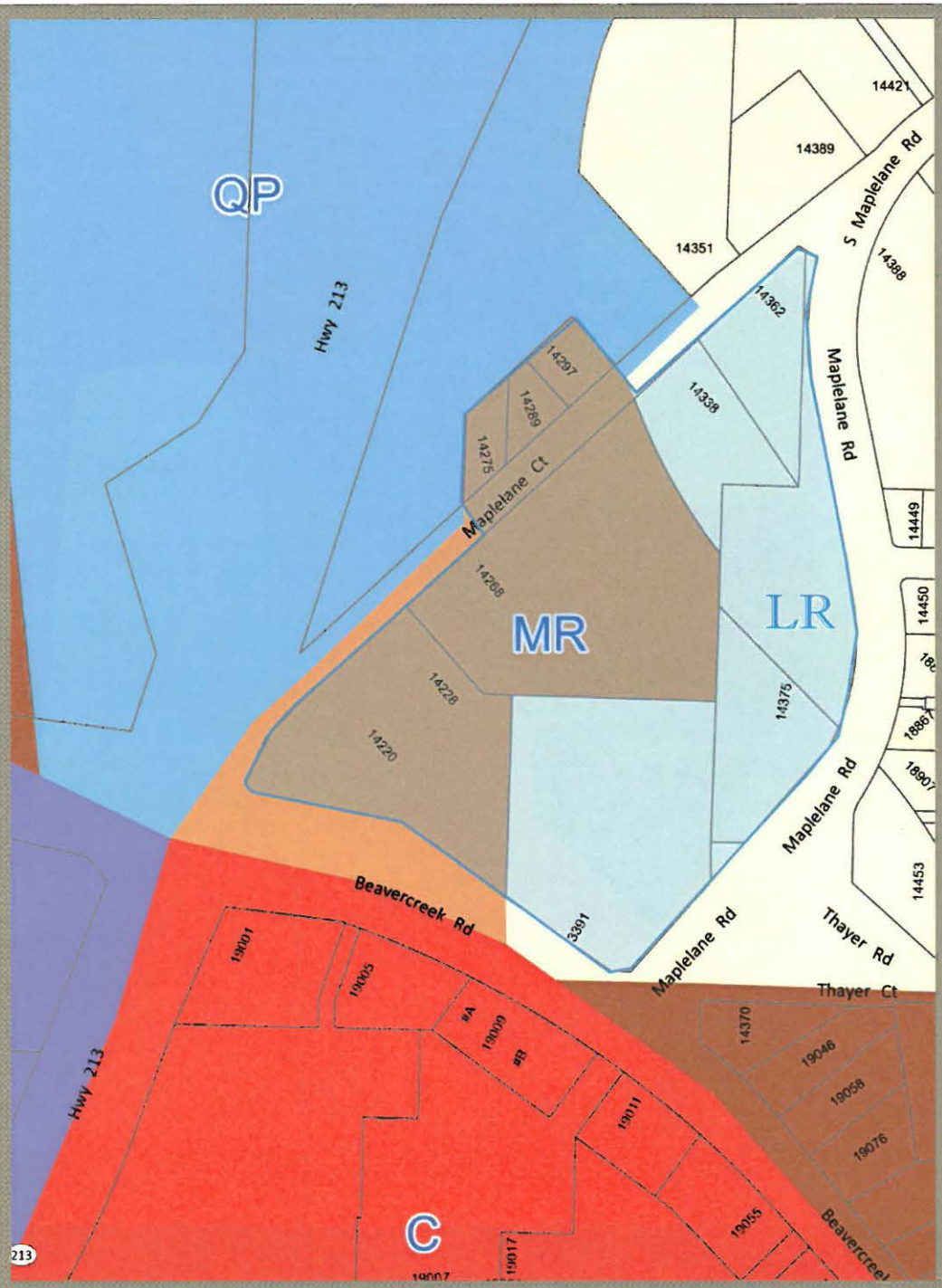
Zone Change

Residential to Mixed Use

R-10
R-6
R-3.5

→ MUC-2

Comprehensive Plan Amendment



Residential to Mixed Use

LR
MR

→ MUC

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

OREGON CITY

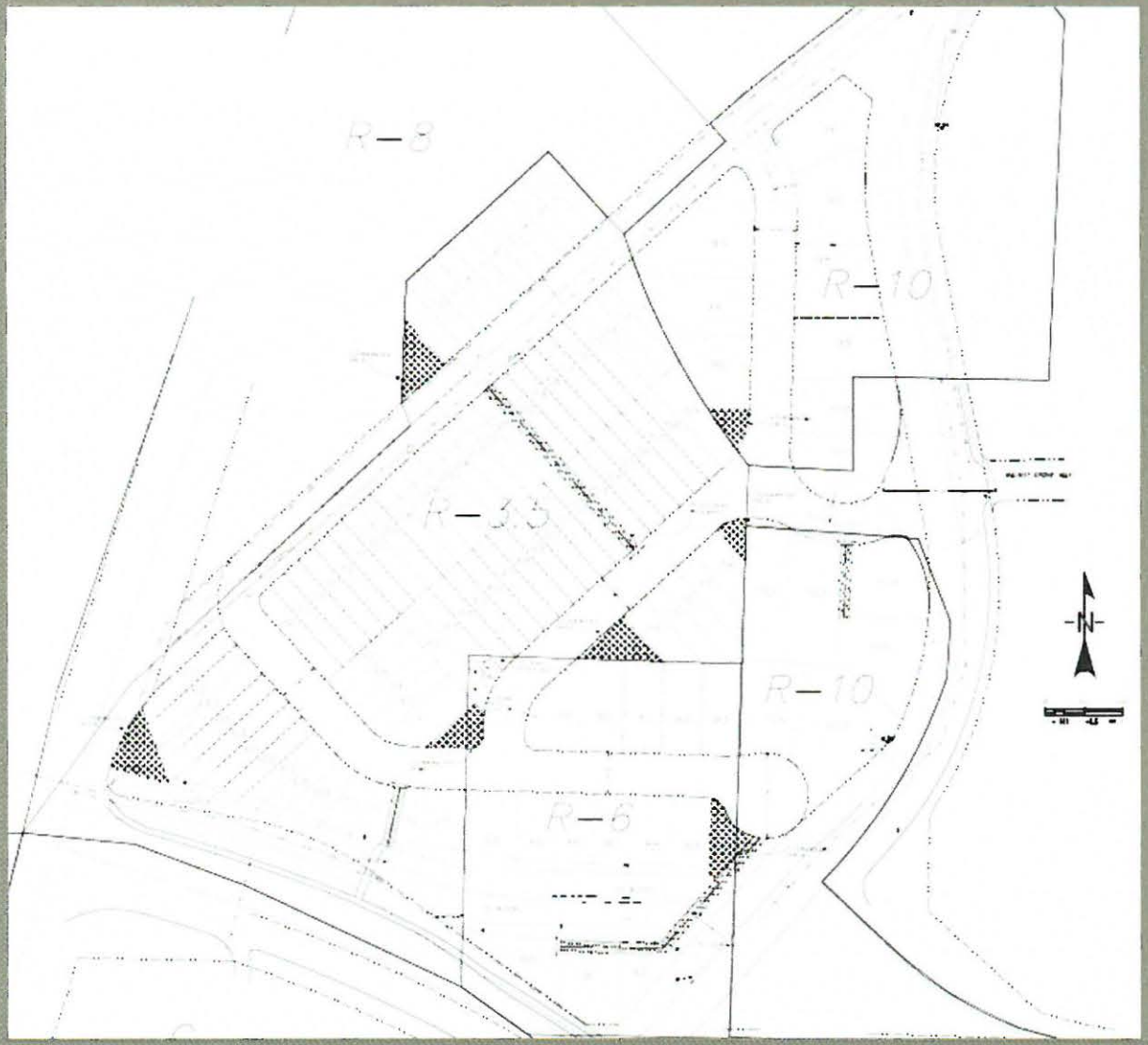
Proposed Limitations: Traffic

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

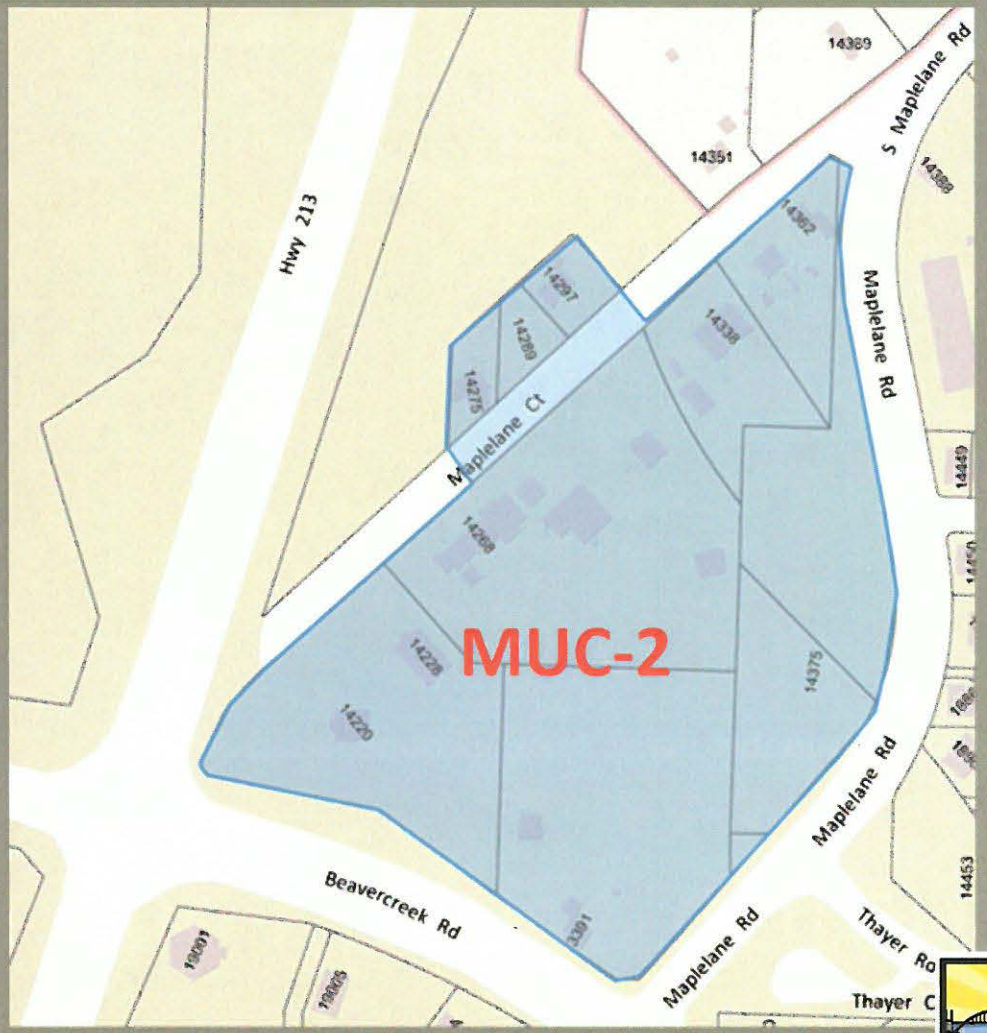
Excerpt Zone Change Criteria

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

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 believer 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 Beavercreek 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@orcity.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 – "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 www.orcity.org.

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.

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 – "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 www.orcity.org.

This application and all documents and evidence submitted by or on behalf of the applicant are available for inspection at no

NOTICE OF PROPOSED LAND USE ACTION

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 30, 2015

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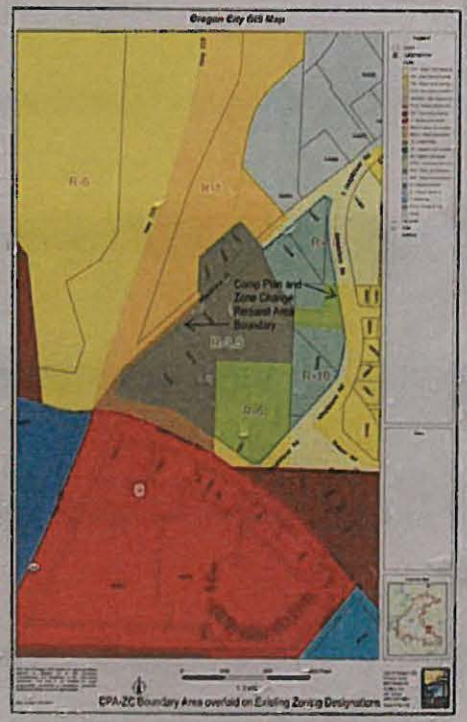
LOCATION:	14228, 14268, 14275, 14289, 14297, 14338 & 14367 Maplelane Ct, 14175 Maplelane Rd, 3351 Beavercreek Rd Clackamas County Map 32E04C, Tax Lots 700, 701, 800, 8201, 1300, 1400, 1500, 1600 and Clackamas County Map 32E04CD, Tax Lots 1900, 5900, 6000
CONTACT PERSON:	Laura Terway, AICP, Planner (503) 496-1553 or lterway@orcity.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 – "R3.5" Dwelling District, 17.29 – "MUC" Mixed Use Corridor District, 17.50 – Administrative Procedures and 17.68 – Zoning Changes and Amendments. The City Code Book is available on-line at www.orcity.org

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(D) must officially approve the request through a vote of its general membership or board at a duly-noticed meeting prior to the filing of an appeal.



ZC 15-03

PZ 15-01

FOR INFORMATION CONTACT
Oregon City Planning Division
503-657-0891

Oregon City Planning Commission
Meeting of November 9th, 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, Beavercreek, 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 20th, 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 21st, 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.

Fwd: Landslide and earthquake quote

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 <jackie@huggins.com>
To: britenshin <britenshin@aol.com>
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
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, rodmoxley@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

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.

- **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 Mabee 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

Holly Lane

Beavercreek Road

Highway 213

well Creek

Molalla Avenue

RS-R+ EFL

ES-R+ EFL

RS-T

ES-R

ES-T

EFL

DFL

ENTERED INTO THE RECORD
DATE RECEIVED: 11/9/15
SUBMITTED BY: C. Kosinski
SUBJECT: PZ 15-03
PZ 15-01

JAMES J. NICITA

302 Bluff Street
Oregon City, OR 97045
E-mail: james.nicita@gmail.com

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

ENTERED INTO THE RECORD
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 post-acknowledgment 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: ZC 15-04

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, Beavercreek 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
SUBMITTED BY: C. KOSINSKI
SUBJECT: 2015-03
PZ 15-01

Each workday morning, the intersection of Beavercreek 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[1]. 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 Beavercreek Rd. The City's own law acknowledges that the Beavercreek Rd. and Highway 213 intersection is failing the V/C standard. The approved Beavercreek 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

[1] "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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DATE RECEIVED: 11/9/15
SUBMITTED BY: E. G-L
SUBJECT: 3c
ZC 15-03

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 Beavercreek Apartments (Sewer Master Plan, p. A-1, B-1 and C-1 show with the approved Beavercreek 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/Beavercreek 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.

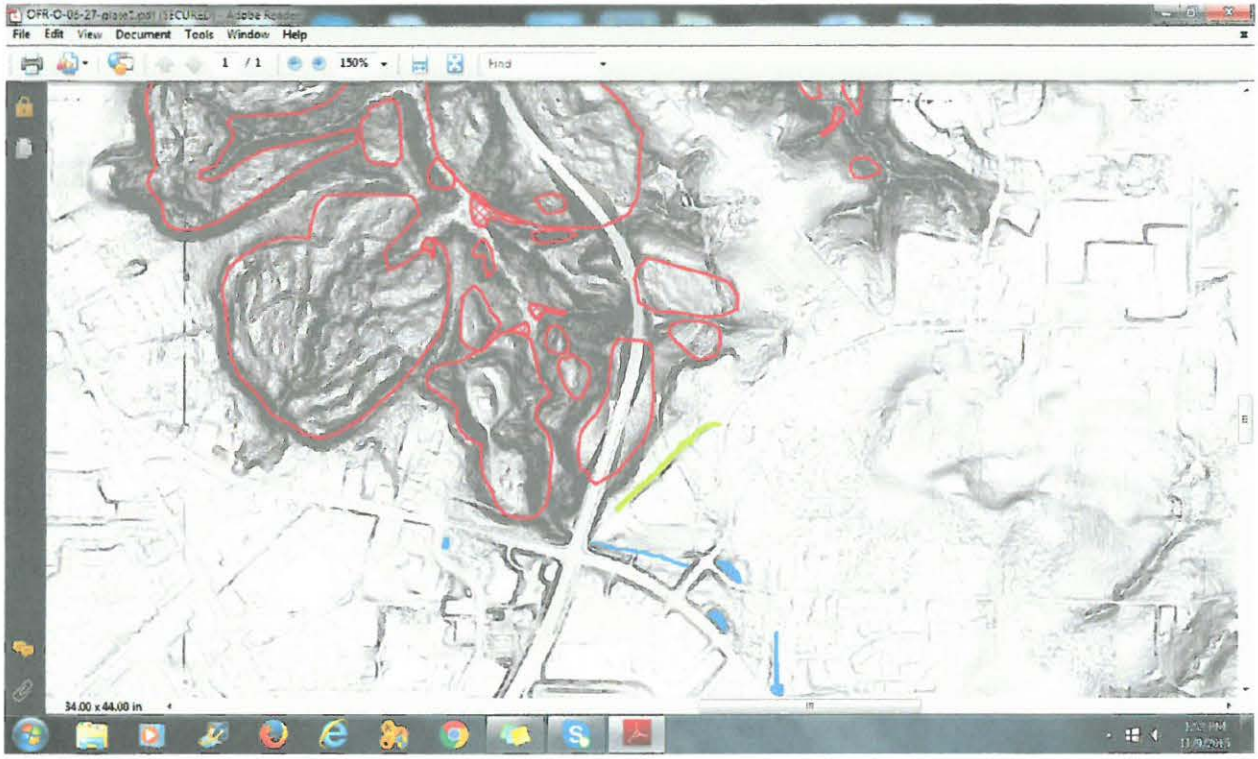
C. The land uses authorized by the proposed development are not consistent with the existing or planned function, capacity and level of service of the transportation system servicing the proposed zoning district. The local roads serving the development area have insufficient capacity as does the Hwy 213/Beavercreek 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 choosen not to develop and include landslide ordinances into the building code so it is up to

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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 constrution ordinces 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

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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- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 11/9/15

Item Number From Agenda 3C

NAME: PAUL EDGAR

ADDRESS: **Street:**

City, State, Zip: D.C.

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

COMMENT FORM

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Date of Meeting 11-9-15

Item Number From Agenda 3C

NAME: Elizabeth Graser-Lindsey

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City, State, Zip: Beavercreek OR 97004

PHONE NUMBER: (503) 632-5568

E-MAIL ADDRESS: egraserlindsey@gmail.com

SIGNATURE: Elizabeth Graser Lindsey

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Date of Meeting 11-9-15

Item Number From Agenda 3C

NAME: CHRISTINE KOSINSKI

ADDRESS: **Street:** HOLLY LN

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: 503-799-8725

E-MAIL ADDRESS:

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 OR 97045

PHONE NUMBER:

E-MAIL ADDRESS: bobsr2@msn.com

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:

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

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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: 503-657-0188

E-MAIL ADDRESS: TomSisul@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,[1] 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 be 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

[1] 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

	Oregon City		Portland PMSA	
Age	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 to14	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

	1990		2000		1990-2000 Change	
Area	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 un-related 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
Single-family				
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
Subtotal	*7554*	*74.0*	*474,755*	*73.0*
Multi Family				
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
Subtotal	*2611*	*26.0*	*175,679*	*27.0*
Boat, RV, van etc	0		1,836	
Total	10,165		652,270	

Source: 2000 Decennial Census, Profile of Selected Economic Characteristics Household Characteristics

According to the 2000 Census, multifamily housing (structures with three of 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).[2] 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.[3] 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.[4,5] 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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[2] City staff used existing neighborhood association boundaries that were slightly modified to include all areas within the UGB.

[3] 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.

[4] Single-family units include single-family detached, single-family attached, duplex, mobile homes in parks, and accessory dwelling units.

[5] 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**
Inside City Limits								
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
Subtotal	*7,427*	*674*	*381*	*72*	*2,205*	*131*	*505*	*11,395*
Outside City Limits								
County	637	2	512	0	0	11	0	1,162
Subtotal	*637*	*2*	*512*	*0*	*0*	*11*	*0*	*1,162*
Total	**8,064**	**676**	**893**	**72**	**2,205**	**142**	**505**	**12,557**

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
Inside City Limits								
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**
Subtotal	***7,427***	***674***	***381***	***72***	***2,205***	***131***	***505***	***11,395***
Outside of the City Limits						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**
Subtotal	***637***	***2***	***512***	***0***	***0***	*11*	***0***	***1,162***
Total	**8,064**	**676**	**893**	**72**	**2,205**	**142**	**505**	**12,557**

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)
ZONING DESIGNATIONS							
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 meets 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.[6] 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

[6] 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 of 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.[7]

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

[7] 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 ($45,531annually)	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. **Eligible for subsidized housing**		
Extremely low-income (30 percent or less of MHI: $13,659 annually)	Rents. **Eligible for subsidized housing**		

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

~~3.2.1~~3.1.1 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.[8]

~~3.2.1.13.1.1.1~~ 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

[8] 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.[9] 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.[10]

Within the entire UGB, there is the potential for 2,806 new units on partially vacant lots within the UGB.

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[9] Vacant parcels that would be designated for non-residential uses (such as Mixed-Use Employment) are not included in total acreage.

[10] 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)[11]	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)
Within the UGB										
LC [12]	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
Subtotal	416	445.3	369.6	168.5	44.2	23.5	209.0		257	1,215
Between the City Limits and the UGB										
County	91	226.6	188.1	55.8	29.1	15.5	100.4	5.5	16	571
Total	507	671.9	557.6	224.3	73.3	39.0	336.6		273	1,787

Source: Clackamas County Assessors Office; Analysis by David Evans and Associates, Inc.

[11] 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.

[12] 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

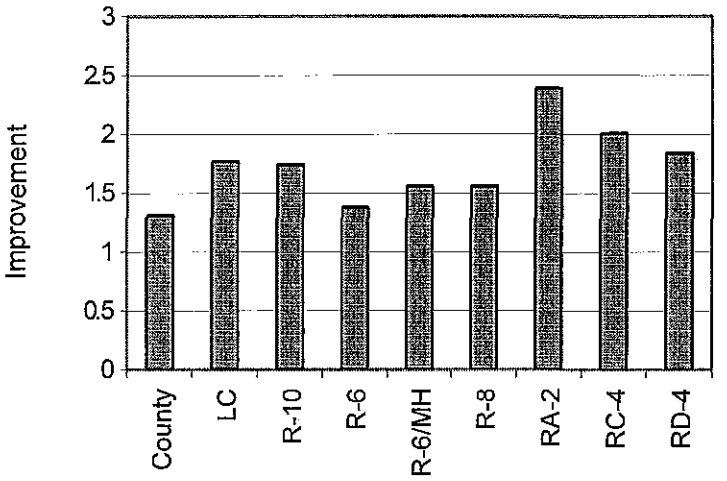
Source: Clackamas County Assessors Office, May 2002; Analysis by David Evans and Associates, Inc.

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

	Building to Land Value			
Redevelopment Potential	0-0.25 (High)	0.26-0.50 (Medium)	0.51-0.99 (Low)	Total Acres
Zoning District				
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 welling units in manufactured home parks	(38)
Dwelling Unit Capacity Deficiency	***1,444***

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 than 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.

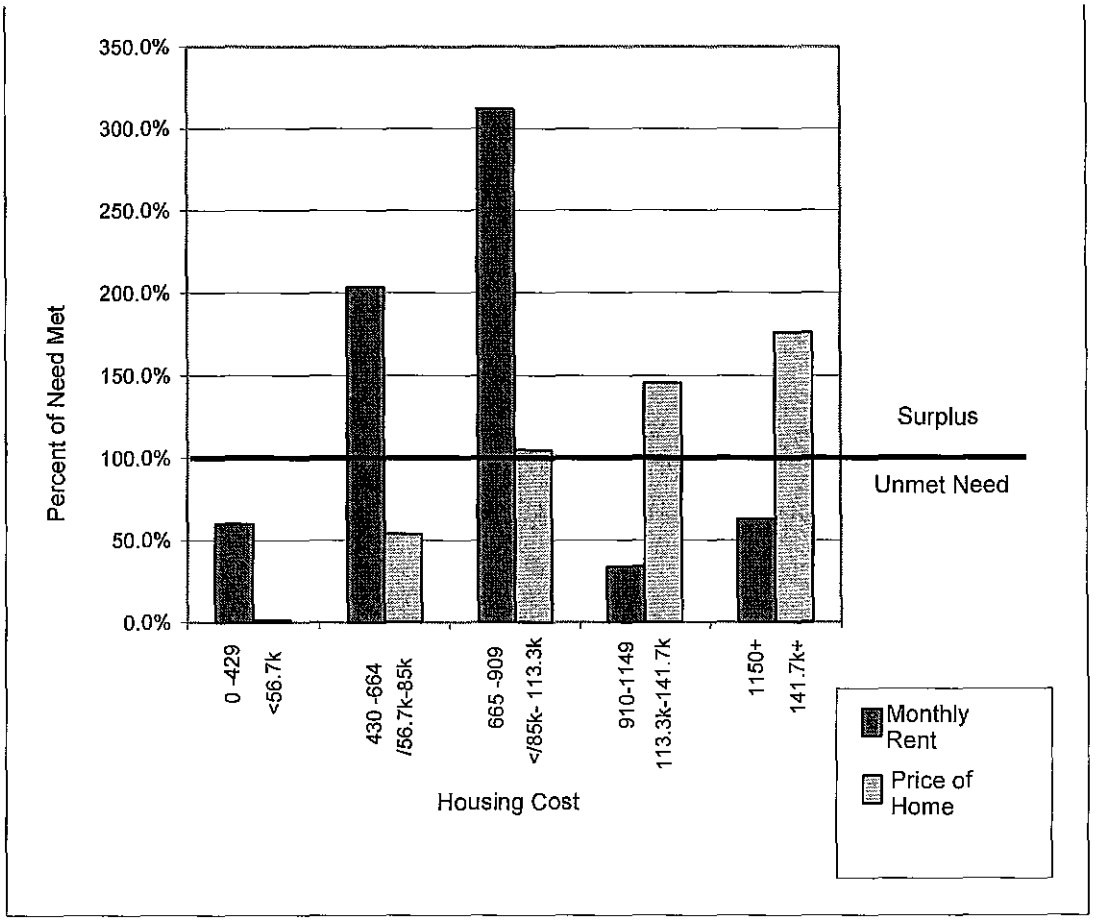
The Oregon Department of Housing and Community Services (HCS) has developed a model that projects housing needs based on the existing housing stock, demographics and anticipated population growth. The model evaluates the existing housing units by structure type and cost, compares those units to local 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 the 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%
Metro Target using future housing mix		*4,538*	*1,537*	*6,075*
Potential New Units on Land within the UGB		Single-family Zoning Districts[13]	Multifamily Zoning District[14]	Total
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				
(Need)/Surplus (New units-Metro Target Future Housing Mix)		*(10)*	*(1,434)*	*(1,444)*
Potential New units on rezoned residential land (Table 29)		365	1,510	1,875
Total Units (needed)/surplus		**355**	**76**	**431**

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 by 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.

[13] 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.

[14] 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**

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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McLOUGHLIN

NEIGHBORHOOD
ASSOCIATION

January 11, 2016

To	:	Oregon City Planning Commission
From	:	McLoughlin Neighborhood Association, represented by Francesca Anton, Secretary
Ref.	:	ZC 15-04: Zone Change, PZ 15-02: Amendment to the Comprehensive Plan and
		CP 15-02: Master Plan Amendment

Dear Oregon City Planning Commission Members,

During our Thursday, January 7th General Meeting there was extensive discussion concerning the application process taken by Providence Willamette Falls (hereby PWF), with the decision and vote to express our concerns to the Planning Commission this evening.

To begin, and as you well know, the planning process has a beginning, a middle and an end. We don't know if PWF reviewed our Oregon City Comprehensive Plan when they first began thinking about further expanding across Division Street. We consider the comp' plan a beautifully constructed vision of how we can proceed together, one that encourages us to include each other as we move into the future in our attempt to create and re-create a city that is healthy for all and worth living in.

We wonder if it might have been following our comp' plan appropriately to have come to both the city and our neighborhood before they even started drawing plans to further expand across Division Street into our residential neighborhood. This would have been a valuable discussion, and a great act of community-building. It would have been a true exercise in democracy, a chance to learn while actually using our comp' plan to process the idea openly and with devotion to those who are coming after us.

In Goal 1 of the Statewide Planning Goals, it states "...develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process". Goal 1.1, Citizen Involvement Program, of our own comp' plan states, ..."Implement a Citizen Involvement Program that will provide an active and systematic process for citizen participation in all phases of the land-use decision-making process to enable citizens to consider and act upon a broad range of issues affecting the livability, community sustainability, and quality of

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DATE RECEIVED: 1/11/16
SUBMITTED BY: McLoughlin
SUBJECT: PZ 15-02
ZC 15-04
CP

neighborhoods and the community as a whole." All phases. In the January 4th staff report, the report states the applicant complied with Goal 1.1 because three meetings were held. These meetings were held well after the first phase of planning had begun, and because of this, we do not believe PWF understands the specific intent of the "all phases" part of our, and the state's, comprehensive plans, and perhaps the planning staff overlooked the same.

In part, this is why our June 4th meeting was filled, standing room only, with neighbors who were almost entirely concerned their neighborhood integrity would be compromised with PWF's further expansion across Division Street. They were also sincerely, and without malice, frustrated with their feeling of loss and inability to impact or control their own ability to provide community safety and livability where they live. For the most part, we believed PWF's submission of their report on our June 4th meeting to you does not accurately reflect this frustration. And finally, their submission fails to account for the many times the 3 staff answered MNA member's questions with statements (not inferences) that to expand building and parking areas on the existing property would be "too expensive". In fact, in our notes, one PWF's staff present at the meeting admitted it was much less expensive to build on the west side of Division that further develop the existing site. We think this is a serious omission that should be questioned by each member of the planning commission.

We are very concerned PWF is making their application to further their presence on the west side of Division PRIMARILY due to their perceived desire to keep their expansion costs down. We fully appreciate that we all must strive to live within our budgets, but when we are, again, being asked to accommodate another expanding public facility that will also remove residential properties from of our neighborhood, we hope you can understand our legitimate concern. Should PWF's goals of keeping their costs down while knowingly increasing their future income by expanding into our residential neighborhood take precedence over our desire to maintain the integrity of our neighborhood? We believe our own Oregon City Comprehensive Plan tells us that this is something we should not have to do.

The staff report also fails to address the relevant comprehensive plan policy 10.1.1 which states:

"Maintain the existing residential housing in established older neighborhoods by maintaining existing comprehensive and zoning designations where appropriate". We believe this should be relevant to the application before the commission but has bee
n completely unaddressed in the staff report. This policy could prohibit the requested zone change and comp plan amendments for the two houses on 16th Street.

A second relevant comprehensive plan policy reflects our feeling that our lower income neighbors should not have to bear the burden of allowing PWF to save on their proposed expansion by tearing down their houses to add surface parking: Goal 10.2 Supply of Affordable Housing, states that we should "...Provide and maintain an adequate supply of affordable housing."

And Policy 10.2.1
Retain affordable housing potential by evaluating and restricting the loss of land reserved or committed to residential use. When considering amendments to the Comprehensive Plan Land-Use Map, ensure that potential loss of affordable housing is replaced.

We do not believe the staff report provides adequate proof that the loss of the six affordable housing units these homes on 16th and 15th represent will be replaced. Keep in mind that most of the families that have been displaced by the landslide have not found new affordable housing yet (see attachment). And for a parking lot? We wonder if PWF might explore the use of parking techniques such as podium parking under their existing office buildings so they do not have to tear down our housing stock and displace our lower – income residents (see attachment).

Finally, we notice PWF's application makes several responses to the comp plan's sustainability requirements, and yet, in the larger scheme of our goals for community sustainability, we believe PWF is failing to acknowledge something very important. Unlike the Portland Metro Region, Oregon City is the pivot of a wide swath of mostly rural lands with small municipalities dotting the map. Wouldn't it be more sustainable for these growing communities to have their own clinics, similar to the Providence Medical Group in Canby, which, by the way, is located in a commercial area of the city? Why is our small neighborhood being asked to shoulder the burden of a growing rural population outside our city?

Respectfully submitted,

Francesca Anton, Secretary

Housing donations still needed for apartment dwellers evacuated after landslides

[http://connect.oregonlive.com/staff/rbella/index.html] By Rick Bella | The Oregonian/OregonLive [http://connect.oregonlive.com/staff/rbella/posts.html]
Email the author | follow on Twitter [http://twitter.com/#!/southnewshound]
on December 30, 2015 at 2:00 PM, updated December 30, 2015 at 2:01 PM

Oregon City officials say they are gratified by the outpouring of support for **apartment residents displaced by landslides [http://www.oregonlive.com/oregon-city/index.ssf/2015/12/donations_accepted_for_apartme.html]** last week. But they are renewing their call for help finding long-term housing from the evacuees.

City officials are working with **Clackamas County Social Services [http://www.clackamas.us/socialservices/]** to help move people from a temporary Red Cross shelter at Oregon City High School to more permanent quarters. The shelter is scheduled to close Sunday.

"This important transition process has been made possible with the help of multiple city and county agencies, local community and faith-based groups and generous support from people ... who have offered a wide range of service and support," said Acting City Manager Wyatt Parrott.

Mayor Dan Holladay urges anyone with available rental housing to call Clackamas County Social Services' hotline at 503-650-5737.

Meanwhile, tax-deductible donations can be made in person or by mail to:

> Oregon City Landslide Fund
> Lewis & Clark Bank
> 1900 McLoughlin Blvd
> Oregon City, OR 97045
> 503-212-3200

Donations also can be made by using the link set up by the **Oregon City Rotary Club Foundation [https://www.paypal.com/cgi-bin/webscr?cmd=_flow&SESSION=XOtfoA5jxUlz2ggRr7pph4KzxdQEolpiE9cfamT0-OQObwvCaxOoVtooZBe&dispatch=5885d80a13c0db1f8e263663d3faee8d64ad11bbf4d2a5a1a0d303a50933f9b2]** . The foundation will accept donations by credit card or PayPal.

On Dec. 20, residents in Forest Park Townhouses and Apartments complex, **13945 S. Beavercreek Road [https://www.google.com/maps/place/13945+S+Beavercreek+Rd,+Oregon+City,+OR+97045/@45.3329613,-122.5889063,15z/data=!4m2!3m1!1s0x549570cc00045403:0xd7e3021441cf21cd]** , were **ordered to evacuate [http://www.oregonlive.com/clackamascounty/index.ssf/2015/12/some_residents_of_oregon_city.html#incart_2box_clackamascounty]** units 20 through 29. The units are just below the lip of Newell Creek Canyon.

Cost Efficient Strategies for Structured Parking:

- The separation required by the building code between parking structures and residences has been reduced to a 1 hour fire barrier allowing for conventional concrete block, wood, or light steel frame construction for the entire building.
- Taller/higher density buildings may be designed with parking structures constructed of concrete or fire-proofed steel under a residential structure built using any construction method including concrete block, conventional wood or light steel frame.
- Partially sub-grade (4 to 5 feet above grade) parking structures reduce excavation costs and can be naturally ventilated eliminating the need for mechanical ventilation.

Structured Parking

Structured or podium parking has typically been used on large-scale urban mixed use and residential developments. However, small-scale medium density infill developments are increasingly utilizing podiums as a viable alternative to individual garage parking or surface lots, and as a way of providing on-site parking for residents while providing more usable open space. This section provides insight into the types of developments which can benefit by using structured parking, explore many of the issues concerning podium parking, discuss the constructability and code related issues concerning structured podiums, and outlines the benefits of building podium parking for medium density residential projects.

Developers of medium density infill projects are looking at shared structured parking as a viable strategy to increase density while providing usable open space and meeting parking demand.

Developers, builders and designers of medium density infill housing developments need to balance the number of units, open space and parking requirements with the neighborhood and city's desires for a project. On sites where the desired density, open space and need for parking impacts the overall site development to such an extent that traditional buildings are impractical, podium parking should be used or considered as a viable alternative to individual garage or surface clustered parking. Podiums can be used to improve the overall amount of parking provided when low parking ratios might not be accepted, improve the amount and quality of open space, and allow residents to maintain a strong connection to open space and the street.

The Infill Design Toolkit:
Medium-Density Residential Development

A Guide to Integrating Infill Development into Portland's Neighborhoods

CITY OF PORTLAND
BUREAU OF
PLANNING

December 2008

Structured Parking Consulting Team

Van Meter Williams Pollack, LLP; Urbsworks, Inc.; E.D. Hovee & Company

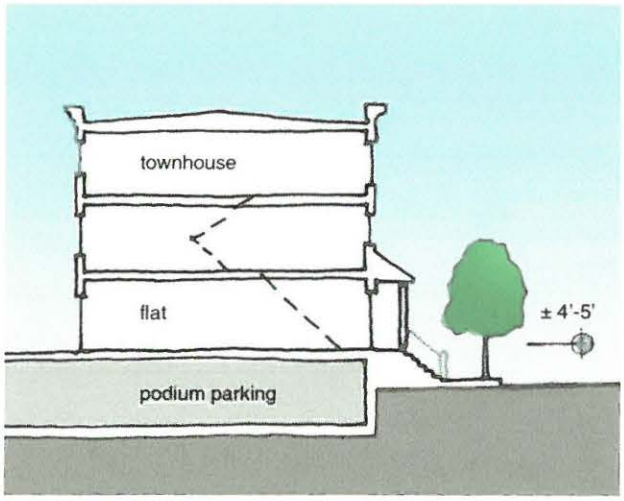
Types of Buildings Which Can Utilize Podium Parking

Structured or podium parking is a valuable alternative to surface parking for medium density infill housing projects. The podium allows for increases in parking ratios while maintaining or increasing open space on the site. The shared parking podiums can support a variety of housing types, including row houses, flats, courtyard apartments, and other multifamily buildings. Structured parking garages also provide opportunities for additional storage and other shared facilities.

Structured parking is currently not commonly used in the Portland area by small builders and developers for a variety of reasons:

- Small builders are often not familiar with the building codes and construction methods necessary for building and designing concrete parking podiums.
- Small builder/developers often do a substantial portion of the construction work themselves and typically don't "sub out" as large a task as a podium may require them to perform.
- They often do not use the professional services of an architect, or use architects and engineers who may not have experience with podium developments.
- The cost of podium parking is greater for the developer and needs to be evaluated and weighed relative to the associated benefits of higher densities, providing greater parking and open space.
- The shared nature of parking podiums has cost liability considerations, which need to be understood and addressed, particularly in condominium developments.

Sub-grade parking is seen in many new developments because it places parking underneath buildings, allowing the site to support more building area and open space.

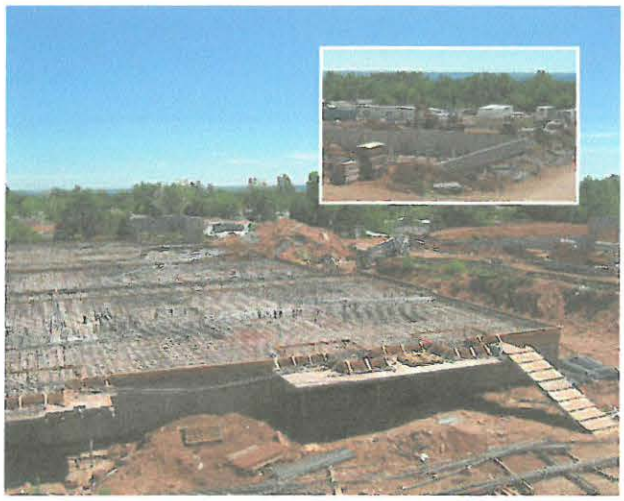


Podiums are most successful when they are only 4–5' above grade.

Construction Methods and Building Codes

Parking podiums generate flexibility in building. The International Building Code (IBC) with Oregon Amendments allows many options, depending on the height of the building. Conventional wood or light steel construction built above a concrete parking podium can often be built independently of the structural system of the garage, allowing for a large variety of building configurations. Through-slab utilities and any exceptional loads should be coordinated with the design of the parking structure and concrete slab. Structured parking can be built using any type of construction, but is most often built with Type I Construction. Common methods include heavy steel with fireproofing, conventional slab and post-tension slab construction methods. Post-tension slabs use less reinforcing and are often more cost effective, but require greater planning of through-slab utilities.

The ability to use conventional wood or light steel construction above the parking podium allows for structured parking to be incorporated into building projects in a cost effective way, utilizing construction methods that small builders tend to be more familiar with. These opportunities, together with efficiencies gained with not having to devote additional site area solely to vehicle parking and the resulting solutions this provides for small infill sites, make structured parking practical for a wide range of higher-density residential project, especially on the constrained sites typical of infill development.



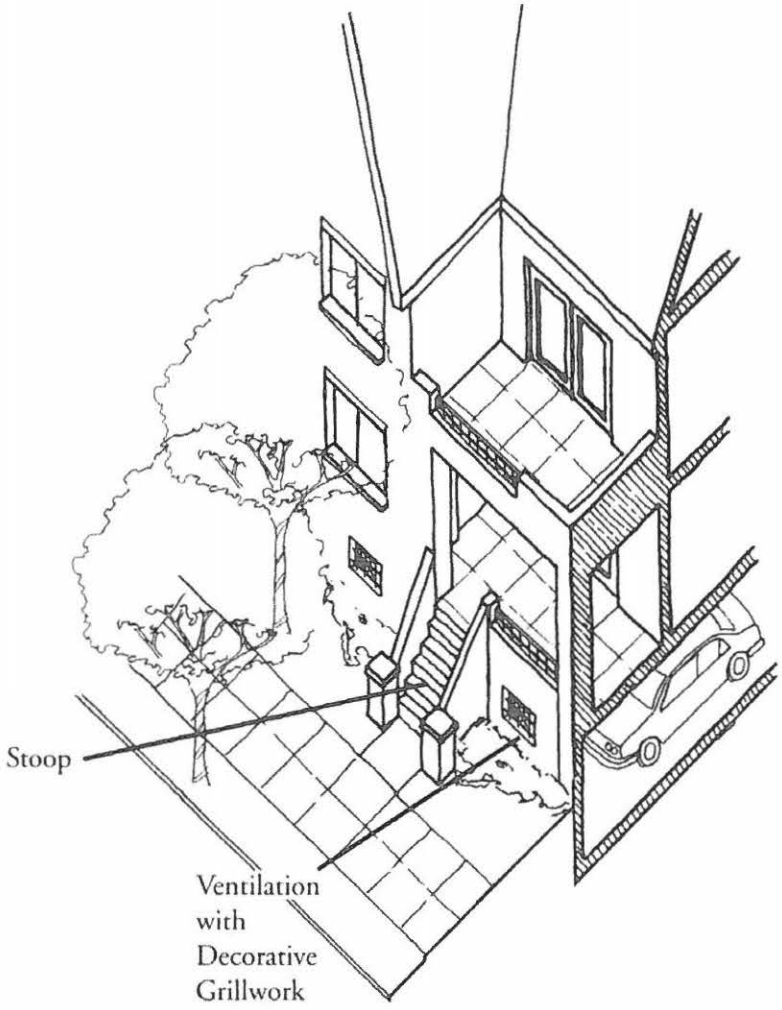
Concrete slab podiums are a more common construction type used for structured parking. Coordination of penetrations is critical.

A combination of concrete block, steel, and wood framing can now be used as long as the parking is solely for the residents. Builders are often more familiar with steel and wood frame methods of construction.

Design and Engineering

Partially sub-grade parking is seen in many new developments because it places parking underneath buildings, typically extending 4–5 feet above grade, allowing the site to support more building area and open space. It is more cost effective than fully underground parking because of less excavation and it can often be naturally ventilated. It also elevates the first floor living area above the street level, which can increase privacy and allow for raised stoops or porches, which fits into many residential neighborhoods. Compared to above-grade parking, partially sub-grade parking reduces the bulk and the height of the building, helping to mitigate scale contrasts with smaller adjacent structures.

However, if not treated properly semi-depressed parking can result in the habitable portion of the building appearing to be overly separated from the street and the sidewalk pedestrian environment. A careful balance is needed between raising the building high enough to allow natural ventilation, but low enough to create a quality pedestrian environment. A common solution is to screen the exposed portion of the parking with architectural elements, such as stoops, bays and balconies, that restore a connection between the building and the ground and enhance the streetscape. Ventilation openings can be designed as integral elements of the facade.



Above-grade Parking

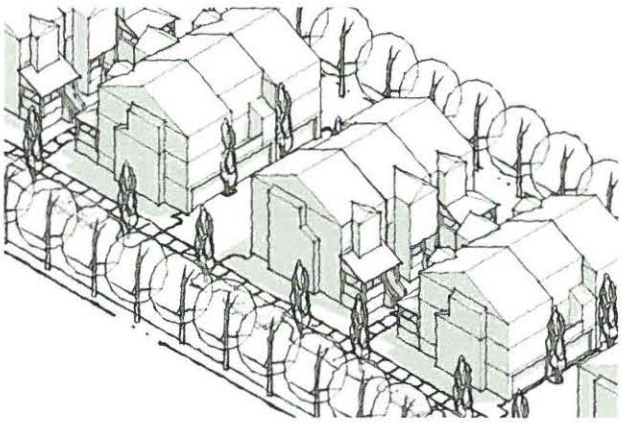
Above-grade parking can be more cost effective than parking that is below or semi-depressed from grade, but is more likely to create blank facades and result in a poor relationship between buildings at grade and buildings above the podium. Attaching habitable space at grade, as a liner, adjacent to the parking structure can mitigate the ground-level frontage of the podium. The upside to above ground parking is greater opportunities to provide adequate ventilation for the parking. This may be useful for small lots or attached infill housing. However in areas where height or relationships to adjacent properties is a major concern, partially sub-grade or totally sub-grade parking may assist in a project's acceptance by the community.

Below-grade Parking

Below-grade parking can be used to increase the relationship between dwelling and grade, while reducing the bulk and height of a building. Below-grade parking structures need to be mechanically ventilated and further excavated, increasing the cost of the parking structure. Although the positives relate to mass and relationships to adjacent homes, the access to a sub-grade structure is typically a large ramp, which if located outside, may have tremendous negative impacts on the streetscape and the building design.

Structured parking can be concealed by placing habitable uses in front, as well as through variations in grading.

Portland plex, partially sub-grade shared parking



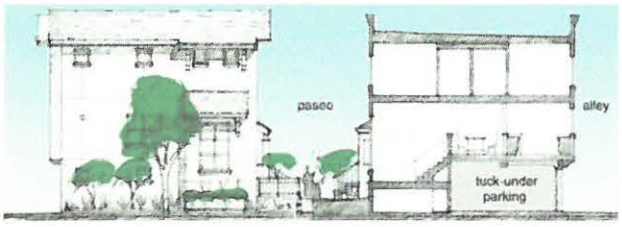
Building fronts should face other building fronts or open spaces whenever possible.

Tuck-under Parking

Tuck-under parking is a relatively inexpensive compromise between surface parking and fully-structured parking. A rowhouse with tuck-under parking will have parking located to the rear of the building, accessed by an alley. Tuck-under parking reduces the visual front facade impact of a full garage story by partially submerging the alley. The garage and alley should be at a lower level graded approximately half a story below the front yard and sidewalk and should include two parking spaces in a side by side or tandem orientation.

Podiums as Open Space

One of the benefits of podium parking is that the podium allows for more habitable open space. The slab can be landscaped as circulation, shared or private space depending on the development type. There are a wide variety of planting options for podiums requiring a varying amount of attention and planning. The podium can be landscaped with deep integrated planters for major landscape elements, such as trees and large shrubs, or landscaped with potted landscape, furniture, play structures and even turf or other ground cover. Downsides to using the podium as open space include waterproofing and drainage concerns, somewhat more limited landscape choices, smaller trees, and the overall cost of providing the planters, irrigation and landscape. Some of these problems can be solved by decreasing the lot area of the parking structure to provide on-grade landscaping and by proper planning before the design of the podium.



Rowhouses should provide rear accessed at-grade or slightly below grade parking garages for resident parking.

Podiums can be landscaped with a variety landscape options including turf.

A parking podium in Boulder, CO with integrated planters under construction.

From: Preisz, Linda
To: Pete Walter
Subject: RE: Historic Landmarks
Date: Monday, December 28, 2015 10:51:36 AM
Attachments: image001.png

I can't find any in those areas. The ones I sent you are further south.

Linda

From: Pete Walter [mailto:pwalter@ci.oregon-city.or.us]
Sent: Monday, December 28, 2015 10:36 AM
To: Preisz, Linda
Subject: RE: Historic Landmarks

Hi Linda,

Thanks for sending these! The concept plan area is shown on the attached map.

I'll check these tax lots, but I'm pretty sure there aren't any involved.

Pete

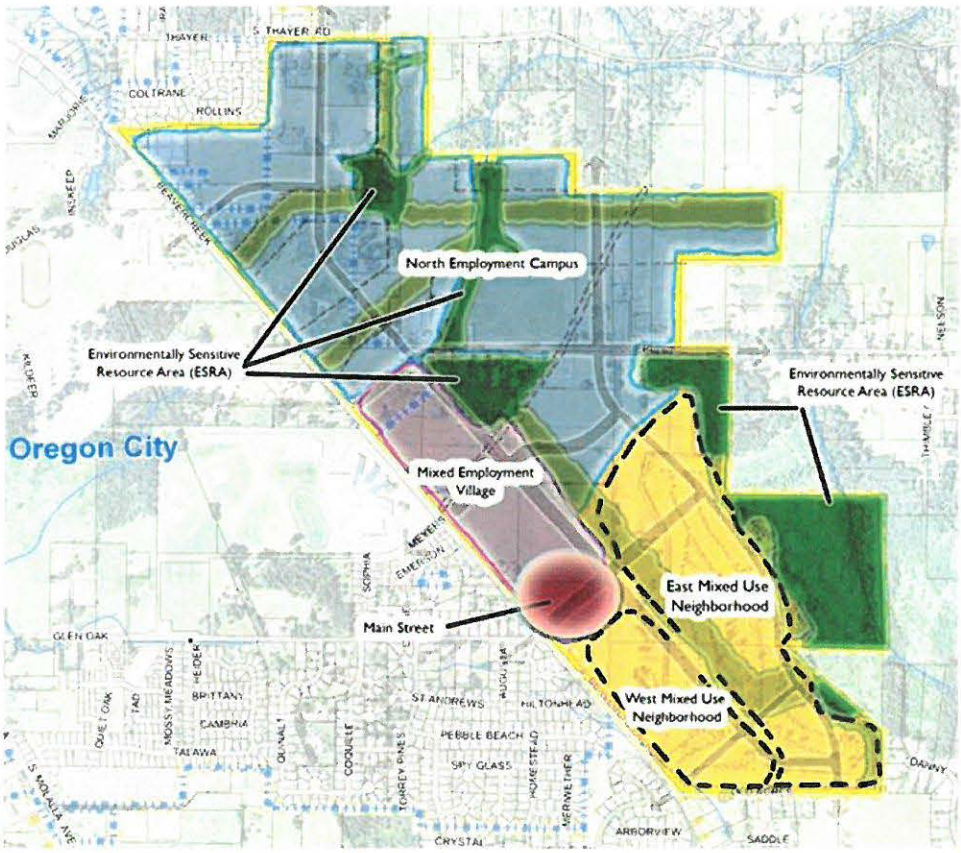


Figure 2: Beavercreek Zone Subdistricts

From: Preisz, Linda [mailto:lindap@co.clackamas.or.us]
Sent: Monday, December 28, 2015 10:00 AM
To: Pete Walter <pwalter@ci.oregon-city.or.us>
Subject: Historic Landmarks

Hi Pete:

I am not familiar with the parameters of the Beavercreek Concept Area Plan. Looking through the county landmarks I find:

1. 32E15A 00800 Henry & Joseph Meyers Cellar SHPO #1117

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DATE RECEIVED: 1/11/16
SUBMITTED BY: STAFF
SUBJECT: LE-15-03
BRCP
EXHIBIT A

2.	32E15C 00103	Hal & Mattie Lindsley House	SHPO #1118
3.	32E15D 02200	Christian Muralt Farm	SHPO #1119
4.	32E26B 00300	Welsh Evangelical Church	SHPO #1129
5.	32E33B 00400	Carus Episcopal Church	SHPO #1133
6.	32E33B 00700	Carus School	SHPO #1134
7.	32E35 01100	German Evangelical Church	SHPO #1136

If I am not in the correct area, please give me the proper Township and Range numbers.

Linda Preisz
Senior Planner
Clackamas County Planning Division
503.742.4528
lindap@clackamas.us

The Hamlet of
BEAVERCREEK
PO Box 587 • Beavercreek • Oregon • 97004

January 6, 2016

RECEIVED
JAN - 6 2016
@3:14 Pm
CITY RECORDER
CITY OF OREGON CITY, OR

Planning Commission & City Commission
City of Oregon City
625 Center Street
Oregon City OR 97045

RE: ZC 15-03, Zone Change and PZ 15-01 Comp Plan Amendment

Dear Planning Commissioners and City Commissioners:

The Board and citizens of The Hamlet of Beavercreek are writing with regards to ZC 15-03, Zone Change and PZ 15-01 Comp Plan Amendment.

First, and importantly, we **are not against development**. We are, however, 100% for planned development that provides safety and livability regarding transportation, public services, and concurrency.

Transportation is a great concern for us (and we hope for you too) especially in the face of the many development projects earmarked along Beavercreek Road and Highway 213. A few of the planned projects are the Beavercreek Road Concept Plan, the Evergreen (Meyers/Beavercreek Roads) nine acre development, the new Oregon City School District bus barn, the Clackamas Community College $111,000,000 improvement/development, the Linn, Leland and Meyers Road corridor/development, the extensive economic enterprise zone, and the old bus barn development by Dan Fowler. As you can see, there is a lot of development along Beavercreek Road & Highway 213.

Mayor Dan Holladay, at the October 27th, 2015, Caufield Neighborhood Association meeting, shared his vision of Beavercreek Road as Oregon City's economic future with a five lane highway from Highway 213 to Henrici Road, though Beavercreek Road is controlled by Clackamas County, not the city. It is no secret that both Highway 213 and Beavercreek Road (not to mention their intersection) are failing. Clackamas County has jurisdiction over Beavercreek Road and has stated frequently the County's focus is on road maintenance throughout the County and not on the development of Beavercreek Road. Unfortunately, that leaves 6,500 Hamlet of Beavercreek rural residents (and the citizens in Colton, Molalla, Carus, Mulino, Clarkes, the Highlands, etc.) facing the same fate as that of the Happy Valley citizens many, many years ago.

ENTERED INTO THE RECORD
DATE RECEIVED: 1/11/16
SUBMITTED BY: BK HAMLET
SUBJECT: LE-15-03
BRCP
EXHIBIT B

Message Phone 503-632-8370

As we all know, Happy Valley and the Clackamas area grew, and Sunnyside Road (under Clackamas County jurisdiction) became a parking lot. As a result, the federal government, ODOT, Metro, and Clackamas County's Development Agency have spent over $150,000,000 to fix poorly planned growth, with the development of Sunnyside Road, the extensive creation of Sunnybrook Road, overpasses, fish habitat, etc. Unfortunately, ODOT and Clackamas County no longer have those types of funds to "fix" Beavercreek Road and Highway 213 due to poorly planned growth.

Before we move onto services, it is vital to note that the development of Highway 213 from Molalla Avenue to I-205's Environmental Impact Study resulted in Oregon City Ordinance 92-1002, signed by Mayor Dan Fowler in 1992, agreeing that no development will occur if any roads in the vicinity of the Highway 213 and Beavercreek Road intersection (including the intersection) are operating at lower than a D level (attached). And, if that happened, Oregon City would participate in a grade separation upgrade of the intersection. The most recent estimate (2009) to upgrade the intersection to a grade separation is $45,000,000 and includes Dan Fowler's recently purchased old bus barn property. In addition, Oregon's Transportation Planning Rule #12 puts a moratorium on development with a failed intersection. To consider this amount of development without the plans or funds to fix roads and intersections is seriously irresponsible.

With regard to water, Clackamas River Water has been contacted by Oregon City regarding servicing of the Beavercreek Road area as Oregon City does not have the pressure to provide service. Normally, providing water through an intergovernmental agreement would not be a problem, however, after 2015's drought and its devastating impact on the habitat of the Clackamas River, the residents in Beavercreek are extremely concerned that water is available to existing clients and that the Clackamas River habitat is valued and protected. As stated in CRW's July 23, 2015, letter to the Clackamas County Commissioners (attached), "It is our belief that as water providers on the Clackamas River we must begin to view the river less as an exclusive source of revenue and more as a valuable, finite resource that must be protected. To ignore the current river conditions and push off streamflow and temperature concerns would be irresponsible. While we do not discredit our collective utility's need to be financially stable, we believe that the long-term sustainability of the Clackamas River as a source of drinking water should trump the immediate needs of greener lawns and greater revenue."

For CRW to extend an IGA to Oregon City for all of the development planned in the next decade would most probably put the entire CRW southern service area into an annual drought conservation practice. This is not conducive for successful timber, livestock, and agricultural in Clackamas County and extremely devastating to any surviving habitat in the Clackamas River water area.

With regard to sewer, the last we heard, to pursue just the nine acre Evergreen development at Meyers and Beavercreek Roads, the sewer line lids along Glen Oak Road will have to be bolted down so they didn't overflow with sewage. In addition, residents along the sewer line testified of **frequent** sewer backflows into their basements. The City admitted that the sewer capacity for the development was problematic as there was a sewer bottleneck on Highway 213 at the College, but there are no funds to solve the problem. Hearing this about 9 acres of development along Beavercreek Road, how can hundreds of acres along Beavercreek Road and Highway 213 be serviced without extensive sewer upgrade planning and funding?

And, finally, DOGAMI's LIDAR maps clearly indicate the Newell Creek landslide runs from the Forest Edge Apartments, under Highway 213 south to the old bus barn property. We sincerely hope **you** take the City's "state of emergency" evacuation of the Forest Edge Apartments tenants seriously and as a warning of not what **might** happen, but what **will** happen if any development along this historically active landslide is allowed. In addition, the only insurance carrier in the world that offers landslide insurance is Lloyds of London. They will not cover anyone (neither residential, commercial or industrial properties) within one mile of a historical landslide. If Lloyds of London will not offer protection, will the City of Oregon City (as a government body who exists to protect its citizens) offer such insurance?

We repeat, **we are not against development,** only poorly planned development that will clearly put **all of us** traveling, working and living in and around this Beavercreek and Highway 213 area into a transportation bottleneck with no clear path to functional and environmentally responsible services.

Thank you for your time and consideration of our concerns.

Sincerely,

The Hamlet of Beavercreek

Enclosures: Ordinance 92-1002
Clackamas River Water July 23, 2015, Letter to the Clackamas County Board of County Commissioners

Cc: Clackamas County Board of County Commissioners
Clackamas River Water Board
Tri-City Wastewater Treatment
Oregon Department of Transportation

September 10, 1993

MEMORANDUM

TO: Charlie Leeson, Henry Mackenroth, Denyse McGriff, City of Oregon City
Mark Greenfield

FROM: John Spencer, Oregon City Urban Renewal Agency

RE: **HWY. 213/BEAVERCREEK ROAD INTERSECTION (Revised from 9/9/93)**

As a follow-up to the meeting on June 24 with Clackamas County and ODOT officials, I agreed to summarize our discussions which will be the basis for a revised Memorandum of Understanding between the City, County, and ODOT.

Overall Intent

It is the intent of all parties to provide for and implement the various transportation projects called for in the Draft Warner-Parrott Rd.-Oregon City Bypass Environmental Assessment. These projects include an at-grade interchange improvement of the Highway 213/Beavercreek Road intersection, and the future construction of a grade-separated interchange. All parties agree that existing traffic congestion at this intersection is at unacceptable levels. Until intersection and other improvements have been constructed, any new development permitted in the vicinity of this intersection should not increase the congestion problems beyond current levels. It is also agreed that if the sponsors of new development can prove that proposed development will not increase the congestion problems, then development will be allowed only when in compliance with adopted plans for an at-grade interchange at the Highway 213/Beavercreek Road intersection.

Proposed Modifications to the Draft MOU of 2/92

The Draft Memorandum of Understanding is attached. The following changes are proposed:

Paragraph 4.a., add the following:

The State, County and City consider the interchange project as high priority.

Delete paragraph 4.b.

Delete paragraph 7 and add the following:

The County and City agree that grade-separated interchange improvements for Highway 213/Beavercreek Road are adopted as part of their Comprehenstve Plans. The County and City also agree that their respective Comprehensive Plans require that major intersections operate at Level of Service (LOS) D or better. The County

and City agree that when new developments are proposed for properties along Beavercreek Road prior to construction of grade-separated interchange improvements, a professional traffic analysis shall be required prior to the issuance of any land use permits. Land use permits shall not be approved unless the traffic analysis demonstrates that the Highway 213/Beavercreek Road intersection and other nearby intersections will operate at Level of Service D or better with the proposed development. If the traffic analysis demonstrates that the Highway 213/Beavercreek Road intersection will operate at LOS D or better with the proposed development, the development plan, including access to Beavercreek Road, will not interfere with, impede the implementation of, or substantially increase the cost of the adopted grade-separated interchange improvements for Highway 213/Beavercreek Road.

First Draft Comprehensive Plan Amendments

In order to meet the obligations outlined in the paragraph above, Oregon City will need to amend the transportation element of its Comprehensive Plan. The first obligation is to adopt the interchange plan. That has been done with Ordinance 92-1002 attached. Following are draft policies to meet the other obligations outlined above.

a. *All intersections requiring full signals as shown on Figure 2, Traffic Signal Locations, Oregon City Transportation Master Plan, 1989, and any other intersections where full traffic signals are warranted, shall operate at Level of Service D or better. Level of Service (LOS) is defined in Appendix B of the Oregon City Transportation Master Plan, 1989.*

b. *A professional traffic analysis shall be required prior to the issuance of any land use permits when new developments are proposed for properties in the vicinity of fully signaled intersections. Land use permits shall be approved only when the traffic analysis demonstrates that the signalized intersection will operate at Level of Service D or better with the proposed development, and that the development plan will not interfere with, impede the implementation of, or substantially increase the cost of any adopted transportation improvements identified in the City's Comprehensive Plan*

c. *Right-of-way shall be required as a condition of approval when developments are proposed near adopted transportation improvements identified in the City's Comprehensive Plan.*

Please provide comments on these proposed plan amendments to me by the end of next week. Thanks,

John

MEMORANDUM OF UNDERSTANDING
Between the
STATE OF OREGON,
CLACKAMAS COUNTY,
And
CITY OF OREGON CITY

(1) The Oregon Department of Transportation, Highway Division, hereinafter referred to as "State"; CLACKAMAS COUNTY, a political subdivision of the State of Oregon, acting by and through its Board of Commissioners, hereinafter referred to as "County"; CITY OF OREGON CITY, a municipal corporation of the State of Oregon, acting by and through its City Officials, hereinafter referred to as "City"; enter into this Memo of Understanding to set forth the principles of mutual commitment to the proposed Cascade Highway South at Beavercreek Road Interchange.

(2) State and County previously entered into a construction finance agreement No. 8119, on June 21, 1984 for the Warner-Parrott Rd. - Oregon City Bypass project.

(3) When the Warner-Parrott Rd. - Oregon City Bypass project is constructed, State, County, and City agree the increased traffic flow will cause congestion at the Cascade Highway South / Beavercreek Rd. intersection, and all parties agree that improvements may be necessary. Proposed at this time is an at-grade interchange at Cascade Hwy. South / Beavercreek Rd.

(4) State, County, and City agree to the following conditions in preparation for the proposed interchange agreement:

(a) State will support County and City in seeking the necessary funds from Metro to construct the interchange project.

(b) The County and/or City will be responsible for the survey, writing the descriptions, and the acquisition of any necessary right-of-way for construction of at-grade interchange.

(c) The County will have the lead role in project engineering and construction management.

(d) Prior to construction of the Cascade Hwy. South / Beavercreek Rd. Interchange, State, County, and City shall enter into a cooperative improvement agreement for construction and maintenance responsibilities for the at-grade interchange.

⑤ The State, County, and City agree to consider a joint project for a future "grade-separated" interchange at the Cascade Hwy. South / Beavercreek Rd. location. The determination of financial participation will occur as part of the State's Six-year Transportation Improvement Program update process when future project becomes necessary.

⑥ Any cost of right-of-way and other improvements incurred in constructing the previously proposed at-grade project shall be considered in determining the shares of the cost of the grade-separated project.

⑦ The County and City agree to prevent additional development in areas identified as needed for constructing the Cascade Hwy. South / Beavercreek Rd. grade-separated interchange and prevent additional access that would conflict with the public's need for access control to the extent identified in the attached State drawing.

⑧ Terms of this Memorandum of Understanding can be terminated by any of the parties with 30 day, written notice.

⑨ Upon receipt of a signed copy of this Memo of Understanding, County and City shall start the process for acquiring the necessary funds for the construction of the proposed at-grade project and State shall review and release the Environmental Assessment document.

OREGON DEPT. OF TRANSPORTATION

Region Manager

Date_____

CLACKAMAS COUNTY
Board of Commissioners

_____
Chair

_____
Commissioner

_____
Commissioner

Date_____

CITY OF OREGON CITY

Mayor

City Recorder

Date 2-17-92

B3193001

CITY OF OREGON CITY

Incorporated 1844

DEVELOPMENT SERVICES DEPARTMENT
Planning, Building, Engineering
320 Warner-Milne Road
Oregon City, OR 97045
(503) 657-0895
FAX (503) 657-3339

May 27, 1993

Ron Weinman
Clackamas County
902 Abernethey Road
Oregon City, Oregon, 97045-1100

Mr. Weinman:

The Oregon City Commission, at its May 19th meeting, rescinded its approval given on February 17th, of the Memorandum of Understanding between the State of Oregon, Clackamas County and the City regarding the proposed interchange on Cascade Highway South at Beavercreek Road, effective immediately.

The Commission is concerned about the provisions and implications of the paragraph addressing the prevention of development on private lands. They further understood that the agreement was in it's final form when they originally authorized signing.

The City Commission has directed staff to reopen negotiations regarding this agreement. An identical letter is being transmitted to Ted Keasy at Region 1, of Oregon State Highway Division.

Please contact me to arrange further discussions on this matter.

Charles Leeson
City Manager

cc: City Commission
Ed Sullivan, City Attorney
Henry Mackenroth, Project Manager

COPY

ORDINANCE 92-1002

AN ORDINANCE AMENDING THE TRANSPORTATION MASTER PLAN AND THE TRANSPORTATION ELEMENT PLAN OF THE COMPREHENSIVE PLAN TO ADD TWO FUTURE ROAD PROJECTS AND A POLICY FOR COLLECTOR STREETS.

WHEREAS, the State Highway Division has requested that a proposed road project at Highway 213 and Beavercreek Road be included in the Oregon City Comprehensive Plan, and

WHEREAS, based on development patterns a future collector street needs to be designated outside of the City limits, but in the Urban Growth Boundary, and

WHEREAS, a policy on access management is needed to guide development along collector streets, and

WHEREAS, the Oregon City Planning Commission, on December 12, 1991, conducted a public hearing to consider the adoption of these proposals, and

WHEREAS, the proposed amendments to the Transportation Master Plan and Transportation Element of the Comprehensive Plan is designed to best meet the land use planning needs of the City.

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That the Transportation Master Plan and the Transportation Element of the Comprehensive Plan are hereby amended to add the following to read as follows:

1. Add the grade separation of Highway 213/Beavercreek Road.

   a. The State Highway Division has forwarded a request to add the grade separation at Highway 213/Beavercreek Road. The proposal would include maps of the proposed Phase 1 and 2 project to page 63 of the Transportation Master Plan as an addition to the roadway laneage and access control map.

   b. Roadway Laneage/Access Control Plan, page 64 of the Transportation Master Plan - Widen Highway 213 to six lanes between Beavercreek Road and I-205, with a grade separation at Beavercreek Road (to include Phase 1 and Phase 2 roadway and laneage needs).

2. Add S. Caufield Road as a future collector street - (For approximately 500 feet from Highway 213 to a proposed street that would be located between S. Caufield Road and S. Canyon Ridge Drive; added to page 60 of the Transportation Master Plan.

3. Add a policy - Regarding access management on collector streets to Policy 4 on page L-35 of the Transportation Element of the Comprehensive Plan:

   New subdivision/residential development shall minimize access on collector streets unless infeasible. If feasible, lots shall be oriented to have frontage on local streets with back yards to the collector street.

Read first time at a regular meeting of the City Commission held on the 5th day of February, 1992, and the foregoing ordinance was finally enacted by the City Commission this 5th day of February, 1992.

Jean K. Elliott

JEAN K. ELLIOTT, City Recorder

ATTESTED this 5th day of February, 1992.

Daniel W. Fowler

DANIEL W. FOWLER, Mayor

ORDINANCE NO. 92-1002

Effective: March 6, 1992

Clackamas River Water

P.O. Box 2439
Clackamas, Oregon 97015-2439

(503) 722-9220
Fax (503) 656-7086

16770 SE 82nd Drive, Clackamas
customerservice@crwater.com

To: Board of Commissioners of Clackamas County

From: Clackamas River Water

Date: July 23, 2015

Re: Water Use on the Clackamas River

On July 21, 2015 Clackamas River Water received a memorandum, *Re: Water Use on the Clackamas* written by Ernest Hayes of Clackamas County Administration. The policy question proposed was "Is the Clackamas River impacted by water shortage?" The memo ultimately concluded that, "After receiving feedback from several of the managers of local water districts, including Clackamas River Water Providers, there does not seem to be a present risk of a water shortage on the lower Clackamas River. Further, should a shortage occur, human consumption would not be limited until truly dire circumstances were met. There is no fear of this transpiring in the foreseeable future. "Clackamas River Water disagrees with Mr. Hayes' conclusion.

The state of Oregon is facing its worst drought in decades. Governor Brown has declared drought emergencies in 23 of 36 counties. Although Clackamas County eluded a drought declaration to date, it is not immune to the environmental pressures exerted upon it by low snowpack and hot, dry days. The Clackamas River, a vital resource for Clackamas County's urban centers, serves as a source of high quality drinking water for over 200,000 people and is no exception.

It is true that despite record low snowpack on Mt. Hood in the Upper Clackamas River Basin, the precipitation rate remained stable. Precipitation fell as rain, rather than snow. This is due to above average temperatures in the region. The elevation of the Upper Clackamas Basin is located near the current mid-winter snowline, as a result even minor deviations toward greater than normal temperatures can limit snow accumulation. While the Clackamas River is influenced by groundwater from large aquifers in the Upper Clackamas River Basin, the River will likely experience greater loss of streamflow and continued strain is put on the aquifer system. Trends toward warmer winters with more rain than snowpack will result in low flows on the River occurring earlier and increased stream temperatures. 2015 may very well be a preview of years to come.

Abnormally warm temperatures and record low snowpack in the Clackamas River Basin should be of great concern to water providers as the dense network of streams in the Upper Basin are strongly influenced by melting snow during the spring and summer, which in turn helps to maintain river flow and temperature. As early as May the effects could be observed on the river. Streamflows were at their

lowest in over a decade (Figure 1), and temperature was elevated (Figure 2). By mid-June fish kills were observed at the confluence of the Clackamas and Willamette Rivers, due primarily to elevated water temperatures (Figure 2), prompting the Oregon Department of Fish and Wildlife to restrict fishing on the Clackamas River below the I-205 bridge.

Currently the streamflow of the Clackamas River is well below average, at levels not seen in more than a decade, and dropping. Water providers, as good stewards of the watershed, are subject to minimum allowable flows for fish persistence and passage. The State of Oregon requires each drinking water provider to develop a Water Management Conservation plan with a clearly defined curtailment plan that would maintain fish flows while allowing for sustainable water consumption. On the Clackamas River after September 15th that flow is 640 CFS. For Clackamas River Water and one other member of the Clackamas River Water Providers, as per our adopted Water Management Conservation Plans, Stage 3 Water Curtailment (mandated water conservation) would be implemented at streamflows less than 730 CFS after September 15th. While this is not the first time water providers have seen low streamflows in July, it is important to note that currently the streamflow of the Clackamas River is below 750 CFS with prolonged periods of hot dry weather predicted in combination with the development of an El Niño event (Figure 1). The likelihood of water providers having to implement curtailment practices come September is strong.

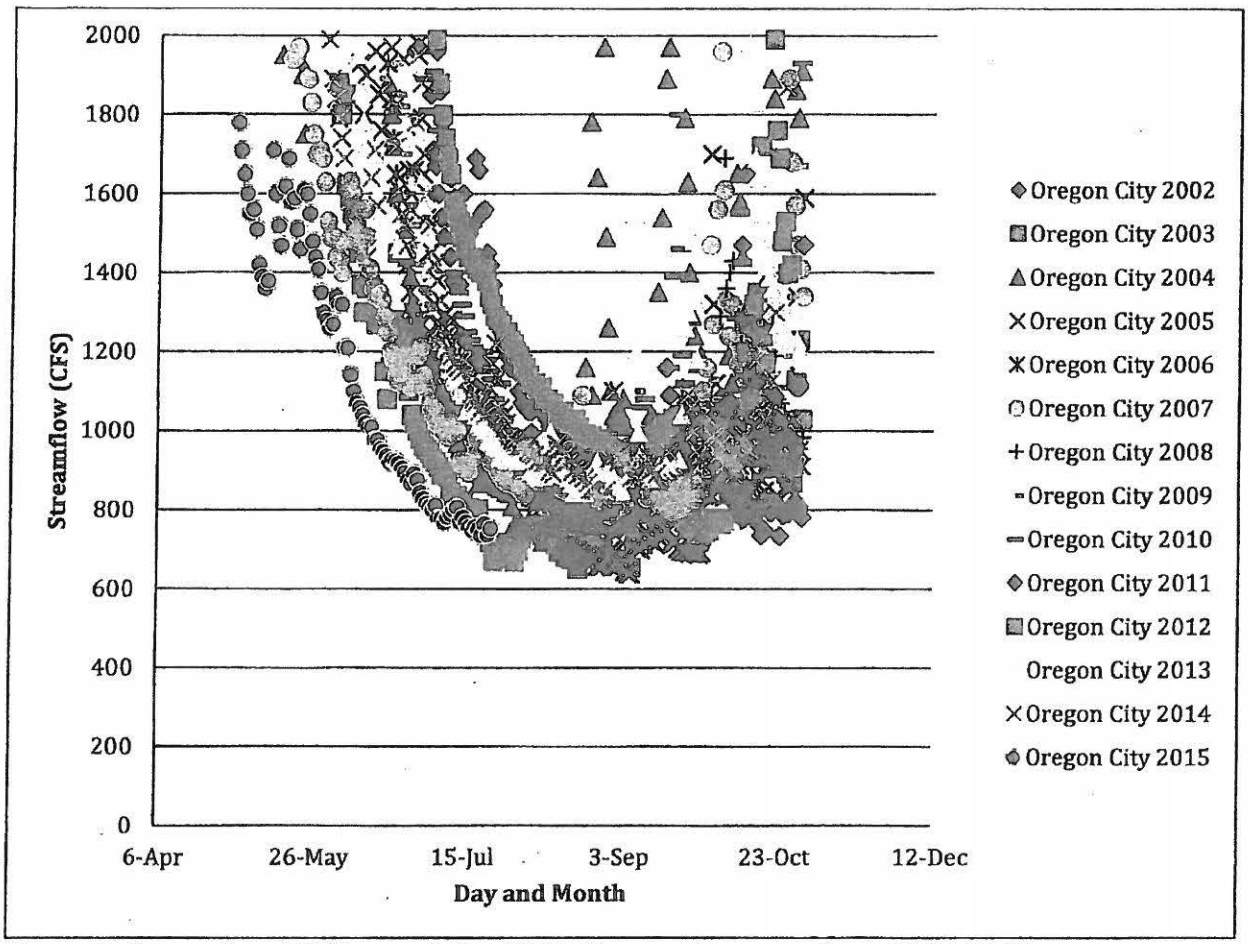


Figure 1. Streamflow (CFS) recorded at USGS Oregon City gauge from 2002-2015

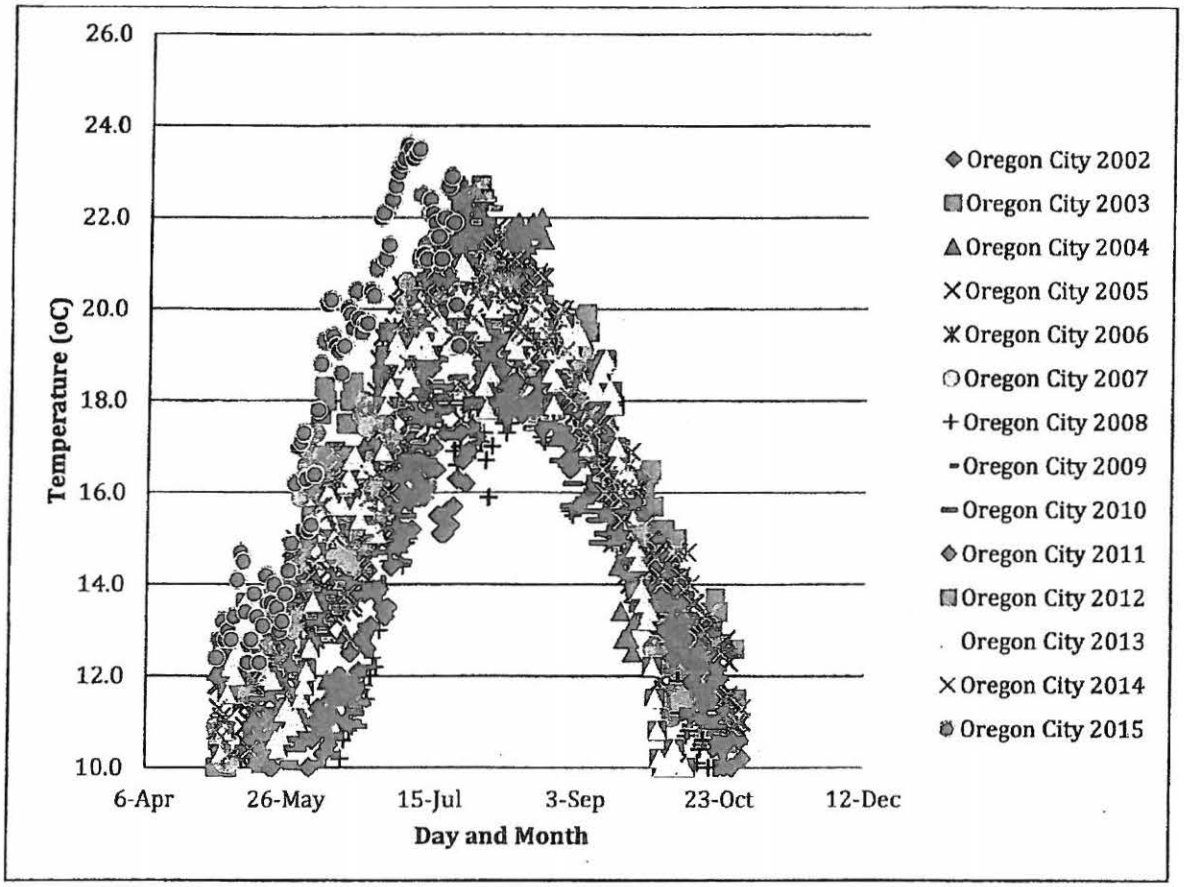


Figure 2. Water temperature (°C) recorded at the USGS Oregon City gauge from 2002-2015

Clackamas River Water issued a Stage 1 Water Advisory encouraging its customers to conduct voluntary water conservation measures in early June as dictated by our Water Management Conservation Plan upon observation of below average streamflows. Continued low flows, or a declaration of drought, will soon prompt CRW to issue a Stage 2 Water Advisory with more stringent conservation measures.

While there may not be an immediate water shortage on the Clackamas River, elevated temperatures and low streamflow suggest that mandated conservation measures for water providers may be on the horizon. It is our belief that as water providers on the Clackamas River we must begin to view the river less as an exclusive source of revenue and more as a valuable, finite resource that must be protected. To ignore the current river conditions and push off streamflow and temperature concerns would be irresponsible. While we do not discredit our collective utility's need to be financially stable, we believe that the long-term sustainability of the Clackamas River as a source of drinking water should trump the immediate needs of greener lawns and greater revenue. Responsible management of a water source does not mean simply navigating into maximum withdrawals allowed by the State of Oregon. It means preserving a drinking water source for a

larger portion of Clackamas County, preserving fish habitat and recreation, and ensuring our water source for the future.

Clackamas River Water is a special district that serves over 50,000 people in unincorporated Clackamas County, which includes Clackamas, and parts of Oregon City, Beavercreek, Milwaukie, and Portland.

We would like to offer our thanks to the Board of Commissioners for affording the water providers the opportunity to comment on this critical issue. As you are aware it is the County's role to notify the Governor when more extreme action is warranted.

Sincerely,

Lee E. Moore Sr.
General Manager
Clackamas River Water District

On behalf of the Board of Commissioners and Staff:

Ken Humberston; President
Hugh Kalani; Secretary
Naomi Angier; Treasurer
Larry Sowa; Commissioner
David McNeel; Commissioner

JAMES J. NICITA

302 Bluff Street
Oregon City, OR 97045
E-mail: james.nicita@gmail.com

January 11, 2016

Comments on PC 15-251, Re-adoption of the Beavercreek Road Concept Plan (Planning File LE 15-03)

Comment #1: The Beavercreek Road Concept Plan as presented by staff constitutes a violation of the Oregon City Charter, and violates Goal 9 of the Statewide Planning Goals, and Sections 2 and 9 of the Oregon City Comprehensive Plan.

Oregon City Charter
Section 6 of the Oregon City Charter provides: "Except as this charter provides otherwise, all powers of the city shall be vested in the commission."

The Oregon City Commission is the governing body of the City, and as such on July 20, 2011 directed staff to remand the Beavercreek Concept Plan to the Planning Commission, including a directive to add, "cottage manufacturing" to the "West Mixed Use Neighborhood" and the "East Mixed Use Neighborhood" of the Concept Plan.

Staff failed to do so, in violation of the Commission's command as well as Section 6 of the Oregon City Charter; indeed, staff has even excluded the July 20, 2011 vote from the revised findings for the Beavercreek Road concept plan.

Statewide Planning Goal 9
The City Commission legally incorporated cottage manufacturing to the Beavercreek Road Concept Plan on July 20, 2011, and staff's effective removal of cottage manufacturing from the Concept Plan violates Statewide Planning Goal 9's mandate to maintain an adequate supply of land for "a variety of industrial" uses.

Sections 2 and 9 of the Oregon City Comprehensive Plan
Similarly, staff's removal of the cottage manufacturing required by the City Commission on January 20, 2011 violates several applicable provisions of Sections 2 and 9 of the Oregon City Comprehensive Plan:

Policy 2.6.1
Work with Metro to ensure that there is enough land available within the Urban Growth Boundary to meet the need for industrial and/or commercial development. If there is not enough, identify areas outside the boundary that may be appropriate to annex. The selection of these areas will be based on market factors, protection of environmentally sensitive areas, compatibility with adjoining and nearby uses, public facilities and infrastructure, proximity to expressways and transit, site requirements of specific types of industries, and the desires of the property owners.

ENTERED INTO THE RECORD
DATE RECEIVED: 1/11/16
SUBMITTED BY: JAMES NICITA
SUBJECT: LE-15-03
BRCP
EXHIBIT C.

Policy 2.6.2
Ensure that land zoned or planned for industrial use is used for industrial purposes, and that exceptions are allowed only where some other use supports industrial development. New non-industrial uses should especially be restricted in already developed, active industrial sites.

Policy 2.6.3
Protect the city's supply of undeveloped and underdeveloped land zoned for industrial uses by limiting non-industrial community uses, such as schools, parks, and churches on such properties and by limiting larger commercial uses within those areas.

Policy 2.6.4
Protect existing and planned undeveloped and underdeveloped industrial lands from incompatible land uses, and minimize deterrents to desired industrial development.

Policy 2.6.5
Ensure that land-use patterns create opportunities for citizens to live closer to their workplace.

Policy 2.6.6
Identify industrial uses that could partner with Clackamas Community College as training centers and future employers of students graduating from CCC.

Policy 2.6.7
Establish priorities to ensure that adequate public facilities are available to support the desired industrial development.

Policy 2.6.8
Require lands east of Clackamas Community College that are designated as Future Urban Holding to be the subject of concept plans, which if approved as an amendment to the Comprehensive Plan, would guide zoning designations. The majority of these lands should be designated in a manner that encourages family-wage jobs in order to generate new jobs and move towards meeting the city's employment goals.

Goal 9.1 Improve Oregon City's Economic Health
Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy.

Policy 9.1.1
Attract high-quality commercial and industrial development that provides stable, high-paying jobs in safe and healthy work environments, that contributes to a broad and sufficient tax base, and that does not compromise the quality of the environment.

Finally, the staff "issues matrix" states, "Adoption of the BRCP does not preclude the provision of cottage manufacturing or a greater variety of home occupations."

The first response to this statement is that it represents the position of at least one commenter during the July 20, 2011 City Commission proceeding, and the City Commission rejected that position in directing staff to include cottage housing explicitly in the remanded Beavercreek Road Concept Plan.

The second response to this statement is that it is inaccurate. The text of the "West Mixed Use Neighborhood" and the "East Mixed Use Neighborhood" in the Beavercreek Road Concept Plan does not mention the word "manufacturing" at all. It would be an upward hill climb to try to get such a concept included in the zoning for these neighborhoods without mandating cottage manufacturing in the Concept Plan.

There is a simple solution for the Planning Commission here. The July 20, 2011 City Commission decision mandates cottage manufacturing in the "West Mixed Use Neighborhood" and the "East Mixed Use Neighborhood." The Planning Commission can, at a minimum, simply add the two words "cottage housing" to the textual description of each of these neighborhoods. If the Planning Commission wants to expand how much cottage manufacturing is added, it can go so far as to substitute cottage manufacturing over residential in each neighborhood, and that would also be consistent with the July 20, 2011 vote.

Comment #2: The findings do not demonstrate compliance with Statewide Planning Goal 6.

The application does not include substantial evidence in the whole record demonstrating compliance with Statewide Planning Goal 6.

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."

In Marcott Holdings v. City of Tigard, held regarding compliance with Goal 6:

> "Goal 6 requires findings that a proposed use will be able to comply with applicable environmental standards. It is not satisfied by findings stating only that the proposed use will be required through conditions to comply with applicable environmental standards. Eckis v. Linn County, 19 Or LUBA 15, 35 (1990). The city must make additional findings addressing the feasibility of compliance with Goal 6, meaning that "solutions to certain problems * * * posed by [the] project are possible, likely and reasonably certain to succeed" in achieving compliance. See Meyer v. City of Portland, 67 Or App 274, 280 n5, 678 P2d 741, rev den 297 Or 82 (1984)."

A. State Water Quality Statutes, Rules, and Standards

Page 34 of the Concept Plan indicates that storm water will be discharged into Thimble Creek, which is "waters of the state" under ORS 468B.005(10).

State Standards: There are no findings or substantial evidence in the record that the development authorized by the Concept Plan will not violate or threaten to violate the state water quality standards in OAR Chapter 340 Division 41. Storm water runoff is a waste, the discharge of which shall not violate water quality standards. 1000 Friends of Oregon v. City of North Plains, 27 Or LUBA 372 (1994).

The following sections of OAR 340 Division 41 are applicable to the storm water discharges from development authorized by the Concept Plan:

OAR 340-041-0004 Antidegradation; OAR 340-041-0007 Statewide Narrative Criteria; OAR 340-041-0009 Bacteria; OAR 340-041-0011 Biocriteria; OAR 340-041-

0016 Dissolved Oxygen; OAR 340-041-0019 Nuisance Phytoplankton Growth; OAR 340-041-0021 pH; 340-041-0028 Temperature; OAR 340-041-0031 Total Dissolved Gas; OAR 340-041-0032 Total Dissolved Solids (TDS); OAR 340-041-0033 Toxic Substances; OAR 340-041-0036 Turbidity; OAR 340-041-0340 Beneficial Uses to Be Protected in the Willamette Basin; OAR 340-041-0345 Water Quality Standards and Policies for this [Willamette] Basin.

State Statutes: The storm water drainage system for the proposed development will be a "disposal system" under ORS 468B.005(1). Before either the City of Oregon City or a private developer can construct the disposal system, construct the outlet for the disposal system, or discharge from the disposal system, the applicant must obtain a permit, including applicable effluent limitations, pursuant to ORS 468B.050. Pursuant to ORS 468.065(1), "Any permit issued by the department shall specify its duration, and the conditions for compliance with the rules and standards, if any, adopted by the Environmental Quality Commission pursuant to ORS ... 468B." Those water quality standards are authorized by ORS 468B.048.

In the absence of fails of a permit pursuant to ORS 468B, waste discharges such as storm water must comply with ORS 468B.025(1), which states that "no person" shall "Cause pollution of any waters of the state" or "Discharge any wastes into the waters of the state if the discharge reduces the quality of such waters below the water quality standards established by rule for such waters by the Environmental Quality Commission."

In addition, ORS 468 and ORS 468B also apply to this land use decision independently as "applicable law" under ORS 197.835(9)(a)(D).

There is no evidence in the record demonstrating compliance with the foregoing.

B. Federal and State Air Quality Statutes, Rules and Standards

In 1000 Friends of Oregon v. City of North Plains, 27 Or LUBA 372 (1994), LUBA held that a comprehensive plan amendment had to comply with the Clean Air Act, 42 USC §§7401 et seq., and OAR 660-12-035. There is no evidence in the record demonstrating compliance with these laws and rules.

PC 15-251 Re-Adoption of the Beavercreek Road Concept Plan
(Planning File LE 15-03))

Planning Commission
Jan. 11, 2016
Elizabeth Graser-Lindsey

Re-adoption does not account for changed conditions over 10 years

It is not acceptable that the Beavercreek Road Concept Plan be adopted by a re-adoption process because the studies done 10 years ago to support the plan are no longer valid.

1. A new transportation study is needed because extensive development is now impacting Beavercreek Rd. and Highway 213 which was not accounted for in the old study. Some examples are the Oregon City School District new bus barn and the enterprise district. The remand decision already showed problems with transportation failure and lack of funding.
2. The interchange at Beavercreek Rd. and Highway 213 is not longer planned to handle the traffic. The funding is so dire that the City has had to except this intersection and other failed intersections from its consideration. This traffic impasse cannot be the basis of a major development. It does not comply with Oregon Highway standards[1].

Transportation System Failures

1. The Beavercreek Road Concept Plan relies on internal roads paralleling Beavercreek Rd. and leading to Holly Lane to handle the traffic that a Beavercreek Rd. cannot accept. There is no funding to provide the connection to Holly Lane over the Thayer Rd. and Maplelane areas. There is no funding to improve Holly Lane (city or county) which currently is two-lane, winding and with drop offs. It has no shoulders and it has been having major accidents such as at the bends. It leads to congestion on Redlands Rd. There is no financing available or conceivably available to connect the plan area to Hwy 213 through internal roads.

Because the City intends for the development to create the internal roads, the nature of incremental development makes this road "solution" a failure: the traffic will be created before all necessary, connecting roadway segments will be ready to be used and provide connectivity, so all the traffic will be using Beavercreek Rd. for years.

---

[1] It is unacceptable and not legal to basis a concept plan of a presumption that traffic standards will be further reduced in the future.

ENTERED INTO THE RECORD
DATE RECEIVED: 1/11/16
SUBMITTED BY: Elizabeth Graser-Lindsey
SUBJECT: BRCP LE-15-03
EXHIBIT F.

2. Beavercreek Road cannot handle more traffic as recent traffic studies have shown such as the Beavercreek Rd. Apartments at Meyers Rd.
3. Beavercreek Road cannot be widened to handle expected traffic volumes because the Beavercreek Rd. Apartments hem the road it so it cannot be expanded to city standards with provision for a freight route with multi-modal bus stops and with off-street parallel parking and landscaping needed for retail.
4. The roadway network this plan area depends on is also failing and failed. Recently motorists took an hour to get down the hill on Hwy 213 to I 205 during rush hour and 45 minutes before rush hour. The county's TSP planning maps showed Hwy 213 and I 205 failing to meet even the reduced traffic standards.
5. The City's new TSP provides that 50% of traffic over the planning horizon (20 years until 2035) will be by alternative modes; however, the BRCP has not been reworked to allow this to happen by ensuring the jobs in the concept plan area. Currently the original focus on jobs, which LUBA's remand demonstrated was Metro's intent for this area, has been defeated by converting most of the land use to residential, so there are no jobs for residents to walk or bike to, so they will need to continue driving out of the area – violating the TSP. The 50% alternative modes – bus, bike, pedestrian – can only be achieved if the concept plan ensures jobs and services proceeds housing, but the opposite is occurring as the Beavercreek Apts. show.

<u>Sewage System Failures</u>
There is also insufficient sewage capacity in the sewer pipes and at the sewer plant to handle this development's sewage.
1. The sewer plant is trying to figure out how it will handle the excess sewage it sees coming. It currently is operating in an unsafe condition with insufficient reserve capacity below all other local sewer plants. Attachment Sewer 1-3
2. The sewer pipes are overcharged down Hwy 213 as shown by the Beavercreek Apt study. p.ver During the recent rains in December there was sewage overflowing (spraying up out of manholes) at various locations in the area.
3. There is no Beavercreek Rd. sewer pipe or any realistic plan on how one could occur. A plan or mechanism has not been made on how the developers can pay for the line. The nature of incremental development makes the lack of an overall plan fatal to the sewer system, because the development is proving to not develop progressively along Beavercreek Rd. to the outer edge of the BRCP, so, as a practical matter, incremental

development does not result in a functioning sewer pipe. And the developers, so far, are refusing to take on the cost up-front to be reimbursed later as the city could allow. The Beavercreek Apts have been exempted from contributing to the Beavercreek Rd. sewage line, so there will not be enough funds to finance the line even if the other problems could be solved.

Other Infrastructure Failures

1. The City cannot provide or obtain water needed by the Beavercreek Rd. Concept Plan area.

The city has insufficient funds to provide water to the Beavercreek Rd. Concept Plan Area. The City's Water Master Plan shows the City is underfunded to maintain its water system and no funds to enlarge the system to meet new needs. WMP

The Beavercreek Apartments application showed that the City has insufficient water pressure to serve the Beavercreek Road Concept Plan area. The City would need to create a large water reservoir near Wilson Rd., but it doesn't have the funds. WMP

An effort is being made to buy the water for the apartments (which are within the concept plan area) from the Clackamas River Water district; however, due to climate change, the reduced snow pack and the reduced summer time river flows, they had a water shortfall that caused a fish die off and required them to ask their customers to conserve water. Attachment CRW1-

2. The City cannot provide adequate emergency services to the BRCP area if the roads are so congested that they fail to meet declining roadway standards. There are no passing lanes on Beavercreek Rd. and the shoulder is used by bicyclists and pedestrians, so emergency services cannot get through the congestion.

Laws Violated

This application violates Goal 11: Public Facilities and Goal 12:Transportation, Oregon Transportation Planning Rule (OAR 660 Division 12) and Statewide Planning Goal 12 because it would cause an unacceptable loss of capacity, mobility, connectivity, convenience and safety and create excessive congestion and conflict (10-30-15 Staff Report, p. 12, 15). The negative effect is significant.

The TSP is being violated because there is no plan on how to get residents to take the bus, bike or walk to their jobs or services when these

modes are to be 50% by 2035. This provision is not merely based on sustainability and appreciation of multi-modes of transportation, but it is also reflective of the City's inability to afford to increase the capacity of its transportation system to accommodate 100% of trips being by personal automobile. A plan is needed, but has not been made, to get the needed jobs and services in the area in a coordinated fashion so jobs and services proceed housing. So far the first development (Beavercreek Apts) was approved without even a space for a bus stop. Attachment-TSP 1-5

Goal 6 and Statewide Planning Goal 6 are also violated because the congestion planned for harms air quality and it creates a new source of greenhouse gases when the local and global atmosphere is already past its air's carrying capacity and the resulting climate change is causing global and local harm such as creating summer time drought and water cutbacks.

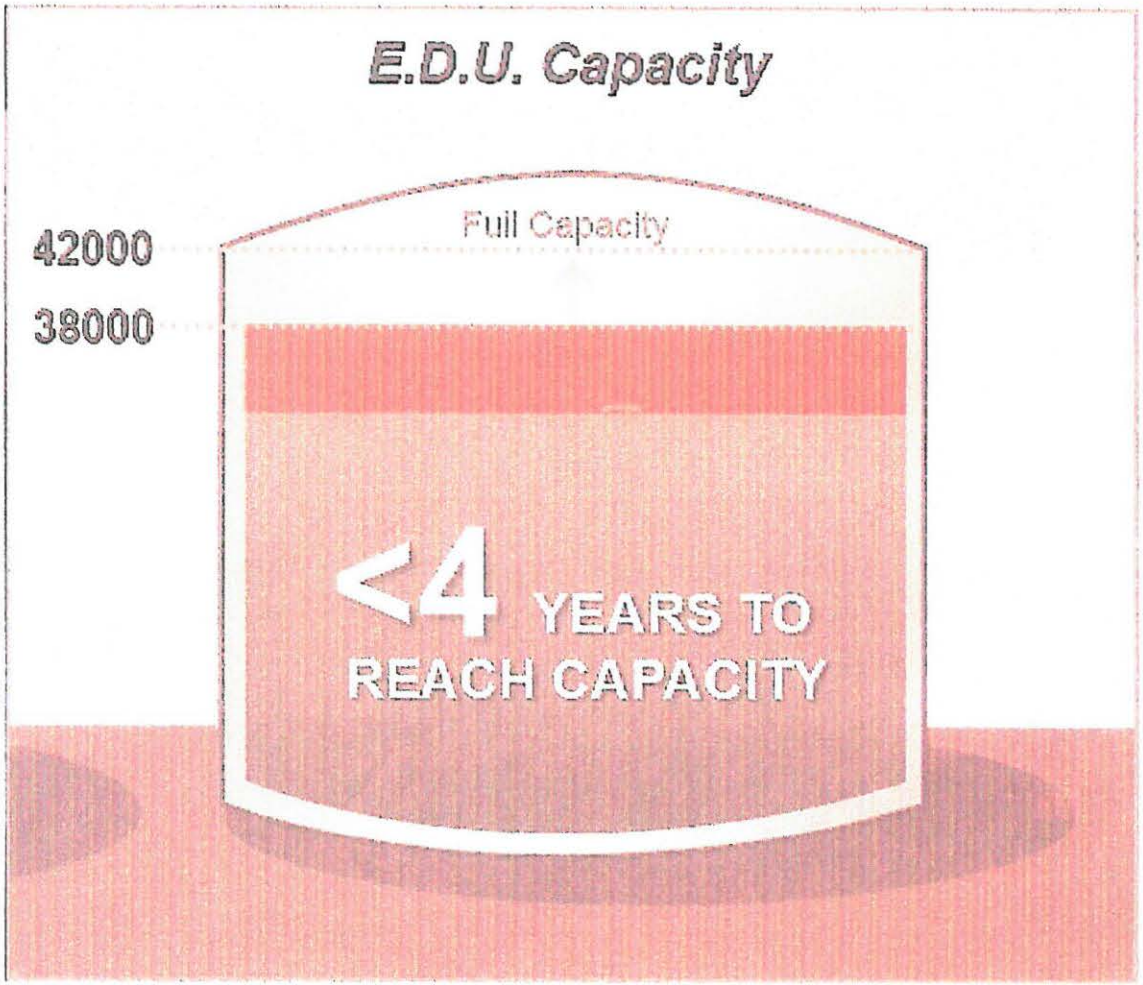
Goal 1 and Statewide Planning Goal 1 is violated by this re-adoption, because public involvement was not compliant with Goal 1 at the time this concept plan was remanded by LUBA. The abbreviated process continues the Goal 1 non-compliance.

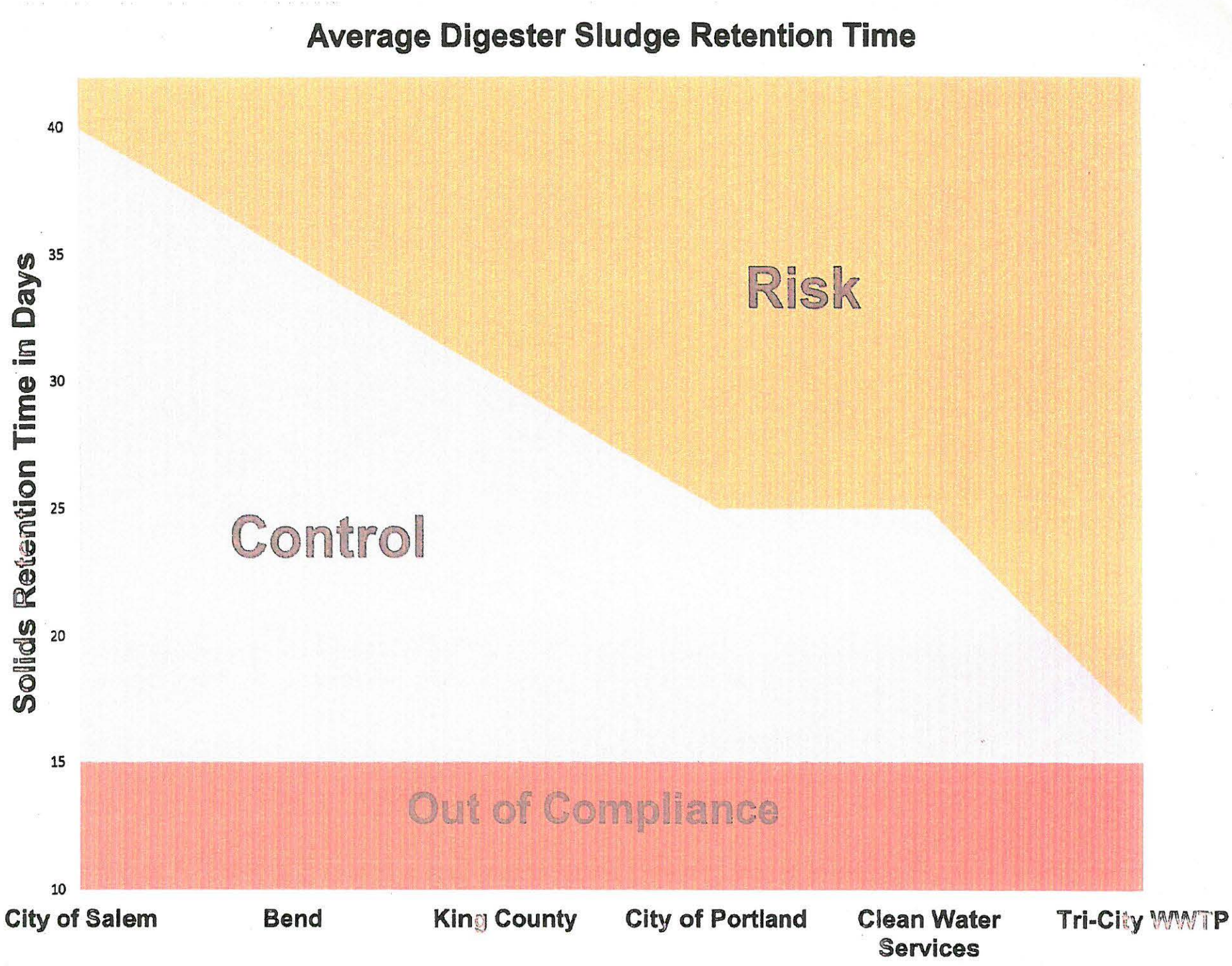
Regional Wastewater Treatment Capacity Advisory Committee

December 10, 2015

WATER ENVIRONMENT SERVICES

Solids Handling Capacity Issue




Average Digester Sludge Retention Time
Solids Retention Time in Days
40
35
30
25
20
15
10
Risk
Control
Out of Compliance
City of Salem
Bend
King County
City of Portland
Clean Water Services
Tri-City WWTP

CRW 1

Clackamas River Water

P.O. Box 2439
Clackamas, Oregon 97015-2439
(503) 722-9220
Fax (503) 656-7086
16770 SE 82nd Drive, Clackamas
customerservice@crwater.com

BOARD OF COMMISSIONERS

JUL 29 2015

EH

To: Board of Commissioners of Clackamas County

From: Clackamas River Water

Date: July 23, 2015

Re: Water Use on the Clackamas River

On July 21, 2015 Clackamas River Water received a memorandum, *Re: Water Use on the Clackamas* written by Ernest Hayes of Clackamas County Administration. The policy question proposed was "Is the Clackamas River impacted by water shortage?" The memo ultimately concluded that, "After receiving feedback from several of the managers of local water districts, including Clackamas River Water Providers, there does not seem to be a present risk of a water shortage on the lower Clackamas River. Further, should a shortage occur, human consumption would not be limited until truly dire circumstances were met. There is no fear of this transpiring in the foreseeable future. "Clackamas River Water disagrees with Mr. Hayes' conclusion.

The state of Oregon is facing its worst drought in decades. Governor Brown has declared drought emergencies in 23 of 36 counties. Although Clackamas County eluded a drought declaration to date, it is not immune to the environmental pressures exerted upon it by low snowpack and hot, dry days. The Clackamas River, a vital resource for Clackamas County's urban centers, serves as a source of high quality drinking water for over 200,000 people and is no exception.

It is true that despite record low snowpack on Mt. Hood in the Upper Clackamas River Basin, the precipitation rate remained stable. Precipitation fell as rain, rather than snow. This is due to above average temperatures in the region. The elevation of the Upper Clackamas Basin is located near the current mid-winter snowline, as a result even minor deviations toward greater than normal temperatures can limit snow accumulation. While the Clackamas River is influenced by groundwater from large aquifers in the Upper Clackamas River Basin, the River will likely experience greater loss of streamflow and continued strain is put on the aquifer system. Trends toward warmer winters with more rain than snowpack will result in low flows on the River occurring earlier and increased stream temperatures. 2015 may very well be a preview of years to come.

Abnormally warm temperatures and record low snowpack in the Clackamas River Basin should be of great concern to water providers as the dense network of streams in the Upper Basin are strongly influenced by melting snow during the spring and summer, which in turn helps to maintain river flow and temperature. As early as May the effects could be observed on the river. Streamflows were at their

EXHIBIT G

lowest in over a decade (Figure 1), and temperature was elevated (Figure 2). By mid-June fish kills were observed at the confluence of the Clackamas and Willamette Rivers, due primarily to elevated water temperatures (Figure 2), prompting the Oregon Department of Fish and Wildlife to restrict fishing on the Clackamas River below the I-205 bridge.

Currently the streamflow of the Clackamas River is well below average, at levels not seen in more than a decade, and dropping. Water providers, as good stewards of the watershed, are subject to minimum allowable flows for fish persistence and passage. The State of Oregon requires each drinking water provider to develop a Water Management Conservation plan with a clearly defined curtailment plan that would maintain fish flows while allowing for sustainable water consumption. On the Clackamas River after September 15th that flow is 640 CFS. For Clackamas River Water and one other member of the Clackamas River Water Providers, as per our adopted Water Management Conservation Plans, Stage 3 Water Curtailment (mandated water conservation) would be implemented at streamflows less than 730 CFS after September 15th. While this is not the first time water providers have seen low streamflows in July, it is important to note that currently the streamflow of the Clackamas River is below 750 CFS with prolonged periods of hot dry weather predicted in combination with the development of an El Niño event (Figure 1). The likelihood of water providers having to implement curtailment practices come September is strong.

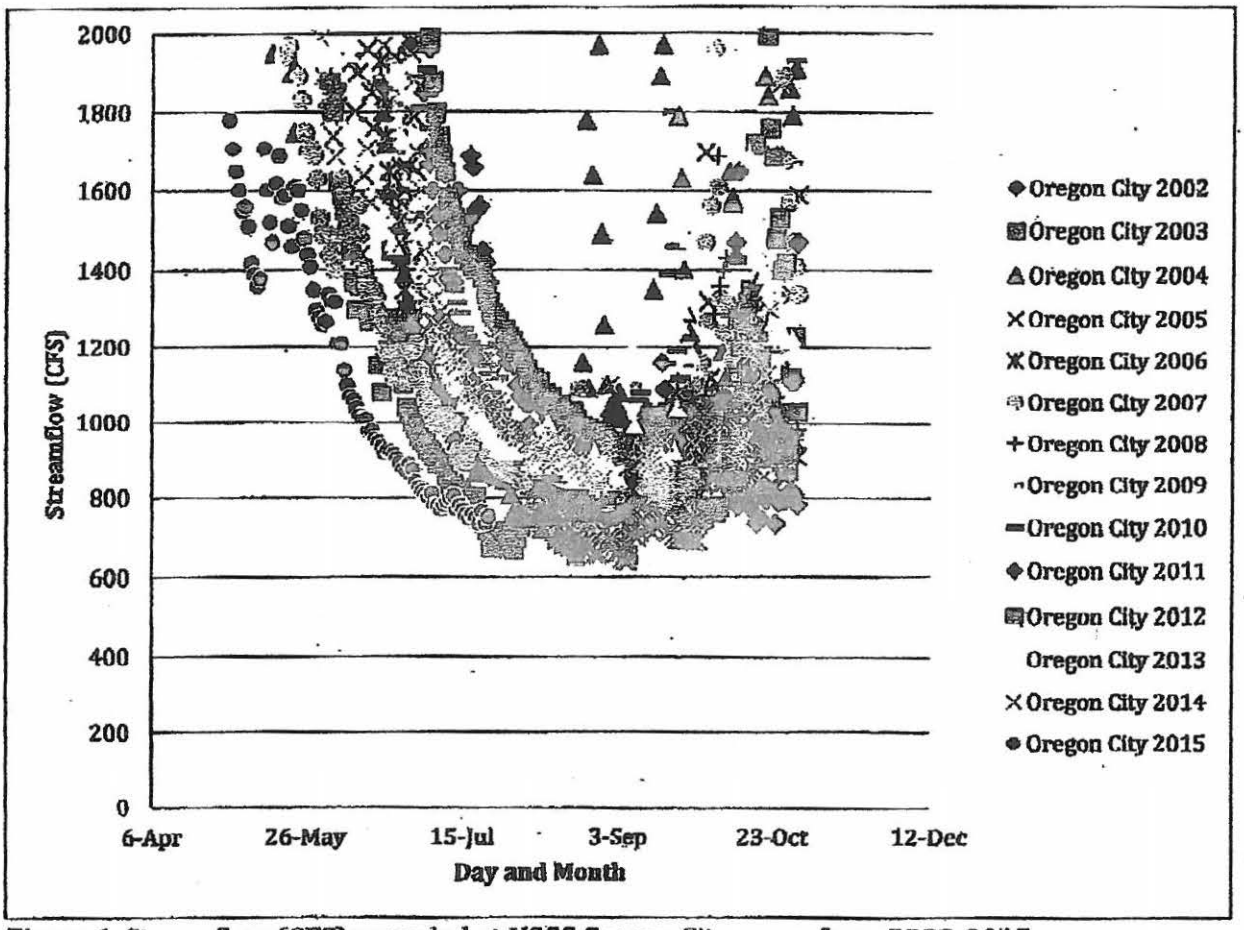


Figure 1. Streamflow (CFS) recorded at USGS Oregon City gauge from 2002-2015

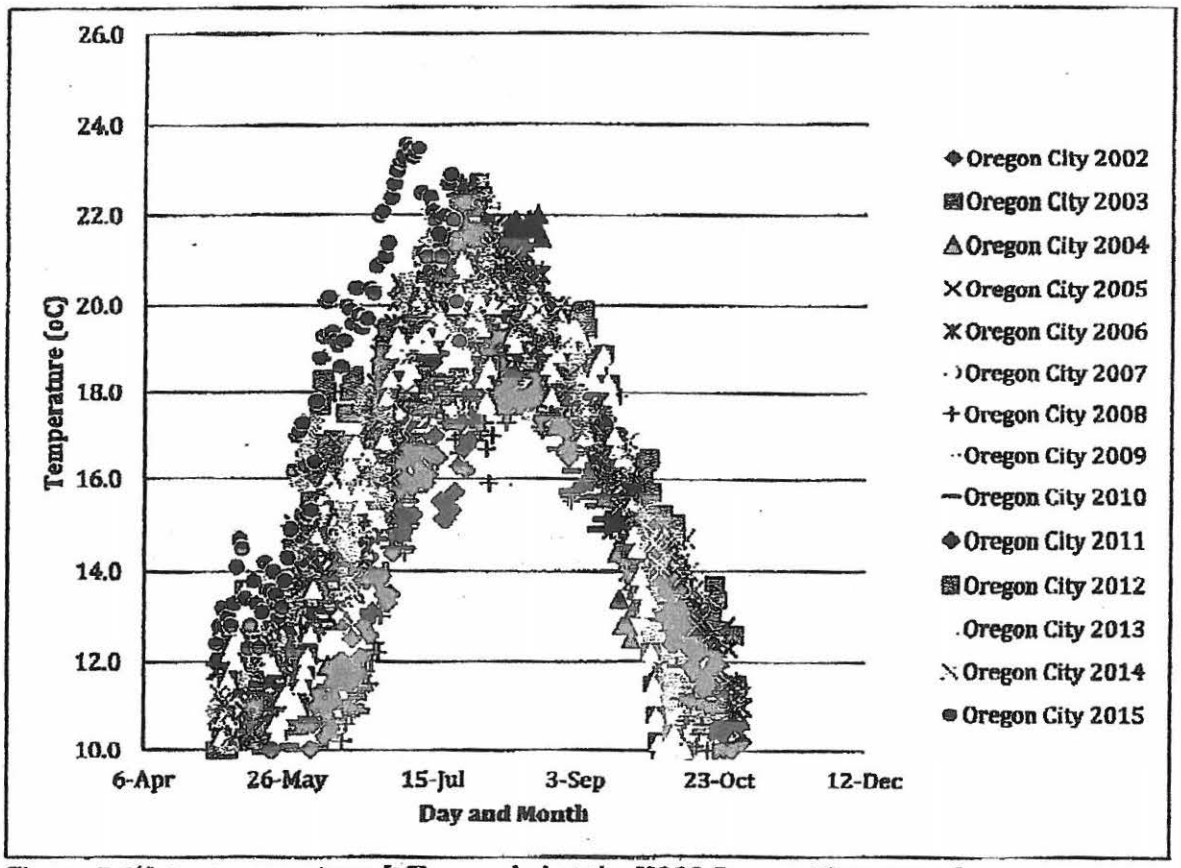


Figure 2. Water temperature (°C) recorded at the USGS Oregon City gauge from 2002-2015

Clackamas River Water issued a Stage 1 Water Advisory encouraging its customers to conduct voluntary water conservation measures in early June as dictated by our Water Management Conservation Plan upon observation of below average streamflows. Continued low flows, or a declaration of drought, will soon prompt CRW to issue a Stage 2 Water Advisory with more stringent conservation measures.

While there may not be an immediate water shortage on the Clackamas River, elevated temperatures and low streamflow suggest that mandated conservation measures for water providers may be on the horizon. It is our belief that as water providers on the Clackamas River we must begin to view the river less as an exclusive source of revenue and more as a valuable, finite resource that must be protected. To ignore the current river conditions and push off streamflow and temperature concerns would be irresponsible. While we do not discredit our collective utility's need to be financially stable, we believe that the long-term sustainability of the Clackamas River as a source of drinking water should trump the immediate needs of greener lawns and greater revenue. Responsible management of a water source does not mean simply navigating into maximum withdrawals allowed by the State of Oregon. It means preserving a drinking water source for a

larger portion of Clackamas County, preserving fish habitat and recreation, and ensuring our water source for the future.

Clackamas River Water is a special district that serves over 50,000 people in unincorporated Clackamas County, which includes Clackamas, and parts of Oregon City, Beavercreek, Milwaukie, and Portland.

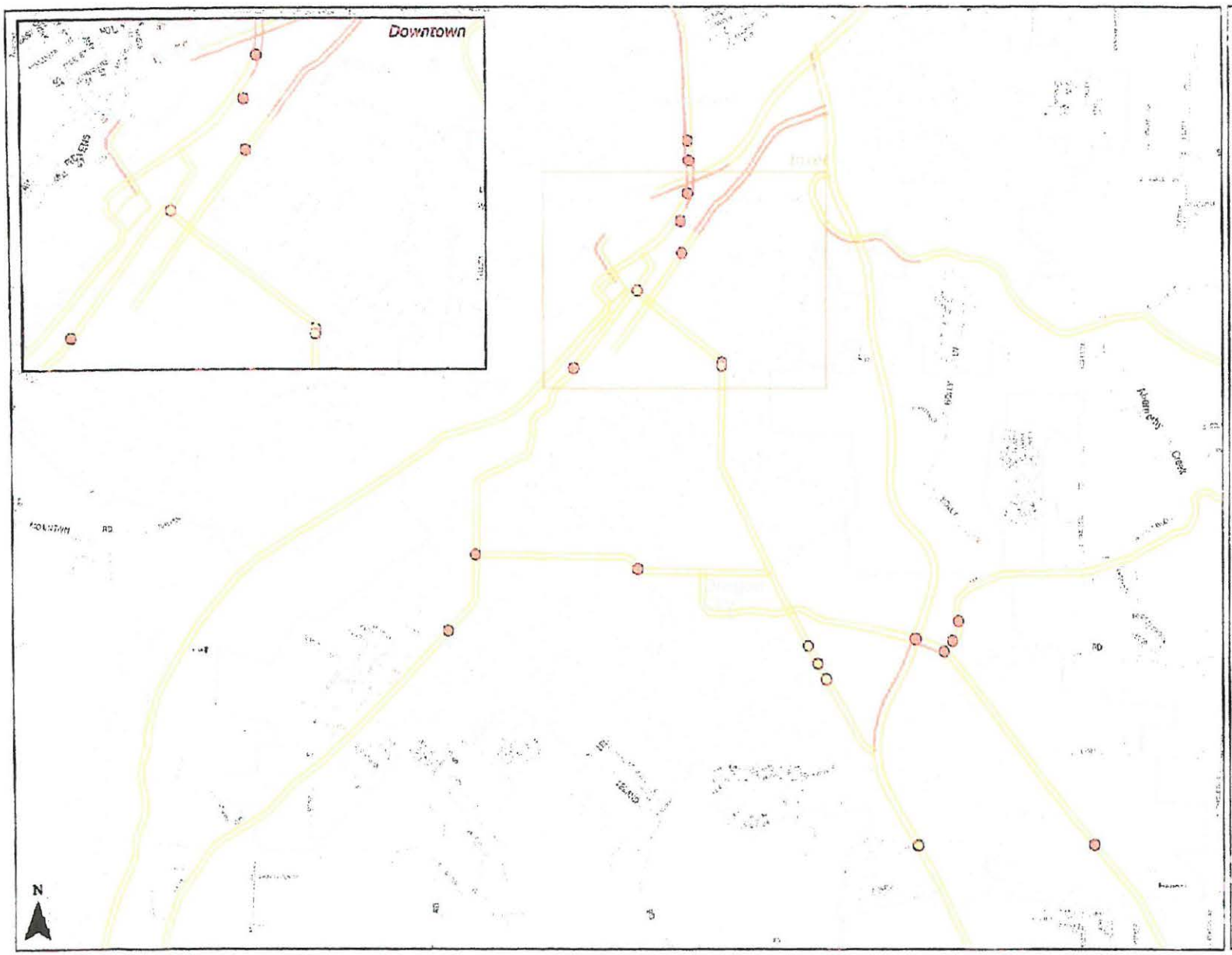
We would like to offer our thanks to the Board of Commissioners for affording the water providers the opportunity to comment on this critical issue. As you are aware it is the County's role to notify the Governor when more extreme action is warranted.

Sincerely,

Lee E. Moore Sr.
General Manager
Clackamas River Water District

On behalf of the Board of Commissioners and Staff:

Ken Humberston; President
Hugh Kalani; Secretary
Naomi Angier; Treasurer
Larry Sowa; Commissioner
David McNeel; Commissioner



OREGON CITY TRANSPORTATION PLAN

FIGURE 7

2035 Baseline Motor Vehicle Operating Conditions (P.M. Peak)

Legend

2035 Roadway Travel Speed compared to Posted Speed

- Congested, well below speed limit
- Slowing, well below speed limit
- Slowing, but near speed limit
- Uncongested, near speed limit

2035 Baseline Intersection Operations

- Good
- Marginal
- Substandard

- River
- Parks and Open Spaces
- Baseline Planned Roadways
- Railroad
- City Limit
- Urban Growth Boundary

Note: The 2035 baseline motor vehicle operations assumes no transportation system investments

Motor vehicle volumes on the roadways in Oregon City generally peak during the evening between 3:25 p.m. and 5:10 p.m.

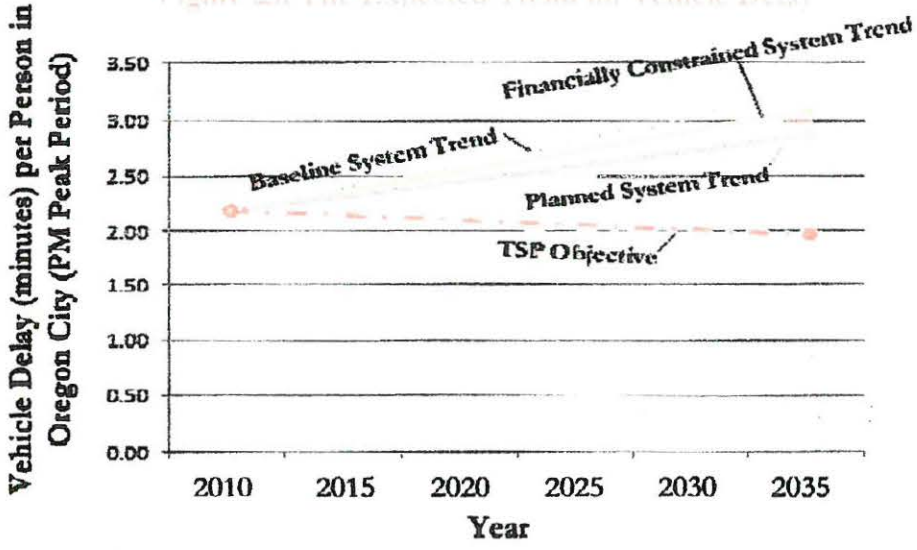
Progress is expected to be made towards meeting the Congestion Targets

To reduce congestion, Oregon City identified over $162 million worth of projects to improve driving, and approximately $60 million to enhance walking, biking and transit usage.

Vehicle hours of Delay[4]**:** The same dynamics that make Oregon City an attractive place to live and open a business- its access to major regional transportation routes including I-205, OR 213, OR 99E, and OR 43- pose a challenge for meeting this performance measure. The TSP objective envisions decreasing delay by approximately ten percent through 2035, to fewer than two minutes per person during the evening peak period. However, the future trend for delay along Oregon City streets during the evening peak period (after assuming the planned system investments) is expected to increase slightly through 2035, from about two minutes to just under three minutes per person. This is generally associated with increased delay along the regional routes (such as OR 99E and OR 213), a side effect of local and regional population and employment growth. Since these routes serve outlying communities such as Molalla and Canby, trips that have origins and destinations outside of Oregon City are expected to significantly contribute to the increased delay in Oregon City.

With delay increasing, even after nearly $222 million worth of transportation system investments, the limitations of relying on infrastructure improvements as a means of meeting this objective are evident as the benefits are difficult to assess.

However, the City is working towards meeting this objective by decreasing delay nearly 15 percent from what would be expected without the transportation system investments (see the Baseline System Trend).



[4] Delay is defined as the amount of time spent in congestion greater than 0.90 v/c, page 5-7, 2035 Metro RTP

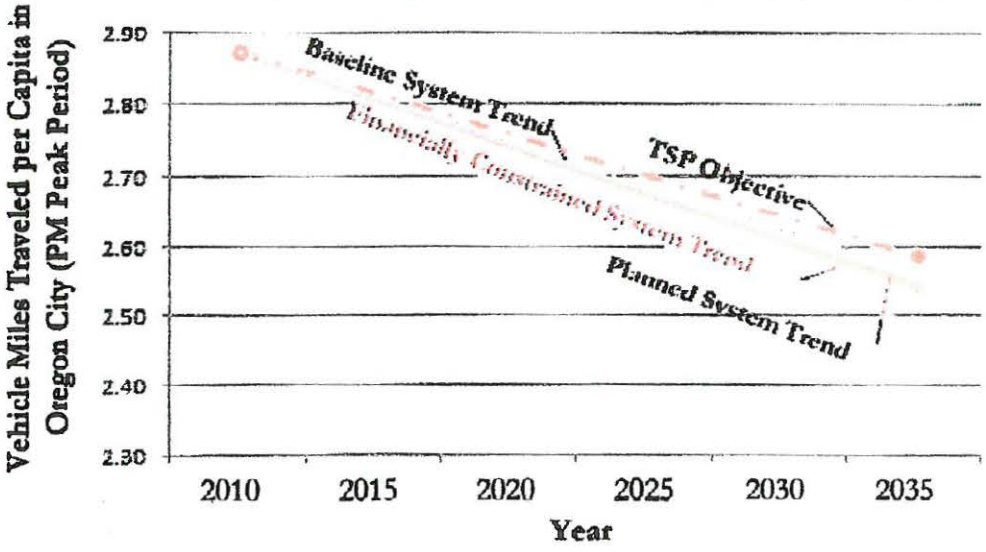
3

The Plan is expected to outperform the Climate Change Target

Despite healthy local and regional population and employment growth, vehicle miles traveled in Oregon City is expected to be reduced more than the TSP objective through 2035. The TSP objective envisions decreasing vehicle miles traveled by approximately ten percent through 2035, to about 2.6 miles per person during the evening peak period.

However, the future trend for vehicle miles traveled in Oregon City during the evening peak period (after assuming $222 million worth of investments) is expected to decrease nearly 13 percent through 2035, from about 3 miles to 2.5 miles per person. This is likely representative of job growth in Oregon City, as more residents have the option to work closer to home. In addition, the $60 million worth of investments in over 260 walking, biking, transit or other shared-use path projects in the 2013 TSP help reduce the need to drive for local trips in the City.

Figure 27: The Expected Trend for Vehicle Miles Traveled

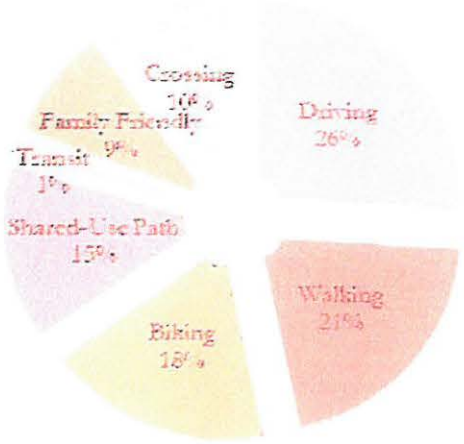


Walking, Biking and Transit Mode Share: Oregon City has identified nearly $60 million worth of investments with over 260 walking, biking, transit or other shared-use path projects in its TSP. This accounts for over 75 percent of the projects in the 2013 TSP and represents an increase of more than 25 percent when compared to the projects in the 2001 TSP. While no data is available to quantify the impact of these walking, biking and transit investments in the City, they are expected to help the City work towards tripling the walking, biking and transit mode share between 2010 and 2035.

The City identified investments to complete walking and biking gaps along the major street system, and identified a network of low-volume more comfortable walking and biking routes off the major street system to further encourage walking and biking to key destinations throughout the City.

Figure 26: Comparison of 2001 and 2013 TSP Investments

Percent of TSP Projects by Travel Mode (2001 TSP)



Percent of TSP Projects by Travel Mode (2013 TSP)

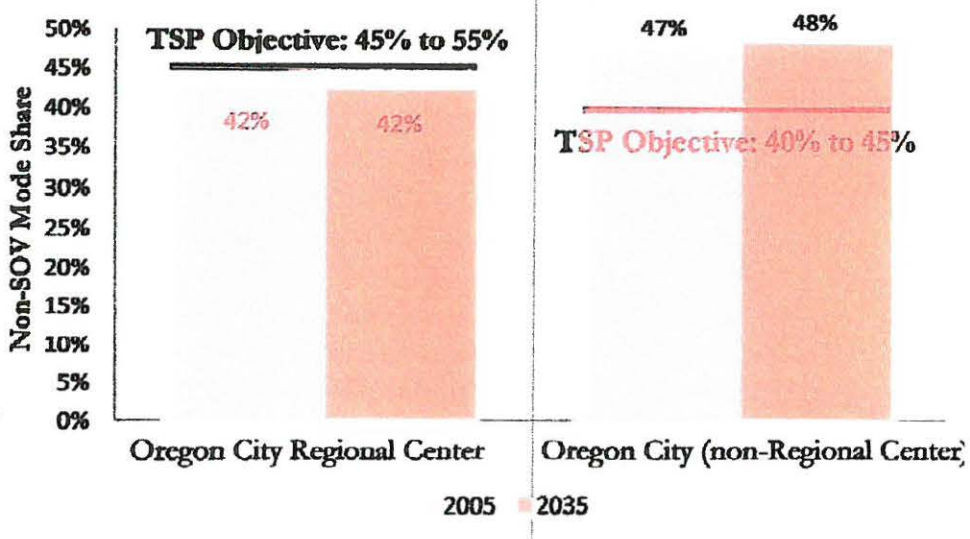
Non-Single Occupancy Vehicle (SOV) Travel: Metro's regional travel demand model was used to evaluate progress towards meeting transportation demand management (TDM) goals, specifically reducing reliance on the single occupancy vehicle.[7] Oregon City's non-SOV mode shares (outside of the Oregon City Regional Center) are expected to be above the TSP objective of 40 to 45 percent, with an estimated non-SOV mode share of 47 percent in 2005 and 48 percent in 2035. The non-SOV mode share in the Oregon City Regional Center is expected to remain steady through 2035, at around 42 percent, slightly below the TSP objective of 45 to 50 percent.

The TSP makes investment decisions that further help the City work towards achieving the non-SOV mode share targets. The City is expected to continue to increase trip share via walking, biking, carpooling or public transportation with investment decisions including a project that would help implement a Transportation Management Association (TMA) program with employers and residents within the Oregon City Regional Center.

The Oregon City TSP includes solutions to decrease single occupancy vehicle travel by focusing on investments that encourage multi-modal travel, including increased walking and bicycling facilities and transit stop access/amenity improvements.

The TSP also includes maximum public street spacing standards to allow for sufficiently spaced pedestrian crossings. Street connections to increase the convenience of walking and bicycling were also recommended throughout the City, including the Oregon City Regional Center.

Figure 25: Oregon City Non-Single Occupant Vehicle Mode Shares



[7] The Metro RTP Financially Constrained Plan was utilized for the non-SOV mode share analysis; therefore, not all of the projects included in the TSP were captured in the analysis.

Plans providing for a transportation system should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

Therefore:

Currently the intersection of State Hwy 213 and Beavercreek Road are at and exceed the "Carrying Capacity" of this intersection using the State approved ITE methods to determine/measure carrying capacity by a "Level of Service" (LOS) determination , where a measurement this Hwy 213 & Beavercreek Road intersection currently reflects a LOS "F" Failing Status.

Therefore:

Before The City of Oregon City, can advance the Beavercreek Road Concept Plan, any zoning changes, building permits and construction for the area that have and create any change to any and all transportation trip generation in and through the affected area, there must be IGA's in hand from all affected entities and governments, to allow those actions.

Therefore:

A complete Transportation Study with current updated understandings needs to happen, before advancing and approval of the Beavercreek Concept Plan, in addition to any zoning changes, building permits, construction activity that can alter Transportation Trips Generation within the affected area of the Beavercreek Concept Plan.

ENTERED INTO THE RECORD
DATE RECEIVED: 1/11/16
SUBMITTED BY: Dan Edgar
SUBJECT: LE-15-03
BRCP
EXHIBIT D.

City of Oregon City
Planning Commission Meeting

January 11th, 2016

RE: Testimony of Christine Kosinski, Unincorporated Clackamas County

For: PC 15-25 Re-Adoption of the Beavercreek Road Concept Plan – Planning File LE 15-03
Beavercreek Road from Henrici to Caufield
Failure to meet State Goals 7, 12, and 2
Failure to support State Law ORS 105.465 – Real Estate Disclosure Law
Failure to meet Comprehensive Plan Landslide requirements
City lacks Transportation Plan & Infrastructure for development on hilltop

On November 23rd, 2015, I submitted testimony requesting this hearing be left open for several concerns I brought forward. I requested the City to address these at tonight's meeting, however I see many concerns remain outstanding.

The City has NO Transportation Plan to move traffic from the hilltop to the I-205 transportation corridor. Because the intersection of Beavercreek Rd and Hwy 213 is already failing, the City had no alternative other than to "control access onto Beavercreek Rd." Without access control, the intersection fails forcing the city to halt the plethora of development it has planned for Beavercreek Road.

The City has planned a central road through the Concept Plan, forcing traffic to use the central road to Thayer, Maplelane and Holly where huge amounts of traffic will be directed to a planned Roundabout at Maplelane and Holly. The peoples of Holly Lane especially have repeatedly asked the City to remove it from its TSP due to the fact that the street is lined with many fragile landslides and the people are unable to obtain Landslide insurance, as evidenced by a denial (turned into the City) to Ms. Kosinski by Lloyd's of London. For the City to plan using Holly Ln for heavy traffic is a "failure for the City to meet Landslide requirements in both the State and City Comprehensive Plans.

I cannot believe that this City would even begin to consider approval of this Concept Plan, where the huge footprint of development will have disastrous implications for the people of Holly Ln. These people are victims who cannot get insurance to protect their properties. For the City to consider approval of this Concept Plan, knowing they are planning to use Holly Ln as a "freeway", knowing these people cannot get insurance, and knowing you are placing them in harm's way is simply inconceivable, callous and immoral.

I know I speak for all the property owners of Holly Lane in asking that you "deny" approval of the Beavercreek Road Concept Plan because you have NO transportation plan. Furthermore, you cannot meet Goal 12 nor Goal 7 and it is a requirement that all State Goals be met before this Concept Plan can meet with approval. The City cannot meet Goal 7 when it is unable to protect people and their property from harm in hazardous areas and when you know they are unable to obtain Landslide insurance to protect themselves from financial ruin.

Lastly, we ask once again as we have asked before on many occasions, take Holly Lane out of your TSP. These people cannot get Landslide insurance, they have no ability to protect themselves.

ENTERED INTO THE RECORD
DATE RECEIVED: 1/11/16
SUBMITTED BY: C. Kosinski
SUBJECT: LE 15-03
BRCP
EXHIBIT E.

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 1/11/16

Item Number From Agenda ~~5.0~~ PC-15-251

NAME: Dorothy Dahlsrud

ADDRESS: **Street:** 415 Dewey St

City, State, Zip: OC OR 97045

PHONE NUMBER: 503-502-0610

E-MAIL ADDRESS: dorothydahlsrud@gmail.com

SIGNATURE:

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
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- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 1.11.16

Item Number From Agenda 3c, HISTORIC PROPERTIES (REPRESENTING APPLICANT)

NAME: MICHAEL ROBINSON

ADDRESS: **Street:** 1120 NW COUCH ST, TENTH FLOOR

City, State, Zip: PORTLAND, OR 97209-4128

PHONE NUMBER: 503-727-2264

E-MAIL ADDRESS: MROBINSON@PERKINSCOIE.COM

SIGNATURE: M.C. Robinson

COMMENT FORM

PLEASE PRINT CLEARLY

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- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

OREGON CITY

Date of Meeting 1/11/16

Item Number From Agenda 3C

NAME: Michael Ard

ADDRESS: **Street:** 17790 SW Dodson Drive

City, State, Zip: Sherwood, OR 97140

PHONE NUMBER: 503-248-0313

E-MAIL ADDRESS: mike@lancasterengineering.com

SIGNATURE: Mike Ard

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
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- Give to the Clerk in Chambers ***prior*** to the meeting.

OREGON CITY

Date of Meeting 1-11-16

Item Number From Agenda 3C

NAME: Dan Fowler

ADDRESS: **Street:** 1300 John Adams St.

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER: 503-351-4500

E-MAIL ADDRESS: dan.f@abernethycenter.com

SIGNATURE: Dan Fowler

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 1/11/16

Item Number From Agenda 3c BPC 15-248 Historic Boundaries

NAME: James Nicita

ADDRESS: **Street:** 302 Bluff St.

City, State, Zip: OC

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 1/11/16

Item Number From Agenda 3c

NAME: Mark Foley

ADDRESS: **Street:** 1300 John Adams St

City, State, Zip: O.C, OR 97045

PHONE NUMBER: 503-816-7277

E-MAIL ADDRESS: markf@fundf.structures.com

SIGNATURE: Mark Foley

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 1/11/16

Item Number From Agenda ZONE CHANGE ZC 15-03

NAME: PAUL EDGAR

ADDRESS: **Street:**

City, State, Zip:

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting Jan 11 2015

Item Number From Agenda 3C

NAME: Elizabeth Grasser-Lindsey

ADDRESS: **Street:** 21341 S. Ferguson Rd

City, State, Zip: Beavercreek OR 97004

PHONE NUMBER: 503 632-5568

E-MAIL ADDRESS: egrasserlindsey@gmail.com

SIGNATURE: Elizabeth Grasser Lindsey

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

OREGON CITY

Date of Meeting 1/11/16

Item Number From Agenda 3c

NAME: Jon Makler

ADDRESS: **Street:** 123 NW Flanders

City, State, Zip: Portland, OR

PHONE NUMBER: 503-731-4753

E-MAIL ADDRESS: JON.MAKLER@ODOT.STATE.OR.US

SIGNATURE:

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

OREGON CITY

Date of Meeting 1/11/16

Item Number From Agenda 3c

NAME: Bob Nelson

ADDRESS: **Street:** 8020 Holly Lane

City, State, Zip: Oregon City OR 97045

PHONE NUMBER: 503-475-2892

E-MAIL ADDRESS: bobn26@msn.com

SIGNATURE:

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 1/11/2016

Item Number From Agenda PC 15-248 (3C)

NAME: Mike Mitchell

ADDRESS: **Street:** 14582 Walnut Grove Way

City, State, Zip: OC

PHONE NUMBER: 503-209-4721

E-MAIL ADDRESS: mike.k.mitchell@gmail.com

SIGNATURE:

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting # JAN 11, 2016

Item Number From Agenda 3C

NAME: CHRISTINE KOSINSKI

ADDRESS: **Street:** HOLLY LN

City, State, Zip:

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE: Christine Kosinski

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 1/11/16

Item Number From Agenda 3B

NAME: Michael McAuley

ADDRESS: **Street:** 17413 WAKE ROBIN CIRCLE

City, State, Zip: OREGON CITY 97045

PHONE NUMBER: 503-258-7203

E-MAIL ADDRESS:

SIGNATURE:

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 1-11-16

Item Number From Agenda this one

NAME: Betty Mumm

ADDRESS: **Street:** 463 Mt. View St

City, State, Zip: OC

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE: Betty Mumm

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
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- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 1/11/2016

Item Number From Agenda 1 (3b) HOSPITAL

NAME: JAY PEARCE

ADDRESS: **Street:** 1214 WASHINGTON ST

City, State, Zip: OREGON CITY OR 97045

PHONE NUMBER: 503 804 0469

E-MAIL ADDRESS: multijay@teleport.com

SIGNATURE:

COMMENT FORM

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- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 1/11/16

Item Number From Agenda 3b

NAME: Karin Morey

ADDRESS: **Street:** 1208 Linn Ave #5 OC 97045

City, State, Zip:

PHONE NUMBER: 503.880.3439

E-MAIL ADDRESS: KARIN.MOREY@GMAIL.COM

SIGNATURE:

COMMENT FORM

PLEASE PRINT CLEARLY

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- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting ~~1/11/2016~~ 1/11/2016

Item Number From Agenda 2 ZC-1504 (3b)

NAME: Tiffany Gillespie

ADDRESS: **Street:** 15981 Leo Court

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER: 503-650-6809

E-MAIL ADDRESS: tiffany.gillespie@providence.org

SIGNATURE: T Gillespie

COMMENT FORM

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- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 1/11/2016

Item Number From Agenda 2 3b

NAME: Jett West

ADDRESS: **Street:** 4400 NE Halsey

City, State, Zip: Portland OR 97213

PHONE NUMBER: 503-893-6746

E-MAIL ADDRESS:

SIGNATURE:

COMMENT FORM

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- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 1/11/16

Item Number From Agenda 3b

NAME: Amber Holveck, Oregon City Chamber

ADDRESS: **Street:** 2895 S Beavercreek Rd. #103

City, State, Zip: OC

PHONE NUMBER: 503-656-1619

E-MAIL ADDRESS: aholveck@oregoncity.org

SIGNATURE:

COMMENT FORM

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- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 11 Jan 2016

Item Number From Agenda RC 15-247 3b

NAME: Francesca Anton, Sec., MNA

ADDRESS: **Street:** Firchill

City, State, Zip: 97045

PHONE NUMBER: 503.305.7483

E-MAIL ADDRESS: francesantonsena@gmail.com

SIGNATURE: F Ants

COMMENT FORM

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- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 1/11/16

Item Number From Agenda 2 ECFS-04 3b

NAME: Stefanie Slyman

ADDRESS: **Street:** 205 SE Spokane St. #200

City, State, Zip: Portland, OR 97202

PHONE NUMBER: 503-221-1131

E-MAIL ADDRESS: stefanies@hlpr.com

SIGNATURE:

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
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Date of Meeting 1/11/16

Item Number From Agenda 2 (3b)

NAME: Russell Reinhard

ADDRESS: **Street:** 34514 S. Elliott Rd

City, State, Zip: Woodburn OR 97071

PHONE NUMBER: 503-634-2884

E-MAIL ADDRESS: russell.reinhard@pfmassets.org

SIGNATURE: Russell Reinhard

COMMENT FORM

PLEASE PRINT CLEARLY

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- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting Jan 11 2015

Item Number From Agenda 3a

NAME: Elizabeth Graser-Lindsey

ADDRESS: **Street:** 21341 S. Ferguson Rd.

City, State, Zip: Beavercreek OR 97004

PHONE NUMBER: 503 632-5568

E-MAIL ADDRESS: egraserlindsey@gmail.com

SIGNATURE: Elizabeth Graser

COMMENT FORM

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- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 1/11/16

Item Number From Agenda 2 3b

NAME: JOSH KOLBERG

ADDRESS: **Street:** 6969 SW HAMPTON

City, State, Zip: PDX, OR 97223

PHONE NUMBER: 503-968-6800

E-MAIL ADDRESS: josh@pkgarchitects.com

SIGNATURE:

COMMENT FORM

OREGON CITY

*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 1-11-16

Item Number From Agenda PC-15-251 3a

NAME: PAUL EDGAR

ADDRESS: **Street:**

City, State, Zip:

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

3A

Request to Speak

Beaver Creek Concept Plan

James Nicita

302 Bluff St.

Oregon City

COMMENT FORM

PLEASE PRINT CLEARLY

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- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

OREGON CITY

Date of Meeting JAN 11, 2016

Item Number From Agenda 3A

NAME: CHRISTINE KOSINSKI

ADDRESS: **Street:** HOLLY LN

City, State, Zip:

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE: Christine Kosinski

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

OREGON CITY

Date of Meeting 1/11/16

Item Number From Agenda 3a

NAME: Jon Makler

ADDRESS: **Street:** 123 NW Flanders

City, State, Zip: Portland, OR 97207

PHONE NUMBER: 503-731-4753

E-MAIL ADDRESS: JON.MAKLER@ODOT.STATE.OR.US

SIGNATURE:

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

OREGON CITY

Date of Meeting 1/11/16

Item Number From Agenda 3C

NAME: Tim Blackwood

ADDRESS: **Street:** 18001 S Baggnrki Rd

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER: 503-502-0820

E-MAIL ADDRESS: tim.blackwood@hartcrowser.com

SIGNATURE: T. Rell

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

OREGON CITY

Date of Meeting 1-11-16

Item Number From Agenda 2

NAME: Betty Mumm

ADDRESS: **Street:** 463 Mt. View St

City, State, Zip: OC

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE: Betty Mumm

City of Oregon City
Planning Commission Meeting

January 11th, 2016

RE: Testimony of Christine Kosinski, Unincorporated Clackamas County

For: PC 15-248, ZC 15-03 Zone Change, PZ 15-01 Comprehensive Plan Amendment
Old Bus Barn property located at 14268 S Maplelane Court
Failure to meet State Goals 7, 12, 2
Failure to meet State ORS 105.465
Failure to meet Comprehensive Plan Landslide requirements
City lacks Transportation Plan & Infrastructure for development on hilltop

Although this hearing is for Zone Change only, in all reality, the developer has stated they are ready to turn dirt as soon as April, therefore in my mind this is really looking for development approval.

I take exception to the Preliminary Geologic Hazards report. The report assumes either very high groundwater conditions or a design seismic event poses only a moderate risk. Report states "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 report goes on to state that both of these conditions would occur very infrequently", which to me is incorrect as it assumes that since "the big one" hasn't hit in over 100years, why worry now?

The report further states "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, and that provided these are adequately controlled, no other special measures to mitigate for adverse effects to the headscarp slope will be necessary."

I attended the Canemah Neighborhood Assn meeting of April 16th, 2015 where Scott Burns, Professor of Geology, PSU was invited to speak about landslides. The following question had been asked of Dr. Burns by a citizen, "I have seen the City building several detention ponds very near to landslides, doesn't this release a lot of water into the landslides?" Dr. Burns stated "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 Commissions should pay special attention to this concern and be sure the ponds are placed away from these hazardous areas." One of your City Planners and Engineer were present at this meeting, I question why the City would consider storm water detention for mitigation and not mention a solution for draining water away from the large amount of landslides here, where gravity flow will take huge amounts of water right into this chain of deep-seated landslides. Wasn't it back in 1993 that Professor Scott Burns came before the City stating "It would be dangerous to build apartments in Newell Creek Canyon?" The City didn't listen to Dr. Burns and look at what has happened! Will you be so bold as to not listen to his recommendations again?

I cannot support this proposal for Zone Change for all above reasons, but most importantly due to the fact that NO new property owners here will be able to obtain Landslide insurance for losses due to landslides, and secondly, that the City is not supporting requirements of State Law ORS 105.465. A Preliminary Geological Report is not enough, the City should seek a complete detailed Geological Report performed by Certified Geological Engineers prior to considerations for any development or zone change upon this site.

ENTERED INTO THE RECORD
DATE RECEIVED: 1/11/16
SUBMITTED BY: C. KOSINSKI
SUBJECT: PZ 15-01
ZC 15-03

Item 3C

Bob Nelson
18090 Holly Lane
Oregon City, OR 97045

January 11, 2016

Honorable Dan Holladay
625 Center Street
Oregon City, OR 97045

Dear Mayor Holladay:

I recently watched a TV news story about the evacuation of two apartment complexes due to landslide damage; where you stated that Oregon City would not issue building permits to such projects today. I found that statement rather ironic as the city planning department is currently pushing for the rezoning of land (File #ZC15-03) that is adjacent to a known and mapped landslide[1], and with a considerable amount of the property located within the high risk area found on the DOGAMI Landslide Hazard and Risk Study[2] maps. This proposed project would put townhouses, retirement homes, and possibly a hotel along with the people living and working in them extremely close to a mapped landslide. If this project helps reactivate the old landslide, not only will it displace people and damage property, it would also damage and most likely close Hwy 213.

I do not understand why, Oregon City does not have specific ordinances to control building construction near or on old landslides. Oregon City is surrounded by known landslides and as the city grows it puts more pressure to build on marginal lands. The city has been aware of the landslide problems surrounding it for over twenty years and has looked the other way, hoping landslides would not occur. City planners have told me that the current steep slope ordinances are sufficient to control the problem. Unfortunately, I can show you a large landslide that destroyed or severely damaged 4 homes that occurred on land that is less than a 10% slope.

I urge you, and Oregon City to develop, and pass ordinances that will allow for proper control of: water, trenching, cut and fill activities and best building practices for lands included on the Landscape Hazard Maps. I urge you, and Oregon City to protect human safety. I urge you, and Oregon City to reduce property damage from landslides which are not insurable. I urge you, and Oregon City to prohibit zone changes, and prohibit construction on lands within mapped Landslide Hazard areas until after the city has effective landslide ordinances in place, which were approved by geological experts.

Thank you for your consideration.

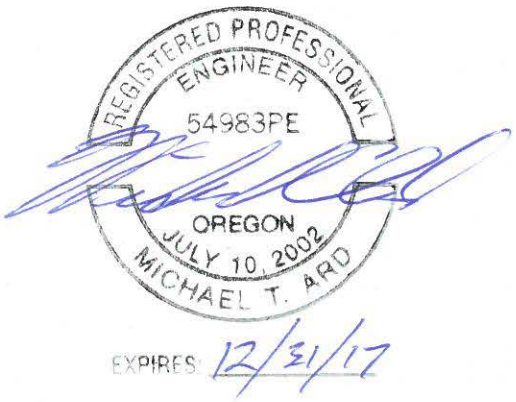
Bob Nelson

Bob Nelson

ENTERED INTO THE RECORD
DATE RECEIVED: 1/11/16
SUBMITTED BY: B. Nelson
SUBJECT: L 15-03

[1] Oregon Department of Geology and Mineral Industries (DOGAMI) Open-file Report 0-06-27, 2006
[2] Oregon Department of Geology and Mineral Industries (DOGAMI) Open-file Report 0-13-08, 2013

January 11, 2016



LANCASTER ENGINEERING

321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

Dan Fowler
Historic Properties, LLC
1300 John Adams Street, Suite 100
Oregon City, OR 97045

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: 1/11/16
SUBMITTED BY: Applicant
SUBJECT: Z015-03
PZ15-01

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, 9TH 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

		AM Peak Hour			PM Peak Hour			Weekday		
	Units	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
Total		***32***	***96***	***128***	***106***	***62***	***168***	***829***	***829***	***1,658***

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 car centers, have maximum sizes that would not effectively utilize the entire site. However, these uses could fit within the context of a shopping cen-

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:

(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.

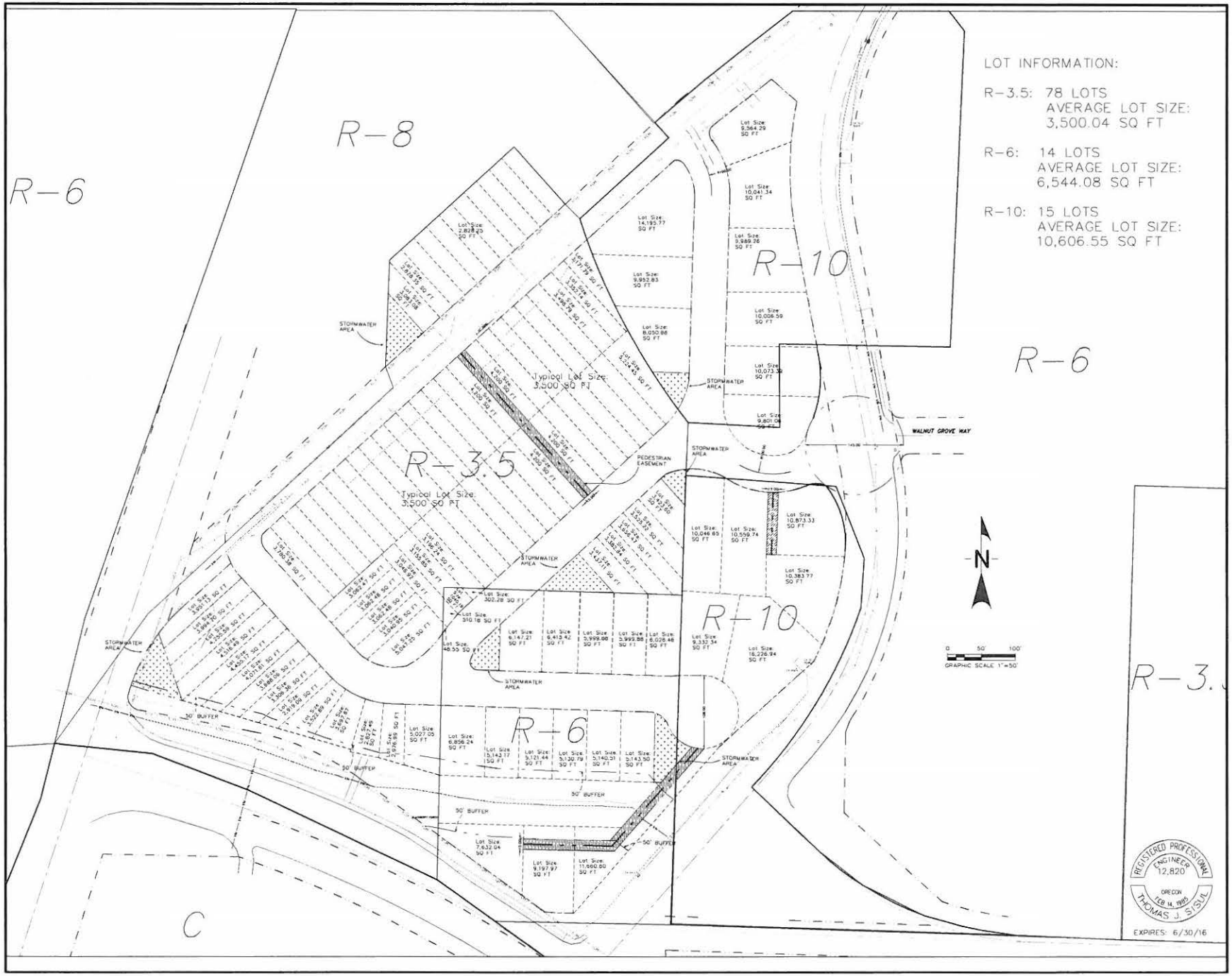
In this instance the proposed zone change cannot result in degradation of performance of area roads and intersections as compared to allowed uses in the existing zones since the proposed trip cap limits traffic levels to no greater than the levels permitted under the existing zoning.

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

REGISTERED PROFESSIONAL ENGINEER
12,820
OREGON
FEB 14, 1992
THOMAS J. SISUL
EXPIRES: 6/30/16

SISUL ENGINEERING
375 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 657-0188

DATE	AUGUST 2015
SCALE	1" = 50'
DRAWN	JDM
JOB	SGL12-045
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)=0.90Ln(X)+0.51

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	**71**	**41**	**112**

WEEKDAY

Trip Equation: Ln(T)=0.92Ln(X)+2.72

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**553**	**553**	**1,106**

SATURDAY

Trip Equation: Ln(T)=0.93Ln(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	**327**	**87**	**414**

PM PEAK HOUR

Trip Equation: Ln (T)=0.90Ln(X)+1.53

	Enter	Exit	Total
Directional Distribution	27%	73%	
Trip Ends	**129**	**349**	**478**

WEEKDAY

Trip Equation: T = 40.89(X) - 214.97

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**3,438**	**3,438**	**6,876**

SATURDAY

Trip Rate: 8.96

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**777**	**777**	**1,554**

Source: TRIP GENERATION, Ninth Edition

1e

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)=0.61Ln(X)+2.24

	Enter	Exit	Total
Directional Distribution	62%	38%	
Trip Ends	**135**	**83**	**218**

PM PEAK HOUR

Trip Equation: Ln(T)=0.67Ln(X)+3.31

	Enter	Exit	Total
Directional Distribution	48%	52%	
Trip Ends	**416**	**450**	**866**

WEEKDAY

Trip Equation: Ln(T)=0.65Ln(X)+5.83

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**4,856**	**4,856**	**9,712**

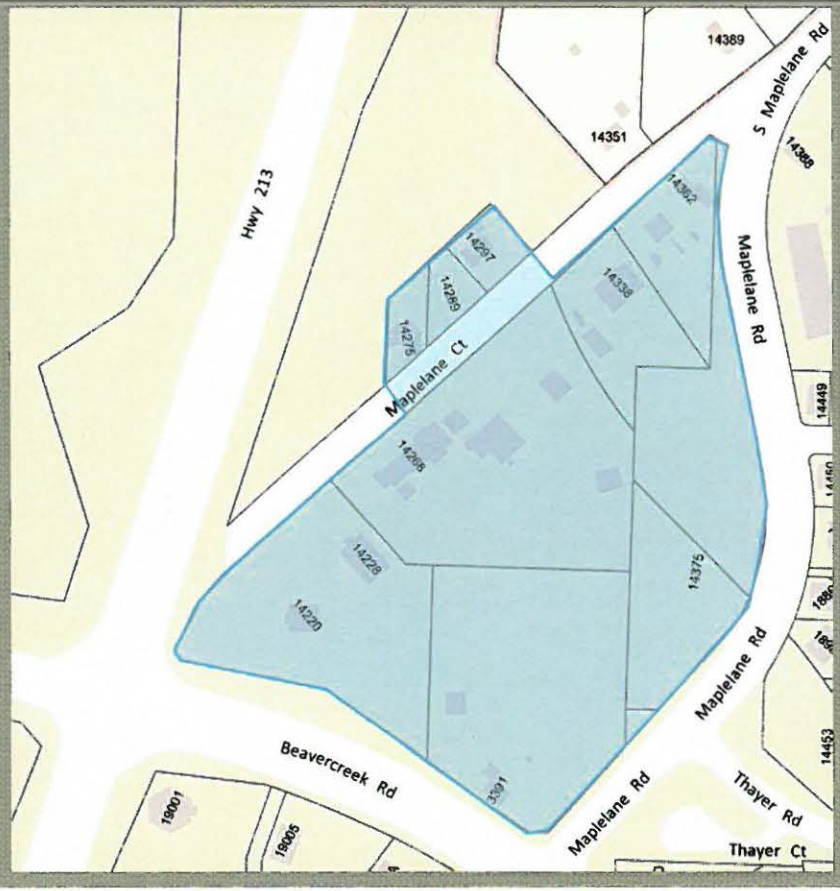
SATURDAY

Trip Equation: Ln(T)=.63Ln(X)+6.23

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**6,534**	**6,534**	**13,068**

Source: TRIP GENERATION, Ninth Edition

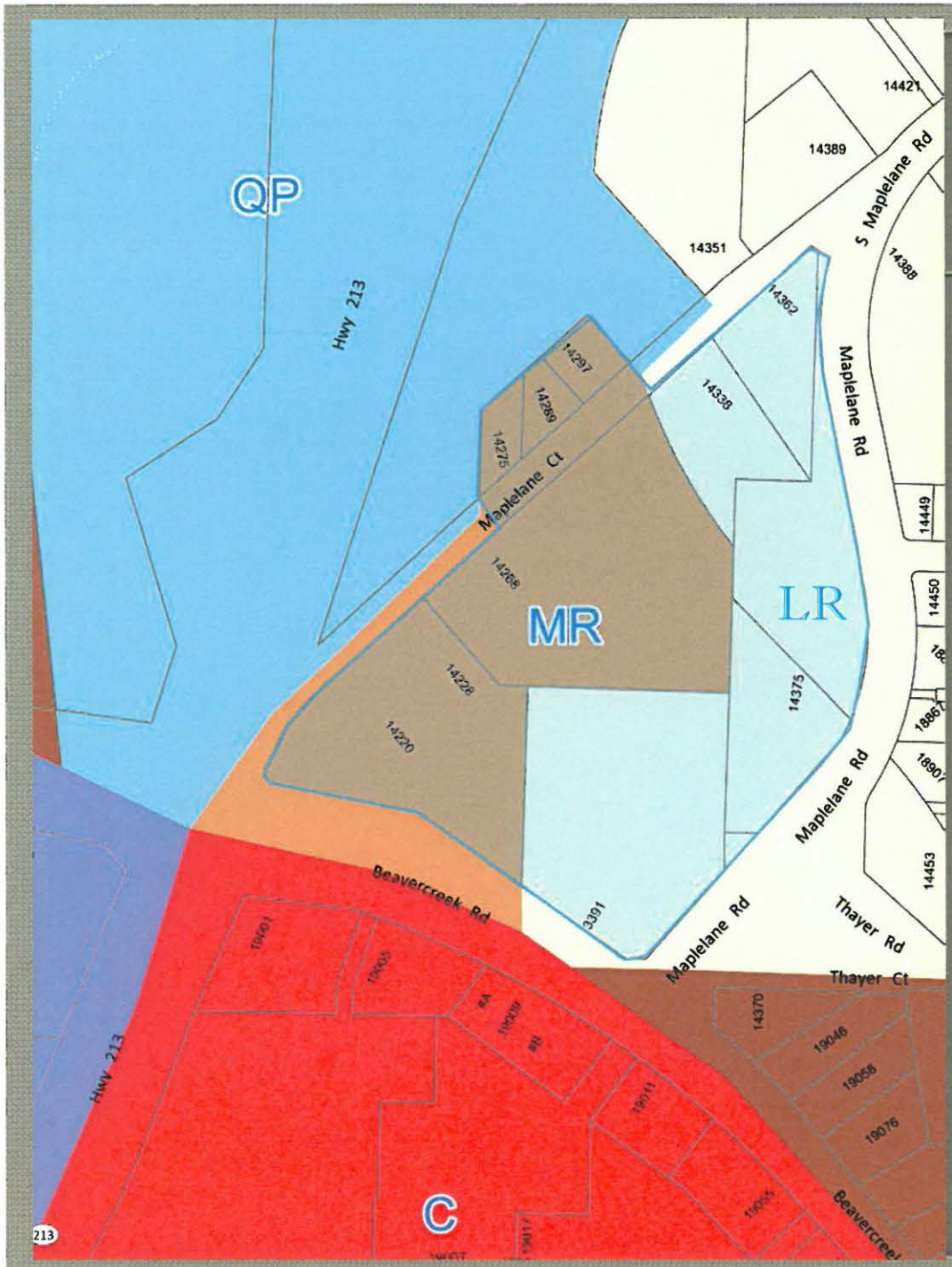
ZC 15-03: Zone Change
PZ 15-01: Comprehensive Plan Amendment



ENTERED INTO THE RECORD
DATE RECEIVED: 1/11/16
SUBMITTED BY: SHH
SUBJECT: ZC 15-03
PZ 15-01

Laura Terway, AICP

Subject Site



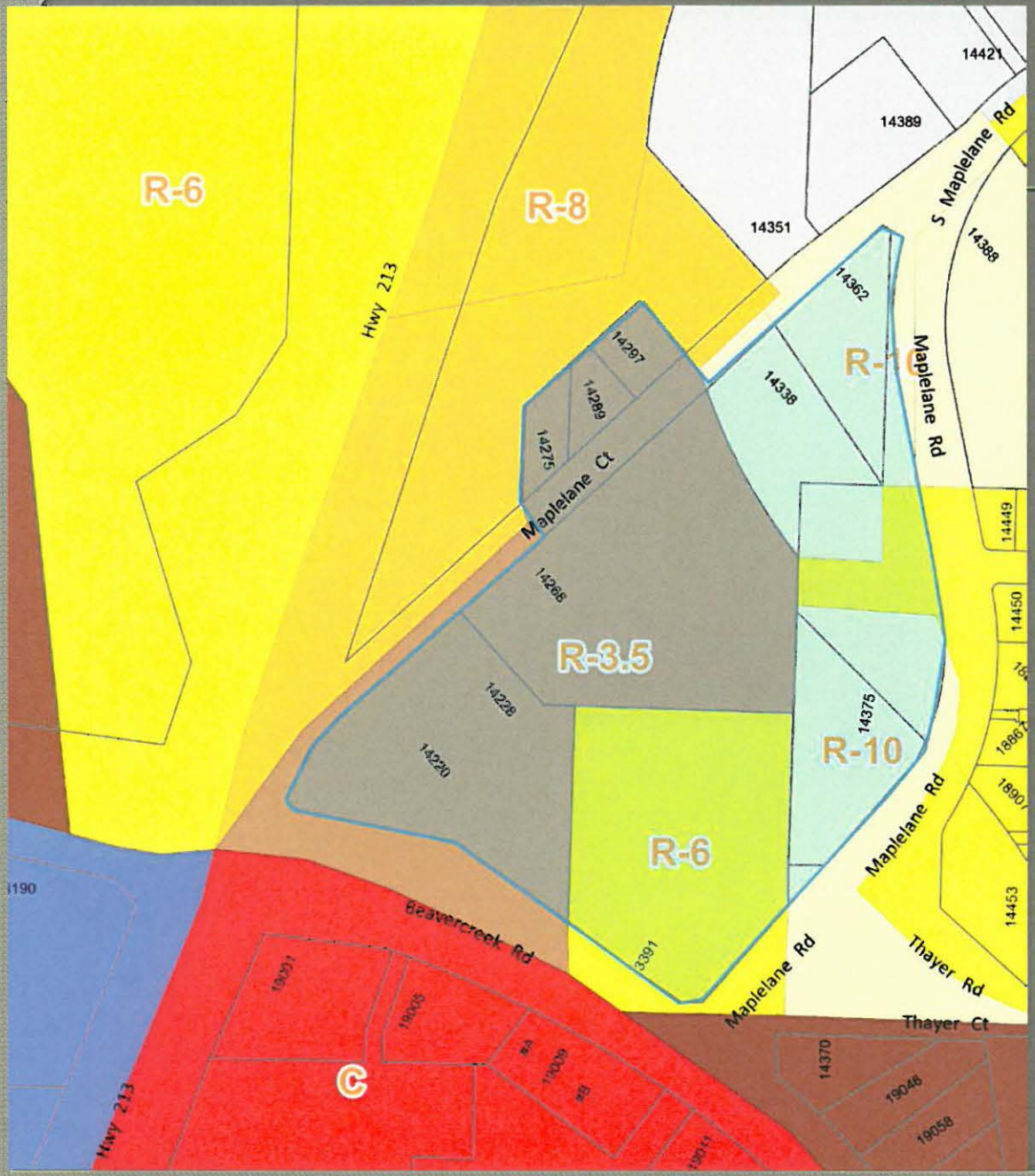
Comprehensive Plan Amendment

Residential to Mixed Use

LR
MR

→ MUC

Zone Change



Residential to Mixed Use

R-10
R-6
R-3.5

→ MUC-2

Proposed Limitations: Prohibiting Uses

- Excluded Permitted Uses
  - Museums, Libraries and Cultural Activities
  - Postal Services
  - Repair Shops for Small Appliances/Equipment
  - Restaurants
  - Retail
- Excluded Conditional Uses
  - Drive In or Through
  - Gas Stations

Proposed Limitations: Trip Cap

Traffic allowed in the current zoning designations = Traffic allowed in the proposed zoning designation = No increase in traffic from proposal

Calculation based on development of 107 Single-Family Homes with 107 ADU's.

Maximum transportation impact of:

- 128 AM peak hour trips
- 168 PM peak hour trips

A modification would require approval by the Planning and City Commission

Steps for Development of the Site

No Development Can Occur without Additional Public Review

Site Plan and Design Review is required.

Summary of Major Issues

OREGON CITY

Community Development - Planning

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

TYPE IV APPLICATION
STAFF REPORT AND RECOMMENDATION
January 4, 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-8.5" 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, 14838 & 14862 Maplelane Ct, 14875 Maplelane Rd, 3391 Beavercreek 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.

An analysis demonstrating compliance with all applicable criteria is provided in the staff report.

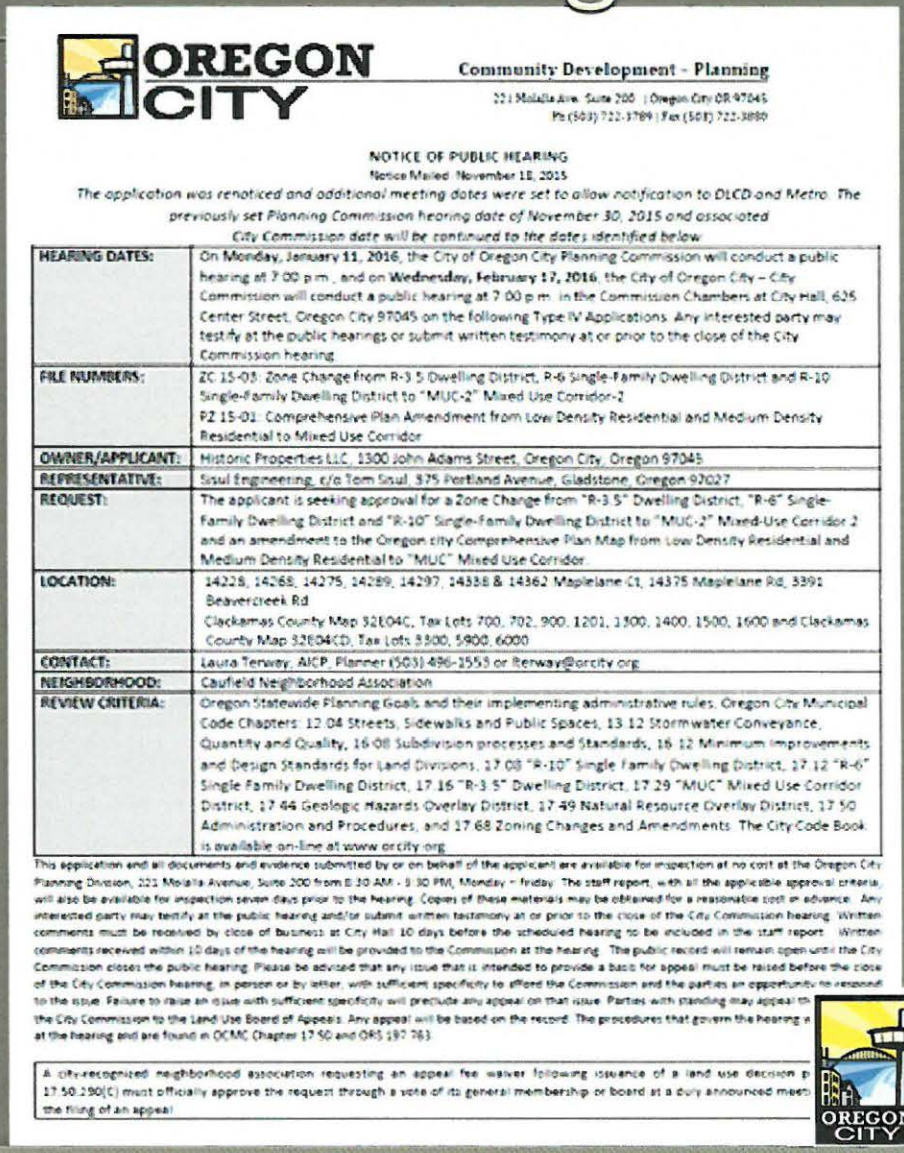
OREGON CITY

Issue: Noticing Error

Application Renoticed

- Identified applicable plans and policies
- Sent to DLCD

✓ Complies with applicable criteria



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: November 18, 2015

The application was renoticed and additional meeting dates were set to allow notification to DLCD and Metro. The previously set Planning Commission hearing date of November 30, 2015 and associated City Commission date will be continued to the dates identified below.

HEARING DATES:	On Monday, January 11, 2016, the City of Oregon City Planning Commission will conduct a public hearing at 7:00 p.m., and on **Wednesday, February 17, 2016**, the City of Oregon City – City Commission will conduct a public hearing at 7:00 p.m. in the Commission Chambers at City Hall, 625 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 LLC, 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, 5391 Beavercreek Rd Clackamas County Map 32E04C, Tax Lots 700, 702, 900, 1201, 1300, 1400, 1500, 1600 and Clackamas County Map 32E04CD, Tax Lots 5300, 5900, 6000
CONTACT:	Laura Terway, AICP, Planner (503) 496-1553 or lterway@orcity.org
NEIGHBORHOOD:	Caufield Neighborhood Association
REVIEW CRITERIA:	Oregon Statewide Planning Goals and their implementing administrative rules, Oregon City Municipal Code Chapters 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, and 17.68 Zoning Changes and Amendments. The City Code Book is available on-line at www.orcity.org.

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 - 5:30 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 th the City Commission to the Land Use Board of Appeals. Any appeal will be based on the record. The procedures that govern the hearing a 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 p 17.50.290(C) must officially approve the request through a vote of its general membership or board at a duly announced meeti the filing of an appeal.

OREGON CITY

Issue: Compliance with State Goals

- Revised Staff Report includes Findings for Compliance with:
  - State Goals
  - Applicable documents

Complies with applicable criteria

Issue: Environmental Concerns

Steep Slopes, Landslides, Tree Protection, Wildfire Danger and Water Quality

- Adopted Overlay Districts and development standards implement associated Statewide Goals
- Review for compliance occurs with a development application for construction onsite

Complies with applicable criteria

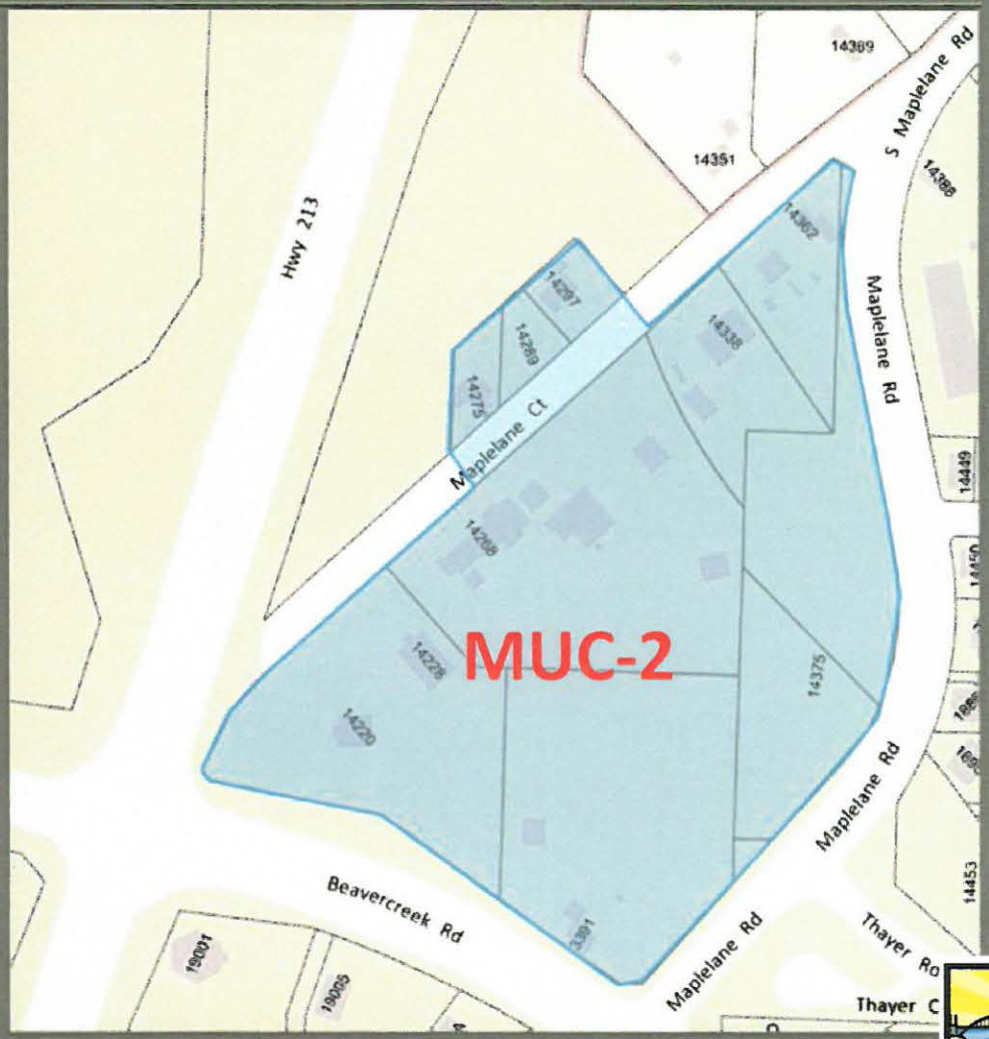
Issue: Traffic Impacts

The intersection of Highway 213/Beavercreek Rd

- The proposal will not increase the transportation impact of the site.
- Review for compliance occurs with a development application for construction onsite
  - Improvements are required with a development proposal.

Complies with applicable criteria

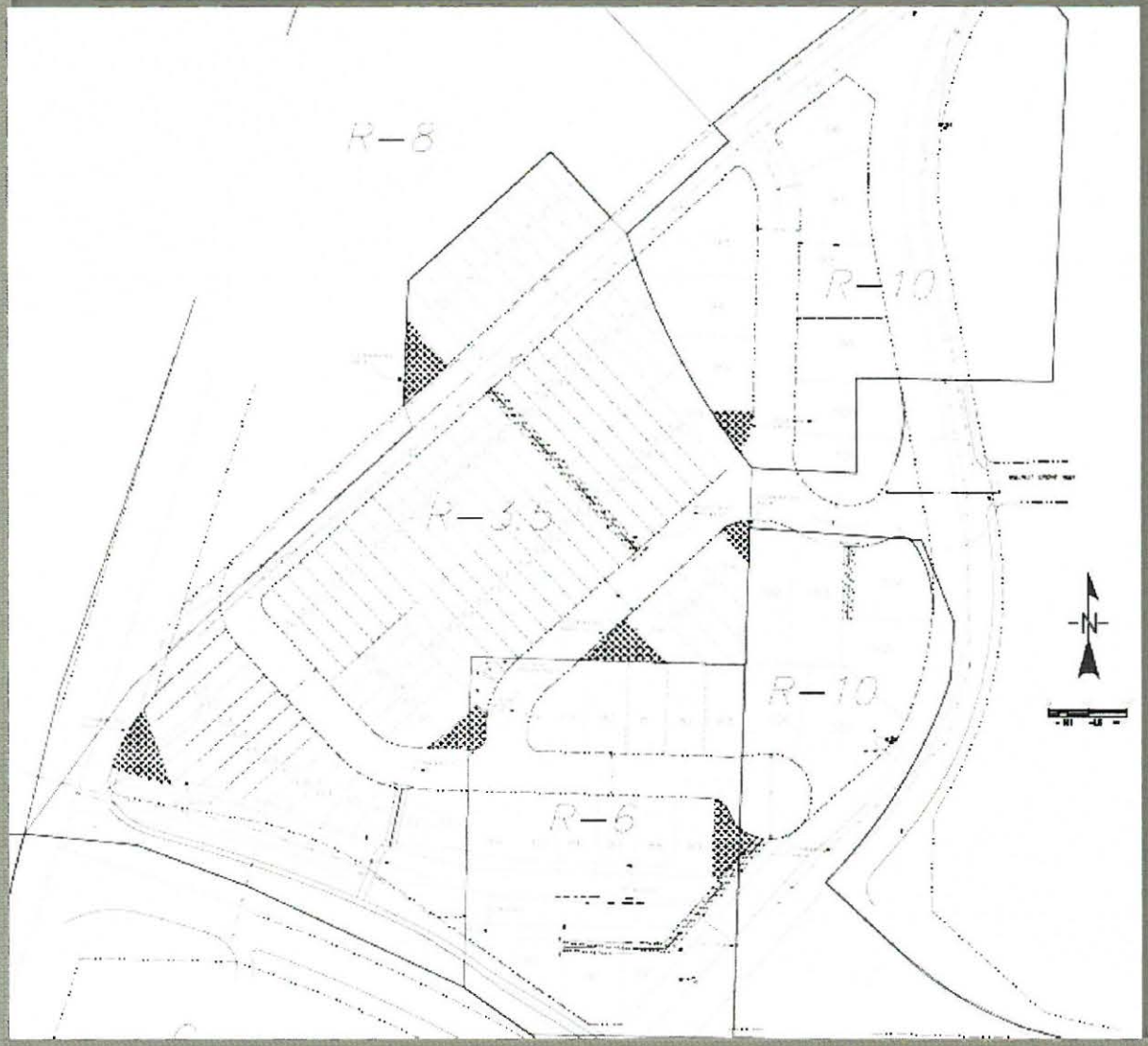
Recommend: Approval with Conditions



ZC 15-03: Zone Change

PZ 15-01: Comprehensive Plan Amendment

Example Subdivision Layout



107 Single-Family Homes
with 107 ADU's

Maximum of:
128 AM peak hour trips
168 PM peak hour trips

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

OREGON CITY

Statewide Planning Goals

Goal 1 Citizen Involvement
Goal 2 Land Use Planning
Goal 3 Agricultural Lands
Goal 4 Forest Lands
Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces
Goal 6 Air, Water and Land Resources Quality
Goal 7 Areas Subject to Natural Hazards
Goal 8 Recreational Needs
Goal 9 Economic Development
Goal 10 Housing
Goal 11 Public Facilities and Services
Goal 12 Transportation
Goal 13 Energy Conservation
Goal 14 Urbanization
Goal 15 Willamette River Greenway
Goal 16 Estuarine Resources
Goal 17 Coastal Shorelands
Goal 18 Beaches and Dunes
Goal 19 Ocean Resources

PC 15-248 ZC 15-03 Zone Change and
PZ 15-01: Comprehensive Plan Amendment

Planning Commission
Jan. 11, 2016
Elizabeth Graser-Lindsey

Greatly-Inflated Trip Cap

This zone change is based on "a trip cap that will directly affect the potential impact on the transportation system." (Staff Report, Oct/30, 2015); however, the trip cap is false and it ignores the new OC Transportation System Plan. The applicant's consultant Lancaster Engineering (July 22, 2015 letter) creates a "trip cap limiting site traffic to a level that would be permitted under the existing zoning" (p. 1 ¶1) with a "'reasonable worse case' development scenario"[1]. However, the hypothetical or shadow plat that they create to represent the worse case or full build out is greatly inflated.

1. The hypothetical plat (which the Staff Report calls the "Proposed Subdivision Layout for the Site, Fig. 3 and 6, p. 4, 16)) assumes that all building applications would be acceptable without considering that building applications require consideration of the road capacity. Recent traffic studies of the impacted roads (e.g. Beavercreek Rd. Apts at Meyers Rd._____) indicate that many area intersections are at, are over, or will be over capacity within the planning horizon. It is not a valid assumption that development would be permitted with over-capacity roads.
2. The hypothetical plat wrongly assumes that land experiencing a severe landslide within a few hundred feet within the last month would be safe for full build of small lots at all locations; this site is immediately adjacent to a landslide-caused evacuation of apartment tenants and with water and sewer utilities being ripped apart and the City getting a legal judgment to be absolved of its responsibility to provide city public services. Attachment Landslide 17 No geological report shows this assumption is reasonable; it is reasonable to assume this site would have extensive landslide restrictions on development.
3. The site is a stream corridor and near the headwaters of Newell Creek. Hypothetical plat appears to allow housing close to the creek, in the flood area and in the natural resources area. Attachment Natural Resource Maps

[1] "full development potential of the site under the existing zoning designations" (p. 2 ¶1)

THE RECORD
RECEIVED: 1/11/16
SUBMITTED BY: E. Gra
SUBJECT: ZC 15-03
PZ 15-01

4. The hypothetical plat utilizes long driveways and easements (sometimes called flag lots) for lots 90,91, 92 and 105 despite the ordinary prohibition by 16.08.050 (Staff Report, p. 16). Fire service and other serious safety concerns require this law.
5. It is not demonstrated how ADU units can be fit and accessed on the narrow lots while observing setbacks nor how reasonable parking can be available both on lot and on street.
6. The sewage plan has insufficient capacity for this area to be built out and the Hwy 213 sewage line is suffering from surcharges (over-capacity incidents). Attachment Sewer 1-3 of —

7. The current OC Transportation System Plan provides that 50% of trips in 2035 will be by alternative transportation i.e. bus, bike and ped. This provision is not merely based on sustainability and appreciation of multi-modes of transportation, but it is also reflective of the City's inability to afford to increase the capacity of its transportation system to accommodate 100% of trips being by personal automobile. **The TSP, therefore, provides that the traffic yield of this hypothetical plat is 50% of the amount given. For 1444 weekday daily trips, that is 722 trips.** Attachment TSP 1-5

Not a minor modification to exceed cap

The applicant should not be allowed to amend the application through the minor modification of conditions process if the City Code is amended adopt new performance measures (that is, if the City reduces its mobility standards to allow more congestion and traffic backups yet again first from F, to exempt, to something lower). (10-30-15 Staff Report, p. 2 and 4) Oregon City residents and adjacent neighboring communities are already being harmed by the severe congestion at the Beavercreek Rd./Hwy 213 intersection and along Beavercreek Rd. and Highway 213 and at the intersections with I205. In the past month motorists have reported it taking an hour to pass through the short-distance in Newell Creek canyon during morning rush hour and 45 minutes prior to morning rush hour. The public's interest in mobility should not be ignored.
To use the minor modification procedure would be to "bait and switch"; to pass this application knowing the number of trips will be increased under a low standard and without considering the TPR. This is not fair to the public nor honest.

12.04 including 12.09.205

Laws Violated

Goal 12:Transportation, Oregon Transportation Planning Rule (OAR 660 Division 12) and Statewide Planning Goal 12 would be violated by this re-zone because it would cause an unacceptable loss of capacity, mobility, connectivity, convenience and safety and create excessive congestion and conflict (10-30-15 Staff Report, p. 12, 15). The negative effect is significant.

This application violates Goal 11: Public Facilities. Besides transportation failures, other infrastructure such as sewage is inadequate to support this zone change. Attachment Sewer 1-3

Goal 6 and Statewide Planning Goal 6 are also violated because the congestion planned for harms air quality and it creates a new source of greenhouse gases when the local and global atmosphere is already past its air's carrying capacity and the resulting climate change is causing global and local harm such as creating summer time drought and water cutbacks.

Oregon City News

WEDNESDAY, DECEMBER 30, 2015

THE OREGON CITY LEADER IN NEWS FOR 95 YEARS

OREGONCITYNEWSONLINE.COM VOLUME 95, NO. 52

May Lillian Gr... dent of the Oregon City area ... from Willamette Falls Hospital after many years of service, died on Dec. 16, in Bend.

She was laid to rest at Adams Cemetery next to her husband, Arthur.

Visit hillsidechapelfh.com to leave memories for the family in the online guestbook.

Arrangements: Hillside Chapel.

News pub...

Free obituaries ... of the person, birth date, date of ... age, immediate family survivors, and service information.

To include additional information, such as photographs and greater details ... City News reserves ... missions to conform to its ... style.

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PHOTO COURTESY: ROBIN R...

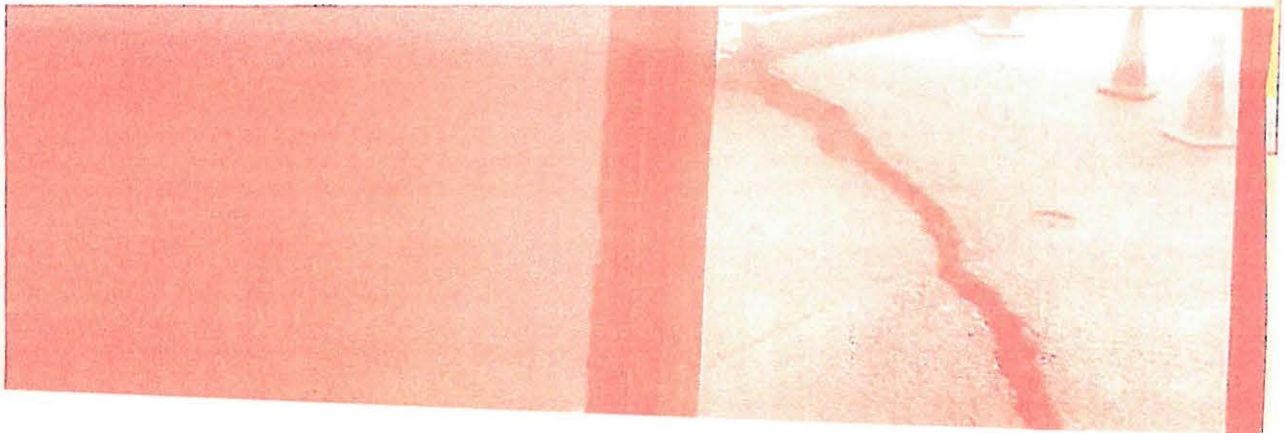
Residents of the Berryhill Apartments in Oregon City had to evacuate after the land they live on continued to slide into Newell Creek Canyon.

Landslides: City opens up emergency shelter

From page 1

these buildings compromised the only evacuation route from the lower section of the apartment complex. After finding that the sewer and stormwater lines were compromised, the city shut off the water line to the lower complex for health concerns.

"As city staff have continued to monitor the slide activity, it has shown obvious signs of progression — the condi... ," said



Landslide forces an evacuation of homes

OC decides conditions too dangerous at apartment buildings

By RAYMOND RENDLEMAN
The Oregon City News

After continued evidence of a slow-moving landslide, Oregon City authorities required residents in 60 units in the Forest

? emergency shelter

www.

n page 1

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evacuation route
lower section of the
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that the sewer and
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shown obvious signs
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getting worse," said
et. Sgt. Justin Young.
ning is probably pret-
but I would rather
m be alive at Christ-
displaced than not
any longer."
uildings in the com-
13945 S. Beavercreek
ve been deemed dan-
and the residents
quired to leave by 5
nday, Dec. 21.
building has eight
nts, and the other has
riments.
Oregon City Commis-
d an emergency meet-
day night at City Hall,
g a state of emergency,
orities enacted an ac-
n to help residents
e. For more informa-
those resources, visit
g.
ding to the city, while
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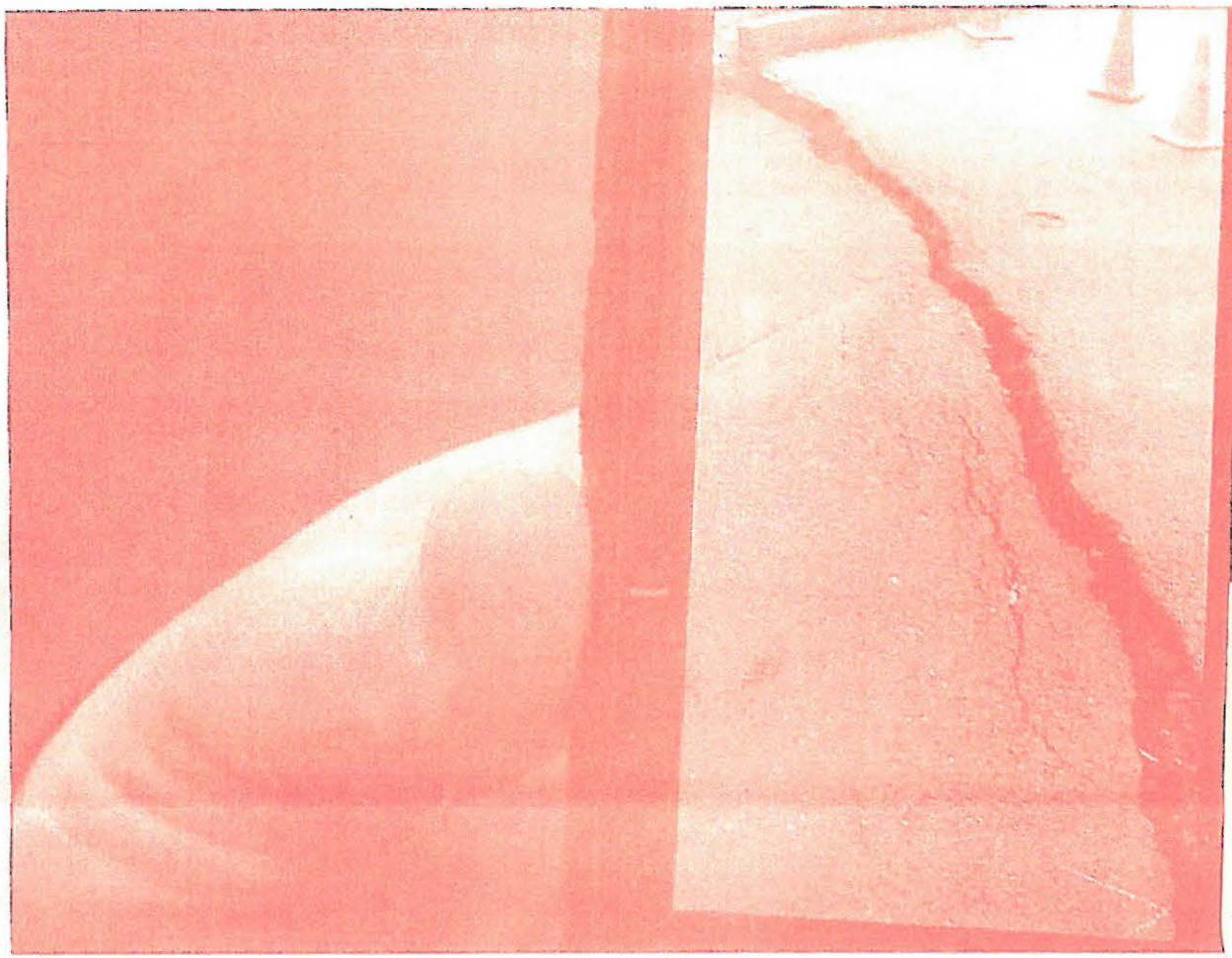
at any moment. In ad-
o the potential danger-
ditions of the buildings,



Residents of the Forest Edge Apartments in Oregon City watched in horror as the city recorded large landslide movements.

evacuation of homes

OC decides conditions too dangerous at apartment buildings

By RAYMOND HENDLEMAN
The Oregon City News

After continued evidence of a slow-moving landslide, Oregon City authorities required residents in 60 units in the Forest Edge Apartments to leave by 5 p.m. on Thursday.

Ten households at Berry Hill Apartments in Oregon City had already evacuated their units by 5 p.m. on Monday, Dec. 21, because of landslide hazards.

The 60 units in four buildings at the nearby Forest Edge complex were previously under a voluntary evacuation. Police said that more landslide activity in close proximity to

"I would rather have them be alive at Christmas and displaced than not with us any longer."

— Justin Young, Oregon City police detective

See LANDSLIDE / Page A11

access to the lower section of the apartments could be compromised by earth movement.

Oregon City officials recommended Forest Edge residents park their vehicles above the compromised section of the driveway/lot.

A temporary shelter is open at Oregon City High School beginning at 6 p.m. Sunday. Pets are welcome.

The American Red Cross is also assisting with an emergency shelter. They can be reached at 888-680-1455.

John Winquist, the president of Regency Management Inc., which manages Berryhill Townhomes and Apartments, told KOIN 6 News that plans were in place before this fall to construct a large retaining wall on the hill in question.

He said that would be a very expensive fix paid for by the landowner.

Eight one-bedroom apartments and two two-bedroom apartments were evacuated, he said, affecting a total of 16 people. Most are staying at the shelter or with friends.

Those people
checks on Monday that cover the rest of this month's rent and their security deposit, Winquist said.

He added the subject of landslides is addressed when prospective tenants are shown the apartment, but there has been no danger until recently.

Apartment management is continuing to work with the city and the county, he told KOIN 6 News.

3

City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Meeting Agenda

City Commission

Dan Holladay, Mayor
Carol Pauli, Commission President
Brian Shaw, Rocky Smith, Jr., Renate Mengelberg

Sunday, December 20, 2015 | **5:00 PM** | **Commission Chambers**

EMERGENCY SPECIAL MEETING

1. Convene Regular Meeting

2. Roll Call

3. General Business

3a. 15-698 Review Current Landslide and Safety Hazards at the Forest Edge Apartments, Berryhill Apartments, and Berryhill Townhouses and Potentially Declaring an Emergency

Sponsors: Community Development Director Tony Konkol

4. Communications

a. City Manager

b. Commission

c. Mayor

5. Adjournment

Agenda Posted at City Hall, Pioneer Community Center, Library, City Web site.
Video Streaming & Broadcasts: The meeting is streamed live on Internet on the Oregon City's Web site at www.orcity.org and available on demand following the meeting. The meeting can be viewed live on Willamette Falls Television on channels 23 and 28 for Oregon City area residents. The meetings are also rebroadcast on WFMC. Please contact WFMC at 503-650-0275 for a programming schedule.

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

Oregon City prevails in $2.6 million lawsuit filed by owner of landslide-prone apartments

Oregon City Public Works Director John Lewis (right) and City Manager David Frasher survey an active landslide at the Forest Edge apartments in 2012. *(Steve Mayes/The Oregonian)*

[http://connect.oregonlive.com/staff/smayes/index.html] By Steve Mayes | The Oregonian/OregonLive [http://connect.oregonlive.com/staff/smayes/posts.html]
Email the author | Follow on Twitter
on March 05, 2014 at 5:35 PM, updated March 05, 2014 at 5:36 PM

A **$2.6 million lawsuit [http://www.oregonlive.com/oregon-city/index.ssf/2013/02/apartment_owner_sues_oregon_ci.html]** filed against Oregon City by the owner of a large apartment complex has been settled.

The dispute involved leaky water pipes at the Forest Edge apartments. The multi-building complex was built on a slope that's been sliding into Newell Creek Canyon for years.

The apartment owner, Hometown Boys LLC, blamed the city's leaking water pipes for causing slides. The city said the naturally occurring landslide keeps busting the pipes, which are on private property.

The city said it would not continue repairing pipes that keep breaking as hillside slips.

The city **cut off service [http://www.oregonlive.com/oregon-city/index.ssf/2012/07/broken_pipes_and_bad_road_put.html]** to part of the complex in 2012 and Hometown Boys installed a temporary waterline.

The lawsuit claims the city took responsibility for providing water and the pipeline that runs through the privately owned property.

The terms of the settlement, the city no longer is obligated to maintain waterlines on the property. That is essentially the city's position before Hometown Boys filed the lawsuit in February 2013.

"It means the city isn't responsible for maintaining failing pipes on their moving slopes," said City Manager David Frasher.

City commissioners are expected to formally approve the deal Wednesday night.

-- Steve Mayes

5
Holly Lane
Beavercreek R
Highway 213
EFL
DFL
ES-R
ES-R-EFL
RS-R
RS-R-EFL
Site Adjacent to active Landslide
alalla Avenue

Fir St
14178
14196
Nightshade Ct
14375
Maplelane Rd
Elder Rd
Thayer Rd
Walnut Grove Way
Effinger Way
River Birch Pl
Yellowwood Rd
Autumn
Great Pl
Blue Blossom Way
Wynton Dr
Catalpa Way
Cochrane St
Nutmeg Ln
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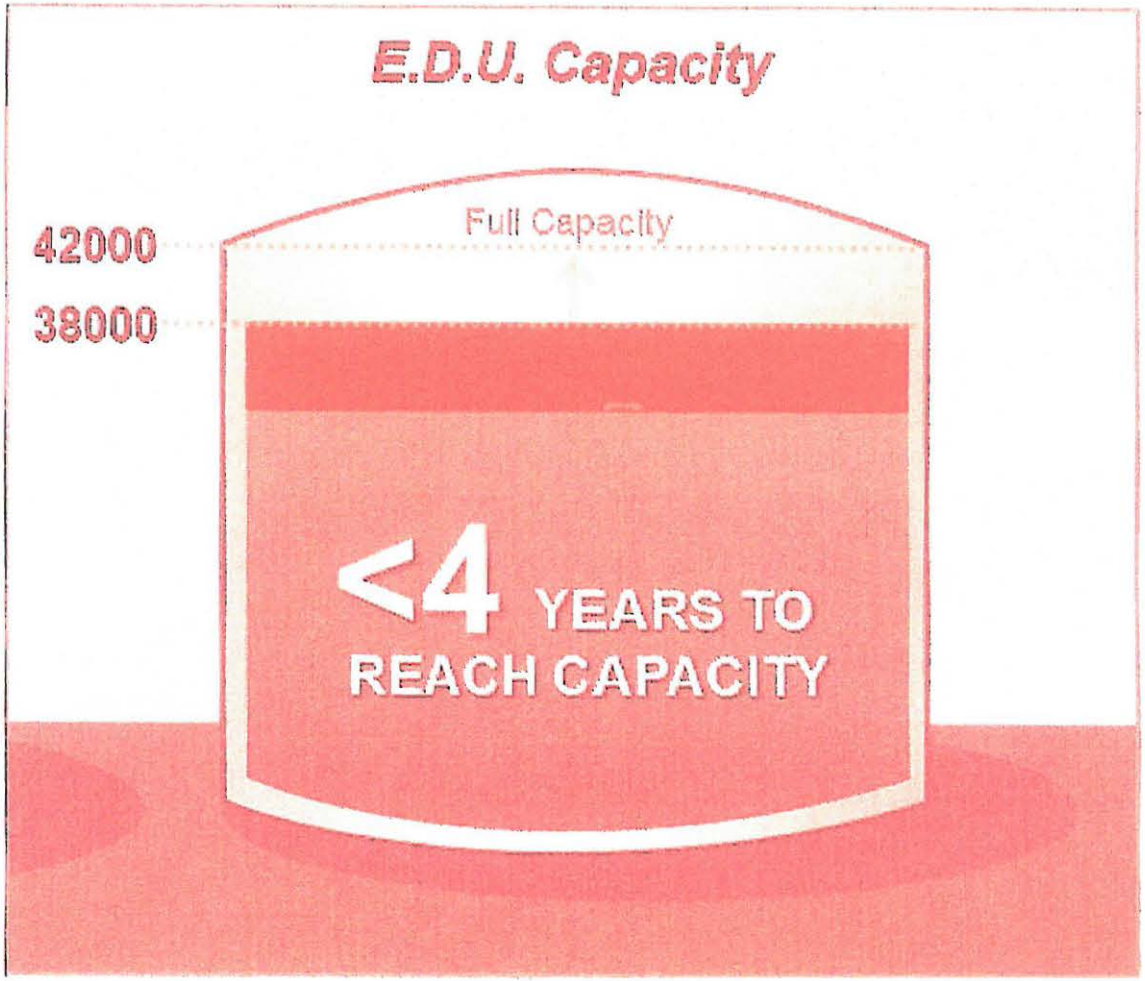
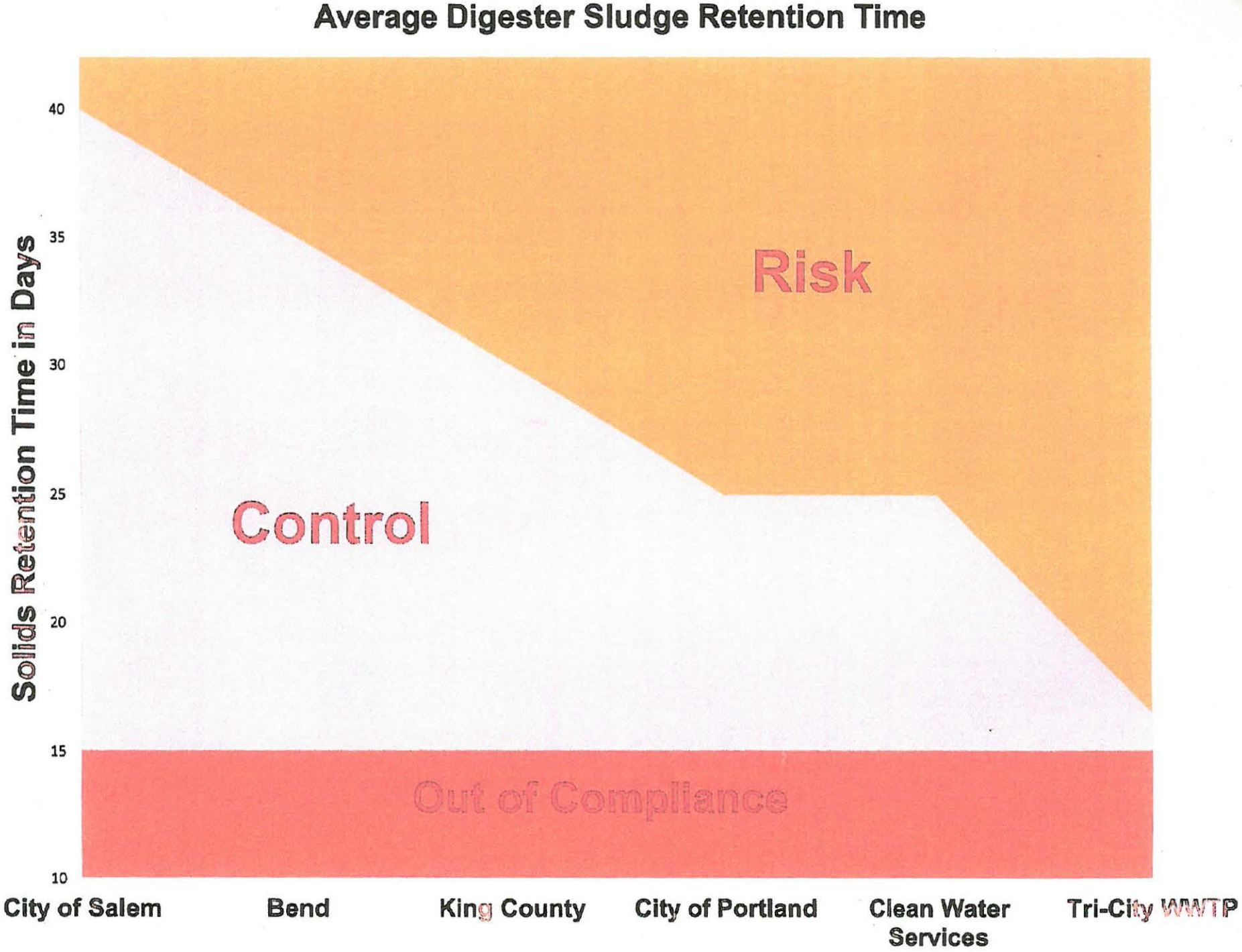
Regional Wastewater Treatment Capacity Advisory Committee

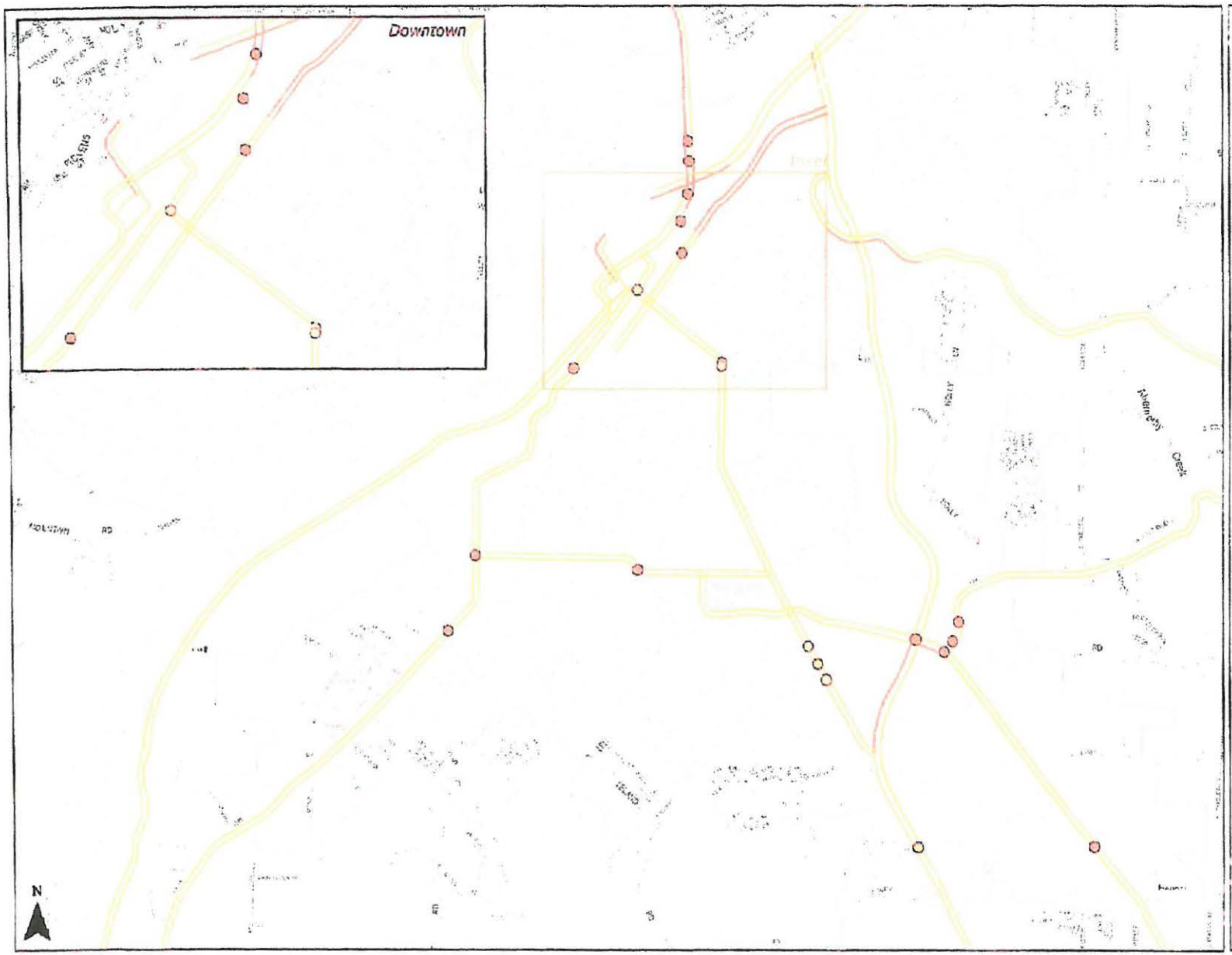
December 10, 2015

WATER ENVIRONMENT SERVICES

Solids Handling Capacity Issue




Average Digester Sludge Retention Time
Solids Retention Time in Days
40
35
30
25
20
15
10
Risk
Control
Out of Compliance
City of Salem
Bend
King County
City of Portland
Clean Water Services
Tri-City WWTP



OREGON CITY TRANSPORTATION PLAN

FIGURE 7

2035 Baseline Motor Vehicle Operating Conditions (P.M. Peak)

Legend

2035 Roadway Travel Speed compared to Posted Speed

- Congested, well below speed limit
- Slowing, well below speed limit
- Slowing, but near speed limit
- Uncongested, near speed limit

2035 Baseline Intersection Operations

- Good
- Marginal
- Substandard

- River
- Parks and Open Spaces
- Baseline Planned Roadways
- Railroad
- City Limit
- Urban Growth Boundary

Note: The 2035 baseline motor vehicle operations assumes no transportation system investments

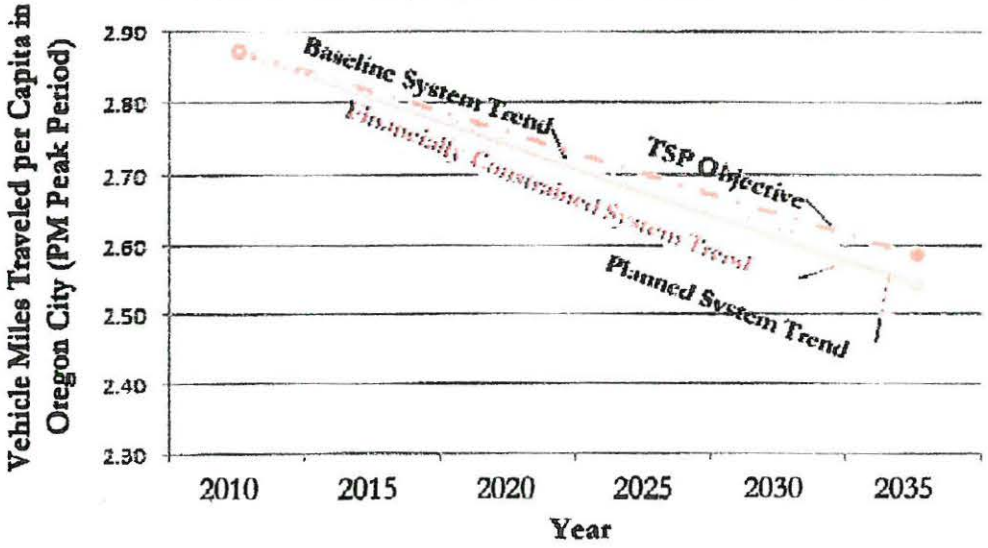
Motor vehicle volumes on the roadways in Oregon City generally peak during the evening between 3:25 p.m. and 5:10 p.m.

The Plan is expected to outperform the Climate Change Target

Despite healthy local and regional population and employment growth, vehicle miles traveled in Oregon City is expected to be reduced more than the TSP objective through 2035. The TSP objective envisions decreasing vehicle miles traveled by approximately ten percent through 2035, to about 2.6 miles per person during the evening peak period.

However, the future trend for vehicle miles traveled in Oregon City during the evening peak period (after assuming $222 million worth of investments) is expected to decrease nearly 13 percent through 2035, from about 3 miles to 2.5 miles per person. This is likely representative of job growth in Oregon City, as more residents have the option to work closer to home. In addition, the $60 million worth of investments in over 260 walking, biking, transit or other shared-use path projects in the 2013 TSP help reduce the need to drive for local trips in the City.

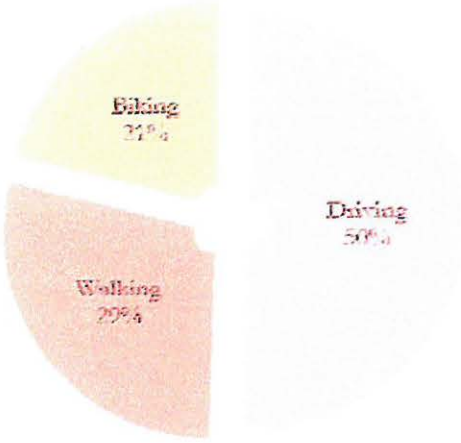
Figure 27: The Expected Trend for Vehicle Miles Traveled



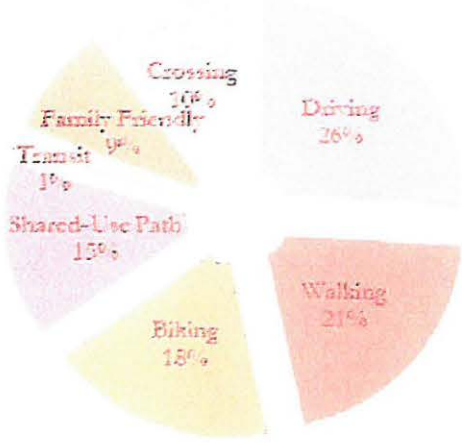
Walking, Biking and Transit Mode Share: Oregon City has identified nearly $60 million worth of investments with over 260 walking, biking, transit or other shared-use path projects in its TSP. This accounts for over 75 percent of the projects in the 2013 TSP and represents an increase of more than 25 percent when compared to the projects in the 2001 TSP. While no data is available to quantify the impact of these walking, biking and transit investments in the City, they are expected to help the City work towards tripling the walking, biking and transit mode share between 2010 and 2035.

The City identified investments to complete walking and biking gaps along the major street system, and identified a network of low-volume more comfortable walking and biking routes off the major street system to further encourage walking and biking to key destinations throughout the City.

Figure 26: Comparison of 2001 and 2013 TSP Investments



Percent of TSP Projects by Travel Mode (2001 TSP)



Percent of TSP Projects by Travel Mode (2013 TSP)

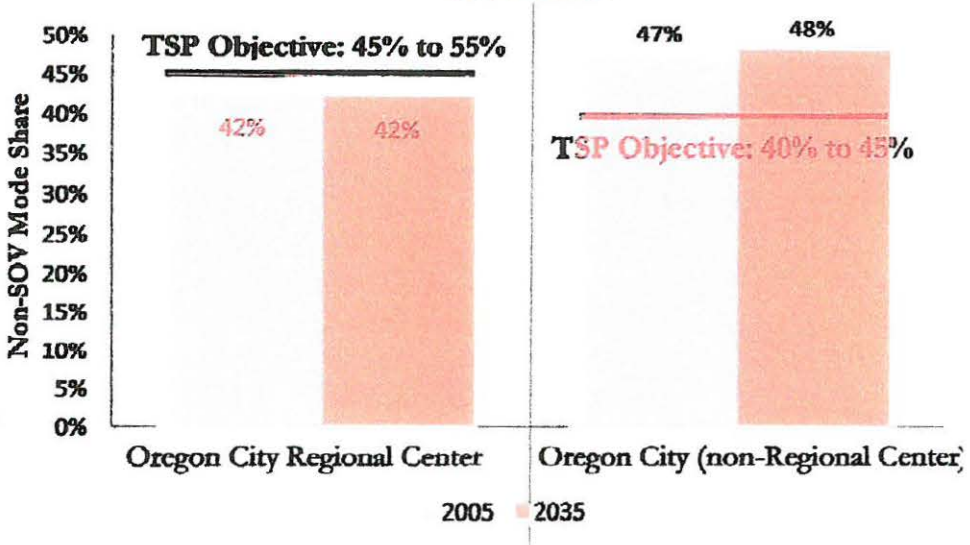
Non-Single Occupancy Vehicle (SOV) Travel: Metro's regional travel demand model was used to evaluate progress towards meeting transportation demand management (TDM) goals, specifically reducing reliance on the single occupancy vehicle.[7] Oregon City's non-SOV mode shares (outside of the Oregon City Regional Center) are expected to be above the TSP objective of 40 to 45 percent, with an estimated non-SOV mode share of 47 percent in 2005 and 48 percent in 2035. The non-SOV mode share in the Oregon City Regional Center is expected to remain steady through 2035, at around 42 percent, slightly below the TSP objective of 45 to 50 percent.

The TSP makes investment decisions that further help the City work towards achieving the non-SOV mode share targets. The City is expected to continue to increase trip share via walking, biking, carpooling or public transportation with investment decisions including a project that would help implement a Transportation Management Association (TMA) program with employers and residents within the Oregon City Regional Center.

The Oregon City TSP includes solutions to decrease single occupancy vehicle travel by focusing on investments that encourage multi-modal travel, including increased walking and bicycling facilities and transit stop access/amenity improvements.

The TSP also includes maximum public street spacing standards to allow for sufficiently spaced pedestrian crossings. Street connections to increase the convenience of walking and bicycling were also recommended throughout the City, including the Oregon City Regional Center.

Figure 25: Oregon City Non-Single Occupant Vehicle Mode Shares



[7] The Metro RTP Financially Constrained Plan was utilized for the non-SOV mode share analysis; therefore, not all of the projects included in the TSP were captured in the analysis.

Additional Information to add to the Planning Record for Planning files: PZ 15-01: Comprehensive Plan Amendment and ZC 15-03: Zone Change

January 11, 2016

ENTERED INTO THE RECORD
DATE RECEIVED: 1/11/16
SUBMITTED BY: Staff
SUBJECT: ZC 15-03
PZ 15-01

OREGON CITY

Community Development – Planning

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

RECOMMENDED CONDITIONS OF APPROVAL
Files ZC 15-03 and PZ 15-01
January 11, 2016

(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 trips generated through previously approved land use actions and business licenses for the entire subject site associated with the proposed 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~~For each land use application and business license submitted, the applicant shall provide an accounting of trips generated through previously approved land use actions for the entire subject site associated with this proposal and demonstrate that the proposal complies with both the maximum AM and PM peak hour trip caps~~. *(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, Beavercreek Road from Highway 213 to Maplelane Road, and Maplelane Road from Beavercreek 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. ~~Once the necessary studies are compiled and Chapter 12.04.205.D of the Oregon City Municipal Code is amended to adopt new performance measures that identify alternative mobility targets addressing Highway 213 and Beavercreek Road, the applicant may amend this application to amend or remove the trip cap, through a minor modification of conditions application processed through a Type II procedure. *(P)*~~

PERKINSCOIE

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Portland, OR 97209-4128

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PerkinsCoie.com

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.)

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January 11, 2016

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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.

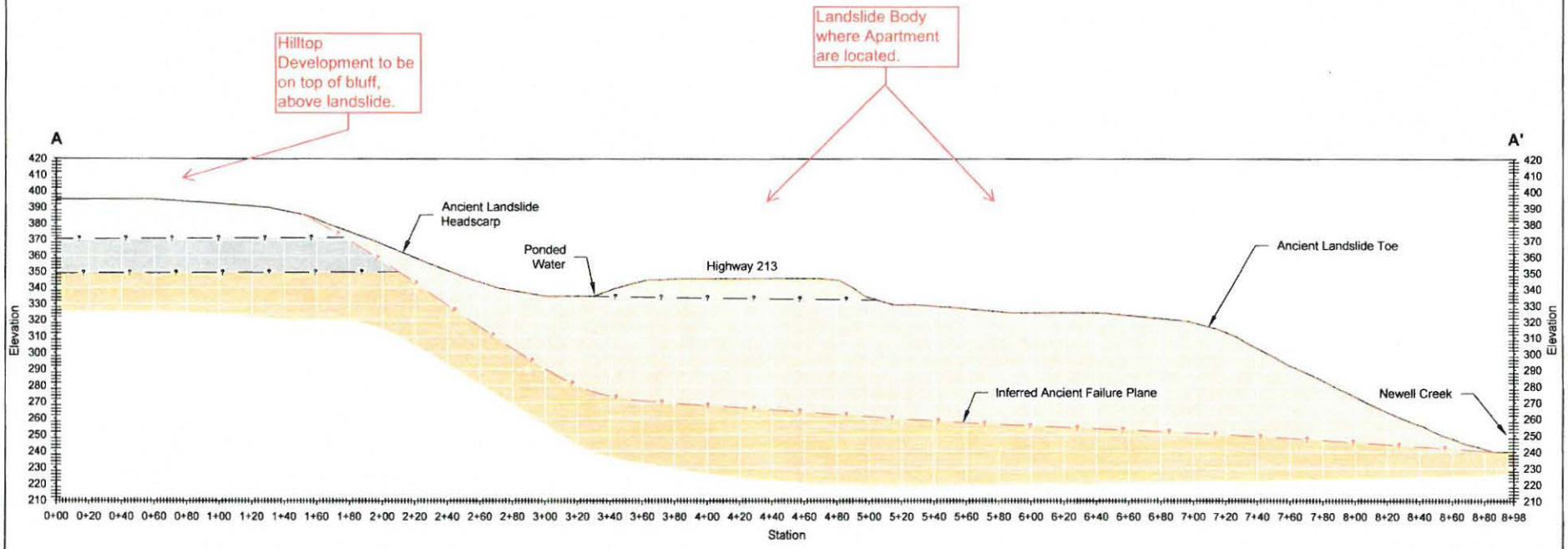
Very truly yours,

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



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

HARTCROWSER

Figure **3**

File: F:\Notebooks\154018001_Hilltop Development\CAD\154018001_Profile.dwg Layout:GeologicProfile Date: 06-23-2015 Author: ariclindquist

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:

8910 SW Gemini Drive
Beaverton, OR 97008-7123
Fax 503.620.6918
Tel 503.620.7284

- 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-Ploiocene 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, therefor, 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.

TIMOTHY W. BLACKWOOD, PE, GE, CEG
Principal, Geotechnical Engineer

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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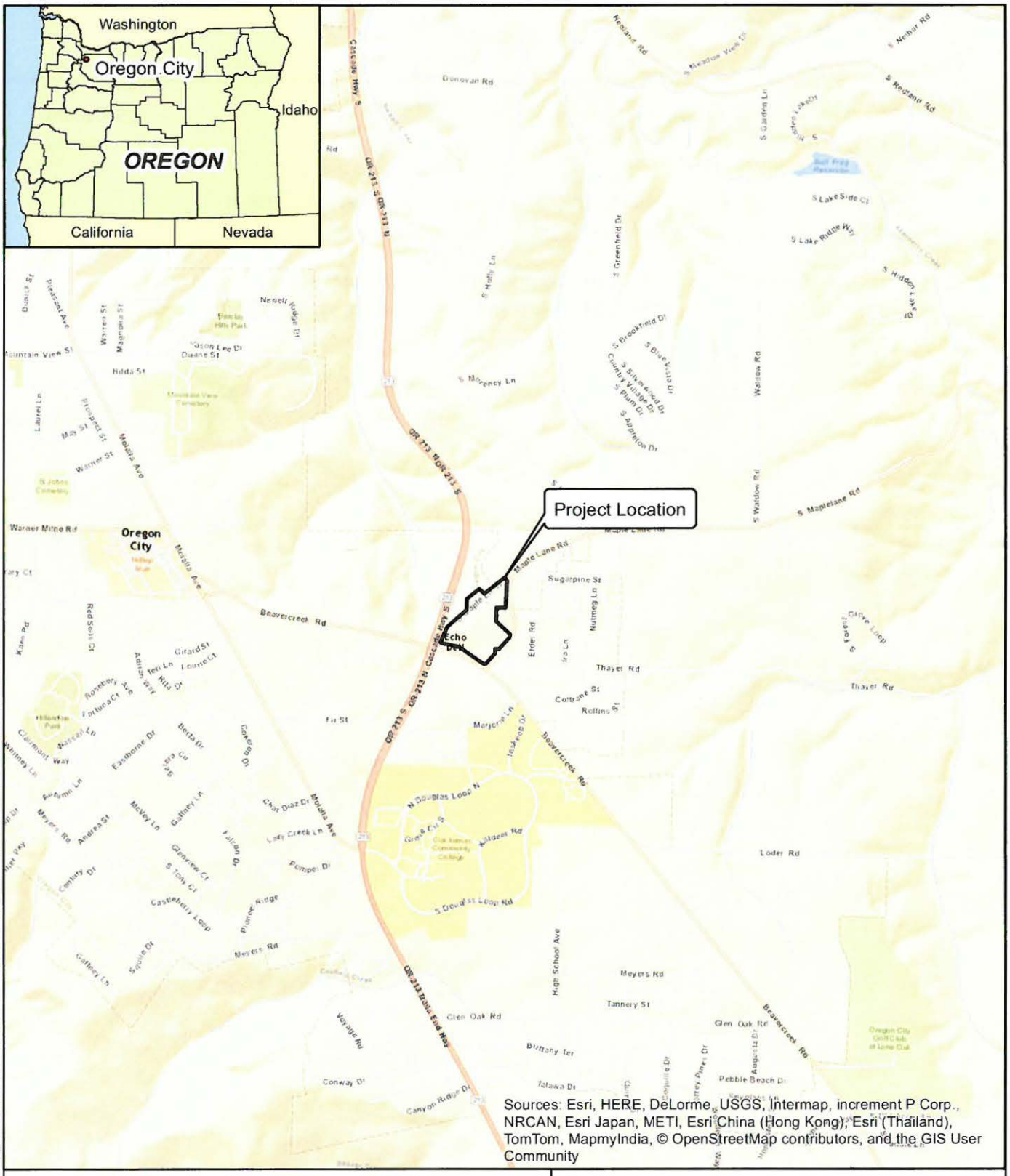

Hilltop Development
Oregon City, Oregon

Vicinity Map

154-018-001 6/15

HARTCROWSER

Figure 1

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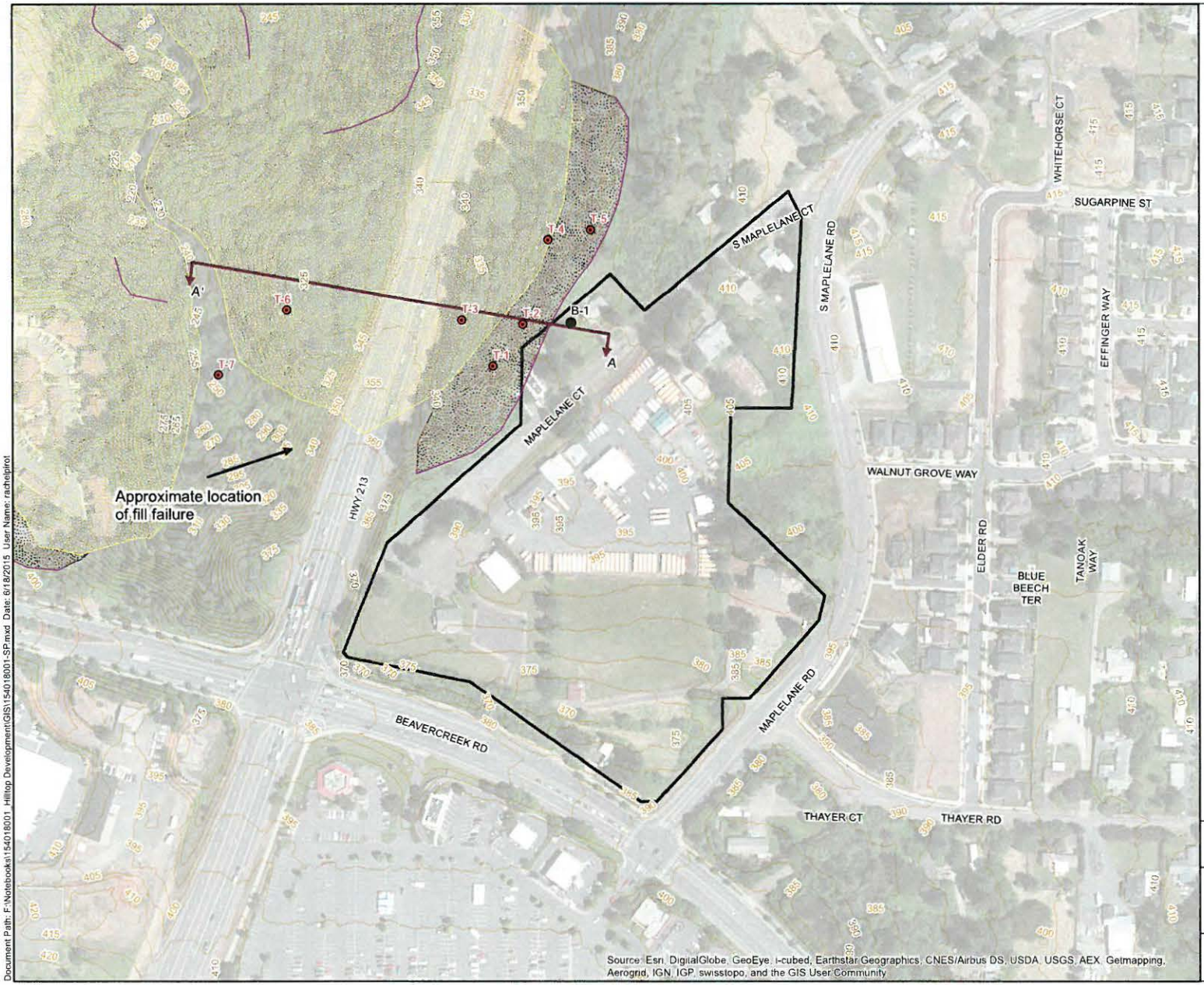

N

0 100 200 400 Feet

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

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Figure 2

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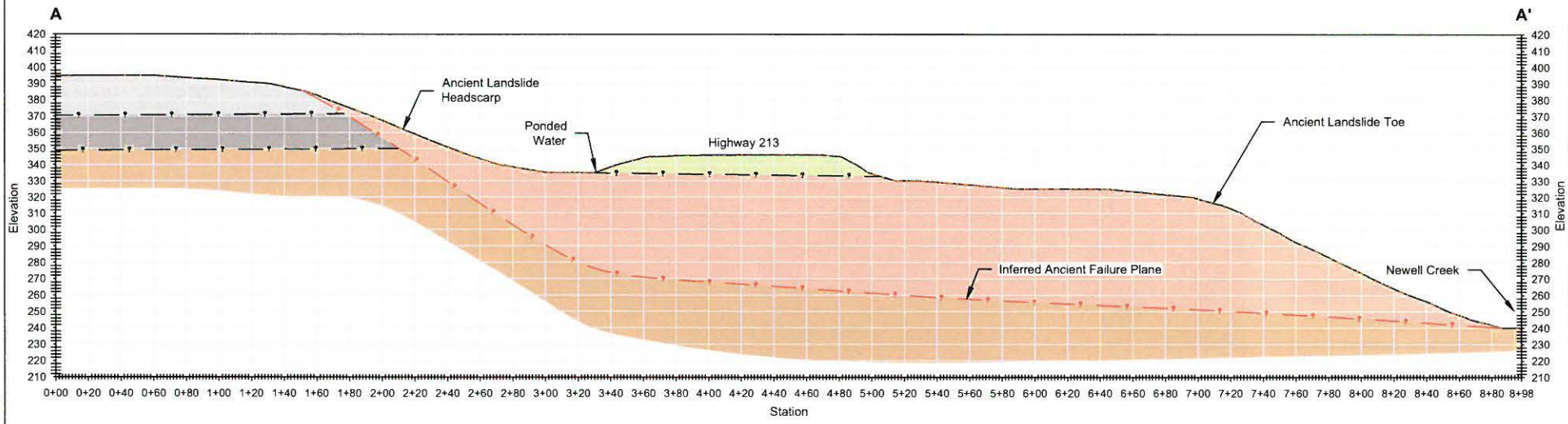

LEGEND

- Highway Fill
- Boring Volcanics (Dense to Very Dense)
- Boring Volcanics (Soft to Medium Dense)
- Landslide Debris
- Troutdale Formation

0 60 120

Horizontal and Vertical Scale in Feet

Source: Surface profile line created from LiDar data.

Hilltop Master Plan
Oregon City, Oregon

Geologic Profile

154-018-001 6/15

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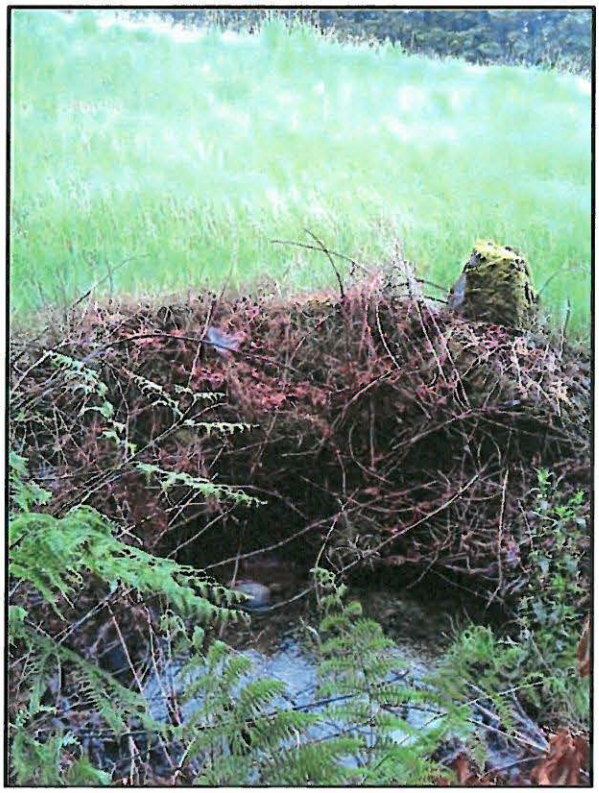
Figure 3

File: F:\Notebooks\154018001_Hilltop Development\CAD\154018001_Profile.dwg Layout:GeologicProfile Date: 06-23-2015 Author: ericlindquist

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

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SOIL CLASSIFICATION CHART

MATERIAL TYPES	MAJOR DIVISIONS		GROUP SYMBOL	SOIL GROUP NAMES & LEGEND
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
			GP	POORLY-GRADED GRAVEL
		GRAVELS WITH FINES, >12% FINES	GM	SILTY GRAVEL
			GC	CLAYEY GRAVEL
	SANDS >50% OF COARSE FRACTION PASSES ON NO 4. SIEVE	CLEAN SANDS <5% FINES	SW	WELL-GRADED SAND
			SP	POORLY-GRADED SAND
		SANDS AND FINES >12% FINES	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

OTHER MATERIAL SYMBOLS

- Concrete
- Asphalt
- Topsoil

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 conditoins at other locations or times.

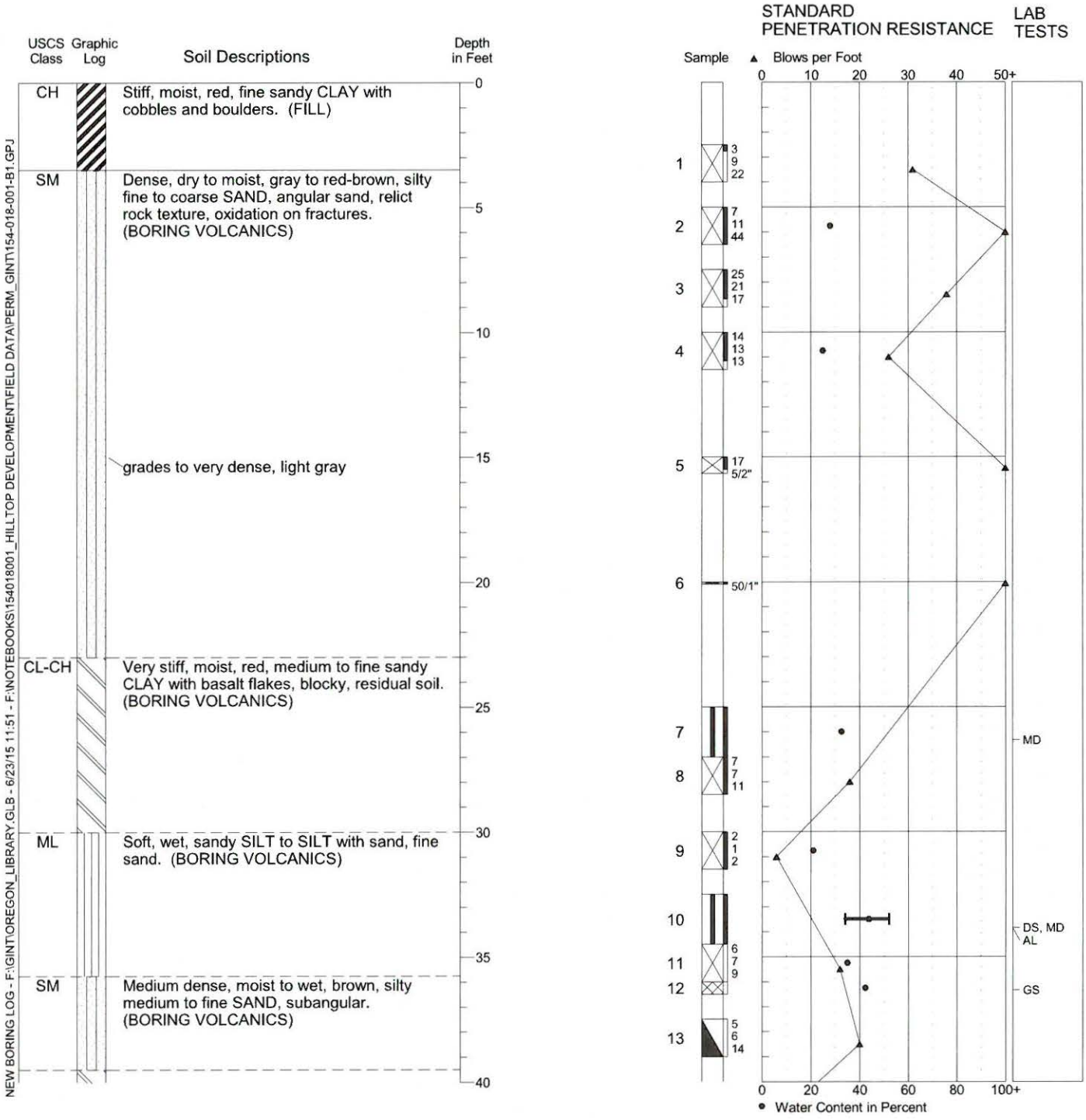
KEY TO EXPLORATION LOGS - F:\GINT\OREGON_LIBRARY.GLB - 6/16/15 16:56 - F:\NOTEBOOKS\154018001_HILLTOP DEVELOPMENT\FIELD DATA\PERM_GINT\154-018-001-B1.GPJ

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



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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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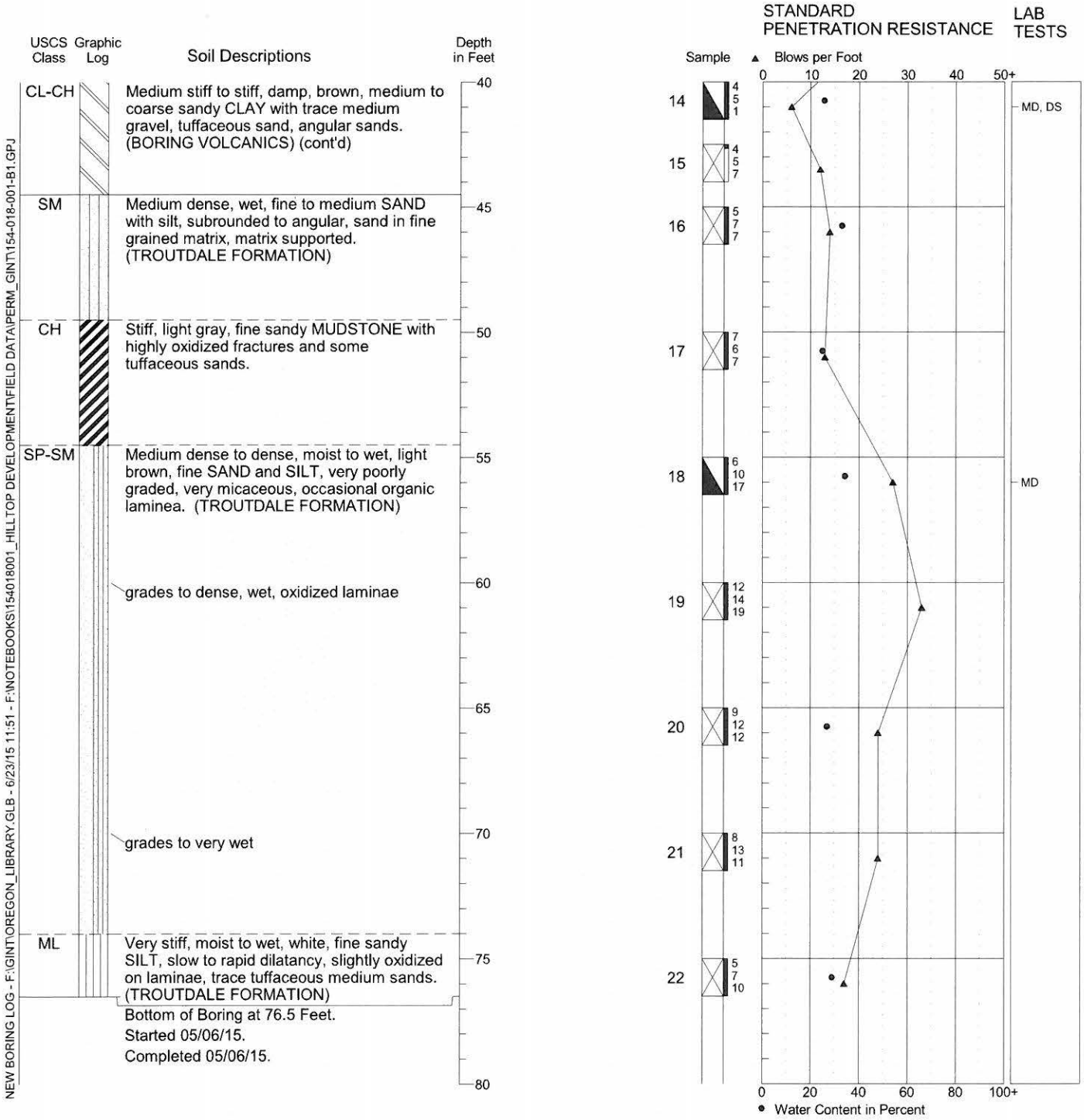
Boring Log B-1

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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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

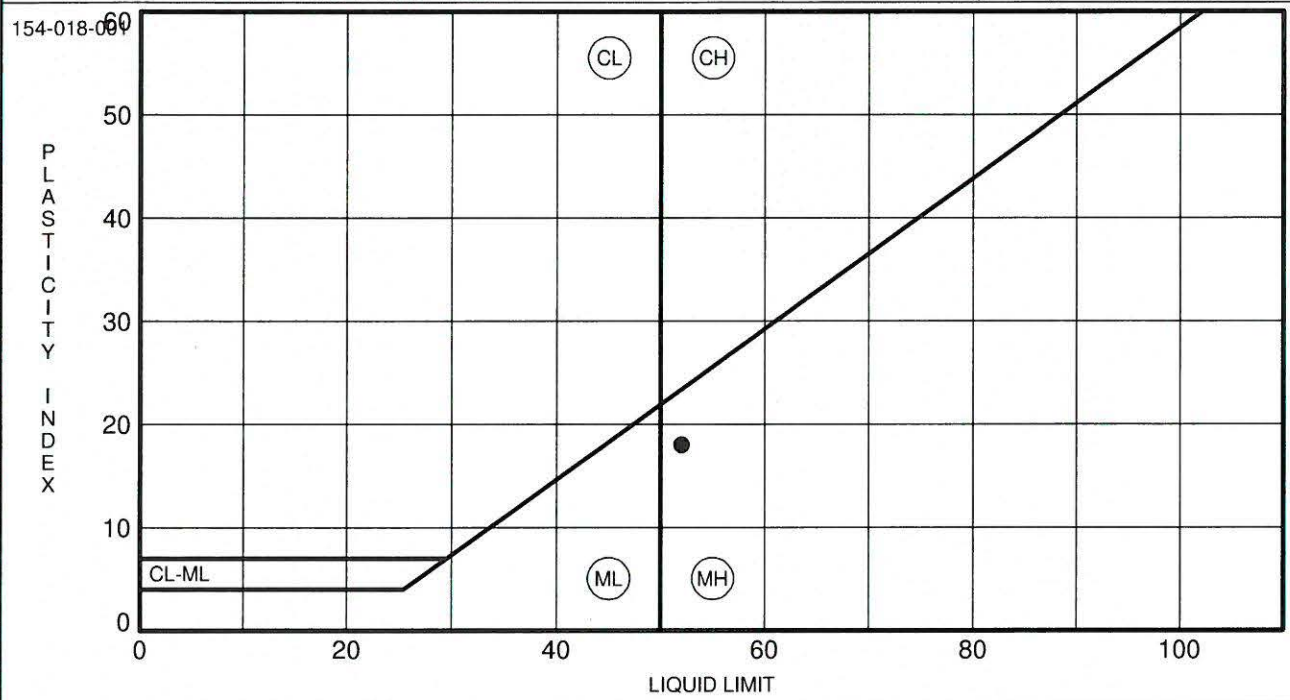
The drained direct shear test estimates the effective stress parameters of the soil. We tested the *in-situ* strength parameters of two soil samples by conducting direct shear tests in general accordance with ASTM D 3080. The data are presented on a diagram plotting shear stress versus normal stress in Attachment C-1 at the end of this appendix.

ATTERBERG LIMITS' RESULTS

HARTCROWSER

CLIENT Historic Properties, LLC **PROJECT NAME** Hilltop Development

PROJECT NUMBER 154018001 **PROJECT LOCATION** Oregon City



	BOREHOLE	DEPTH	LL	PL	PI	Fines	Classification
●	**B-1**	**32.5**	**52**	**34**	**18**		

ATTERBERG LIMITS - J:\DRAFTING\GINT\PORTLAND LIBRARIES\OREGON_LIBRARY.GLB - 6/23/15 12:34 - \\PDXSRV\DATA\NOTEBOOKS\154018001_HILLTOP DEVELOPMENT\FIELD DATA\PERM_GINT\154-018-001-B1-AL.GPJ

FIGURE C-1

Northwest Testing, Inc.
A Division of Northwest Geotech, Inc.
9120 SW Pioneer Court, Suite B • Wilsonville, Oregon 97070 503/682-1880 FAX 503/682-2753

TECHNICAL REPORT

Report To:	Ms. Rachel Pirot Hart Crowser 8910 S.W. Gemini Drive Beaverton, Oregon 97008	**Date:** **Lab No.:**	6/2/15 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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9120 SW Pioneer Court, Suite B • Wilsonville, Oregon 97070 503/682-1880 FAX 503/682-2753

TECHNICAL REPORT

Report To:	Ms. Rachel Pirot Hart Crowser 8910 S.W. Gemini Drive Beaverton, Oregon 97008	**Date:** **Lab No.:**	6/2/15 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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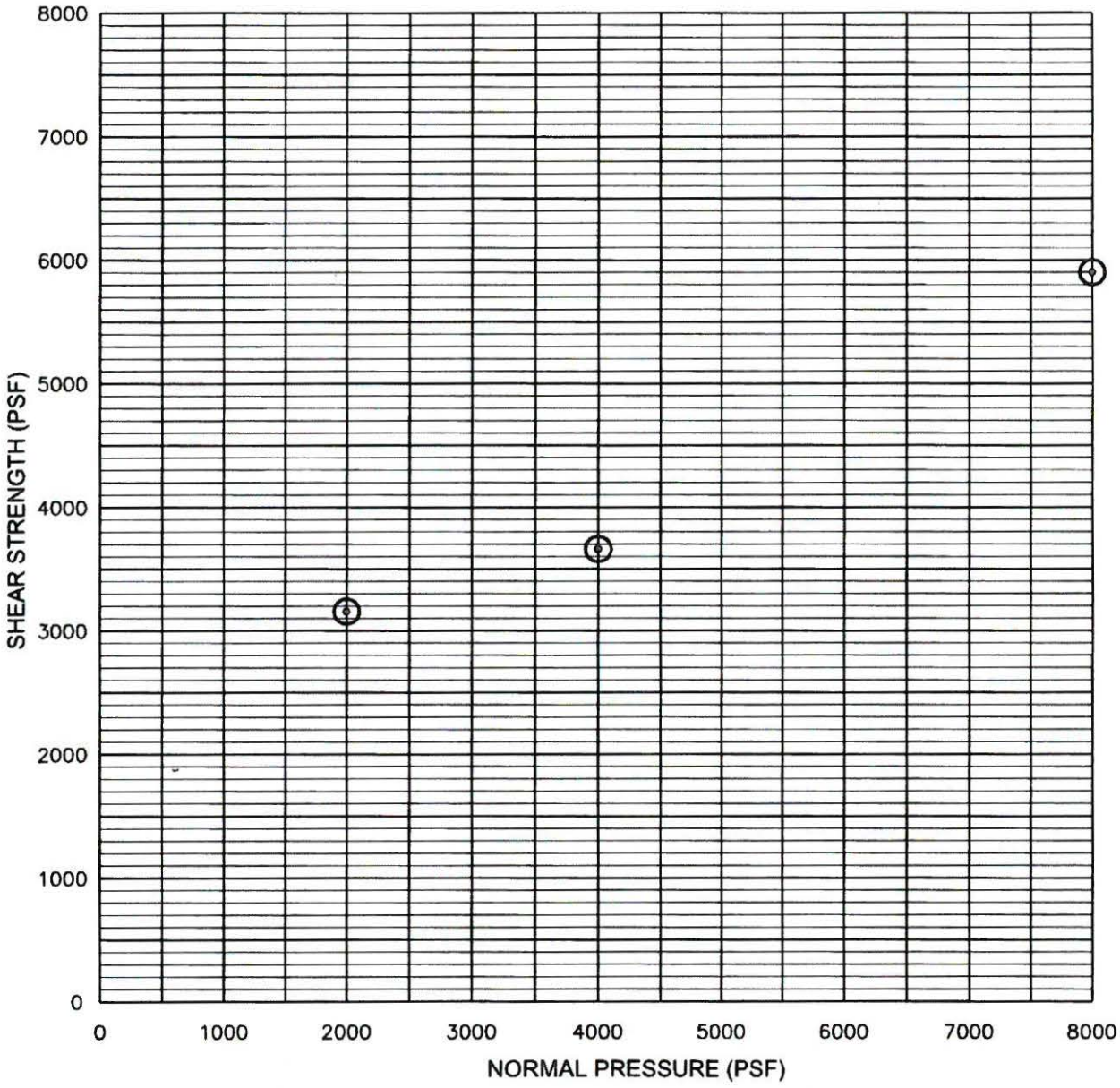
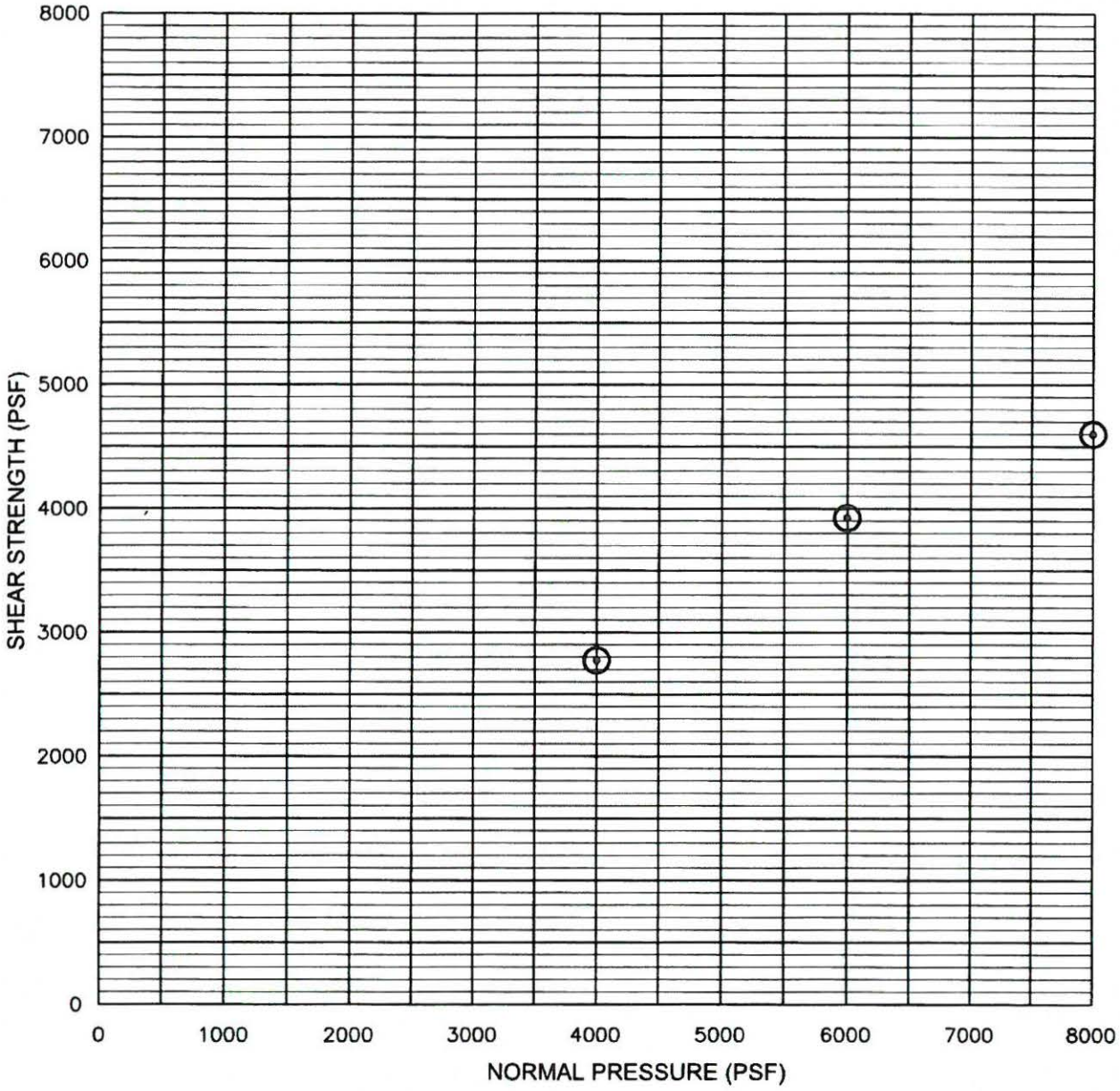


SYMBOL	SAMPLE LOCATION	COHESION (psf)	FRICTION ANGLE	REMARKS
⊙	B-1 S-10 @ 32.5 FT.	--	--	SATURATED; UNDISTURBED

DIRECT SHEAR TEST RESULTS – ASTM D3080

PROJECT NO. 2736.1.1	HART CROWSER, INC. LABORATORY TESTING	LAB NO. 15-113

Northwest Testing, Inc.
A Division of Northwest Geotech, Inc.



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 lover 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

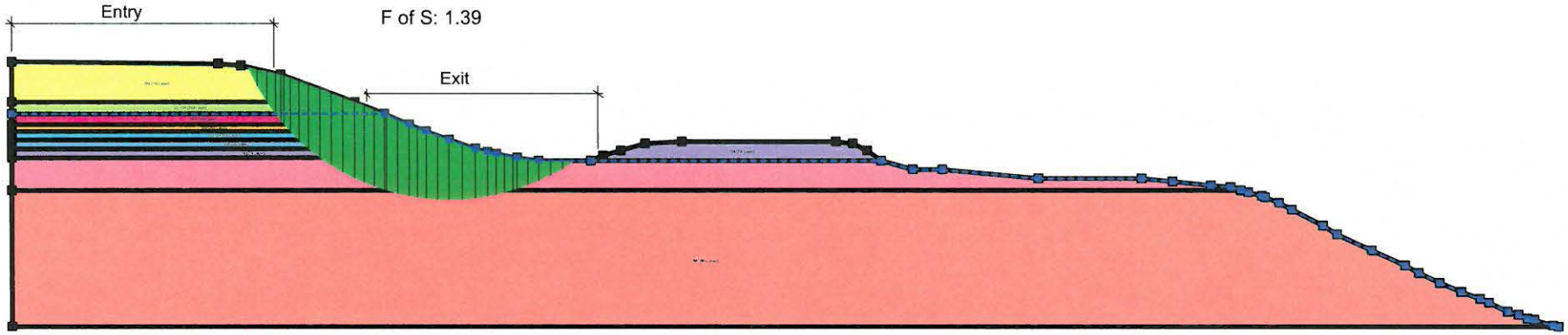
We modeled a number of cases for our analysis. Under existing conditions, we evaluated the stability of the slopes under static and dynamic (earthquake) conditions. To evaluate potential conditions from development, we modeled stability with higher groundwater (to simulate infiltration from stormwater 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	

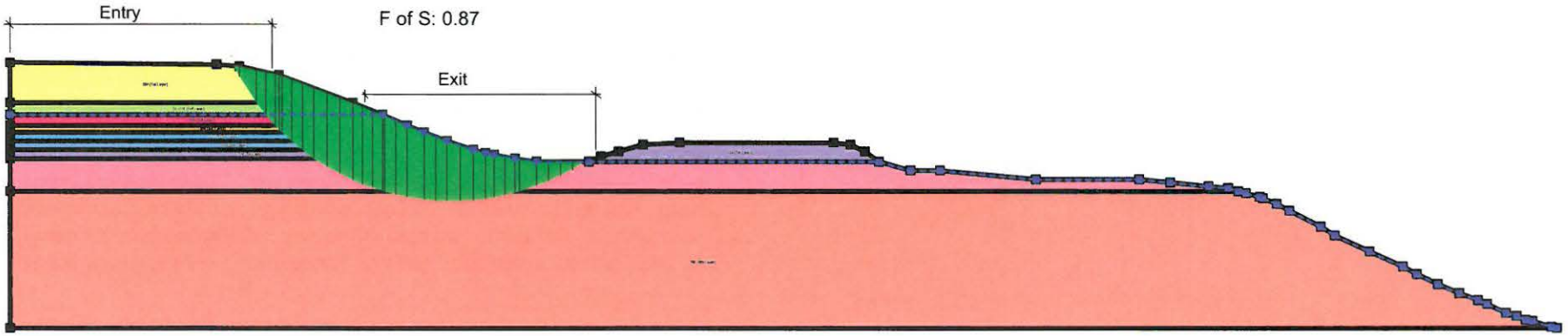
Name: 1) Existing. Static - Groundwater -25 feet

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 °



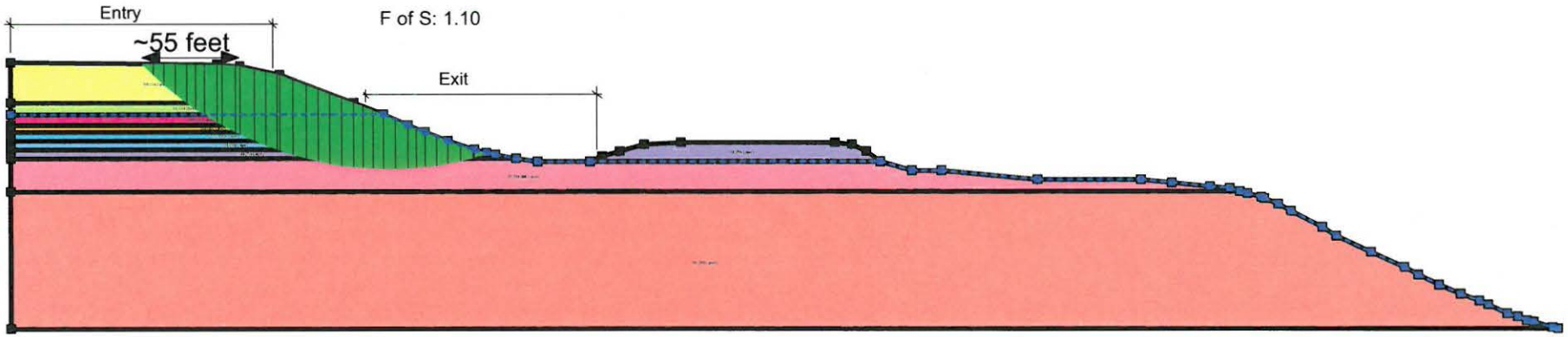
Name: 2) Existing Seismic - Groundwater -25 feet
Horizontal Seismic Coefficient: 0.181g

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 °



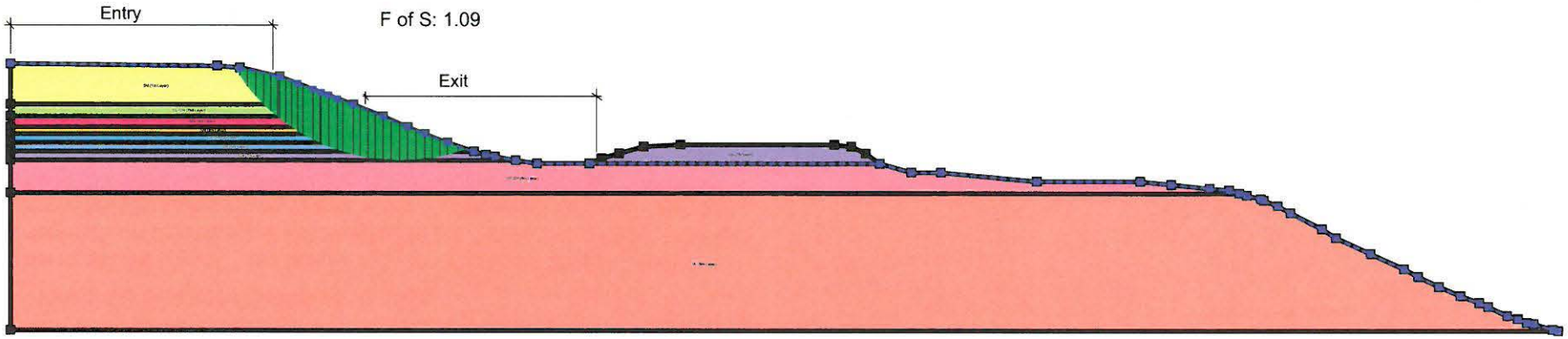
Name: 3) Existing Seismic - Groundwater -25 feet (Slip circle with FS=1.1)
Horizontal Seismic Coefficient: 0.181g

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 °



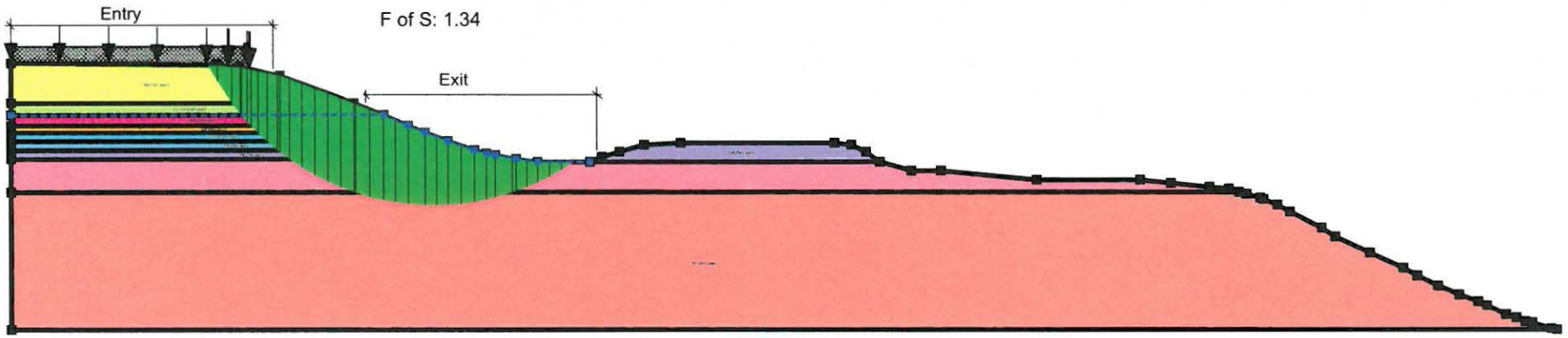
Name: 4) High Groundwater - Static

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 °



From: Dan Fowler
To: Laura Terway
Cc: Michael C. Robinson (mrobinson@perkinscoie.com)
Subject: FW: Attached Image
Date: Thursday, December 03, 2015 1:55:43 PM
Attachments: 0328_001.pdf

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 9th 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 14th, 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 14th, 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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What: Is inviting any interested person to come to a 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 14th, 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

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 14th, 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

Hi Laura,

Attached is an attendance list of the people who attended a meeting we had at the BCT meeting room on Monday December 14th. We had invite the neighborhood and all the people who had spoken in opposition to our project at the November 9th 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-in

Name	Address
Mark Fok	1300 John Aa
Mike Mitchell	mike.kmitchell@
~~Bob~~ Nelson	
Wendy Nelson	wen_n@msn.
Tom Sisul - Engineer	
Mike ARD - Traffic Eng.	
Paul Glaunert - [redacted] 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

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)'; 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

Selected as 2014 "Law Firm of the Year"
in Litigation - Land Use & Zoning by
U.S. News – Best Lawyers® "Best Law Firms"

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)'; '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>
Date: 1/10/2016 8:36 AM (GMT-08:00)
To: Carrie Richter <crichter@gsblaw.com>

Cc: "'Laura Terway (lterway@ci.oregon-city.or.us)'" <lterway@ci.oregon-city.or.us>, 'Dan Fowler' <DanF@abernethycenter.com>, "Robinson, Michael C. (Perkins Coie)" <MRobinson@perkinscoie.com>
Subject: RE: Historic properties Application

Thank you, Carrie. I don't want to speak for Dan but I find the revsied 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

Selected as 2014 "Law Firm of the Year"
in Litigation - Land Use & Zoning by
U.S. News – Best Lawyers® "Best Law Firms"

From:	James Nicita
To:	Laura Terway
Subject:	Comments on PC 15-222, consisting of ZC 15-03: Zone Change; and PZ 15-01: Amendment to Comprehensive Plan;
Date:	Sunday, January 10, 2016 5:13:33 PM
Attachments:	CommentsPZ1501ZC1503.pdf Ex A CC Staff Report 12162015.pdf Ex B Goal 5 Overlay.pdf Ex C Terway12022015.pdf Ex D wildfire risk 14268 MAPLELANE CT.pdf Ex E wildfire risk 14275 MAPLELANE CT.pdf Ex F wildfire risk 14289 MAPLELANE CT.pdf Ex G wildfire risk 14297 MAPLELANE CT.pdf

---

Hi Laura,

Please find attached my comments and associated exhibits for this file, which is agenda item 3c on the January 11, 2016 Planning Commission agenda.

Thanks,

Jim Nicita

JAMES J. NICITA

302 Bluff Street
Oregon City, OR 97045
E-mail: james.nicita@gmail.com

January 10, 2016

Comments on PC 15-222, consisting of ZC 15-03: Zone Change; and PZ 15-01: Amendment to Comprehensive Plan;

Preliminary Comment: The 120-rule does not apply to this land use application.

In a staff report to the City Commission dated 12/15/2015 (Ex. A), the Community Development Director wrote, "The applicant has granted an extension to the 120 day date."

The 120-day rule does not apply to this land use application, because this application includes a comprehensive plan amendment and zone change.

From our zoning ordinance:

> **17.50.070 - Completeness review and one hundred twenty-day rule.**
> Once the community development director determines the application is complete enough to process, or the applicant refuses to submit any more information, the city shall declare the application complete. Pursuant to ORS 227.178, the city will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty calendar day time line or unless State law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:
> (...)
> 4. The one hundred twenty-day period does not apply to any application for an amendment to the city's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.

From the Oregon Revised Statutes:

> **227.178 Final action on certain applications required within 120 days; procedure; exceptions; refund of fees.** (1) Except as provided in subsections (3), (5) and (11) of this section, the governing body of a city or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.
> (...)
> (10) A city may not compel an applicant to waive the 120-day period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS 227.179 as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment."

* * * * * * * * *

In the following comments, I leave the Revised Staff Report comments in their original text, and my comments are in ***bold italics.*** Because the staff report makes no findings regarding compliance with the statewide planning goals, I identify the goal provisions that are applicable to the comprehensive plan amendment, and the corresponding comprehensive plan goals and policies that are applicable to the zone change. Where I do not have an issue with the staff report's findings, I do not include the provision at issue

II. ANALYSIS AND FINDINGS:

CHAPTER 17.68 ZONE CHANGES AND AMENDMENTS

(P. 8.)
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. (P. 8.)

> ***Nicita Comment: OCMC 17.68.020.A, by its terms, applies only to zone changes. It does not apply to amendments to the comprehensive plan, which are governed by the Oregon Revised Statutes (ORS). 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.***
>
> ***See 1000 Friends of Oregon v. Jackson County, 79 Or App 93 (1986). This has been settled law for 30 years. This application should be denied, and the applicant should be required to submit thorough and complete findings of compliance with the statewide planning goals.***

Goal 1: Citizen Involvement

> ***Nicita Comment: There are no findings or evidence of compliance in the application with Statewide Planning Goal 1. Furthermore, the application affirmatively violates the provision of Statewide Planning Goal 1 that requires a local government's citizen involvement program to "provide for continuity of***

***citizen participation and of information that enables citizens to identify and comprehend the issues.*"**

As will be seen below, statewide planning Goal 5, and section 5 of the Oregon City Comprehensive Plan, are both important criteria for this land use application, as there is a substantial Goal 5 overlay on a part of the site. (Ex. B.) However, staff has not made the Goal 5 inventory a part of this file, and ignored an inquiry regarding how to obtain and review the Goal 5 inventory. (Ex. C) This prejudices the substantial rights of citizens to make informed comment on this land use application. Therefore this application should either be denied or set over until staff makes the Goal 5 inventory public.

Comprehensive Plan Goals and Policies:

P.8:

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 decision making 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, 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 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 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 policy is met.

Nicita Comment: The proposal is not consistent with Goals 1.3 and 1.4 of the comprehensive plan, cited above, because citizens do not receive "education" and "information" regarding the natural resources of the site because staff has not made the Goal 5 inventory public. Similarly, the proposal is not consistent with applicable Goal 1.4 of the comprehensive plan, which the staff report does not even address Goal 1.4 Community Involvement:

"Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies."

P.9:

Goal 2: Land Use

Goal 2: Land Use

> ***Nicita Comment: There are no findings or evidence of compliance in the application with Statewide Planning Goal 2. Goal 2 requires that a local government make decisions with an adequate base. Because there are no adequate factual findings, with substantial evidence in the record, regarding any of the statewide planning goals and several of the goals and policies of the Oregon City comprehensive plan, the proposal does not comply with Statewide Planning Goal 2.***

P. 10:

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 though the Natural Resource Overlay District as well as the Geologic Hazards Overlay District. 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. There are no historic structures located on or adjacent to the subject site. There are historic structures or resources (Goal 5.3) impacted by the redevelopment of the site. This goal is not applicable.

> ***Nicita Comment: The staff report does not including findings or evidence in the record of compliance with Statewide Planning Goal 5, or consistency with Section 5 of the comprehensive plan. It is not legally possible, if the statewide planning goals are criteria for a comprehensive plan amendment, and consistency with the goals and policies are criteria for a zone change, to ignore these criteria completely in analyzing such a land use application. This file needs to be denied and the applicant needs to resubmit its application with the appropriate information, and proper notice.***
>
> ***The Oregon City Comprehensive Plan and Zoning Map identifies a Goal 5 resource area that overlays a portion of the subject property. (Ex. B.) Newell Creek runs along a portion of the subject property. The Oregon City Comprehensive Plan, p. 35, states that Newell Creek provides "both spawning and rearing habitat for steelhead trout, coho salmon, and cutthroat trout..." On p. 36, the Comprehensive Plan states that Newell Creek and Abernethy Creek "create major topographic and ecologic areas within the city."***
>
> ***Goal 5:***
>
> ***Goal 5 and its implementing rule at OAR 660-023-0030 require an inventory. This proposal does not include in the record any information on the Goal 5 resources of the subject site, even though the OC Webmaps GIS shows an overlay over a portion of the site. (Ex. B.)***
>
> ***Goal 5 and its implementing rule at OAR 660-023-0040 require an analysis of the economic, social, environmental and energy consequences of the proposal. The staff report contains no such analysis.***
>
> ***Goal 5 and its implementing rule at OAR 660-023-0070 require an identification of buildable lands on the subject property. The staff report contains no such***

analysis.

Goal 5 and its implementing rule at OAR 660-023-0090 require identification and protection of riparian corridors on the subject property. The staff report has not done this.

Goal 5 and its implementing rule at OAR 660-023-0100 require identification and protection of wetlands on the subject property. The staff report has not done this.

Goal 5 and its implementing rule at OAR 660-023-0110 require identification and protection of wildlife habitat on the subject property. The staff report has not done this.

Goal 5 and its implementing rule at OAR 660-023-0140 require identification and protection of groundwater resources on the subject property. The staff report has not done this.

Comprehensive Plan Policies:

The applicable goals and policies from Section 5 the Comprehensive Plan remain completely and wholly unaddressed.

P.10:

Goal 6: Quality of Air, Water and Land Resources

The staff report does not including either findings or substantial evidence in the record of compliance with Statewide Planning Goal 6.

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."

In Marcott Holdings v. City of Tigard, held regarding compliance with Goal 6:

> ***"Goal 6 requires findings that a proposed use will be able to comply with applicable environmental standards. It is not satisfied by findings stating only that the proposed use will be required through conditions to comply with applicable environmental standards. Eckis v. Linn County, 19 Or LUBA 15, 35 (1990). The city must make additional findings addressing the feasibility of compliance with Goal 6, meaning that "solutions to certain problems * * * posed by [the] project are possible, likely and reasonably certain to succeed" in achieving compliance. See Meyer v. City of Portland, 67 Or App 274, 280 n5, 678 P2d 741, rev den 297 Or 82 (1984)."***

A. State Water Quality Statutes, Rules, and Standards

Newell Creek runs along the property, and is "waters of the state" under ORS 468B.005(10).

State Standards: ***There are no findings or substantial evidence in the record that the applicant's development will not violate or threaten to violate the state water quality standards in OAR Chapter 340 Division 41. Stormwater runoff is a waste, the discharge of which shall not violate water quality standards. 1000 Friends of Oregon v. City of North Plains, 27 Or LUBA 372 (1994).***

The following sections of OAR 340 Division 41 are applicable to the proposed development:

OAR 340-041-0004 Antidegradation; OAR 340-041-0007 Statewide Narrative Criteria; OAR 340-041-0009 Bacteria; OAR 340-041-0011 Biocriteria; OAR 340-041-0016 Dissolved Oxygen; OAR 340-041-0019 Nuisance Phytoplankton Growth; OAR 340-041-0021 pH; 340-041-0028 Temperature; OAR 340-041-0031 Total Dissolved Gas; OAR 340-041-0032 Total Dissolved Solids (TDS); OAR 340-041-0033 Toxic Substances; OAR 340-041-0036 Turbidity; OAR 340-041-0340 Beneficial Uses to Be Protected in the Willamette Basin; OAR 340-041-0345 Water Quality Standards and Policies for this [Willamette] Basin.

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, construct the outlet for the disposal system, or discharge from the disposal system, the applicant must obtain a permit, including applicable effluent limitations, pursuant to ORS 468B.050. Pursuant to ORS 468.065(1), "Any permit issued by the department shall specify its duration, and the conditions for compliance with the rules and standards, if any, adopted by the Environmental Quality Commission pursuant to ORS ... 468B." Those water quality standards are authorized by ORS 468B.048.***

If the applicant refuses or fails to obtain a permit pursuant to ORS 468B, then the project must comply with ORS 468B.025(1), which states that "no person" shall "Cause pollution of any waters of the state" or "Discharge any wastes into the waters of the state if the discharge reduces the quality of such waters below the water quality standards established by rule for such waters by the Environmental Quality Commission."

In addition, ORS 468 and ORS 468B also apply to this land use decision independently as "applicable law" under ORS 197.835(9)(a)(D).

There is no evidence in the record demonstrating compliance with the foregoing.

B. Federal and State Air Quality Statutes, Rules and Standards

In 1000 Friends of Oregon v. City of North Plains, 27 Or LUBA 372 (1994), LUBA held that a comprehensive plan amendment had to comply with the Clean Air Act, 42 USC §§7401 et seq., and OAR 660-12-035. There is no evidence in the record demonstrating compliance with these laws and rules.

Comprehensive Plan Goals and Policies:

P.10:

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.

> ***Nicita comment: It is not legally possible, if consistency with the goals and policies are criteria for a zone change, to ignore this criterion completely in analyzing such a land use application. In addition, the following applicable comprehensive plan elements are not even addressed:***
>
> ***Goal 6.1 Air Quality***
> ***Promote the conservation, protection and improvement of the quality of the air in Oregon City.***
>
> ***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.***
>
> ***Policy 6.1.4***
> ***Encourage the maintenance and improvement of the city's tree canopy to improve air quality.***

P.10:

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.*

Finding: Not Applicable. Future development of the site will be reviewed upon submittal of a development application, whereby erosion prevention and sediment control measures will be implemented during construction.

> ***Nicita comment: It is not legally possible, if consistency with the goals and policies are criteria for a zone change, to ignore this criterion completely in analyzing such a land use application. In addition, the following applicable comprehensive plan elements are not even addressed:***
>
> ***Goal 6.2 Water Quality***
> ***Control erosion and sedimentation associated with construction and development activities to protect water quality.***
>
> ***Policy 6.2.2***
> ***Where feasible, use open, naturally vegetated drainage ways to reduce stormwater and improve water quality.***

P.11:

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. Light pollution is limited in Chapter 17.62.065 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.

> ***Nicita comment: It is not legally possible, if consistency with the goals and policies are criteria for a zone change, to ignore this criterion completely in analyzing such a land use application. In addition, the following applicable***

comprehensive plan elements are not even addressed:

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

P.11:

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. Noise is addressed in Chapter 17.62.050.A.13 of the Oregon City Municipal Code, as well as in adopted Nuisance standards. Future development of the site will be reviewed upon submittal of a development application. This policy is not applicable.

Nicita comment: It is not legally possible, if consistency with the goals and policies are criteria for a zone change, to ignore this criterion completely in analyzing such a land use application. In addition, the following applicable comprehensive plan elements are not even addressed:

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

P.11:

Goal 7 – Natural Hazards

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 be addressed upon submittal of an application for development of the site. This goal is not applicable.

Nicita Comment: The staff report does not including substantial evidence in the record of compliance with Statewide Planning Goal 7, or consistency with Section 7 of the comprehensive plan. It is not legally possible, if the statewide planning goals are criteria for a comprehensive plan amendment, and consistency with the goals and policies are criteria for a zone change, to ignore these criteria completely in analyzing a land use application.

Statewide Planning Goal 7 directs local governments to "protect people and property from natural hazards," and states: Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.

<u>Wildfires</u>

The Oregon City Comprehensive Plan, p. 53, explicitly calls out Newell Creek as an area of potential wildfire hazard:

"Wildfires. Dry summers, dense vegetation, and the invasion of non-native weeds in parts of Oregon City make the city vulnerable to wildfires. Wildfires are particularly likely in areas with steep slopes and limited groundwater, leading to dry vegetation in late summer, where there is combustible brush or debris, and where structures with flammable exterior materials are present. The danger of wildfire can be exacerbated by a lack of adequate road access for fire equipment and by inadequate or poorly placed fire hydrants. While much of Oregon City is not vulnerable to wildfires, some areas are, especially in the so-called "wildland-urban interface" where dwellings are in the middle of heavily treed or vegetated areas and where steep, vegetated terrain can contribute to a "chimney effect" as fires burn uphill. The same conditions could apply to areas near Waterboard Park, Canemah Bluffs, Park Place, and canyons such as Singer Creek and Newell Creek. (Emphasis added.)"

The subject site is at the top of Newell Creek canyon, and thus is likely to be in a zone of significant danger from the "chimney effect," both regarding fire and dense smoke. Clackamas County has designated four of the parcels within the subject area to be at "moderate" risk from wildfire. **(Ex. D-G.)**

In addition, the staff report fails to address other relevant natural hazards in Goal 7: floods, and earthquakes, including the anticipated Cascadia subduction zone earthquake.

Applicable Comprehensive Plan Goals and Policies:

The applicable goals and policies from Section 5 the Comprehensive Plan remain unaddressed. For example, the Comprehensive Plan contains the following policy regarding wildfires:

> *Policy 7.1.13*
> *Minimize the risk of loss of life and damage to property from wildfires within the city and the Urban Growth Boundary.*

Policy 7.1.13 in particular must be addressed for the subject site because it is at the top of Newell Creek Canyon and the potential hazards addressed by the "chimney effect."

P. 13

Goal 10: Housing

Nicita comment: There are no findings or evidence of compliance in the application with Statewide Planning Goal 10. The Goal 10 states:

> *"Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density."*

The Goal 10 interpretive rule at OAR 660-008-0005 defines "buildable

land:"

> ***(2) "Buildable Land" means residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered "suitable and available" unless it:***
> ***(a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7;***
> ***(b) Is subject to natural resource protection measures determined under Statewide Planning Goals 5, 6, 15, 16, 17 or 18;***
> ***(c) Has slopes of 25 percent or greater;***
> ***(d) Is within the 100-year flood plain; or***
> ***(e) Cannot be provided with public facilities.***

There needs to be a determination as to how much of the land on the subject site is "buildable" given the constraints on the site of wildfire, landslide, and earthquake hazard, as well as slopes towards Newell Creek Canyon, Goal 5 resource areas along Newell Creek, and the 100-year floodplain of Newell Creek.

P.16:

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.*

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

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.*

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.*

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.*

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: Complies as Proposed. The subject area is presently served or capable of being served adequately by extension of nearby facilities. Utility extensions to serve specific developments within the proposed Comprehensive Plan Amendment and Zone Change area will be required as condition of development under each subsequent development application. The provision of public facilities and services will be consistent with 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 am infill re-development opportunity. This goal is met.

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 and* ***11.12,*** *Library*

Finding: Complies as Proposed. The proposal will not negatively impact public facilities and services within the City. 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 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. This goal is met.

> ***Nicita comment: The applicant and the staff report must demonstrate consistency with each goal and policy. The foregoing findings regarding Section 11 of the comprehensive plan are inadequate and are not supported by substantial evidence in the record.***

P. 16:

Goal 12: Transportation

> ***Nicita Comment: The staff report makes findings concerning the Transportation Planning Rule, OAR Chapter 660, Division 12, which implements Goal 12. The staff report finds compliance with 660-012-0060 based on the applicant's proposed "trip cap" that is based on a "shadow plat". However, the shadow plat is not a reliable basis for calculating a trip cap, because it is only and estimate based on the lot buildout allowable under existing zoning, rather than precise calculation based on a complete land use review. For example, a substantial Goal 5 resource area overlays the site, and would very likely reduce the number of lots allowable, even under existing zoning. Similarly, by operation of ORS 197.646, a Goal 7 analysis that hypothetically leads to a reduction of lots to provide a buffer from wildfires could similarly lead to a reduced number of lots, even under existing zoning. The only way to calculate a reliable trip cap would be to move up formal subdivision review and conduct it simultaneously to the comprehensive plan and zone change application.***
>
> ***Furthermore, "a determination by a local government that a proposed amendment will not currently significantly affect a transportation facility is insufficient to satisfy OAR 660-012-0060(1), because the rule requires a demonstration of no significant effect over the entire relevant planning period." Craig Realty Group v. City of Woodburn, 39 Or LUBA 384 (2001). (Emphasis in original.) The submitted proposal does not take into account the entire planning period.***
>
> ***Finally, OAR 660-012-0060 is not the only provision within the Transportation Rule with which the proposal must comply. At a minimum, the proposal must comply with OAR 660-012-0035 as well. See 1000 Friends of Oregon v. City of North Plains, 27 Or LUBA 372 (1994).***

P.16:

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 12.1.2

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.

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.

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.
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.
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 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 accessary 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 Zone Change and amendment to the Comprehensive Plan would not increase the number of automobile trips the site would be allowed to produce beyond those that would result from developed currently permitted on the site.

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 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." (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 Beavercreek Road from Highway 213 to Maplelane Road, inclusive, and along Maplelane Road from Beavercreek 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.

Ken Kent, Land Use Review Coordinator for Clackamas County submitted comments regarding the transportation analysis (Exhibit 5). The applicant revised the original transportation analysis based upon the comments by Clackamas County. Mr. Relplinger's comments above are based on the revised analysis. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

> ***Nicita comment: The applicant and the staff report must demonstrate consistency with each goal and policy. The foregoing findings regarding Section 12 of the comprehensive plan are inadequate and are not supported by substantial evidence in the record.***

P.18
Goal 13 – *Energy Conservation*
Finding: Complies as Proposed. The proposed amendment will result in efficient land use pattern by increasing the amount of development which may occur onsite and the proximity of residences to employment and other amenities.
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. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Nicita Comment: The staff report does not including findings or evidence in the record of compliance with Statewide Planning Goal 13, or consistency with Section 13 of the comprehensive plan. It is not legally possible, if the statewide planning goals are criteria for a comprehensive plan amendment, and consistency with the goals and policies are criteria for a zone change, to ignore these criteria completely in analyzing such a land use application. This file needs to be denied and the applicant needs to resubmit its application with the appropriate information, and proper notice.

Statewide Planning Goal 13 states: "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." This provision can be satisfied through a variety of conditions of approval, for example, that lots be oriented to maximize solar exposure for solar roofs and passive solar heating, and that solar roofs be a mandated component of construction on the subject site.

There are no adequate findings based on substantial evidence in the record of consistency with the following applicable goals and policies:

Goal 13.1 Energy Sources
Conserve energy in all forms through efficient land-use patterns, public transportation, building siting and construction standards, and city programs, facilities, and activities.
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.
Policy 13.1.3
Enable development to use alternative energy sources such as solar through appropriate design standards and incentives.
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.

Goal 13.2 Energy Conservation
Plan public and private development to conserve energy.
[...]
Policy 13.2.5
Construct bikeways and sidewalks, and require connectivity of these facilities to reduce the use of petroleum-fueled transportation.

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.*
Finding: Not Applicable. The statewide planning goals are implemented through compliance with the Oregon City Comprehensive Plan which contains applicable goals and policies analyzed in 17.68.020.A.

Nicita comment: OCMC 17.68.020.D only applies to zone changes, not to comprehensive plan amendments.

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: Please refer to the analysis in Chapter 12.04.007.

CHAPTER 16.08 – SUBDIVISIONS PROCESS AND STANDARDS

CHAPTER 16.12 – MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS

CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES

CHAPTER 13.12 - STORMWATER CONVEYANCE, QUANTITY AND QUALITY

CHAPTER 17.49 – NATURAL RESOURCE OVERLAY DISTRICT

CHAPTER 17.44 – GEOLOGIC HAZARDS OVERLAY DISTRICT

Nicita Response: See the response to Comprehensive Plan Section 12 and OAR 660-012-0060, above.

P. 20:
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.*

Nicita Response: Again, this provision applies only to zone changes, and not comprehensive plan amendments. The staff report responses under this heading all assume that the City complies with statewide planning goals for a comprehensive plan amendment by making findings of consistency with the comprehensive plan.

This is legally incorrect, and even an absurdity. How can one can one use a comprehensive plan that is itself being amended as an approval standard?

The Court of Appeals in 1000 Friends of Oregon v. Jackson County, 79 Or App 93, supra, at 755, stated:

> ***"We held in Ludwick v. Yamhill County, 72 Or.App. 224, 696 P.2d 536, rev. den. 299 Or. 443, 702 P.2d 1112 (1985), that comprehensive plan amendments are reviewable for goal compliance under ORS 197.835 and that the holding in Byrd v. Stringer, 295 Or. 311, 666 P.2d 1332 (1983), that post-acknowledgment decisions are tested for compliance only with the acknowledged plan and regulations rather than the goals, has no application to post-acknowledgment plan amendments. We explained that "[t]he fact that a comprehensive plan has been***

> ***acknowledged obviously does not mean that amendments to the plan will also comply with the goals." 72 Or.App. at 231, 696 P.2d 563. In the event that our opinion in Ludwick left anything to the imagination, we now reiterate that all comprehensive plan amendments are reviewable under ORS 197.835(4) for compliance with the statewide goals."***

And at p. 756 stated:

> ***Indeed, for the reasons we have noted, it would make little sense for a plan amendment's consistency with the goals to be measured by its consistency with other provisions of the plan, see Ludwick v. Yamhill County, supra, 72 Or.App. at 231, 696 P.2d 536***

Finally, OCMC 17.50.60 states: "The applicant has the burden of demonstrating, with evidence, that all applicable approval criteria are, or can be, met."

Because the Applicant has not submitted substantial evidence of consistency with several of the Oregon City Comprehensive Plan goals and policies, or compliance with ANY of the statewide planning goals, the application is incomplete, and must be denied until such time as the applicant submits a complete application.

City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Staff Report

File Number: PC 15-241

Agenda Date: 12/16/2015

Status: Public Hearing

To: City Commission

Agenda #: 6a.

From: Community Development Director Tony Konkol

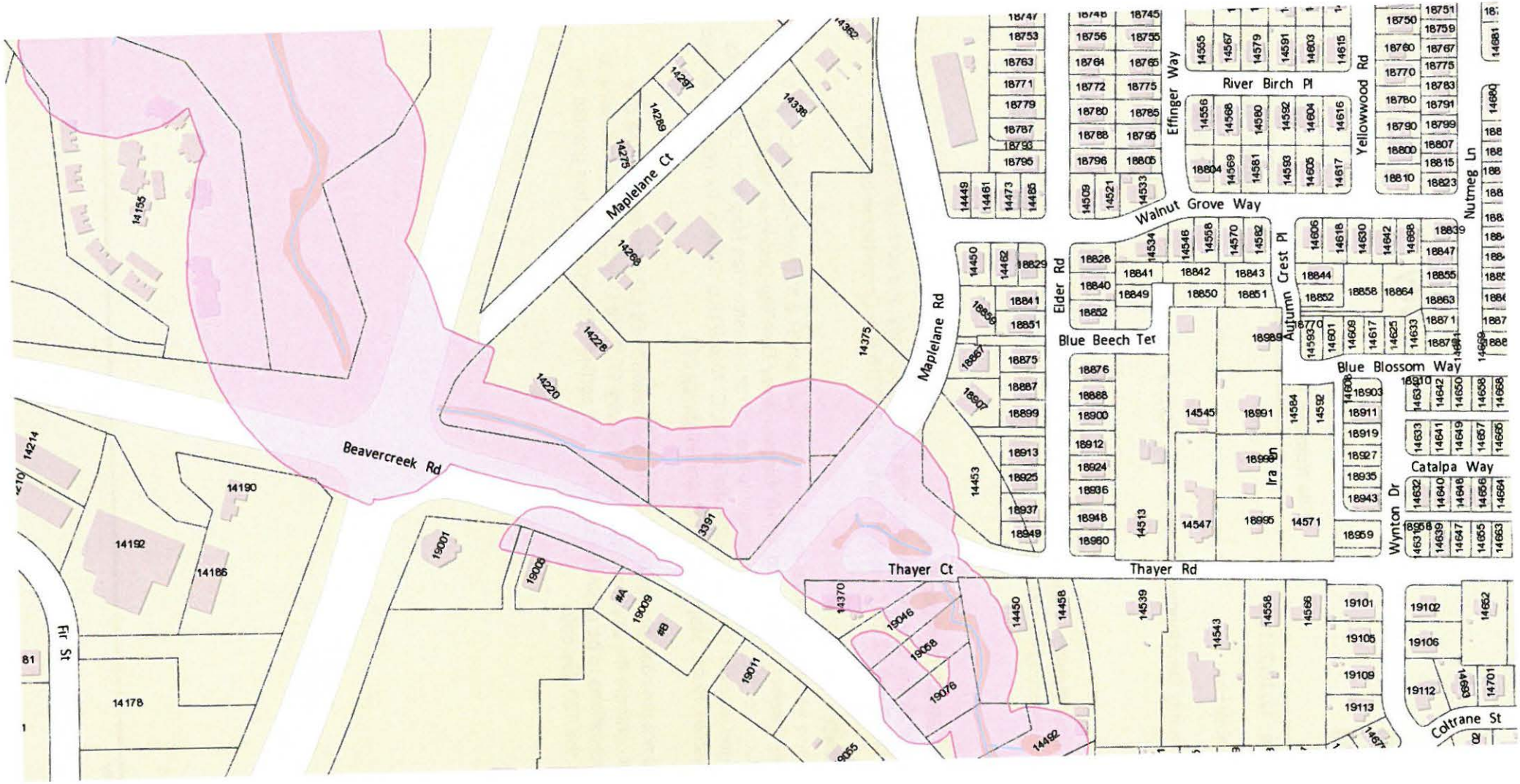
File Type: Land Use Item

SUBJECT:
Request for Continuance: Historic Properties, LLC Application at Maplelane Road and Highway 213: Planning files ZC 15-03: Zone Change and PZ 15-01: Comprehensive Plan Amendment

RECOMMENDED ACTION (Motion):
Staff recommends the City Commission take public testimony and continue the public hearing for files ZC 15-03 and PZ 15-01 to the February 17, 2016 City Commission hearing.

BACKGROUND:
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 Comprehensive Plan Map from Low Density Residential and Medium Density Residential to "MUC" Mixed Use Corridor for property located near Beavercreek Road, Maplelane Road and Highway 213.

City staff did not provided proper notice of the application to DLCD and requests the City Commission continue the applications to the February 17, 2016 City Commission hearing to allow the applications to be renoticed to all required parties. The applicant has granted an extension to the 120 day date.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Maplelane Rd
Beavercreek Rd
Thayer Ct
Thayer Rd
Effinger Way
River Birch Pl
Yellowwood Rd
Nutmeg Ln
Walnut Grove Way
Elder Rd
Blue Beech Ter
Autumn Crest Pl
Blue Blossom Way
Catalpa Way
Wynton Dr
Ira
Fir St
Coltrane St
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14547
14571
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Gmail by Google

James Nicita <james.nicita@gmail.com>

Goal 5 Inventory

1 message

James Nicita <james.nicita@gmail.com> Wed, Dec 2, 2015 at 4:14 PM
To: Laura Terway <lterway@orcity.org>

Hi Laura,

Hope you had a nice Thanksgiving holiday.

Hey, where can I review Oregon City's Goal 5 inventory? I can't to find any such thing on the City's website.

Thanks,

Jim Nicita

CLACKAMAS CMAP

Map Tools

Photo View **Off**

Scale = 1 : 1200

Property Information

Address Information

Hazard Information

Address Information

For owner information please contact Assessment & Taxation

14268 MAPLELANE CT, OREGON CITY OR. 97045

Street View

return to map | new search

Hazard Information

Flood	Likely not in a flood zone
Relative Earthquake Hazard	You may be at a lower risk
Relative Wild Fire Hazard	You may be at moderate risk.
Soils Information	45B - JORY SILTY CLAY LOAM, 2 TO 8 PERCENT SLOPES
Approximate Elevation	398.80

Survey & Plat Information

return to map | new search

Clackamas County's Surveyor Information System

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Contact CMap | Liability Statement

CLACKAMAS COUNTY CMAP

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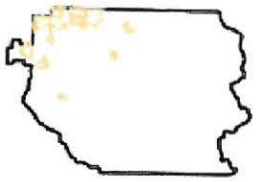

Scale = 1 : 1200

Property Information

Address Information

Hazard Information

Address Information

For owner information please contact Assessment & Taxation

14275 MAPLELANE CT, OREGON CITY OR. 97045

Street View

Hazard Information

return to map | new search

Flood	Likely not in a flood zone
Relative Earthquake Hazard	You may be at a lower risk
Relative Wild Fire Hazard	You may be at moderate risk.
Soils Information	45B - JORY SILTY CLAY LOAM, 2 TO 8 PERCENT SLOPES, 92F - XEROCHREPTS AND HAPLOXEROLLS, VERY STEEP

Approximate Elevation 389.17

Survey & Plat Information

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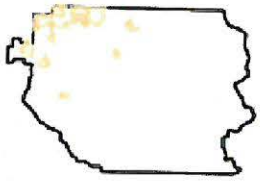

Scale = 1 : 1200

Property Information

Address Information

Hazard Information

Address Information

For owner information please contact Assessment & Taxation

14289 MAPLELANE CT, OREGON CITY OR. 97045

Street View

return to map | new search

Hazard Information

Flood	Likely not in a flood zone
Relative Earthquake Hazard	You may be at a lower risk
Relative Wild Fire Hazard	You may be at moderate risk.
Soils Information	45B - JORY SILTY CLAY LOAM, 2 TO 8 PERCENT SLOPES, 92F - XEROCHREPTS AND HAPLOXEROLLS, VERY STEEP

Approximate Elevation 393.00

Survey & Plat Information

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CLACKAMAS COUNTY CMAP

Map Tools

Photo View **Off**

Scale = 1 : 1200

Property Information

Address Information

Hazard Information

Address Information

For owner information please contact Assessment & Taxation

14268 MAPLELANE CT, OREGON CITY OR. 97045

Street View

Hazard Information

return to map | new search

Flood	Likely not in a flood zone
Relative Earthquake Hazard	You may be at a lower risk
Relative Wild Fire Hazard	You may be at moderate risk.
Soils Information	45B - JORY SILTY CLAY LOAM, 2 TO 8 PERCENT SLOPES
Approximate Elevation	398.80

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December 24, 2015

Michael C. Robinson
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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.)

ADDED INTO THE RECORD
DATE RECEIVED: 1/11/16
SUBMITTED BY: Staff
SUBJECT: ZC 15-03
PZ 15-01

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 posse 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-acknowledgment 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 property 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.