



City of Oregon City

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

Meeting Agenda - Final-revised Planning Commission

Monday, February 10, 2020

7:00 PM

Commission Chambers

1. Call to Order

2. Public Comments

3. Public Hearing

3a. GLUA-19-00053 (General Land Use Application) and SP-19-00141 (Minor Site Plan and Design Review)

Sponsors: Assistant Planner Diliانا Vassileva

Attachments: [Commission Report](#)

[Staff Report and Recommendation](#)

[Exhibit 1: Vicinity Map](#)

[Exhibit 2: Applicant's Narrative and Plans](#)

[Exhibit 3: Public Comments](#)

[Exhibit 4: Staff Report and Notice of Decision from Prior Review \(GLUA-19-00001/PARK-19-00001/SP-19-00007/MP-19-00001\)](#)

3b. GLUA-19-00035 (General Land Use Application), CU-19-00003 (Conditional Use) SP-20-00011 (Site Plan and Design Review), VAR-20-00001 through VAR-20-00003 (Variances) for a temporary construction staging area with a gravel driveway and ten construction trailers at 1321 Linn Avenue.

Sponsors: Planner Kelly Reid

Attachments: [Staff Report and Recommendation](#)

[Commission Report](#)

[Vicinity Map](#)

[Narrative and Code Responses](#)

[Site Plan](#)

[Example Photos](#)

[Traffic Study](#)

[Neighborhood Meeting documentation](#)

[Transportation review from John Replinger](#)

[Conditional use 92-16 staff report](#)

[Public Comment #1 - Mike Mitchell, PC Chair](#)

[Public Comment #2 - Joe Wheeler](#)

3c. LEG-19-00006: Natural Resources Overlay District Map Amendment - Addition of Canemah Wetland to the Natural Resources Overlay District.

Sponsors: Sr. Planner Pete Walter

Attachments: [Commission Report](#)

[Staff Report and Recommendation Revised 2.07.2020](#)

[1. Land Use Application Form](#)

[2. Detailed Project Description 9.19.2019](#)

[3. Project Description 6.11.2019 for Owners](#)

[4. DSL Map of Wetland WD2016-0272final](#)

[5. Preliminary site plan of proposed Canemah cottage development w/ location of wetland, October 2017](#)

[6. Public Notices](#)

[7a. Public Comment - Karen Blaha](#)

[7b. Public Comment - Dennis Anderson 2.3.2020](#)

[7c. Public Comment - Julie Opper](#)

[8. City Commission Meeting Minutes 12/5/18, 12/6/17, 5/9/17, 11/15/17](#)

[9. Canemah Neighborhood Association Meeting Minutes, November 17, 2016](#)

[10. Natural Resources Committee Meeting Agenda, January 9, 2019](#)

[11. Natural Resources Committee Meeting Draft Minutes, February 14, 2018](#)

[12. Video Clip Link to City Commission Work Session, May 9, 2017, Item 3c.](#)

[13. Wetland Delineation Report for 4th and Miller, Oregon City. EVREN Northwest, Inc. and Turnstone](#)

[14. Staff email correspondence with Department of State Lands, 02.03.2020](#)

3d. LEG 19-00003 - Beaver Creek Road Concept Plan- Code and Zoning Amendments- Planning Commission Recommendation and Discussion of Outstanding Item (Collector Street Width)

Sponsors: Sr. Planner Christina Robertson-Gardiner

Attachments: [Commission Report](#)

[Memo February 10, 2020 Hearing](#)

[Revised Beaver Creek Code for February 10, 2020 PC Hearing](#)

[List of Recommended Changes to Ancillary Documents the Comprehensive Plan](#)

[Proposed Oregon City Comprehensive Plan Map](#)

[Proposed Oregon City Zoning Map](#)

[Planning Commission Public Comment Matrix -Revised February 3, 2020](#)

[Beaver Creek Road Concept Plan Adopted 2008 \(readopted 2016\)](#)

[Vicinity Map](#)

[Applicant's Submittal](#)

[June 7, 2019 Draft Zoning Code Amendments](#)

[June 7, 2019 Revised Draft Zoning Map \(with and without major streets\)](#)

[June 7, 2019 Zoning Code Memo](#)

[June 7, 2019 Zoning Map Memo](#)

[Economic/Jobs Analysis Memo](#)

[Infrastructure Memo](#)

[Transportation Memo](#)

[Public Comment Tracker January 2019-June 2019](#)

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 20-021

Agenda Date: 2/10/2020

Status: Agenda Ready

To: Planning Commission

Agenda #: 3a.

From: Assistant Planner Diliana Vassileva

File Type: Planning Item

SUBJECT:

GLUA-19-00053 (General Land Use Application) and SP-19-00141 (Minor Site Plan and Design Review)

RECOMMENDED ACTION (Motion):

Approval of GLUA-19-00053/SP-19-00141

BACKGROUND:

On April 8, 2019, the Planning Commission conditionally approved Planning Files GLUA-19-00001/PARK-19-00001/SP-19-00007/MP-19-00001, which were for a two-lot minor partition of the property at 202 Molalla Avenue, a proposed 10-stall parking lot, and a Planning Commission parking adjustment to allow for the additional parking spaces. The approval included a condition of approval requiring the applicant to underground all utilities along the frontage of the property at 202 Molalla Avenue. After coordination with PGE, it was determined by PGE that the utilities in question cannot be undergrounded and thus the condition cannot be met. The applicant is requesting to modify the original application and remove the condition of approval, which would allow the existing overhead utility lines to remain at the existing single-family residence at 202 Molalla Avenue.

Oregon City Municipal Code 17.04.710 defines a major modification as any change that renders the prior development in noncompliance with any of the conditions of approval or approval criteria. Major modifications are required to be reviewed through the same application process as the original review. The original application included a Planning Commission Parking Adjustment which is subject to a Type III process, therefore, the modification is also required to be reviewed through a Type III process.

BUDGET IMPACT:

Amount: N/A

FY(s):

Funding Source:

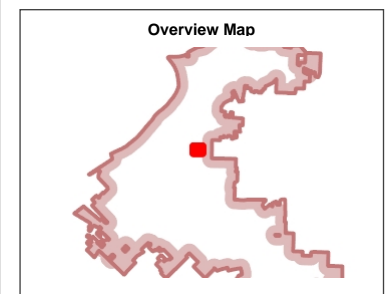
GLUA-19-00053/SP-19-00141 Vicinity Map



Legend

- Street Names
- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes



0 100 200 Feet

1: 1,200



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.

Map created 2/3/2020

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





LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification
- ☐ Site Plan and Design Review
- ☐ Extension of Approval

Type II (OCMC 17.50.030.B)

- ☐ 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

X Modification to Condition #15 on approved land use case file GLUA 19-00001

File Number(s):

Request removal (e.g. modification) of Condition 15 from previous land use approval for minor Proposed Land Use or Activity: partition and Site Plan/Design Review (GLUA 19-00001/SP-19-00007/Park-19-00001)

Removal of condition 15 will allow existing overhead power lines to remain at the existing single family residence.

Project Name: 202/221 Molalla Condition #15 Modification Number of Lots Proposed (If Applicable): 2 lots approved
Partition approved at 202 Molalla Ave. Accessory parking lot developed for use by 221 Molalla Ave.
Physical Address of Site: office building on the newly partitioned lot.

Clackamas County Map and Tax Lot Number(s): Tax Map Reference: 22E32CB. 202 Molalla - APN: 2-2E-32CB-07300
221 Molalla - APN: 2-2E-32CB-07800, 2-2E-32CB-08300, 2-2E-32CB-08400 & 2-2E-32CB-08500

Applicant(s):

Applicant(s) Signature: Bruce S Sohr agent Norris & Stevens, Inc.

Applicant(s) Name Printed: Bruce Sohr, Norris & Stevens, Inc. Date: 12-24-19

Mailing Address: 900 SW 5th Ave, 17th Floor, Portland, OR 97204

Phone: 503-225-8477

Fax:

Email: bruces@norris-stevens.com

Property Owner(s):

Property Owner(s) Signature: Derek L Harrison

Property Owner(s) Name Printed: Derek L. Harrison (221 Molalla Ave) Date: 12-24-19

Mailing Address: OC Properties, 33855 Van Duyn Rd., Eugene, OR 97408

Phone: _____ Fax: _____ Email: _____

Representative(s):

Representative(s) Signature: Parish Burns

Representative (s) Name Printed: Parish Burns, Planner, HHPR Date: 12-26-19

Mailing Address: 205 SE Spokane St., #200, Portland, OR 97202

Phone: 503-221-1131 Fax: _____ Email: parishb@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.



LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

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Removal of condition 15 will allow existing overhead power lines to remain at the existing single family residence.

Project Name: 202/221 Molalla Condition #15 Modification Number of Lots Proposed (if Applicable): 2 lots approved
 Partition approved at 202 Molalla Ave. Accessory parking lot developed for use by 221 Molalla Ave.
 Physical Address of Site: office building on the newly partitioned lot

Clackamas County Map and Tax Lot Number(s): Tax Map Reference: 22E32CB. 202 Molalla - APN: 2-2E-32CB-07300
 221 Molalla - APN: 2-2E-32CB-07800, 2-2E-32CB-08300, 2-2E-32CB-08400 & 2-2E-32CB-08500

Applicant(s):

Applicant(s) Signature: Bruce Sohr agent Norris & Stevens, Inc

Applicant(s) Name Printed: Bruce Sohr, Norris & Stevens Date: 12-23-19

Mailing Address: 900 SW 5th Ave, 17th Floor, Portland, OR 97204

Phone: 503-225-8477 Fax: _____ Email: bruces@norris-stevens.com

Property Owner(s):

Property Owner(s) Signature: [Signature]

Property Owner(s) Name Printed: John Parman (202 Molalla Ave) Date: 12-21-19

Mailing Address: 16933 S. Bradley Rd., Oregon City, OR 97046

Phone: 503-807-5702 Fax: _____ Email: SPC@NORRIS-STEVENS.COM

Representative(s):

Representative(s) Signature: Parish Burns

Representative (s) Name Printed: Parish Burns, Planner, HHPR Date: 12-26-19

Mailing Address: 205 SE Spokane St., #200, Portland, OR 97202

Phone: 503-221-1131 Fax: _____ Email: parishb@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.

**Harper
Houf Peterson
Righellis Inc.**

202 & 221 Molalla Ave.

Project #MCP-09

**Site Plan & Design Review With Modification to
Utility Undergrounding Standard 16.12.096.G**

December 2019

Prepared For:

Bruce Soihl
OC Propertites, LLC
Agent: Norris & Stevens, Inc.
900 SW 5th Avenue, 17th Floor
Portland, OR 97204

Prepared By:

Harper Houf Peterson Righellis Inc.
205 SE Spokane St., Suite 200
Portland, OR 97202
P: 503-221-1131 F: 503-221-1171

Parish Burns, Planner

Submitted To :

City of Oregon City
Planning Division
698 Warner Parrott Road
Oregon City, OR 97045



ENGINEERS ♦ PLANNERS
LANDSCAPE ARCHITECTS ♦ SURVEYORS

**TYPE II – SITE PLAN AND DESIGN REVIEW WITH MODIFICATION
TO UTILITY UNDERGROUNDING STANDARD 16.12.096.G**

Applicant's Submittal: *December 26, 2019*

Owners: 202 Molalla Ave

John Parman
John Parman Construction, Inc.
16933 S. Bradley Rd.
Oregon City, OR 97045

221 Molalla Ave

Derek L. Harrison
OC Properties, LLC
33855 Van Duyn Rd.
Eugene, OR 97408

Applicant:

Bruce Sohr
OC Properties, LLC
Agent: Norris & Stevens, Inc.
900 SW 5th Avenue, 17th Floor
Portland, OR 97204
503-225-8477
BruceS@Norris-Stevens.com

Owner's Representative:

Parish Burns, Planner
Harper Houf Peterson Righellis, Inc.
205 SE Spokane Street, Ste 200
Portland, OR 97202
ParishB@hhpr.com
(503) 221-1131

Application Request:

A request to modify the utility undergrounding requirements of OCMC 16.12.095.G that were applied as condition of approval #15 in previously approved case file GLUA 19-00001/SP 19-00007. PGE will not authorize the relocation of existing overhead utility lines serving the existing house. Approval of a modification to this standard is required to relieve the previously approved development (e.g. partition and surface parking lot) from the infeasibility of the condition.

Site Location:

202 & 221 Molalla Avenue, Oregon City, OR 97045

Parcel Number:

APN: 2-2E-32CB-07300 (e.g. 202 Molalla Ave.)
APN: 2-2E-32CB-07800, 2-2E-32CB-08300, 2-2E-32CB-08400 & 2-2E-32CB-08500 (e.g. 221 Molalla Ave.)

Tax Map Reference: 22E32CB
Township 2S, Range 2E, Section 32

Zoning Designation:

MUC-1

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PLAN SHEET

C3.0 Civil Site Plan

APPENDIX ITEMS

- A. GLUA 19-00001/SP 19-00007 Land Use Decision, April 9, 2019
- B. PGE Correspondence

I. DESCRIPTION OF PROPOSAL

BACKGROUND

On April 8, 2019, the project site received approval to partition the lot located at 202 Molalla Avenue into two parcels. The proposal called for the existing single-family residence to remain on Parcel 2 and the construction of a new 10 stall surface parking lot on Parcel 1, for the use of the office building tenants at 221 Molalla Avenue. The review process included a Type II Minor Site Plan and Design Review (SP-19-00007), a Minor Partition Review (MP-19-00001), and Parking Adjustment (PARK-19-00001). The project was subject to Planning Commission review because the application requested an Adjustment to increase the maximum off-street parking allowance from 101 to 107 stalls. Without the Adjustment, the applications for a minor partition and site plan/design review are otherwise classified as Type II reviews. The Planning Commission voted 6-0 to approve the project with conditions.

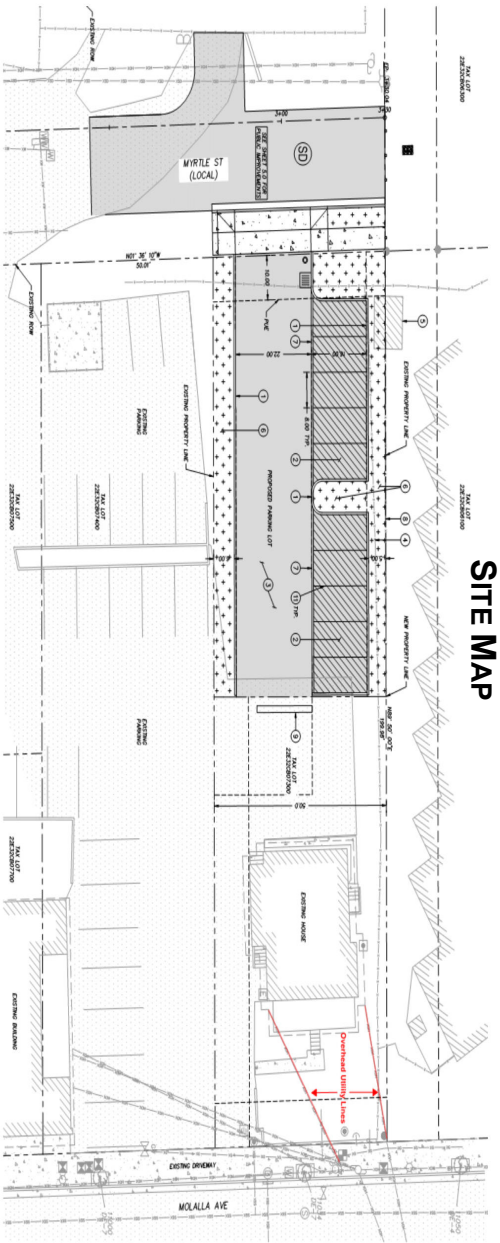
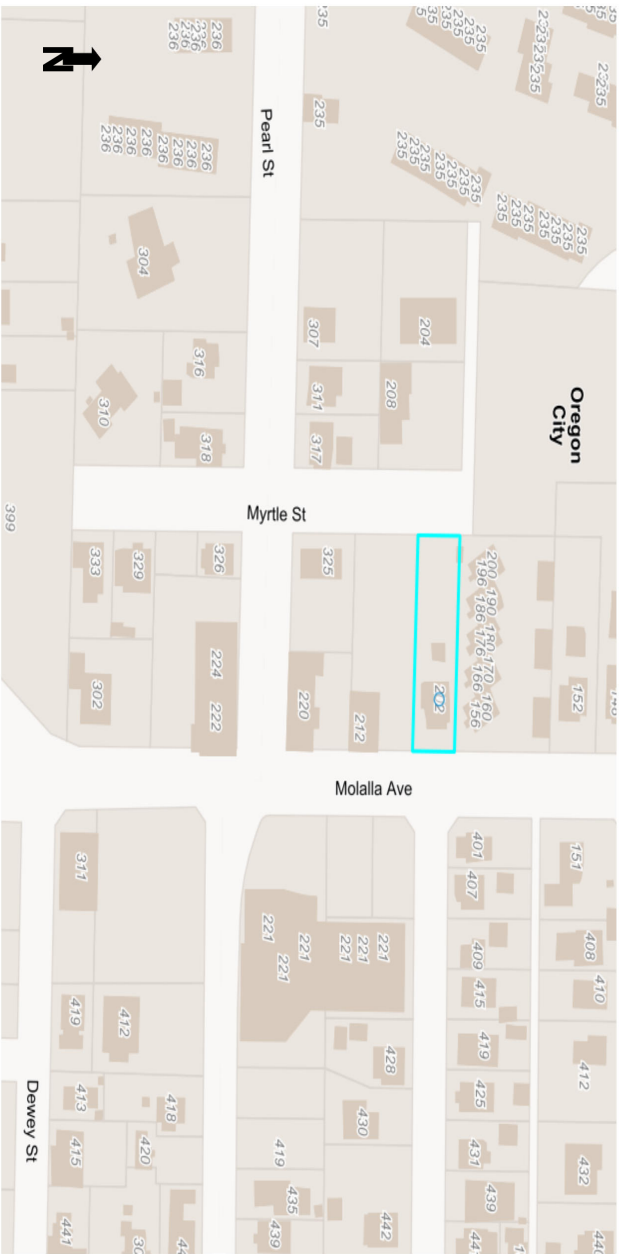
In Condition #15 of the decision, Development Services required the following action: *“the existing overhead utility line(s) serving the existing dwelling shall be underground as it does not impact or require involvement from adjacent properties.”* During the construction phase, coordination with PGE revealed that the agency would not authorize the undergrounding of these utility lines. Subsequently, the property owner cannot satisfy Condition #15 imposed by the land use decision. This application requests a Modification to the requirement to underground existing utility lines, per Condition #15 of the previous land use decision and the standard of 16.12.096.G. The previous land use decision is provided as Appendix A.

SITE CONTEXT

The project site was originally a 10,000 square foot (e.g. 0.23 acres) through lot bound by Molalla Avenue on the east and an unimproved portion of Myrtle Street on the west. The minor partition approved in April 2019 partitions the lot in the center, creating two lots. The final plat is pending recordation, once City signature is received. Vehicle access for the existing house is taken from an existing driveway shared by a commercial business along Molalla Avenue. The 10-stall parking lot is constructed and in the final stage of permit inspection. Access to the parking lot is taken from Myrtle Street. This development is shown on Civil Site Plan Sheet C3.0.

The zoning designation for this site is Mixed-Use Corridor District 1 (MUC-1). The Mixed-Use Corridor District (MUC) applies along sections of transportation corridors, such as Molalla Avenue. The MUC-1 designation provides for moderate-density residential uses and encourages office, and small-scale retail uses.

The abutting private properties to the north and south are assigned the same zoning designation. A multifamily development is present on the property to the north. The commercial building on the abutting property to the south contains the retail use Lancheria Mitzil Mexican Eatery. Properties across the street, on the east side of Molalla are also zoned MUC-1, while the properties on the other side of Myrtle Street, to the west, have an R-2 multifamily residential zoning designation.



II. RESPONSES TO APPLICABLE OREGON CITY CRITERIA & CODE STANDARDS

CHAPTER 16.12: MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT

16.12.010 - 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 plans 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 shall 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 shall 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.

Applicant Response: The applicant acknowledges this standard. Street frontage improvements were installed along Myrtle Street, in conformance with the land use decision and City Engineering standards. Street paving was extended across the front of the property, along with a sidewalk, curb, and driveway apron. Utility service was not required for the parking lot. The existing residence on Parcel 2 is already provided with utility services. No changes were proposed for the residence under the initial application (GLUA 19-00001/SP 19-00007). Development Services applied a condition of approval to relocate the existing overhead utility lines serving the house underground. The utility provider, PGE, will not authorize relocation of these lines. Nathan Gravelle, Project Manager at PGE, confirmed that the agency “will not let a customer go from overhead secondary from across the street to a service pole and then underground when the Primary source (transformer) is not on the pole. Email correspondence of this determination is provided as Appendix B.

Subsequently, this land use application is filed for a Modification to the standard of 16.12.096.G, requesting an amendment to the requirement imposed by Condition 15 in the April 2015 land use decision to underground existing utility lines. It is not possible for the property owner to satisfy the requirement without the authorization of the utility agency, PGE.

202 & 221 Molalla Avenue – Site Plan & Design Review With Modification

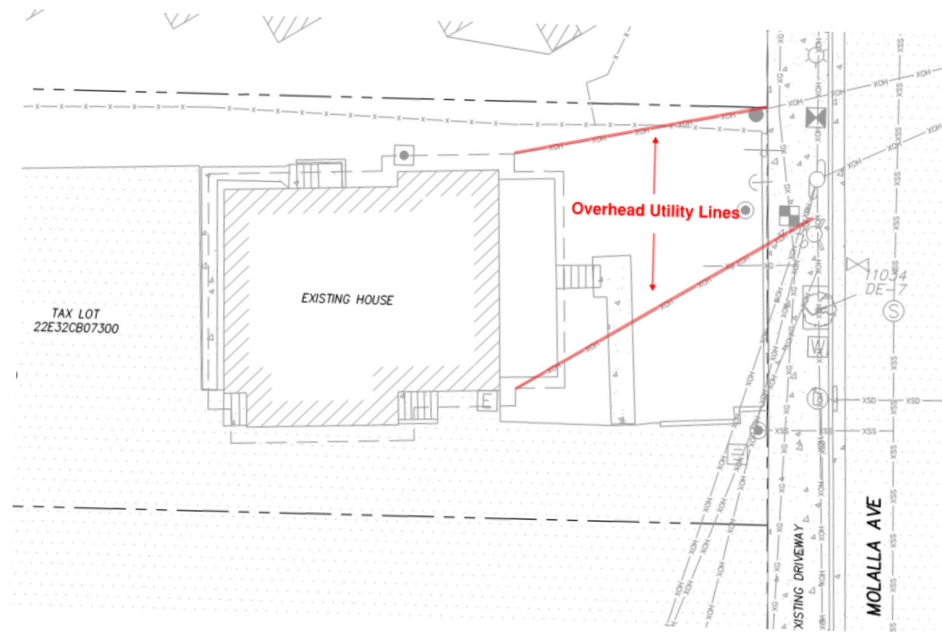


Figure 1: Overhead Utility Lines, 202 Molalla Residence

Source: Google Street View

16.12.011 - Applicability

A. Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements. Minor Site Plan and Design Review applications shall not be subject to this chapter unless improvements are proposed within the right-of-way.

B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage of all single and two-family dwellings living space. Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. Accessory dwelling units are not subject to compliance with this chapter. All applicable single and two -family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations. In addition, the street frontage shall be improved to include the following priorities for improvements:

- 1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and*
- 2. Plant street trees.*

The cost of compliance with the standards identified in 16.12.011.B.1 and 16.12.011.B.2 is calculated based on the square footage valuation from the State of Oregon Building Codes Division and limited to ten percent of the total construction costs. The value of the alterations and improvements is based on the total construction costs for a complete project rather than costs of various project component parts subject to individual building permits. The entire proposed construction project cost includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with drafting or recording dedications or easements.

Applicant Response: New improvements are not proposed under this land use application, the purpose of the land use review is to remove the preconditioned requirement to underground utility lines serving the existing house on Parcel 2. The value of construction improvements approved under land use review GLUA 19-00001/SP 19-00007 were addressed under the previous application and are not relevant under this review.

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 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 of Oregon 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.

17.50.030 - Summary of the City's decision-making processes.
The following decision-making processes chart shall control the City's review of the indicated permits:

Table 17.50.030: PERMIT APPROVAL PROCESS

PERMIT TYPE	I	II	III	IV	Expedited Land Division
Annexation				X	
Compatibility Review for Communication Facilities	X				
Compatibility Review for the Willamette River Greenway Overlay District			X		
Code Interpretation			X		
Master Plan/Planned Unit Development - General Development Plan			X		
Master Plan/Planned Unit Development - General Development Plan Amendment	X	X	X		
Conditional Use			X		
Detailed Development Plan ¹	X	X	X		
Extension	X				
Final Plat	X				
Geologic Hazards		X			
Historic Review	X		X		
Lot Line Adjustment and Abandonment	X				
Manufactured Home Park Review (New or Modification)		X			
Placement of a Single Manufactured Home on Existing Space or Lot within a Park	X				
Minor Partition		X			
Nonconforming Use, Structure and Lots Review	X	X			
Plan or Code Amendment				X	
Revocation				X	
Site Plan and Design Review	X	X			
Subdivision		X			X
Variance		X	X		
Zone Change				X	
Natural Resource Overlay District Exemption	X				
Natural Resource Overlay District Review		X	X		
Live/Work Dwelling Review		X			
Cluster Housing Development Review		X			

Residential Design Standards Review for Single Family Attached, Single Family Detached, Duplexes, 3-4 Plexes, Internal Conversions and Accessory Dwelling Units	X				
Modification of Residential Design Standards		X			

1 If any provision or element of the Master Plan/Planned Unit Development requires a deferred Type III procedure, the Detailed Development Plan shall be processed through a Type III procedure.

A. Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use, decision. The decision-making process requires no notice to any party other than the applicant. The Community Development Director's decision is final and not appealable by any party through the normal City land use process.

B. Type II decisions involve the exercise of limited interpretation and discretion in evaluating approval criteria, similar to the limited land use decision-making process under state law. Applications evaluated through this process are assumed to be allowable in the underlying zone, and the inquiry typically focuses on what form the use will take or how it will look. Notice of application and an invitation to comment is mailed to the applicant, recognized active neighborhood association(s) and property owners within three hundred feet. The Community Development Director accepts comments for a minimum of fourteen days and renders a decision. The Community Development Director's decision is appealable to the City Commission, by any party who submitted comments in writing before the expiration of the comment period. Review by the City Commission shall be on the record pursuant to OCMC 17.50.190 under ORS ORS 197.195(5). The City Commission decision is the City's final decision and is subject to review by the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

C. 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. 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 or the Historic Review Board hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission or the Historic Review Board, all issues are addressed. The decision of the Planning Commission or Historic Review Board is appealable to the City Commission, on the record pursuant to OCMC 17.50.190. The City Commission decision on appeal from is the City's final decision and is subject to review by LUBA within twenty-one days of when it becomes final, unless otherwise provided by state law.

Applicant Response: Subsection 17.04.710 requires a Major Modification review for “any change that renders the prior approved permit incompatible with surrounding lands or development in noncompliance with any of the conditions of approval or approval criteria.” The provisions require the application to return through the Site Plan and Design Review process that originally established the condition in order to change a condition with a Major

Modification request. Submission of this application packet complies with the required channel of review.

17.50.050 – Pre-application conference

A. Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application 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.

To schedule a pre-application 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 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 pre-application conference.

B. A pre-application 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 shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.

C. Notwithstanding any representations by City staff at a pre-application 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.

Applicant Response: The Planning Director waived the requirement for a pre-application conference on this application. This determination was conveyed by Assistant Planner Diliانا Vassileva.

17.50.055 - Neighborhood association meeting

Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year

prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.

C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.

D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.

E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.

Applicant Response: A neighborhood meeting is not required for the modification to this application. The Barclay Hills Neighborhood Association was informed about the partition and parking lot improvements during their regularly scheduled meeting last year on November 13, 2018. No changes to the site improvements presented last year and approved in April 2019 are proposed under this application. The Modification requested to amend the requirement for utility undergrounding does not change the scope of work originally proposed and neighborhood meetings are not required for a Minor Site Plan and Design Review.

CHAPTER 17.62: SITE PLAN AND DESIGN REVIEW

17.62.010 - Purpose

The purposes of site plan and design review are to: encourage site planning in advance of construction; protect lives and property from potential adverse impacts of development; consider natural or man-made hazards which may impose limitations on development; conserve the city's natural beauty and visual character and minimize adverse impacts of development on the natural environment as much as is reasonably practicable; assure that development is supported with necessary public facilities and services; ensure that structures and other improvements are properly related to their sites and to surrounding sites and structure; and implement the city's comprehensive plan and land use regulations with respect to development standards and policies.

17.62.015 - Modifications that will better meet design review requirements

The review body shall consider modification of certain site related development standards of this Chapter specified below. These modifications may be approved as part of a Type II design review process.

A. Applicability.

1. *This process shall apply to modifications to:*
 - a. *Landscaping in OCMC 17.62.050.A;*
 - b. *Vehicular Connections to Adjoining Properties in OCMC 17.62.050.B.2;*
 - c. *On-site pedestrian circulation in OCMC 17.62.050.C;*
 - d. *Utility Undergrounding Requirements in OCMC 16.12.095.G;*
 - e. *Building location in OCMC 17.62.055.D;*
 - f. *Building Details in OCMC 17.62.050.B.9.055.I;*
 - g. *Windows in OCMC 17.62.050.B.10.055.*
 - h. *Parking Lot Landscaping in OCMC 17.52.060.*

Applicant Response: The applicant requests a modification to the utility undergrounding requirements of OCMC 16.12.095.G.

G. Other Utilities. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. Existing and new electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

As previously discussed, PGE will not authorize the undergrounding of these lines. A Modification is requested to address the conflict for satisfying the requirements of Condition #15 in GLUA 19-00001/SP 19-00007.

2. *Modifications that are denied through Type II design review may be requested as a variance through the Variance process pursuant to OCMC 17.60.020 or Master Plan Adjustment pursuant to OCMC 17.65.070 as applicable.*

Applicant Response: The applicant acknowledges this provision.

3. *Rather than a modification, applicants may choose to apply for a Variance through the Variance process pursuant to OCMC 17.60.020 or Master Plan Adjustment pursuant to OCMC 17.65.070 as applicable.*

Applicant Response: The applicant acknowledges this provision.

B. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

1. *The modification will result in a development that better meets the applicable design guidelines; and*

Applicant Response: Although no new utility connections were proposed under GLUA 19-00001/SP 19-00007, Development Services imposed Condition #15, requiring the undergrounding of existing utility lines serving the existing residence on the property. The property owner made a good faith effort satisfy the condition to underground utility lines

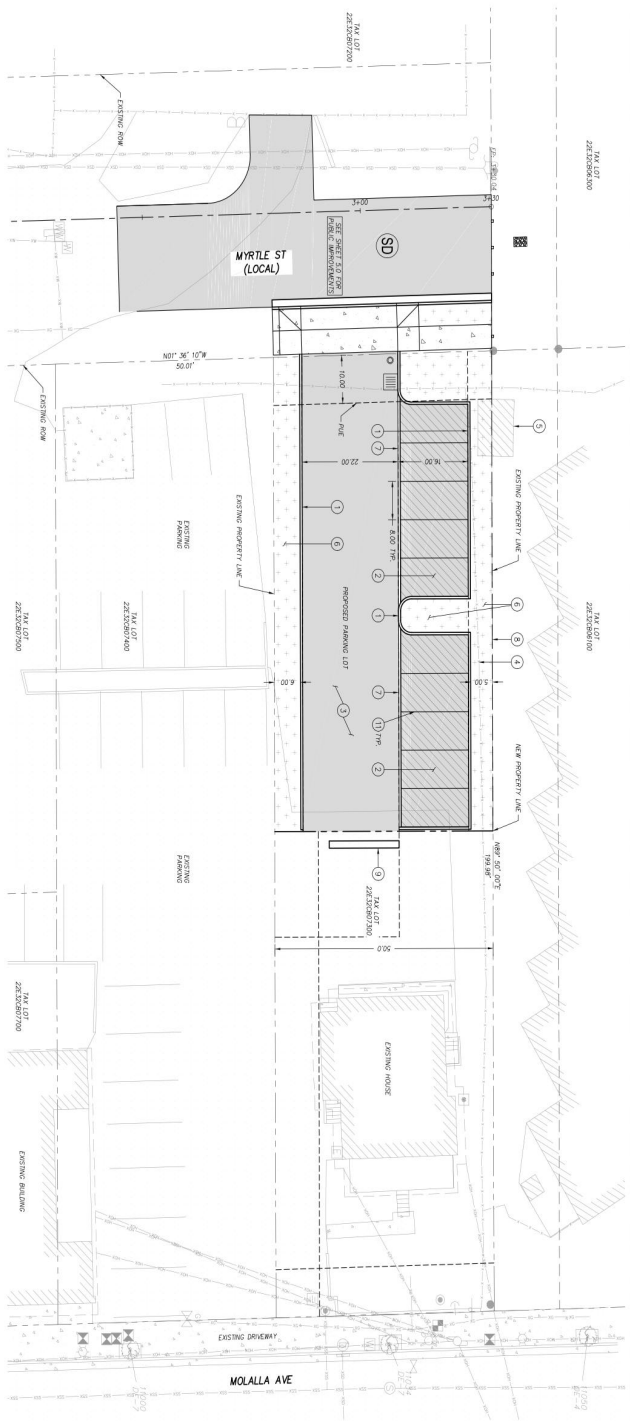
serving the existing house, even though no changes or improvements were proposed to the existing residence and the new parking lot improvements did not require utility connections.

During coordination with PGE, the agency determined that relocation of overhead lines cannot be authorized, given the location of the transformer is not on the pole in front of the house. Compliance with the City's request would require changes to the utility system that extends across the street, does not garner support from PGE, and is not roughly proportional to the impact of the proposed development.

Because the City conditioned a utility requirement that is not compatible with the restrictions of the utility company a modification to the City's requirement to underground the service lines is necessary.

2. The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Applicant Response: The Site Plan and Design Review process serves several purposes outlined in 17.62.010. The most applicable purpose related to utility undergrounding is to assure that development is supported with necessary public facilities and services. The project site is already served by public facilities and services, including electrical power by means of long-standing overhead power lines. Overhead power lines are common place along this stretch of Molalla Avenue. Allowing the power lines to remain, adequately serving the residence with electricity, as they have for decades, is consistent with the purpose of supporting development with necessary public facilities.



CONSTRUCTION NOTES:

1. CONSTRUCT STANDARD CURB SEE DETAIL ON SHEET 6.1.
2. CONSTRUCT PARALLEL AC SECTION. SEE SECTION DETAIL, SHEET 6.1.
3. CONSTRUCT AC PAVING LOT SECTION. SEE SECTION DETAIL, SHEET 6.1.
4. REMOVE EXISTING FENCE.
5. REMOVE EXISTING SIGN.
6. CONSTRUCT LANDSCAPING. SEE LANDSCAPE PLANS SHEET 6.1.
7. CONSTRUCT CONCRETE DRIVE. SEE DETAIL ON SHEET 6.1.
8. CONSTRUCT CONCRETE DRIVE. SEE DETAIL ON SHEET 6.1.
9. METAL REMOVE EXISTING CONCRETE DRIVE TO PARALLEL DRIVEWAY OF VEHICLES.
10. METAL. 4" WHITE PAVING STRIPS.

PLAN VIEW

EXISTING		PROPOSED	
PARKINGS	IMPROVINGS	PARKINGS	IMPROVINGS
6,448 SF	900 SF	2,808 SF	4,630 SF
7,348 SF TOTAL AREA		7,438 SF TOTAL AREA	



REVISIONS	
NO.	DESCRIPTION

PR - 117-2019
202 MOLALLA AVE - PARKING ADDITION
SITE PLAN

Harper
Houf Peterson
Righellis Inc.

REGISTERED PROFESSIONAL ENGINEERS
300 NE Jackson Street, Suite 200, Portland, OR 97232
Phone: (503) 222-1188 www.hprinc.com Fax: (503) 222-1171

Drawn by: JSH Checked by: HPR

Appendix A:
GLUA 19-00001/SP 19-00007 Land Use Decision



STAFF REPORT AND NOTICE OF DECISION

April 9, 2019

FILE NUMBER: GLUA-19-00001 (General Land Use Application), PARK-19-00001 (Parking Adjustment) SP-19-00007 (Site Plan and Design Review), MP-19-00001 (Minor Partition)

APPLICANT: Bruce Soihir, Norris & Stevens
900 SW 5th Ave, Suite 1700
Portland, OR 97204

Submitted: January 22, 2019

Complete: March 1, 2019

NOD: April 9, 2019

OWNER: John Parman
16933 S Bradley Rd
Oregon City, OR 97045

Derek Harrison, OC Properties LLC
33855 Van Duyn Rd
Eugene, OR 97408

REPRESENTATIVE: Parish Burns, HHPR
205 SE Spokane St. Suite 200
Portland, OR 97202

REQUEST: The applicant requests a Parking Adjustment to exceed the maximum number of parking spaces allowed, along with a minor partition of the property at 202 Molalla Avenue and development of a 10-space parking lot on the undeveloped portion of 202 Molalla to serve the existing building at 221 Molalla Avenue.

LOCATION: 202 Molalla Avenue and 221 Molalla Avenue, Oregon City, Oregon 97045
Clackamas County Map 2-2E-32CB Taxlot 07800 and 07300

DECISION: On April 8, 2019, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opposing and interested parties, the Planning Commission voted 6-0 to approve with conditions the aforementioned application.

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. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. 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 is final unless appealed and description of the requirements for perfecting an appeal. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed.

Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 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 the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

**Conditions of Approval
Planning File GLUA 19-00001**

(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.

(B) = Verify that condition of approval has been met with the Building Division.

(F) = Verify that condition of approval has been met with Clackamas Fire Department.

The applicant shall meet the following condition(s) at all times:

1. The applicant is responsible for the project's compliance 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. (DS)
2. The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies. (DS)
3. All pavement cut and restoration shall be performed in accordance with the City of Oregon City Pavement Cut Standards. (DS)
4. The applicant may only add parking spaces above 101 spaces if the adjustment is approved by the Planning Commission. (P)

The applicant shall meet the following condition(s) prior to issuance of construction permits:

5. The applicant shall schedule a pre-design meeting with Public Works Development Services staff prior to initial submittal of Civil Engineering plans. (DS)
6. The applicant shall provide civil engineering plans stamped and signed by a professional engineer in the State of Oregon for review and approval by Oregon City Public Works. (DS)
7. The development's contractor(s) and engineer(s) shall attend a pre-construction meeting with Oregon City staff prior to beginning construction work associated with the project. (DS)
8. The applicant shall provide an engineered drainage plan, signed by a professional engineer in the State of Oregon, for review and approval to fully address all applicable Stormwater and

Grading Design Standards. The applicant's engineer shall submit a completed Site Assessment and Planning Checklist, found in Appendix B of the Stormwater and Grading Design Standards.(DS)

9. The applicant shall obtain an Erosion control permit prior to commencement of any construction activities. (DS)
10. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan prior to issuance of an erosion control permit. (DS)
11. The applicant shall submit a performance guarantee which is equal to one hundred twenty percent of the estimated cost of constructing the public improvements shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until all improvements have been constructed and are accepted by the city. (DS)

The applicant shall meet the following condition(s) prior to final plat of the minor partition:

12. The applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the property and assessing the cost to benefited properties pursuant to the city's capital improvement regulations in effect at the time of such improvement. The applicant shall pay all fees associated with processing and recording the Non-Remonstrance Agreement. (DS)
13. The frontage along Myrtle Street, on the development's side of the centerline, shall be improved to have a 0.5-foot-curb, 5-foot-wide planter strip, 5-foot-wide curb sidewalk and a 0.5-foot-wide buffer strip. Roadway pavement within Myrtle Street, to and through the development property frontage, shall be no less than 20-feet wide (1-foot of pavement west of the centerline of Myrtle Street and 19 feet of pavement east of the centerline of Myrtle Street). (DS)
14. The development shall replace the existing 6-inch stormwater main within Myrtle Street, along the development property's frontage and to the outfall to the north with a 12-inch stormwater main. The outfall of the pipe shall have rip-rap as required by the Public Works Stormwater and Grading Design Standards. (DS)
15. The existing overhead utility line(s) serving the existing dwelling shall be underground as it does not impact or require involvement from adjacent properties. (DS)
16. The applicant shall provide a 10-foot-wide public utility easement along all property lines fronting existing or proposed right-of-way. (DS)
17. The applicant shall provide a private utility easement to ensure the western lot created by the development may extend a sewer lateral to the existing sewer main within Molalla Avenue or provide evidence that the new lot can have gravity fed sewer service to the extension of a sewer main within Myrtle Street. (DS)

18. The applicant shall provide a Private Stormwater Maintenance Covenant and Access Easement and an Operations and Maintenance Plan for the proposed pervious pavement to be recorded by the City and pay associated processing fees. (DS)
19. The applicant shall provide a Maintenance Bond in the amount of fifteen percent of the Final Cost Estimate of all public improvements constructed shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect for two years from the establishment of the guarantee and until accepted by the City. (DS)
20. As-built construction plans and digital copies of as-built drawings shall be filed with the city engineer within 90 days of completion of the improvements. (DS)
21. The applicant shall install a barrier to prevent vehicles from entering or exiting the parking lot through Parcel 2. The barrier shall leave enough space for pedestrian access between the two properties. The barrier shall be removed at the time of future vehicular access easement requirements triggered by future redevelopment of Parcel 2. (P)
22. Parcels 1 and 2 shall provide access easements as follows (see Exhibit 5 for supporting drawing):
 - A temporary pedestrian access easement shall be provided on Parcel 2 for the benefit of Parcel 1, to allow pedestrians legal access to walk from the parking lot, through Parcel 2, to Molalla Avenue. This is the most direct route for people parking in the proposed lot to reach the building at 221 Molalla Avenue. This temporary easement will be replaced or removed at the time of future development of Parcel 2. It shall remain in place until future development, as approved by the City, occurs. A separate condition of approval is recommended to require a vehicular barrier which allows for pedestrian access between the two parcels.
 - Vehicular reciprocal access easements shall be granted between Parcels 1 and 2. The easements shall allow for two-way traffic between the two properties. A separate condition of approval is recommended to require a temporary vehicular barrier which allows for pedestrian access between the two parcels. The barrier would be removed when future development of Parcel 2 occurs. If the development on Parcel 2 provides for an alternative arrangement that provides adequate pedestrian and vehicular access, the Community Development Director may determine that the easement may be amended or voided. The easement documents shall contain language to clarify that the easements can be revised in the event of future development patterns that are not compatible with the easement locations.
 - Pedestrian and vehicular access easements for the purpose of connecting parking areas shall be granted by both Parcels 1 and 2 to the adjacent property at 212 Molalla Avenue at the time of future redevelopment of that parcel. The easement shall allow for two-way traffic between the properties. If the development on 212 Molalla provides for an alternative arrangement that provides adequate pedestrian and vehicular access, the Community Development Director may determine that such easement can be amended or is unnecessary; if so, this requirement will be voided. The 212 Molalla Avenue property is subject to this standard as well and would be required to do the same for Parcels 1 and 2 if it is redeveloped. (P)

23. The specifications of any required easements shall be reviewed and approved by the City Engineer before easement recording occurs. (P, DS)
24. The shared parking spaces are not needed for the primary uses at 220 Molalla because the building that the parking lot serves is currently vacant. If this building becomes occupied, or if the property is otherwise developed with a building, a Site Plan and Design Review process will be required to determine whether the shared parking may continue or if it is needed by the primary uses at 220 Molalla Avenue. (P)
25. Under this proposal, increasing off-street parking to 107 spaces, a total of 5 carpool parking spaces will be required. If the parking adjustment is approved, the fifth carpool space will be established in the parking lot in front of the building. The applicant shall install the correct number of carpool spaces prior to final city approval of public improvements associated with the new parking lot. (P)
26. The applicant shall install the new covered bicycle parking space prior to final city approval of public improvements associated with the new parking lot. (P)
27. For 50 feet of frontage, two street trees are required. If adequate spacing is not available for two trees, the applicant may pay fee-in-lieu for one tree. Prior to issuance of a permit associated with the proposed development the applicant shall submit a plan for street trees in compliance with OCMC 12.08. (P)
28. If the tree in the Myrtle Street right of way is removed, the applicant shall replace the tree or pay fee-in-lieu in accordance with Chapter 12.08.035. (P)

Appendix B:

PGE Correspondence

Parish Burns

From: Nathan Gravelle <Nathan.Gravelle@pgn.com>
Sent: Friday, November 22, 2019 1:24 PM
To: Bruce Soihhr
Cc: Dave Hamilton
Subject: RE: 202 Molalla, Oregon City

Bruce, PGE will not let a customer go from overhead secondary from across the street to a service pole and then underground when the Primary source (**TRANSFORMER**) is not on the pole.

Thanks again,



Nathan Gravelle
Project Manager
nathan.gravelle@pgn.com
o-(503)669-3316
c-(503)914-7575

From: Bruce Soihhr <BruceS@Norris-Stevens.com>
Sent: Friday, November 22, 2019 12:09 PM
To: Nathan Gravelle <Nathan.Gravelle@pgn.com>
Cc: Dave Hamilton <DaveH@Norris-Stevens.com>
Subject: RE: 202 Molalla, Oregon City

*****Please take care when opening links, attachments or responding to this email as it originated outside of PGE.*****

Hello Nathan

I sent the email below on Wednesday and really need to have you respond. This is holding up my plot division for 202 Molalla

Could you send me something today. Also could you comment on the conduit and the 90 degree turns, which there is to many.

Thank you for your help!

Bruce S. Soihir

Senior Commercial Property Manager



900 SW 5th Ave., 17th Floor
Portland, Oregon 97204
(503) 223-3171 Main

Norris-Stevens.com [norris-stevens.com]

BruceS@Norris-Stevens.com

(503) 225-8477 DIRECT
(503) 228-2136 FAX

From: Bruce Soihir

Sent: Wednesday, November 20, 2019 4:51 PM

To: 'nathan.gravelle@pgn.com' <nathan.gravelle@pgn.com>

Subject: 202 Molalla, Oregon City

Hello Nathan

Just a reminder to send me an email on the outcome at the above address.

Thank you!

Bruce S. Soihir

Senior Commercial Property Manager



900 SW 5th Ave., 17th Floor
Portland, Oregon 97204
(503) 223-3171 Main

Norris-Stevens.com [norris-stevens.com]

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(503) 228-2136 FAX



OREGON CITY

Community Development – Planning

698 Warner Parrott Road | Oregon City OR 97045

Ph (503) 722-3789 | Fax (503) 722-3880

LAND USE APPLICATION TRANSMITTAL

Date: _____

DISTRIBUTION OF APPLICATION

	Building Official		Clackamas County Transportation
	Development Services		Clackamas County Planning
	Public Works Operations		Clackamas Fire District #1
	City Engineer		ODOT – Division Review
	Public Works Director		Oregon City School District
	Parks Manager		Tri-Met
	Community Services Director		Metro
	Police		PGE
	Economic Development Manager		South Fork Water Board
	Traffic Engineer		Hamlet of Beavercreek
	City Manager's Office		Holcomb Outlook CPO
	Oregon City Neighborhood Associations		Central Point / Leland Road / New Era CPO
	N.A Chair		Other – See Email List
	N.A. Land Use Chair		Natural Resource Committee
	Notice of the application mailed to all properties within 300 feet		Other:

COMMENTS DUE BY:			
DECISION BODY:			
HEARING DATE(s):			
DECISION TYPE:			
FILE #S:			
PLANNER:		Phone	Email
APPLICANT:			
OWNER:			
REPRESENTATIVE:			
REQUEST:			
PROJECT WEBPAGE:			
ZONING:			
ADDRESS(ES):			
TAX LOTS:			

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

Please check the appropriate spaces below.

	The proposal does not conflict with our interests.
	The proposal conflicts with our interests for the reasons attached.
	The proposal would not conflict our interests if the changes noted below are included.

Signature _____

CONTACT THE PLANNING DIVISION IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION



STAFF REPORT AND NOTICE OF DECISION

FILE NUMBER: GLUA-19-00001 (General Land Use Application), PARK-19-00001 (Parking Adjustment) SP-19-00007 (Site Plan and Design Review), MP-19-00001 (Minor Partition)

APPLICANT: Bruce Soihr, Norris & Stevens
900 SW 5th Ave, Suite 1700
Portland, OR 97204

Submitted: January 22, 2019

Complete: March 1, 2019

NOD: April 9, 2019

OWNER: John Parman
16933 S Bradley Rd
Oregon City, OR 97045

Derek Harrison, OC Properties LLC
33855 Van Duyn Rd
Eugene, OR 97408

REPRESENTATIVE: Parish Burns, HHPR
205 SE Spokane St. Suite 200
Portland, OR 97202

REQUEST: The applicant requests a Parking Adjustment to exceed the maximum number of parking spaces allowed, along with a minor partition of the property at 202 Molalla Avenue and development of a 10-space parking lot on the undeveloped portion of 202 Molalla to serve the existing building at 221 Molalla Avenue.

LOCATION: 202 Molalla Avenue and 221 Molalla Avenue, Oregon City, Oregon 97045
Clackamas County Map 2-2E-32CB Taxlot 07800 and 07300

DECISION: On April 8, 2019, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opposing and interested parties, the Planning Commission voted 6-0 to approve with conditions the aforementioned application.

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. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. 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 is final unless appealed and description of the requirements for perfecting an appeal. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed.

Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 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 the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

**Conditions of Approval
Planning File GLUA 19-00001**

(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.

(B) = Verify that condition of approval has been met with the Building Division.

(F) = Verify that condition of approval has been met with Clackamas Fire Department.

The applicant shall meet the following condition(s) at all times:

1. The applicant is responsible for the project's compliance 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. (DS)
2. The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies. (DS)
3. All pavement cut and restoration shall be performed in accordance with the City of Oregon City Pavement Cut Standards. (DS)
4. The applicant may only add parking spaces above 101 spaces if the adjustment is approved by the Planning Commission. (P)

The applicant shall meet the following condition(s) prior to issuance of construction permits:

5. The applicant shall schedule a pre-design meeting with Public Works Development Services staff prior to initial submittal of Civil Engineering plans. (DS)
6. The applicant shall provide civil engineering plans stamped and signed by a professional engineer in the State of Oregon for review and approval by Oregon City Public Works. (DS)
7. The development's contractor(s) and engineer(s) shall attend a pre-construction meeting with Oregon City staff prior to beginning construction work associated with the project. (DS)
8. The applicant shall provide an engineered drainage plan, signed by a professional engineer in the State of Oregon, for review and approval to fully address all applicable Stormwater and

Grading Design Standards. The applicant's engineer shall submit a completed Site Assessment and Planning Checklist, found in Appendix B of the Stormwater and Grading Design Standards.(DS)

9. The applicant shall obtain an Erosion control permit prior to commencement of any construction activities. (DS)
10. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan prior to issuance of an erosion control permit. (DS)
11. The applicant shall submit a performance guarantee which is equal to one hundred twenty percent of the estimated cost of constructing the public improvements shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until all improvements have been constructed and are accepted by the city. (DS)

The applicant shall meet the following condition(s) prior to final plat of the minor partition:

12. The applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the property and assessing the cost to benefited properties pursuant to the city's capital improvement regulations in effect at the time of such improvement. The applicant shall pay all fees associated with processing and recording the Non-Remonstrance Agreement. (DS)
13. The frontage along Myrtle Street, on the development's side of the centerline, shall be improved to have a 0.5-foot-curb, 5-foot-wide planter strip, 5-foot-wide curb sidewalk and a 0.5-foot-wide buffer strip. Roadway pavement within Myrtle Street, to and through the development property frontage, shall be no less than 20-feet wide (1-foot of pavement west of the centerline of Myrtle Street and 19 feet of pavement east of the centerline of Myrtle Street). (DS)
14. The development shall replace the existing 6-inch stormwater main within Myrtle Street, along the development property's frontage and to the outfall to the north with a 12-inch stormwater main. The outfall of the pipe shall have rip-rap as required by the Public Works Stormwater and Grading Design Standards. (DS)
15. The existing overhead utility line(s) serving the existing dwelling shall be underground as it does not impact or require involvement from adjacent properties. (DS)
16. The applicant shall provide a 10-foot-wide public utility easement along all property lines fronting existing or proposed right-of-way. (DS)
17. The applicant shall provide a private utility easement to ensure the western lot created by the development may extend a sewer lateral to the existing sewer main within Molalla Avenue or provide evidence that the new lot can have gravity fed sewer service to the extension of a sewer main within Myrtle Street. (DS)

18. The applicant shall provide a Private Stormwater Maintenance Covenant and Access Easement and an Operations and Maintenance Plan for the proposed pervious pavement to be recorded by the City and pay associated processing fees. (DS)
19. The applicant shall provide a Maintenance Bond in the amount of fifteen percent of the Final Cost Estimate of all public improvements constructed shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect for two years from the establishment of the guarantee and until accepted by the City. (DS)
20. As-built construction plans and digital copies of as-built drawings shall be filed with the city engineer within 90 days of completion of the improvements. (DS)
21. The applicant shall install a barrier to prevent vehicles from entering or exiting the parking lot through Parcel 2. The barrier shall leave enough space for pedestrian access between the two properties. The barrier shall be removed at the time of future vehicular access easement requirements triggered by future redevelopment of Parcel 2. (P)
22. Parcels 1 and 2 shall provide access easements as follows (see Exhibit 5 for supporting drawing):
 - A temporary pedestrian access easement shall be provided on Parcel 2 for the benefit of Parcel 1, to allow pedestrians legal access to walk from the parking lot, through Parcel 2, to Molalla Avenue. This is the most direct route for people parking in the proposed lot to reach the building at 221 Molalla Avenue. This temporary easement will be replaced or removed at the time of future development of Parcel 2. It shall remain in place until future development, as approved by the City, occurs. A separate condition of approval is recommended to require a vehicular barrier which allows for pedestrian access between the two parcels.
 - Vehicular reciprocal access easements shall be granted between Parcels 1 and 2. The easements shall allow for two-way traffic between the two properties. A separate condition of approval is recommended to require a temporary vehicular barrier which allows for pedestrian access between the two parcels. The barrier would be removed when future development of Parcel 2 occurs. If the development on Parcel 2 provides for an alternative arrangement that provides adequate pedestrian and vehicular access, the Community Development Director may determine that the easement may be amended or voided. The easement documents shall contain language to clarify that the easements can be revised in the event of future development patterns that are not compatible with the easement locations.
 - Pedestrian and vehicular access easements for the purpose of connecting parking areas shall be granted by both Parcels 1 and 2 to the adjacent property at 212 Molalla Avenue at the time of future redevelopment of that parcel. The easement shall allow for two-way traffic between the properties. If the development on 212 Molalla provides for an alternative arrangement that provides adequate pedestrian and vehicular access, the Community Development Director may determine that such easement can be amended or is unnecessary; if so, this requirement will be voided. The 212 Molalla Avenue property is subject to this standard as well and would be required to do the same for Parcels 1 and 2 if it is redeveloped. (P)

23. The specifications of any required easements shall be reviewed and approved by the City Engineer before easement recording occurs. (P, DS)
24. The shared parking spaces are not needed for the primary uses at 220 Molalla because the building that the parking lot serves is currently vacant. If this building becomes occupied, or if the property is otherwise developed with a building, a Site Plan and Design Review process will be required to determine whether the shared parking may continue or if it is needed by the primary uses at 220 Molalla Avenue. (P)
25. Under this proposal, increasing off-street parking to 107 spaces, a total of 5 carpool parking spaces will be required. If the parking adjustment is approved, the fifth carpool space will be established in the parking lot in front of the building. The applicant shall install the correct number of carpool spaces prior to final city approval of public improvements associated with the new parking lot. (P)
26. The applicant shall install the new covered bicycle parking space prior to final city approval of public improvements associated with the new parking lot. (P)
27. For 50 feet of frontage, two street trees are required. If adequate spacing is not available for two trees, the applicant may pay fee-in-lieu for one tree. Prior to issuance of a permit associated with the proposed development the applicant shall submit a plan for street trees in compliance with OCMC 12.08. (P)
28. If the tree in the Myrtle Street right of way is removed, the applicant shall replace the tree or pay fee-in-lieu in accordance with Chapter 12.08.035. (P)

I. BACKGROUND:

1. Existing Conditions

The proposed parking lot project site is a 10,000 square foot (e.g. 0.23 acres) through-lot bound by Molalla Avenue on the east and an unimproved portion of Myrtle Street on the west. The property is currently developed with a small structure that was constructed as bungalow-style single-family residence. The year this structure was built is not known or recorded with the Tax Assessor.

The residence is positioned near the eastern edge of the lot and the front porch entrance oriented toward Molalla Avenue, where Roosevelt Street intersects the road from the east. Vehicle access is taken for the site through a driveway and curb cut along Molalla Avenue that is shared with the abutting property to the south, addressed as 212 Molalla Avenue. That neighboring property contains a small commercial building.

The zoning designation for this site is Mixed-Use Corridor District 1 (MUC-1). The Mixed-Use Corridor District (MUC) is designed to apply along sections of transportation corridors, such as Molalla Avenue. The MUC-1 designation provides for multifamily residential uses, office, and retail uses.

The abutting private properties to the north and south are assigned the same zoning designation. A multifamily development is present on the property to the north. The commercial building on the abutting property to the south currently contains the retail use Loncheria Mitzil Mexican Eatery. Properties across the street, on the east side of Molalla are also zoned MUC-1, while the properties on the other side of Myrtle Street, to the west, have an R-2 multifamily residential zoning designation.

The existing structure on the project site is still recognized as a single-family residential household use because permits to change the use to another occupancy allowed within the MUC-1 have not been issued for this structure.

The site at 221 Molalla was originally a lumberyard and was converted to a commercial building in 2006. The building contains multiple office and retail tenant spaces and is approximately 33,000 square feet.

Figure 1. Vicinity Map



Figure 2: Existing Conditions – Aerial Image



2. Project Description

The applicant submitted the following project description:

The project proposal requests approval of a minor partition dividing the existing 10,000 square foot lot into two, 5,000 square foot parcels. The existing structure is proposed to remain. A new 10-stall surface parking lot is proposed on the west parcel of the partition. Vehicle access to the new parking lot is proposed via a new driveway and curb cut along Myrtle Street.

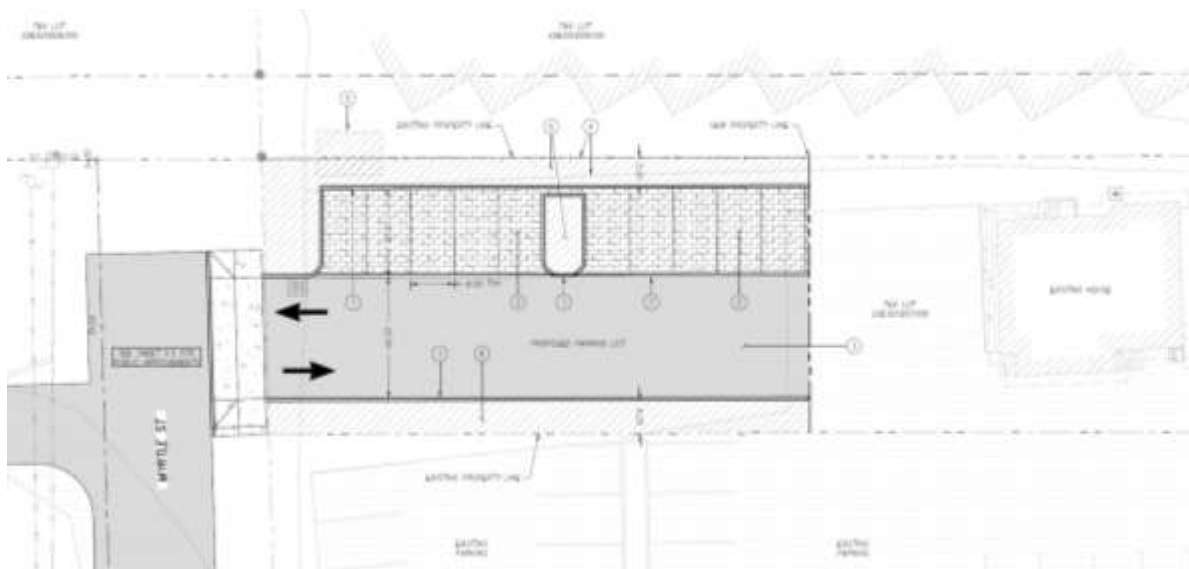
The new parking lot will be constructed as an accessory use, serving the parking needs of employees located in the commercial building located across the street at 221 Molalla Avenue. The current parking supply for that 33,000 square foot building is not sufficient to serve the current parking need for tenants and visitors. Subsequently, the parking demand overflows onto the abutting residential streets in the neighborhood; especially the abutting streets of Roosevelt and Pearl.

The commercial development currently utilizes 95 parking spaces: 27 in front of the building, 52 in the existing surface parking lot at the corner of Pearl Street and Molalla Avenue, and 16 leased spaces that span across the tax lots held in common ownership addressed as 212 & 220 Molalla Avenue and 325 Pearl St.

To adequately serve the parking needs of the development, the property owner seeks to provide a total of 107 parking spaces. The ten proposed under this proposal will enable the building to come close to fully addressing this parking need. Based on the parking allowances of the Municipal Code, the building is allowed up to 101 parking spaces under the current square footage of net leasable office and retail uses identified in the building.

The 2005 land use review for this renovated building allowed a maximum of 105 parking spaces. However, since that time, much of the building area previously designated as retail along the ground floor street frontage has become office uses occupied by The Oregon Department of Human Services (DHS) and the Oregon Soil and Water Conservation District. These office uses allow fewer parking spaces per 1,000 square feet of net leasable than retail uses. The number of employees each tenant requires to support their business exceeds the number of parking spaces allowed under the Municipal Code. As a result, the project is requesting a Parking Adjustment to allow six additional parking spaces (e.g. up to 107 stalls) beyond what the Municipal Code allows under Chapter 17.52.020.A (e.g. 101 stalls). The new 10-space parking lot proposed under this application will bring the parking supply to 105 stalls. Because the size of the west lot cannot accommodate more than 10-stalls on the 5,000 square foot parcel, the commercial office building will continue to explore future opportunities to provide the two additional parking spaces needed by the development in other locations through this Parking Adjustment.

Figure 3: Proposed Site Plan



[illegible]

- 12.04 - Streets, Sidewalks, and Public Places
- 12.08 - Public and Street Trees
- 13.12 - Stormwater Management
- 15.48 - Grading, Filling and Excavating
- 16.16 – Minor Partitions Process and Standards
- 16.12 - Minimum Improvements and Design Standards for Land Divisions
- 17.29 – Mixed Use Corridor
- 17.41 – Tree Protection
- 17.47 - Erosion and Sediment Control
- 17.50 - Administration and Procedures
- 17.52 – Off-street Parking and Loading
- 17.62 – Site Plan and Design Review
- 17.54.100 – Fences

4. Permits and Approvals: The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.

Notice of the proposal was sent to various City departments, affected agencies, property owners within 300 feet, and the Neighborhood Association. Additionally, the subject property was

posted with signs identifying that a land use action was occurring on the property. Public comments submitted include (Exhibit 3):

A comment from the neighboring property owner of 212 Molalla, 220 Molalla, and 635 Pearl St, who states that parking lot users will likely cross through her properties to access the new parking lots. She requests a barrier along the entire adjoining property line. The staff report includes a condition of approval for a barrier on the east edge of the parking lot to prevent vehicles from accessing the lot from Molalla Avenue or Pearl Street.

Comments of the Public Works Department and Development Services Division are incorporated into this report and Conditions of Approval.

None of the comments provided indicate that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

II. ANALYSIS AND FINDINGS:

CHAPTER 17.29 “MUC” 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 [Section 17.54.060](#);*
- S. Assisted living facilities; nursing homes and group homes for over fifteen 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;*

BB. Live/work units, pursuant to [Section 17.54.105](#)—Live/work units.

Finding: Complies as Proposed. The applicant has proposed a parking lot associated with an existing mixed use commercial building, which is a permitted use in the zone.

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 17.29.020H.;*
- 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: Not Applicable. The applicant has not proposed a conditional use. The parking lot is in conjunction with a primary use that is located on a separate parcel.

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 storage;*
- C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;*
- D. Correctional facilities;*
- E. Heavy equipment service, repair, sales, storage or rentals (including but not limited to construction equipment and machinery and farming equipment);*
- F. Kennels;*
- G. Motor vehicle and recreational vehicle sales and incidental service;*
- H. Motor vehicle and recreational vehicle repair/service;*
- I. Self-service storage facilities.*

Finding: Complies as Proposed. The applicant has not proposed a prohibited use.

17.29.050 - Dimensional standards—MUC-1.

A. Minimum lot areas: None.

B. Maximum building height: Forty feet or three stories, whichever is less.

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

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.

E. Maximum allowed setbacks.

1. Front yard: Five feet (may be extended with Site Plan and Design Review ([Section 17.62.055](#))).

2. Interior side yard: None.

3. Corner side setback abutting street: Thirty feet provided the Site Plan and Design Review requirements of [Section 17.62.055](#) are met.

4. Rear yard: None.

Finding: Not applicable. No buildings are proposed. An existing shed built over the property line is proposed to be removed.

F. Maximum lot coverage of the building and parking lot: Eighty percent.

Finding: Complies as Proposed. Based on the applicant's plans, the new parking lot parcel of 4,698 square feet is proposed to contain a parking lot of 3,401, which is 72% coverage. The other 5,030 parcel with the existing single family home has 3,350 square feet of parking and building lot coverage, which is 67% lot coverage.

G. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.

Finding: Complies as Proposed. Based on the applicant's plans, the new parking lot parcel of 4,698 square feet is proposed to contain a 1,297 of landscaping which is 28% coverage. The other 5,030 parcel with the existing single family home has 1,650 square feet of existing landscaped area, which is 33%.

17.29.060 - Dimensional standards—MUC-2.

Finding: Not Applicable. The subject site is located within the "MUC-1" District, therefore, the "MUC-2" dimensional standards are not applicable.

17.29.070 - Floor area ratio (FAR).

Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

A Standards.

- 1. The minimum floor area ratios contained in 17.29.050 and 17.29.060 apply to all non-residential and mixed-use building development, except stand-alone commercial buildings less than ten thousand square feet in floor area.*
- 2. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.*
- 3. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.*

Finding: Not Applicable. No buildings are proposed.

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

17.62.015 *Modifications that will better meet design review requirements.*

The review body may consider modification of site-related development standards. These modifications are done as part of design review and are not required to go through the Variance process pursuant to section 17.60.020. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the Variance process pursuant to section 17.60.020. Modifications that are denied through design review may be requested as Variance through the Variance process pursuant to section 17.60.020. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

17.62.015.A. *The modification will result in a development that better meets design guidelines; and*

17.62.015.B. *The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Finding: Complies as Proposed. The applicant has requested a modification to OCMC 17.52.040 Parking lot landscaping. The applicant requests that the requirement for the 5-foot perimeter landscaping be waived along the shared rear property line. The request is made in order to retain 10 parking stalls and maintain a safe turning radius for the stall closest to the driveway entrance. Installing the perimeter landscaping in this location would cause the project to lose a parking space in the design or reduce the turning radius for the front parking space below code standards.

To meet the intent of the standard, which is to shade parking lots and soften the edge of parking lots by providing a landscape buffer, the project proposes enhanced landscaping around the other perimeter areas of the parking lot. The two trees that would be located within the perimeter landscaping for the rear property line have been relocated to the north and south perimeter landscaped areas. These trees are provided in addition to the minimum perimeter tree requirements for these areas. The shrubs specified along the other perimeter landscaping areas are evergreen and reach a mature height of 3 to 5 feet, exceeding the minimum height of thirty inches for parking lot shrub standards. The perimeter landscaping along the south property line is also 6 feet wide, above the 5 foot minimum width, which provides additional landscaped area to make up for the loss of landscaped area on the rear property line.

Concentrating more robust landscaping along the longer, 100- foot-long side property lines, in lieu of the rear property line, still enables the project to enhance and soften the appearance of the parking lot and provide an equivalent level of pollution reduction and shading of parking areas. The alternative proposal also limits the visual impact of the vehicle area on adjacent properties and right-of-ways along the other three property lines.

In addition, the elimination of the perimeter landscape area on this shared property line will allow for future vehicular and pedestrian movement between the two properties, if desired.

17.62.020 - Preapplication conference.

Prior to filing for site plan and design review approval, the applicant shall confer with the community development director pursuant to [Section 17.50.030](#). The community development director shall identify and explain the relevant review procedures and standards.

Finding: Please refer to the findings in Section 17.50.050 of this report.

17.62.030 - When required.

Site plan and design review shall be required for all development of real property in all zones except the R-10, R-8, R-6, R-5 and R-3.5 zoning districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cottage housing development, multi-family and non-residential uses in all zones. No building permit or other permit authorization for development shall be issued prior to site plan and design review approval. Parking lots and parking areas accessory to uses regulated by this chapter also shall require site plan and design review approval. Site plan and design review shall not alter the type and category of uses permitted in zoning districts.

Finding: Applicable. The applicant has proposed development in the “MUC-1” Mixed Use Corridor District, therefore, Chapter 17.62 is applicable.

17.62.035 - Minor site plan and design review.

Finding: Complies as Proposed. The proposed development does not qualify for a Minor Site and Design Review application.

17.62.040 - Plans required.

Finding: Complies as Proposed. The applicant has submitted all requested application items.

17.62.050 - Standards.

A. All development shall comply with the following standards:

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 as Proposed. The west parcel contains landscaped area but is not planted to the standards of this section. It is existing conforming/nonconforming and proposes no changes. The east parcel is approximately 4,968 SF in size. As reflected on the landscape plan provided on Sheet L1.0, this parcel's parking lot improvements contain approximately 1,297 SF plantings, covering approximately 36% of the east lot.

Existing vegetation on the site is sparse. With overgrown shrubs and vines along the north and west perimeter property lines. No trees exist in the area where the parking lot is proposed. Compliance with noting the requirement to remove any nuisance plants prior to issuance of a final occupancy permit will be reviewed during the time of permit review.

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. All areas credited towards the 15% site landscaping are proposed to be installed with growing plant material. No reduction is requested.

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: Not Applicable. The subject site is not located within the Natural Resource Overlay District.

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 as Proposed. The landscape plan was prepared by Jeffrey Creel, Registered Landscape Architect. The plan includes a mix of vertical and horizontal elements and it identifies that the proposed plantings will cover 100% of the landscape area within 3 years nor that no mulch, bark chips, or similar materials will be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees.

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 subject site is not located within the Downtown Design District.

e. Landscaping shall be visible from public thoroughfares to the extent practicable.

Finding: Complies as Proposed. The applicant has proposed landscaping that is visible from public thoroughfares to the extent practicable.

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: Complies as Proposed. Per 17.29.050 of the MUC-1 base zone dimensional standards, the minimum required landscaping for a site includes landscaping material with a parking lot. Under this base zone landscaping requirement, a minimum of 20% of the site area must contain landscaping, rather than the lesser requirement of 15% under the site and design review standards of 17.62.050. The landscaping plan submitted with this application demonstrates compliance with this standard on Sheet L1.0, showing a landscaping calculation equivalent to 36 percent of the parcel area.

2. Vehicular Access and Connectivity.

a. Parking areas shall be located behind buildings, below buildings, or on one or both sides of buildings.

Finding: Not applicable. A building is not proposed on the site where the new surface parking lot is proposed. As a result, proximity standards of parking in relation to a building area not applicable.

b. Ingress and egress locations on thoroughfares shall be located in the interest of public safety. Access for emergency services (fire and police) shall be provided.

Finding: Complies with Condition. No change is proposed for the ingress or egress of development along the Molalla Avenue street frontage. This access serves the existing structure that is still recognized as a single-family dwelling, but can change occupancy to other uses allowed by right in the MUC-1 zone. Under this proposal, street frontage improvements are proposed to extend access for vehicles along Myrtle Street. The applicant submitted a Traffic Analysis Letter (TAL), which indicated that ingress and egress would be provided on Myrtle Street. The proposed design, with no landscaping on the boundary of the new lot line between proposed Parcel 1 and Parcel 1, appears to allow for vehicular access from Molalla Avenue. The applicant shall install a barrier to prevent vehicles from entering or exiting the parking lot through Parcel 2. The barrier shall leave enough space for pedestrian access between the two properties, as required in the recommended conditions of approval. The barrier shall be removed at the time of future vehicular access easement requirements triggered by future redevelopment of Parcel 2. The TAL was reviewed by the City's traffic consultant John Replinger, who found no safety impacts (Exhibit 4). **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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: Complies as Proposed. The subject site abuts an existing street, and the applicant has proposed vehicular access to the site via the existing street.

d. Sites abutting an alley shall be required to gain vehicular access from the alley unless deemed impracticable by the community development director.

Finding: Not applicable. The development property is not adjacent to an existing alley.

e. Where no alley access is available, the development shall be configured to allow only one driveway per frontage. 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. Shared driveways shall be required as needed to accomplish the requirements of this section. The location and design of pedestrian access from the 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: Not Applicable. The applicant has proposed to gain access via the existing street and proposes one driveway.

f. Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.

Finding: Not Applicable. The driveway is only 22 feet wide.

g. Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Such easements shall be required in addition to applicable street dedications as required in [Chapter 12.04](#).

Finding: Complies with Conditions. The applicant is proposing to divide 202 Molalla Avenue into Parcel 2, with the existing home, and Parcel 1, with the proposed parking lot. The purpose of this requirement is to limit driveways and curb cuts and to allow for connections between adjoining parking lots so that

drivers can travel between parking lots without having to use the right-of-way. Parcels 1 and 2 shall provide access easements as follows (see Exhibit 5 for supporting diagram):

- A temporary pedestrian access easement shall be provided on Parcel 2 for the benefit of Parcel 1, to allow pedestrians legal access to walk from the parking lot, through Parcel 2, to Molalla Avenue. This is the most direct route for people parking in the proposed lot to reach the building at 221 Molalla Avenue. This temporary easement will be replaced or removed at the time of future development of Parcel 2. It shall remain in place until future development, as approved by the City, occurs. A separate condition of approval is recommended to require a vehicular barrier which allows for pedestrian access between the two parcels.
- Vehicular reciprocal access easements shall be granted between Parcels 1 and 2. The easements shall allow for two-way traffic between the two properties. A separate condition of approval is recommended to require a temporary vehicular barrier which allows for pedestrian access between the two parcels. The barrier would be removed when future development of Parcel 2 occurs. If the development on Parcel 2 provides for an alternative arrangement that provides adequate pedestrian and vehicular access, the Community Development Director may determine that the easement may be amended or voided. The easement documents shall contain language to clarify that the easements can be revised in the event of future development patterns that are not compatible with the easement locations.
- Pedestrian and vehicular access easements for the purpose of connecting parking areas shall be granted by both Parcels 1 and 2 to the adjacent property at 212 Molalla Avenue at the time of future redevelopment of that parcel. The easement shall allow for two-way traffic between the properties. If the development on 212 Molalla provides for an alternative arrangement that provides adequate pedestrian and vehicular access, the Community Development Director may determine that such easement can be amended or is unnecessary; if so, this requirement will be voided. The 212 Molalla Avenue property is subject to this standard as well and would be required to do the same for Parcels 1 and 2 if it is redeveloped.

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

h. Vehicle and pedestrian access easements may serve in lieu of streets when approved by the decision maker only where dedication of a street is deemed impracticable by the city.

Finding: Not Applicable. No streets or easements to replace streets are required.

i. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.

Finding: Complies with Condition. See findings in 17.62.050.A.2.g. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

j. In the case of dead-end stub streets that will connect to streets on adjacent sites in the future, 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.

Finding: Not Applicable. Dead-end stub streets that will connect to streets on adjacent sites are not proposed or required for this development.

k. Parcels larger than three acres shall provide streets as required in [Chapter 12.04](#). The streets shall connect with existing or planned streets adjacent to the site.

Finding: Not Applicable. The subject site is not larger than three acres.

l. Parking garage entries 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. A parking garage has not been proposed as part of this development.

m. 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. A parking garage has not been proposed as part of this development.

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.

a. Alterations, additions and new construction located within the McLoughlin Conservation District, Canemah National Register District, and the Downtown Design District and when abutting a designated Historic Landmark shall utilize materials and a design that incorporates the architecture of the subject building as well as the surrounding district or abutting Historic Landmark. Historic materials such as doors, windows and siding shall be retained or replaced with in kind materials unless the community development director determines that the materials cannot be retained and the new design and materials are compatible with the subject building, and District or Landmark. The community development director may utilize the Historic Review Board's Guidelines for New Construction (2006) to develop findings to show compliance with this section.

b. In historic areas and where development could have a significant visual impact, the review authority may request the advisory opinions of appropriate experts designated by the community development director from the design fields of architecture, landscaping and urban planning. The applicant shall pay the costs associated with obtaining such independent professional advice; provided, however, that the review authority shall seek to minimize those costs to the extent practicable.

Finding: Not Applicable. No buildings are proposed.

4. Grading shall be in accordance with the requirements of [Chapter 15.48](#) and the public works stormwater and grading design standards.

Finding: Please refer to the findings in Chapter 15.48 of this report.

5. Development subject to the requirements of the Geologic Hazard overlay district shall comply with the requirements of that district.

Finding: Complies as proposed. A small portion of the subject property is within the Geologic Hazard overlay district (only a small portion of the northwest corner of the lot is in the buffer area for steep slopes). Therefore, the City Engineer has waived the requirement for geologic hazard review. This waiver shall not imply any liability on the part of the city for any subsequent damage caused by the development. This waiver is not applicable for excavation of existing embankment slopes.

This waiver does apply to other applicable development standards contained in Municipal Codes.

This waiver is not a permit for development; all applicable Land Use, Building and Public Works permits must be obtained prior to development. This waiver does not run with the land is not transferable to subsequent property owners or developers. This waiver may be voided by the City Engineer at any time if the size or type of grading requirements of a proposed development warrants a Geological Assessment or a Geotechnical Report. This waiver may be challenged on appeal and may be denied by a subsequent review authority.

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: Please refer to the findings in Chapter 13.12 of this report.

7. Parking, including carpool, vanpool and bicycle parking, shall comply with city off-street parking standards, [Chapter 17.52](#).

Finding: Please refer to the findings in Chapter 17.52 of this report.

8. Sidewalks and curbs shall be provided in accordance with the city's transportation master plan and street design standards. Upon application, the community development director may waive this requirement in whole or in part in those locations where there is no probable need, or comparable alternative location provisions for pedestrians are made.

Finding: Please refer to the findings in Chapter 12.04 of this report.

9. A well-marked, continuous and protected on-site pedestrian circulation system meeting the following standards shall be provided:

a. 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: Not Applicable. No buildings are proposed.

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 as Proposed. The new parking lot is proposed to serve the building at 221 Molalla, which is across the street and not on the same site. For the most part, the sidewalks in the right of way can serve as a pedestrian connection to the commercial building.

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. No buildings are proposed.

d. The pedestrian circulation system shall connect the main entrances of adjacent buildings on the same site.

Finding: Not Applicable. No buildings are proposed.

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: Not Applicable. No buildings are proposed.

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: Not Applicable. No pedestrian walkways are proposed or required.

10. There shall be provided adequate means to ensure continued maintenance and necessary normal replacement of private 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 agency.

Finding: Complies as Proposed. The applicant's narrative identified that the building owner will provide maintenance and necessary normal repair and replacement.

11. Site planning shall conform to the requirements of OCMC [Chapter 17.41](#) Tree Protection.

Finding: Please refer to the findings in Chapter 17.41 of this report.

12. Development shall be planned, designed, constructed and maintained to protect water resources and habitat conservation areas in accordance with the requirements of the city's Natural Resources Overlay District, Chapter 17.49, as applicable.

Finding: Not Applicable. The subject site is not located within the Natural Resource Overlay District, therefore, OCMC Chapter 17.49 is not applicable.

13. All development shall maintain continuous compliance with applicable federal, state, and city standards pertaining to air and water quality, odor, heat, glare, noise and vibrations, outdoor storage, radioactive materials, toxic or noxious matter, and electromagnetic interference. Prior to issuance of a building permit, the community development director or building official may require submission of evidence demonstrating compliance with such standards and receipt of necessary permits. The review authority may regulate the hours of construction or operation to minimize adverse impacts on adjoining residences, businesses or neighborhoods. The emission of odorous gases or other matter in such quantity as to be readily detectable at any point beyond the property line of the use creating the odors or matter is prohibited.

Finding: Complies as Proposed. The applicant's narrative identified that the development proposal will comply with all applicable federal, state and city standards.

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 offsite 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: Complies as conditioned. See findings from section 16.12.095 of this report.

15. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities 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, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation. Compliance with [Chapter] [12.04](#), Streets, Sidewalks and Public Places shall be sufficient to achieve right-of-way and improvement adequacy.

Finding: Complies as conditioned. See findings from section 12.04 of this report.

16. *If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of development, the review authority shall require such improvement, using designs supportive of transit use. Improvements at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the transportation system plan.*

Finding: Complies as Proposed. The subject site is located on a transit route. The development application was transmitted to Tri-Met and no comments were received in response to the applicant's proposal.

17. *All utility lines shall be placed underground.*

Finding: Complies as Proposed. The applicant does not propose any new utility lines to be placed above ground.

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 applicant indicated that the proposal is compliant with applicable ADA requirements. Compliance with ADA and accessibility standards will be reviewed upon submittal of a building permit application.

19. *For a residential development, site layout shall achieve at least eighty percent of the maximum density of the base zone for the net developable area. Net developable area excludes all areas for required right-of-way dedication, land protected from development through Natural Resource or Geologic Hazards protection, and required open space or park dedication.*

Finding: Not Applicable. No residential uses are proposed.

20. *Screening of Mechanical Equipment:*

a. *Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened. In the event such parapet wall does not fully screen all rooftop equipment, then the rooftop equipment shall be enclosed by a screen constructed of one of the primary materials used on the primary facade of the building so as to achieve complete screening.*

b. *Wall-mounted mechanical equipment shall not be placed on the front facade of a building or on a facade that faces a right-of-way. Wall-mounted mechanical equipment, including air conditioning or HVAC equipment and groups of multiple utility meters, that extends six inches or more from the outer building wall shall be screened from view from streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through the use of (a) sight-obscuring enclosures constructed of one of the primary materials used on the primary facade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that block at least eighty percent of the equipment from view or (d) painting the units to match the building. Wall-mounted mechanical equipment that extends six inches or less from the outer building wall shall be designed to blend in with the color and architectural design of the subject building.*

c. *Ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view. Placement and type of screening shall be determined by the community development director.*

d. *All mechanical equipment shall comply with the standards in this section. If mechanical equipment is installed outside of the site plan and design review process, planning staff shall review the plans to determine if additional screening is required. If the proposed screening meets this section, no additional planning review is required.*

e. This section shall not apply to the installation of solar energy panels, photovoltaic equipment or wind power generating equipment.

Finding: Not Applicable. The applicant's narrative identified that no outdoor mechanical equipment is proposed as part of this development.

21. Building Materials.

a. Preferred building materials. Building exteriors shall be constructed from high quality, durable materials.

Preferred exterior building materials that reflect the city's desired traditional character are as follows:

i. Brick.

ii. Basalt stone or basalt veneer.

iii. Narrow horizontal wood or composite siding (generally five inches wide or less); wider siding will be considered where there is a historic precedent.

iv. Board and baton siding.

v. Other materials subject to approval by the community development director.

vi. Plywood with battens or fiber/composite panels with concealed fasteners and contiguous aluminum sections at each joint that are either horizontally or vertically aligned.

vii. Stucco shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.

Finding: Not Applicable. No buildings are proposed.

b. Prohibited materials. The following materials shall be prohibited in visible locations unless an exception is granted by the community development director based on the integration of the material into the overall design of the structure.

i. Vinyl or plywood siding (including T-111 or similar plywood).

ii. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.

iii. Corrugated fiberglass.

iv. Chain link fencing (except for temporary purposes such as a construction site or as a gate for a refuse enclosure).

[v.] Crushed colored rock/crushed tumbled glass.

[vi.] Non-corrugated and highly reflective sheet metal.

Finding: Complies as Proposed. No prohibited materials have been identified within the applicant's submittal. An existing chain link fence along the property line is proposed to be removed and replaced with a wood fence.

c. Special material standards: The following materials are allowed if they comply with the requirements found below:

1. Concrete block. When used for the front facade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.

2. Metal siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level).

3. Exterior Insulation and Finish System (EIFS) and similar toweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.

4. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.

Finding: Not Applicable. No special materials have been identified within the applicant's submittal.

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, including standards set out in city overlay districts, the city's master plans, and city public works design standards. Such conditions shall apply as described in Sections 17.50.310, 17.50.320 and 17.50.330. The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a*

waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with this chapter, the review authority may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the city attorney.

Finding: Complies with Condition. The property owner shall sign a Restrictive Covenant Non-Remonstrance Agreement for the formation of and participation in a local improvement district. The applicant shall pay all fees associated with processing and recording the Non-Remonstrance Agreement. The applicant shall provide a Maintenance Bond in the amount of fifteen percent of the Final Cost Estimate of all public improvements constructed shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect for two years from the establishment of the guarantee and until accepted by the City.

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

17.62.065 - Outdoor lighting.

B. Applicability.

1. General.

a. All exterior lighting for any type of commercial, mixed-use, industrial or multi-family development shall comply with the standards of this section, unless excepted in subsection B.3.

b. The city engineer/public works director shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.

Finding: Not Applicable. The applicant has proposed a parking lot. A lighting plan is not provided with this application because the property owner is not proposing lighting for the parking lot or in the right of-way. Use of these new parking stalls is anticipated to be during daytime hours only. According to the applicant, business hours for tenants in the commercial building are between the hours of 8 am and 5 pm. Night time use of the parking lot is not anticipated to be a common occurrence.

17.62.080 - Special development standards along transit streets.

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: Not Applicable. No buildings are proposed.

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. The area(s) shall be:

A. Sized appropriately to meet the needs of current and expected tenants, including an expansion area if necessary;

B. Designed with sturdy materials, which are compatible to the primary structure(s);

C. Fully enclosed and visually screened;

D. Located in a manner easily and safely accessible by collection vehicles;

E. Located in a manner so as not to hinder travel lanes, walkways, streets or adjacent properties;

F. On a level, hard surface designed to discharge surface water runoff and avoid ponding;

G. Maintained by the property owner;

H. Used only for purposes of storing solid waste and recyclable materials;

I. Designed in accordance with applicable sections of the Oregon City Municipal Code (including Chapter 8.20—Solid Waste Collection and Disposal) and city adopted policies.

Finding: Not Applicable. No buildings are proposed and therefore no new refuse areas are proposed.

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

17.52.015 - Planning commission adjustment of parking standards.

A. Purpose: The purpose of permitting a planning commission adjustment to parking standards is 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. The purpose of an adjustment is to provide flexibility to those uses which may be extraordinary, unique or to provide greater flexibility for areas that can accommodate a denser development pattern based on existing infrastructure and ability to access the site by means of walking, biking or transit. An adjustment to a minimum or maximum parking standard may be approved based on a determination by the planning commission that the adjustment is consistent with the purpose of this Code, and the approval criteria can be met.

B. Procedure: A request for a planning commission parking adjustment shall be initiated by a property owner or authorized agent by filing a land use application. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and parking plan, the extent of the adjustment requested along with findings for each applicable approval criteria. A request for a parking adjustment shall be processed as a Type III application as set forth in [Chapter 17.50](#).

Finding: Complies as Proposed. This land use application submission packet includes an application for a Type III Parking Adjustment, which requests approval to exceed the maximum parking allowance onsite by six spaces. The commercial development at 221 Molalla was renovated from a lumber yard to a commercial mixed use building in 2005, and 79 parking spaces were built to serve the building, which fit within the minimum and maximum number of parking spaces required by code. Between 2005 and today, the property manager leased an additional 16 spaces through a shared parking agreement, to arrive at 95 total spaces provided today. The maximum allowed by code is based on the square footage of the building and the uses of the building. The current allowance for this building is 101 spaces based on the existing uses. The applicant has proposed to exceed the maximum spaces for a total of 107 spaces.

The applicant is requesting this adjustment to allow the owner to construct additional parking spaces for the current building tenants, who are requesting additional parking spaces for their staff and visitors. The Planning Commission may approve an adjustment if it finds that the request is consistent with the purpose of this code and the approval criteria are met.

As stated above, the purpose of this code is to provide flexibility to those uses which may be extraordinary or unique. The applicant has provided a detailed description of the uses of the commercial building, including the various tenants and the activities that occur in the building. They have also submitted a parking analysis of the existing parking lot and on-street parking in the vicinity. An analysis of the request can be found below.

C. Approval criteria for the adjustment are as follows:

1. Documentation: The applicant shall document that the individual project will require an amount of parking that is different from that required after all applicable reductions have been taken.

Finding: Complies as Proposed. The reductions alluded to in this section are not relevant to this discussion, as the applicant has proposed to exceed the maximum parking, not to reduce the minimum. Therefore, this standard should be read to require that the applicant demonstrate that the parking needs for the project are greater than that allowed by code.

The applicant provided ample information regarding the number of employees currently working in the building, and the number of visitors that typically attend meetings and trainings. The applicant did not, however, demonstrate that the use is extraordinary compared to other office uses in Oregon City. The

number of employees is not a criteria for determining parking requirements. The number of employees is a number that fluctuates, and furthermore, employees may not all work the same hours, and may use a different mode of transport to commute to work. Instead, the City bases parking requirements on square footage of a building and the use of the building. Staff finds that the rationale for a parking adjustment should NOT be based on the number of employees; instead, the parking adjustment may be appropriate for this particular case because of the mixed use nature of the building and the history of use changes within the building. The original land use approval for the building (SP 05-18) based the parking on over 9,000 square feet of retail space. Also, the building is designed for ground floor retail uses through the use of storefront windows and high ceilings.

Building tenants change over time and often shift occupancy among allowed uses in the municipal code. The mixed use (MUC-1) zone allows for a mix of uses but does not require a mix for any particular development; meaning that the building could house all office uses, or all retail uses, in addition to other permitted uses in the MUC-1 zone. The City does not have a parking ratio for a mixed use building; instead, parking ratios are based on the use: office, retail, industrial, etc. Retail uses allow for up to 5 spaces per thousand square feet, while office uses allow for up to 3.3 spaces per thousand square feet.

At this building, the proportion of retail has decreased over time, converting more leasable area to office. According to the parking maximums calculated for the current proportion of office and retail uses under Section 17.52.020, this site is now limited to a maximum of 101 onsite parking spaces, a reduction from the original 105 maximum spaces permitted through SP 05-18, when more of the tenant space was filled by retail uses.

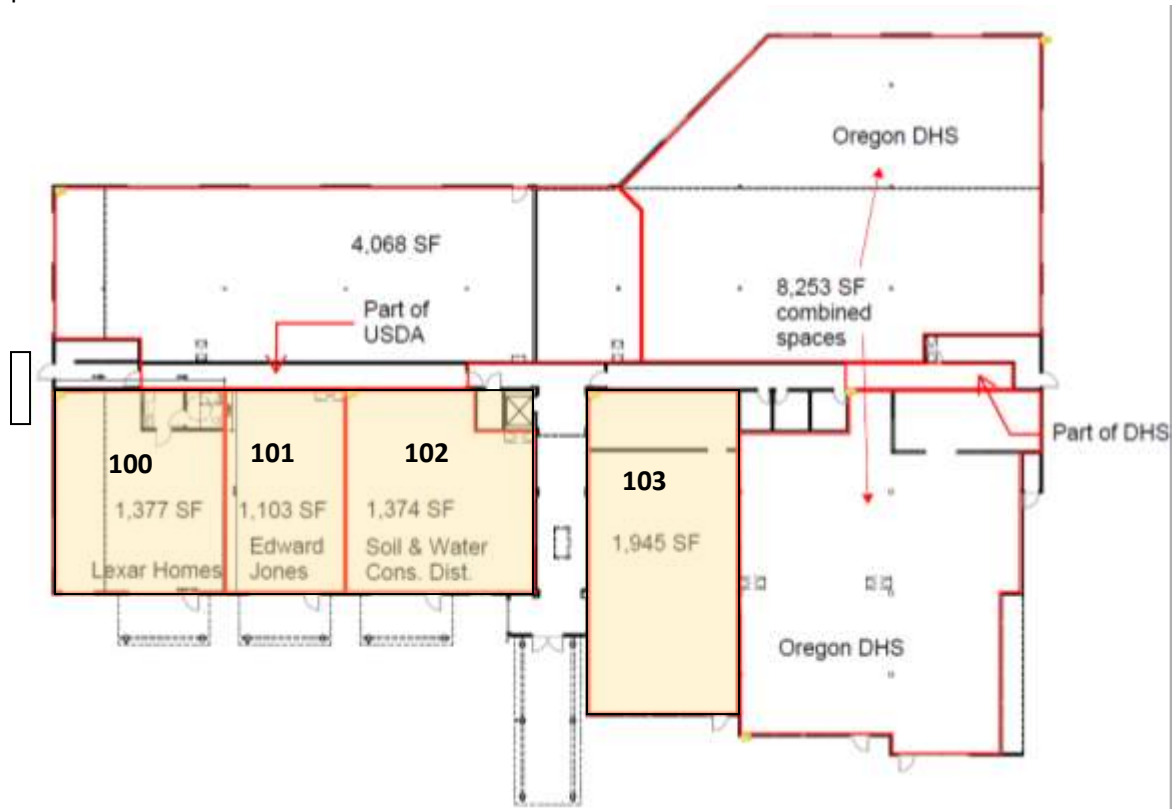
Table 3: Current Net Leasable Area: 221 Molalla Ave. Commercial Building

Tenant Suites	Use	SF
<i>1st Floor</i>		
Lexar Homes, Ste. 100	Retail	1,377
Edward Jones, Ste. 101	Retail	1,103
Soil & Water Conservation District, Ste. 102	Office	1,374
Oregon DSH Expansion, Ste. 103 (former MinutePress)	Office	1,945
Oregon DHS, Ste. 104	Office	8,253
USDA, Ste. 120	Office	4,068
<i>1st Floor Subtotal</i>		<i>18,120</i>
<i>2nd Floor</i>		
DHS Expansion, Ste. 200 (former Planning Office)	Office	4,413
Dept. of Justice Exp., Ste 220 (Formerly Redside Development)	Office	4,738
Dept. of Justice (main), Ste. 223	Office	1,837
<i>2nd Floor Subtotal</i>		<i>10,988</i>
Total Net Leasable Area	29,108	
Total Retail SF	2,480	
Total Office SF	26,628	

Staff finds it is reasonable to consider that additional ground floor tenant spaces may be converted from office to retail use in the future. For this reason, the Planning Commission may consider a parking adjustment that reflects a higher amount of retail space than what is currently provided in today's tenant mix. Below are a few scenarios that may be considered:

Scenario A

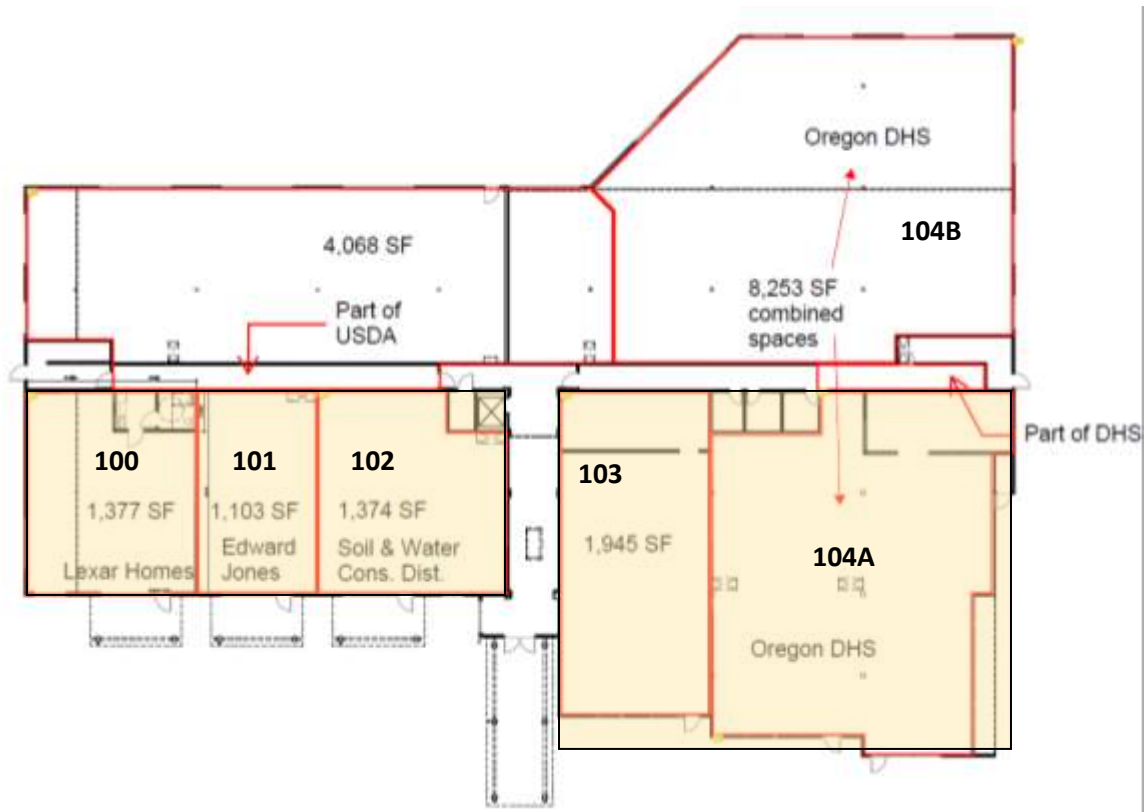
Suites 100 and 101 are existing retail uses. If future tenant mix restores retail uses to the two additional smaller ground floor suites that have main entrances on the front of the building (102 and 103), then the maximum parking allowance for the development will be 106 spaces. These spaces have held retail uses in the past.



Scenario A with retail uses shown in yellow

Scenario B

Suites 100 and 101 are existing retail uses. If future tenant mix restores retail uses to all of the ground floor suites that have main entrances on the front of the building (102, 103, and a portion of 104), then the maximum parking allowance for the development will be 113 spaces. The DHS space has not been a retail space in the past, and it would likely require more extensive tenant improvements to be built as a retail space. However, the space is on the ground floor, with an entry on the front, which gives it good potential for retail uses in the future.



Scenario B with retail uses shown in yellow.

Table 1. Comparison of Parking Maximums under various Retail Space Scenarios
(Parking Maximums are per 1000 square feet of net leasable area)

Suite	Size (sq ft)	Office Maximum	Retail Maximum	Current Parking allowance	Scenario A	Scenario B
100	1377	3.33	5	Retail 6.9	Retail 6.9	Retail 6.9
101	1103	3.33	5	Retail 5.5	Retail 5.5	Retail 5.5
102	1374	3.33	5	Office 4.6	Retail 6.9	Retail 6.9
103	1945	3.33	5	Office 6.5	Retail 9.7	Retail 9.7
104	8253	3.33	5	Office 27.5	Office 27.2	
104A	3500	3.33	5			Retail 17.5
104B	4753	3.33	5			Office 15.8
120	4068	3.33	5	Office 13.5	Office 13.4	Office 13.5
Second Floor	10988	3.33	5	Office 36.6	Office 36.3	Office 36.6
TOTAL				101.1	105.9	112.5

The amount of retail space in Scenario A is approximately 5,800 square feet, and in Scenario B is approximately 9,300 square feet. This amount of retail space is almost the same as the 9,255 square feet of retail that was approved in SP 05-18. Under these scenarios, 106 and 113 parking stalls would be allowed, respectively. An Adjustment to allow 107 parking spaces will enable the project to construct parking to accommodate fluctuating parking needs over time, while reflecting the historical tenant mix of the building.

The Adjustment requests approval of up to 107 parking spaces for the development. As proposed, the new surface parking lot will provide ten additional spaces for a total of 105 off-street spaces provided. Approving an allowance of 107 spaces at this time will enable the applicant to secure up to two more spaces in the future without undergoing another Adjustment request. These additional spaces could potentially be achieved through additional leased spaces from other commercial property owners or a modified parking layout of existing surface parking areas.

2. Parking analysis for surrounding uses and on-street parking availability: The applicant must show that there is a continued fifteen percent parking vacancy in the area adjacent to the use during peak parking periods and that the applicant has permission to occupy this area to serve the use pursuant to the procedures set forth by the community development director.

a. For the purposes of demonstrating the availability of on street parking as defined in [Section] 17.52.020.B.3., the applicant shall undertake a parking study during time periods specified by the community development director. The time periods shall include those during which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required. Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the community development director.

b. The onsite parking requirements may be reduced based on the parking vacancy identified in the parking study. The amount of the reduction in onsite parking shall be calculated as follows:

i. Vacant on-street parking spaces within three hundred feet of the site will reduce onsite parking requirements by 0.5 parking spaces; and

ii. Vacant on-street parking spaces between three hundred and six hundred feet of the [site] will reduce onsite parking requirements by 0.2 parking spaces.

Finding: Complies as Proposed. This criteria language assumes the Parking Adjustment requests providing off-street parking at levels below the minimum code requirement. In this instance, the project is requesting approval to exceed the off-street maximum parking, rather than reduce below the minimum requirement. For this reason, most of the items discussed in Item 2 are not applicable.

The applicant conducted a parking occupancy study of the existing parking lots to meet this criterion. Detailed information is provided in the Traffic Analysis Letter (Exhibit 2). The existing inventory was surveyed on three consecutive weekdays in November 2018.

The study found that the 52 spaces in the surface lot at the corner of Pearl and Molalla were observed to have an average occupancy of 98% during the study, with 100% occupancy observed on two of the three days of monitoring. The 27 spaces directly in front of the building had an average occupancy of 90%, while the restricted spaces had an average occupancy rate of 67% for the 30 minute parking and 25% for the accessible parking. The applicant did not review the occupancy rate of the 16 shared parking spaces. The results of the parking study support the reports of building management that parking is typically at capacity onsite, forcing employees and visitors to utilize residential public streets for overflow parking.

The study found that the average off-street parking occupancy for the site is 91%. Rates over 85% typically indicate insufficient parking, or in the case of paid on-street parking, it indicates that prices may be set too low for the market. Parking conditions for the site reflect that insufficient vacancy exists to accommodate parking demand off-street created by the commercial development. The applicant's parking counts provide evidence that the additional parking will in fact be utilized, due to parking demand.

On-street parking conditions were evaluated within a 500-foot radius from the commercial building 221 Molalla Avenue. There are approximately 85 on-street parking spaces within the study area. Molalla Avenue does not have on street parking, and on Roosevelt and Pearl, on-street parking is limited to one side of the street. On Roosevelt and on a portion of Pearl, on-street parking is limited to two hours. On-street parking is free in the project area. The peak on-street parking demand for the entire study area of 40 vehicles was observed mid-morning on Thursday, November 29 with an occupancy of 47% on-street parking, leaving a parking reserve of 53%, or 45 spaces within a 500 foot radius.

If a parking reduction was requested, the applicant could utilize the vacant on-street parking spaces to qualify for a reduction in on-site parking spaces. However, the applicant has not proposed a reduction and instead requests more on-site parking. It is expected that staff and visitors will continue to use on-street parking as needed.

3. Function and Use of Site: The applicant shall demonstrate that modifying the amount of required parking spaces will not significantly impact the use or function of the site and/or adjacent sites.

The applicant states that modifying the amount of maximum parking allowed under the Oregon City Municipal Code for the current mix of office and retail tenants will have a positive impact on the surrounding area because it will return several on-street parking spaces to the abutting residential roads for residential parking needs.

The applicant also states that at the Neighborhood Association Meeting, residents on Roosevelt Street and Pearl Street were present and attested to the parking congestion that they observe each day from the overflow parking generated by the employees of the commercial building tenants.

Approving the adjustment to increase the off-street parking allowance will not negatively impact the site or adjacent properties. The additional spaces requested under this Parking Adjustment will not trigger additional vehicle trips from what is currently generated by the site. Rather, it will shift a greater portion of the parking that is already established by the building's uses into off-street parking spaces. The demands on on-street parking will likely be reduced as a result, which may benefit the residential residents on the abutting streets of Roosevelt and Pearl.

4. Compatibility: The proposal is compatible with the character, scale and existing or planned uses of the surrounding neighborhood.

The applicant states that the parking lot is consistent with the character and scale of existing uses on this block. The new parking lot is adjacent to existing surface parking areas established for 212 Molalla Ave, 220 Molalla Ave., and 325 Pearl St. Surface parking lots surround the other commercial businesses and the multifamily building that is located on this block, bound by Molalla Avenue on the east, Pearl Street on the south, and Myrtle Street on the east. Constructing a small, 10-stall parking lot on the west parcel of the site is compatible with the existing improvements in this area and will directly abut the existing parking lot for Loncheria Mitzil Mexican Eatery next door.

The new parking lot could also present shared parking opportunities with future development that requires parking in the evening or at night, when the parking lot is not needed for the commercial building. The zoning of the area allows mixed use, restaurant, and residential uses that may be interested in shared parking opportunities.

6. Safety: The proposal does not significantly impact the safety of adjacent properties and rights-of-way.

The parking lot is designed in conformance with City engineering standards, ensuring that turning, maneuvering and egress routes are adequately laid out for safe use. The Traffic Impact Analysis Letter

documents that the new driveway access on Myrtle St. will have little or no interaction with other vehicles on Myrtle St. and thus, no inherent safety issues are anticipated.

The small 10-car capacity of the parking lot will be utilized by building tenants who will park for long periods of time during the weekday. This form of long duration parking is not expected to generate a frequent turn-over of parking during the day; and therefore, is also not expected to generate a high level of traffic on Myrtle St. As a result, significant impacts are not expected for the safety of adjacent properties and rights-of way. The Traffic Analysis Letter was reviewed by the City's traffic consultant John Replinger, who found no safety impacts (Exhibit 4).

6. Services: The proposal will not create a significant impact to public services, including fire and emergency services.

Finding: Complies as Proposed. The additional onsite parking proposed is not anticipated to utilize public service connections. A demand for new utility services is not required for the parking lot improvements (e.g. water or electricity). The need for fire or emergency services should be minimal, given no structures are proposed. No comments were received from Clackamas County Fire District.

17.52.020 - Number of automobile spaces required.

A. The number of parking spaces shall comply with the minimum and maximum standards listed in Table 17.52.020. The parking requirements are based on spaces per one thousand square feet net leasable area unless otherwise stated.

Table 17.52.020		
LAND USE	PARKING REQUIREMENTS	
	<u>MINIMUM</u>	<u>MAXIMUM</u>
Retail Store, Shopping Center, Restaurants	4.10	5.00
Office	2.70	3.33

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: Complies with Condition. The building at 221 Molalla Avenue contains approximately 29,108 square feet of net leasable area. This is an increase of 2,272 square feet in leasable area since the 2005 land use review SP 05-18. The increase in net leasable area is attributed to changes in floor plan layouts that converted and absorbed common areas, such as corridors and closets, into tenant suites. This change is most notable on the first floor, where the USDA office space and Department of Human Services expanded their office spaces to absorb significant portions of corridor area.

The table below summarizes the current allocation of net leasable building area and uses in the commercial building. Approximately 2,480 square feet of net leasable area is occupied by retail uses, while approximately 26,628 square feet is occupied by office uses.

Table 17.52.020		SF Leasable Area		PARKING REQUIREMENTS RATIO		NUMBER OF SPACES REQUIRED	
Number of automobile spaces required.							
LAND USE				MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
Office		26,628		2.7	3.33	72	89
Retail		2,480		4.1	5.5	10	12
TOTAL						82	101

The parking currently provided includes 79 spaces on site, plus 16 additional shared spaces across Molalla Avenue. The applicant provided a copy of the lease with the neighboring property owner to demonstrate the existence of the shared parking spaces. The total parking currently provided is 95 spaces, which is between the minimum of 82 and the maximum of 101.

The applicant has requested a parking adjustment to increase the maximum parking spaces allowed to 107, and has requested to building a 10-space parking lot to serve the building. If the adjustment is approved, the number of parking spaces will comply. The applicant may only add parking spaces above 101 spaces if the adjustment is approved by the Planning Commission. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 applicant has not proposed a use not specifically listed.

3. Where calculation in accordance with the above 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. Fractions were rounded in accordance with this chapter.

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 vehicles used in conducting the business or use.

Finding: Complies as Proposed. The applicant's narrative states that parking spaces provided in the surface parking lots are used only for operable vehicles associated with visitor, employee, and business parking needs. The long-term storage of vehicles is not allowed.

5. A change in use within an existing habitable building located in the MUD Design District or the Willamette Falls Downtown District is exempt from additional parking requirements. Additions to an existing building and new construction are required to meet the minimum parking requirements for the areas as specified in Table 17.52.020 for the increased square footage.

Finding: Not Applicable. The applicant has not proposed to change the use of an existing building.

B. Parking requirements can be met either onsite, or offsite by meeting the following conditions:

1. Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (e.g. the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of fifty percent, as determined by the community development director.

2. Shared Parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlay (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within one thousand feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument authorizing the joint use.

3. On-Street Parking. On-street parking may be counted toward the minimum standards when it is on the street face abutting the subject land use. An on-street parking space must not obstruct a required clear vision area and it shall not violate any law or street standard. On-street parking for commercial uses shall conform to the following standards:

a. Dimensions. The following constitutes one on-street parking space:

1. Parallel parking, each [twenty-two] feet of uninterrupted and available curb;

2. *[Forty-five/sixty] degree diagonal, each with [fifteen] feet of curb;*
3. *Ninety degree (perpendicular) parking, each with [twelve] feet of curb.*
4. *Public Use Required for Credit. On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.*

Finding: Complies with Condition. The parking ratio is based on the mix of uses as previously discussed. The applicant has not proposed to utilize existing on-street parking. The parking currently provided includes 79 spaces on site, plus 16 additional shared spaces. An additional 10 spaces are proposed off-street. Ten of the shared spaces are located on the tax lot addressed as 635 Pearl St, and 212 Molalla Ave, where Loncheria Mitzil Mexican eatery is located. The building at 635 Pearl Street is a residential use which is not subject to minimum parking requirements. The applicant demonstrates that the existing restaurant can still meet its parking needs through the parking spaces that are not shared. The 2000-square-foot restaurant requires a minimum of 8 spaces; and the existing parking lot contains at least 20 spaces.

The remaining six spaces are located on the tax lot addressed as 220 Molalla. Both of these tax lots are held under common ownership. The applicant provided a copy of the lease with the neighboring property owner to demonstrate the existence and legality of the shared parking spaces. The shared parking is within 1000 feet of the property. The shared parking spaces are not needed for the original uses at 220 Molalla because the building that the parking lot serves is currently vacant. If this building becomes occupied, or if the property is otherwise developed with a building, a Type I Site Plan review will be required to determine whether the shared parking may continue or if it is needed by the primary uses at 220 Molalla Avenue. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Reduction of the Number of Automobile Spaces Required. The required number of parking stalls may be reduced in the Downtown Parking Overlay District: Fifty percent reduction in the minimum number of spaces required is allowed prior to seeking further reductions in [sub]sections 2. and 3. below:

1. *Transit Oriented Development. For projects not located within the Downtown Parking Overlay District, the community development director may reduce the required number of parking stalls up to twenty-five percent when it is determined that a project in a commercial center (sixty thousand square feet or greater of retail or office use measured cumulatively within a five hundred-foot radius) or multi-family development with over eighty units, is adjacent to or within one thousand three hundred twenty feet of an existing or planned public transit street and is within one thousand three hundred twenty feet of the opposite use (commercial center or multi-family development with over eighty units).*

Finding: Not Applicable. The applicant has not requested to utilize the transit oriented development parking reduction.

2. *Reduction in Parking for Tree Preservation. The community development director may grant an adjustment to any standard of this requirement provided that the adjustment preserves a regulated tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition. The amount of reduction must take into consideration any unique site conditions and the impact of the reduction on parking needs for the use, and must be approved by the community development director. This reduction is discretionary.*

Finding: Not Applicable. The applicant has not requested to utilize the tree preservation parking reduction.

3. *Transportation Demand Management. The community development director may reduce the required number of parking stalls up to twenty-five percent when a parking-traffic study prepared by a traffic engineer demonstrates:*

Finding: Not Applicable. The applicant has requested to utilize the Transportation Demand Management parking reduction.

17.52.030 - Standards for automobile parking.

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 as Proposed. The applicant has provided an ingress and egress location on public thoroughfares in the interests of public traffic safety and there are no groups of more than four parking spaces which are required to be served by driveways. Backing movements or other maneuvering have been confined to the existing alley. The slope of the driveway connecting the parking spaces to the street is proposed at less than 15 percent.

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 stormwater and low impact development design standards are encouraged.

Finding: Complies as Proposed. The applicant has proposed paved surfaces for all off-street parking spaces and access aisles.

C. Drainage. Drainage shall be designed in accordance with the requirements of [Chapter 13.12](#) and the city public works stormwater and grading design standards.

Finding: Please refer to the findings in Chapter 13.12 of this report.

D. Dimensional Standards.

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 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/plan. Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the community development director may approve an alternative parking lot plan with variations to parking dimensions of this section. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while providing landscaping to the quantity and quality found within parking lot landscaping requirements.

PARKING

STANDARD

PARKING ANGLE SPACE DIMENSIONS

A Parking Angle		B Stall Width	C Stall Curb	to D Aisle Width	E Curb Length	F Overhang
90 degrees	Standard Compact	9' 8'	19.0' 16.0'	24' 22'	9' 8'	1.5

Finding: Complies with Condition. The applicant has proposed ten on-site 90-degree parking stalls.

The project complies with the dimensional standards outlined for compact parking spaces. Each parking space proposed complies with the minimum dimensions of 8 feet wide by 16 feet deep. A 22-foot wide drive aisle is provided behind each space. All ten parking spaces are allowed to be designed with compact dimensions because, per 17.52.030.D.1, up to 35 percent of the minimum required parking can be designated as compact spaces.

Currently, all 79 spaces constructed on the development site (e.g. in front of the building and in the lot on Pearl & Molalla) are standard-sized 9-foot by 19-foot stalls. Since no existing compact spaces are

established by the development, all ten new parking spaces are allowed to be constructed as compact. These compact spaces will represent approximately 8 percent of the overall parking held in common ownership.

The proposed design of the parking lot, with no landscaping on the boundary of the new lot line between proposed Parcel 1 and Parcel 2, appears to allow for backing of vehicles into the neighboring property. The applicant shall install a barrier to prevent vehicles from backing into Parcel 2, which is not part of the proposed parking lot, and from entering or exiting the parking lot through Parcel 2. The barrier shall leave enough space for pedestrian access between the two properties, as required in the recommended conditions of approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Carpool and Vanpool Parking. New developments with seventy-five or more parking spaces, and new hospitals, government offices, group homes, 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 ADA accessible parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."

Finding: Complies with Condition. The project was approved with 4 designated carpool parking spaces under the 2005 land use review SP 05-18. It appears these spaces lost their carpool designation prior to the new property ownership that is our client. Building management has been notified of the requirement and will be reinstating the 4 carpool spaces to comply with City standards. Under this proposal, increasing off-street parking to 107 spaces, a total of 5 carpool parking spaces will be required. If the parking adjustment is approved, the fifth carpool space will be established in the parking lot in front of the building. The applicant shall install the correct number of carpool spaces prior to final city approval of public improvements associated with the new parking lot. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.52.040 - Bicycle parking standards.

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 as Proposed. The proposal includes construction of a parking lot, therefore, compliance with bicycle parking standards is required. The project installed five (5) bicycle parking stalls for the office and retail uses under the 2005 land use review SP 05-18. The bicycle racks were installed adjacent to the main entrance of the building, facing Molalla Avenue.

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. Modifications to bicycle parking requirements may be made through the site plan and design, conditional use, or master plan review process.

TABLE A Required Bicycle Parking Spaces*

Where two options for a requirement are provided, the option resulting in more bicycle parking applies. Where a calculation results in a fraction, the result is rounded up to the nearest whole number.

* Covered bicycle parking is not required for developments with two or fewer stalls.

Required Bicycle Parking Spaces*

USE	MINIMUM BICYCLE PARKING	MINIMUM BICYCLE PARKING - COVERED
Office and Retail	1 per 20 auto spaces (minimum of	50% (minimum of two)

	two)	
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* Covered bicycle parking is not required for developments with two or fewer stalls.

Finding: Complies with Condition. One additional rack will be required if the site is approved with 107 parking spaces. At the time these were installed in 2005, there was not a requirement for a portion of the racks to be covered. In this case, the additional rack will be installed in a covered location to comply with current code requirements. The new bicycle rack will be provided under the covered breezeway, adjacent to the main entrance. The applicant shall install the new covered bicycle parking space prior to final city approval of public improvements associated with the new parking lot. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Security of Bicycle Parking. Bicycle parking facilities shall be secured. Acceptable secured bicycle parking area shall be in the form of a lockable enclosure onsite, secure room in a building onsite, a covered or uncovered rack onsite, bicycle parking within the adjacent right-of-way or another form of secure parking where the bicycle can be stored, as approved by the decision maker. 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 inconvenience and, when in the right-of-way shall comply with clearance and ADA requirements.

Finding: Complies as Proposed. The applicant's narrative identified that the proposed bicycle parking rack will be anchored to the concrete and will be secured.

D. Bicycle parking facilities shall offer security in the form of either a lockable enclosure 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 inconvenience.

Finding: Please refer to the analysis in 17.52.040.C.

Location of Bicycle Parking:

1. Bicycle parking shall be located on-site, in one or more convenient, secure and accessible location. The city engineer and the community development Director may permit the bicycle parking to be provided within the right-of-way provided adequate clear zone and ADA requirements are met. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings. If a building has two or more main building entrances, the review authority may require bicycle parking to be distributed to serve all main building entrances, as it deems appropriate.

Finding: Complies as Proposed. The applicant's site plan identifies bicycle parking near the corner of the alley and Harrison Street. The location is secure, convenient and accessible for all of the apartment units.

2. Bicycle parking areas shall be clearly marked or visible from on-site buildings or the street. If a bicycle parking area is not plainly visible from the street or main building entrance, a sign must be posted indicating the location of the bicycle parking area. Indoor bicycle parking areas shall not require stairs to access the space unless approved by the community development director.

Finding: Complies as Proposed. The applicant's narrative states that should an additional bicycle space be required, the rack will be located under the breezeway along the wall south of the main entrance. The walkway is wide enough in this area to accommodate the bike rack and maintain adequate spacing for ADA requirements and pedestrian clearances.

3. All bicycle parking areas shall be located to avoid conflicts with pedestrian and motor vehicle movement.

a. Bicycle parking areas shall be separated from motor vehicle parking and maneuvering areas and from arterial streets by a barrier or a minimum of five feet.

b. Bicycle parking areas shall not obstruct pedestrian walkways; provided, however, that the review authority may allow bicycle parking in the right-of-way where this does not conflict with pedestrian accessibility.

Finding: Complies as Proposed. The proposed bicycle parking location is separated from motor vehicle parking and maneuvering areas, and does not interfere with pedestrian or motor vehicle movement.

17.52.040.D.4. Accessibility.

a. Outdoor bicycle areas shall be connected to main building entrances by pedestrian accessible walkways.

b. Outdoor bicycle parking areas shall have direct access to a right-of-way.

c. Outdoor bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or fifty feet, whichever is less, unless otherwise determined by the community development director, city engineer, or planning commission.

Finding: Complies as Proposed. Should an additional bicycle space be required, the location proposed under the breezeway south of the main lobby entrance will provide the pedestrian visibility and connectivity required by this standard.

17.52.060 - Parking lot landscaping.

A. Development Standards.

1. The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.

Finding: Complies as Proposed. The proposed landscaping throughout the parking lot is uniformly distributed. These landscape areas are uniformly distributed around the north, south, and west perimeter of the parking lot. An interior planter is proposed in the middle of the small parking lot for a balanced approach to the design.

2. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.

Finding: Complies as Proposed. All areas in the parking lot not used for parking, maneuvering, or circulation are landscaped.

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 landscape plan includes Hawthorn, Hornbeam and Cedar trees to provide a mix.

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 landscape plan identifies 2" caliper trees.

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 as Proposed. The project proposes an alternative landscape plan in lieu of automatic irrigation. Hardy, native, low-maintenance plants have been selected for the plant schedule. To provide adequate watering during the dry season of the establishment period, property management will have the landscaper install slow release watering bags for the plant materials when they are installed. If plants do not survive due to underwatering, code enforcement action will be taken per standard city procedures.

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. No nuisance plants were identified within the parking lot landscaping area. The plan submitted by the applicant was prepared by a landscape architect to assure appropriate species.

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 proposed parking lot landscaping does not obstruct lines of sight for safe traffic operation or otherwise interfere with vehicular circulation.

8. Landscaping shall incorporate design standards in accordance with [Chapter 13.12, Stormwater Management](#).

Finding: Please refer to the analysis in Chapter 13.12 of this report.

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.

Finding: Complies as Proposed. The landscaping plan includes a 5-foot wide landscape buffer along all perimeter areas except the shared rear property line at the east side of the parking lot.

Please reference the response under Section 17.62.015, above, for more discussion on how the approval criteria of this modification is satisfied with more robust landscaping in other perimeter areas.

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;

Finding: Complies as Proposed. The perimeter parking lot landscaping includes trees spaced a maximum of 35 feet apart, and includes a tree on either side of the parking lot entryway.

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

Finding: Complies as Proposed. The perimeter parking lot landscaping includes bearberry as groundcover and notes that bark mulch will not be used except under canopy of shrubs and trees.

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 as Proposed. Evergreen shrubs with a mature height between 3 and 5 feet are specified in the perimeter areas on the landscape plan.

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 as Proposed. This standard does not apply. The west parcel, where the parking lot is proposed, does not contain a structure that requires a landscape buffer from the parking area.

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.

Finding: Complies as Proposed. Ten parking spaces are proposed, requiring a minimum of two interior parking lot trees. Two trees are proposed on the plan, a cedar in the center landscape planter and a Hawthorn in the landscape area that extends beyond the perimeter buffer adjacent to the first parking stall entering the parking lot. Shrubs and groundcover are provided as required.

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.

Finding: Complies as Proposed. The parking lot includes no more than five spaces in a row.

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: Not Applicable. The applicant has not proposed pedestrian walkways within the parking area, therefore, this standard is not applicable.

E. Installation.

1. All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.

2. The site, soils and proposed irrigation systems shall be appropriate for the healthy and long-term maintenance of the proposed plant species.

3. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the city, such as the posting of a surety.

Finding: Complies as Proposed. The applicant's narrative identified that all landscaping will be installed according to American Nurseryman standards. The applicant has proposed an alternative irrigation system for all landscaped areas.

17.52.070 - Alternative landscaping plan.

Finding: Not Applicable. The applicant has not proposed an alternative parking lot 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's narrative identified that the landscaped areas will be maintained by the owner.

17.52.090 - Loading areas.

B. Applicability.

1. [Section 17.52.090](#) applies to uses that are expected to have service or delivery truck visits with a forty-foot or longer wheelbase, at a frequency of one or more vehicles per week. The city engineer and decision maker shall determine through site plan and design review the number, size, and location of required loading areas, if any.

Finding: Not Applicable. The site is not expected to have service or delivery truck visits with a forty-foot or longer wheelbase.

CHAPTER 16.16 – MINOR PARTITIONS

16.16.010 Purpose and General Provisions.

A. Minor Partitions shall be processed as a Type II decision by the Community Development Director in the same manner as set forth in Section 16.04.020.A and the applicable provisions in Chapters 16.16 12.04, 16.12 and 17.50 of the Oregon City Municipal Code as well as any other applicable chapter. A minor partition is defined as a single division of land into two or three lots. Approval shall be granted only upon determination that all applicable requirements of this title and ORS Chapter 92 have been met.

Finding: Complies as Proposed. Because a Parking Adjustment is requested, the review of the Minor Partition is increased to a Type III, which is the higher level review triggered for a Parking Adjustment.

B. If a parcel of land to be partitioned will create lots large enough to be divided again, the applicant shall provide a hypothetical non-binding plan or "shadow plat" depicting possible future development of the resulting lots.

Finding: Complies as Proposed. Because the MUC-1 base zone does not have a minimum lot size or lot width for properties, there is potential for each of the two parcels proposed in this partition to be divided again in the future. Per the requirement of 16.16.010.B, a hypothetical "shadow plat" depicting a possible lot configuration under a future redivision has been provided.

C. Lot Size Limitations for Partitions in Residential Zoning Designations. A residentially zoned parcel of land or the aggregate of contiguous parcels under the same ownership containing sufficient net buildable area to be subdivided by the minimum lot size requirements of the underlying zone into 4 or more lots shall be subject to the Subdivision procedures and standards specified in Sections 16.08 and 16.12. The calculation of the net buildable area for the parcel or lot to be divided shall be determined by the Community Development Director. This standard shall not apply to a multi-family zoning designation.

Finding: Not Applicable. The land is not residentially zoned.

D. A parcel of land in existence at the time this ordinance was adopted may be partitioned once if solely for the purpose of segregating one separate smaller parcel for an existing or proposed single-family house. The original parcel shall be exempt from the Lot Size Limitation for Partitions found in (C) above. The parcel to be created for the single-family house shall not contain sufficient lot area to allow further partitioning under the standards of the applicable existing zone including the use of administrative variances.

Finding: Not Applicable. The land is not residentially zoned.

16.16.015 Preapplication Conference Required.

Before the city will accept an application for a partition, the applicant must attend a preapplication conference under Section 17.50.

Finding: Complies as Proposed. A pre-application conference for this proposal took place on August 7th, 2018. The file number is PA 18-31.

16.16.020 Minor Partition Application Submission Requirements.

A minor partition application shall include twelve copies of the proposed partition to the Community Development Director on a reproducible material, drawn at a minimum scale of one-inch equals one hundred feet with the following information:

- A. A completed land use application form as provided by the planning division;*
- B. Legal descriptions of the parent parcel(s) and a preliminary plat map;*
- C. The name and address of the owner(s) and the representative, if any;*
- D. County tax assessment map number(s) of the land to be partitioned;*
- E. The map scale and north point;*
- F. Approximate courses and dimensions of all parts of the partition;*
- G. Around the periphery of the proposed minor partition, the boundary lines and names of adjacent minor partitions and subdivisions, streets and tract lines of adjacent parcels of property;*
- H. The location, width and names of all existing or platted streets, other public ways and easements within the proposed partition, and other important features, such as the general outline and location of permanent buildings, pedestrian/bicycle access ways, watercourses, power lines, telephone lines, railroad lines, gas lines, water lines, municipal boundaries and section lines;*
- I All areas designated as being within an overlay district*
- J. A connectivity analysis may be required as directed at the pre-application conference. If required, the partition connectivity analysis shall be prepared by an engineer licensed by the State of Oregon which describes the existing and future vehicular, bicycle and pedestrian connections between the proposed partition and existing or planned land uses on adjacent properties. The connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed partition will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards.*
- K. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide,*
 - 1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within 45 days of notification by the applicant; and*
 - 2. A letter or email from the applicable tribal cultural resource representative as designated by the Oregon Legislative Commission on Indian Services (CIS) and the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within 45 days of notification by the applicant.*

If, after 45 days notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the city will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.

Finding: Complies as Proposed. The applicant submitted all required application materials and the application was. A description of the proposed development was sent to the Oregon State Historic Preservation Office (SHPO) as well as various tribes for review. Comments received have been provided as part of this application.

16.16.025 Frontage Width Requirement.

For parcels of land created by a minor partition the parcels shall have a minimum of twenty feet of frontage on an existing public, county, state or federal road or street (unless as otherwise permitted in OCMC 16.16).

Finding: Complies as Proposed. The lot configuration proposed specifies a width of approximately 50 feet for both Parcel 1 and Parcel 2.

16.16.030 Flag Lots – R-10, R-8, R-6, and R-3.5.

- A. *Flag lots may be permitted in Partitions only where the configuration, topography, or an existing dwelling unit is located on the property so that it would otherwise preclude the partitioning and development of the property.*
- B. *A joint accessway shall be provided unless the existing topography of the site or the dwelling unit is located on the property to prevent a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable to the city attorney.*
- C. *Access ways shall have a pavement width of at least sixteen feet to service one to two units or twenty feet to service three or more units. A fire access corridor of at least twenty feet shall be provided to all parcels with a minimum pavement width of sixteen feet to service two units or twenty feet to service three or more units. At least 6 inches of shoulder on each side of the fire access corridor shall be provided in order that construction work does not infringe on adjacent properties. A narrower pavement width may be approved by the Fire District and Planning Division. The approval may require that additional fire suppression devices be provided to assure an adequate level of fire and life safety. No vehicular obstruction, including trees, fences, landscaping or structures, shall be located within the fire access corridor.*
- D. *The pole must connect to a public street.*
- E. *The pole must be at least 8 feet wide for its entire length.*
- F. *The pole must be part of the flag lot and must be under the same ownership as the flag portion of the lot.*

16.16.035 Pavement Requirements.

Accessways for lots created through the minor partitioning process shall satisfy the requirements of Section 16.16.040 and 16.16.050. If the proposed accessway exceeds one hundred fifty feet in length the accessway shall conform to Fire District standards and shall be paved to a minimum width of twenty feet unless an alternative is approved by the Planning Division and Fire District. If more than two residences are served, a turnaround for emergency vehicles shall be provided. The turnaround shall be approved by the City Engineer and Fire District. Improvements shall comply with Chapter 16.12, Minimum Improvements and Design Standards for Land Divisions.

Finding: Not Applicable. No flag lots or accessways are proposed with this application.

CHAPTER 16.12 - MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS^[3]

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.

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: Complies as Proposed. No new blocks are being created with this application. Once partitioned into two lots, the existing street frontages of Molalla Ave. and Myrtle St. will continue to serve the land. Rather than retaining the through lot that is currently configured, the project will convert the land area into two individual 5,000 square foot lots that have only one street frontage and a shared internal rear lot line. With no minimum lot area or setback requirement for development, these regularly-shaped rectangular lots are of an adequate size to facilitate future development, including new buildings. The depth of the lots proposed within the existing block are approximately 50 feet wide by 100 feet deep. However, the project proposes converting a parcel that is a single tier through lot into a two tier lot configuration that meets the intent of this requirement.

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: Complies as Proposed. The buildings sites proposed are appropriate in size, width, shape, and orientation for Mixed Use Corridor development.

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: Not Applicable. The proposal is not a residential subdivision. The MUC-1 zone does not have a minimum density.

16.12.050 – Lot size reduction

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 lots within the entire subdivision on average meets the minimum site area requirement of the underlying zone. Any area within a powerline easement on a lot shall not count towards the lot area for that lot.

The average lot area is determined by first calculating the total site area devoted to dwelling units, subtracting the powerline easement areas, 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: Not Applicable. The proposal is not a residential subdivision.

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: Not Applicable. No through lots are proposed.

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: Complies as Proposed. The proposed lot lines and parcels run at right angles to the street upon which they face.

16.12.065 - Building site—Grading.

Grading of building sites shall conform to the State of Oregon Structural Specialty Code, Chapter 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of [Chapter 15.48](#), [16.12](#) and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of [Chapter 17.47](#).

Finding: See findings from OCMC 15.48 of this report.

16.12.070 - Building site—Setbacks and building location.

This standard ensures that lots are configured in a way that development can be oriented toward streets to provide a safe, convenient and aesthetically pleasing environment for pedestrians and bicyclists. The objective is for lots located on a neighborhood collector, collector or minor arterial street locate the front yard setback on and design the most architecturally significant elevation of the primary structure to face the neighborhood collector, collector or minor arterial street.

A. The front setback of all lots located on a neighborhood collector, collector or minor arterial shall be orientated toward the neighborhood collector, collector or minor arterial street.

B. The most architecturally significant elevation of the house shall face the neighborhood collector, collector or minor arterial street.

C. On corner lots located on the corner of two local streets, the main façade of the dwelling may be oriented towards either street.

D. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the city engineer determines that:

- 1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or*
- 2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.*

E. The community development director may approve an alternative design, consistent with the intent of this section, where the applicant can show that existing development patterns preclude the ability to practically meet this standard.

Finding: Complies as Proposed. Development in the MUC-1 zone is governed by Chapter 17.62. Most of these standards are written for single family residential development. One driveway is proposed on Myrtle Street.

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: Complies as Proposed. The site is capable of redivision under this proposal because the base zone standard does not have a minimum requirement for setbacks, lot size, lot width or density. However, further dividing the land from 5,000 square foot lots to smaller parcels does not hold enough feasible development potential to warrant the need to reserve areas for future right-of-way or building sites. The most realistic potential redivision would be that of narrow lots which front the existing streets and have shared driveway access. The current lot configuration presents the best opportunity to achieve this in the future, should redevelopment occur that seeks further redivision.

16.12.085 - Easements.

The following shall govern the location, improvement and layout of easements:

A. Utilities. Utility easements shall be required where necessary as determined by the city engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the land division and with adjoining subdivisions or partitions. Specific utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans.

Finding: Complies with Condition. The applicant shall provide a private utility easement to ensure the western lot created by the development may extend a sewer lateral to the existing sewer main within Molalla Avenue or provide evidence that the new lot can have gravity fed sewer service to the extension of a sewer main within Myrtle Street. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.085.B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the Public Works Stormwater and Grading Design Standards.

Finding: Complies with Condition. The applicant shall provide a 10-foot-wide public utility easement along all property lines fronting existing or proposed right-of-way.

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

C. Watercourses. Where a land division is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.

Finding: Not Applicable. The land division is not traversed by a watercourse.

D. Access. When easements are used to provide vehicular access to lots within a land division, the construction standards, but not necessarily width standards, for the easement shall meet city specifications. The minimum width of the easement shall be twenty feet. The easements shall be improved and recorded by the applicant and inspected by the city engineer. Access easements may also provide for utility placement.

Finding: Complies with condition. Vehicular access easements are required; however, this code provision is meant for residential partitions, and city construction standards are not needed for the type of vehicular cross over easements required for this development, in the MUC-1 zone. Twenty feet may not be required in this case; the width shall be determined by the future needs of the access. The specifications of any required easements shall be reviewed and approved by the City Engineer before easement recording occurs. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Resource Protection. Easements or other protective measures may also be required as the community development director deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance.

Finding: Not Applicable. The land division is not traversed by a water feature.

16.12.090 - Minimum improvements—Procedures.

In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to city specifications and standards as set out in the city's facility master plan and Public Works Stormwater and Grading Design Standards. The improvements shall be installed in accordance with the following procedure:

A. Improvement work shall not commence until construction plans have been reviewed and approved by the city engineer and to the extent that improvements are in county or state right-of-way, they shall be approved by the responsible authority. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.

B. Improvements shall be constructed under the inspection and approval of the city engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the city engineer or other city decision-maker, the applicant's project engineer also shall inspect construction.

C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of [Chapter 17.49](#) and the Public Works Erosion and Sediment Control Standards. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed beyond the public utility easement behind to the lot lines.

D. As-built construction plans and digital copies of as-built drawings shall be filed with the city engineer upon completion of the improvements.

E. The city engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

Finding: Complies as conditioned. The applicant shall provide civil engineering plans stamped and signed by a professional engineer in the State of Oregon for review and approval by Oregon City Public Works.

The applicant shall schedule a pre-design meeting with Public Works Development Services staff prior to initial submittal of Civil Engineering plans.

The development's contractor(s) and engineer(s) shall attend a pre-construction meeting with Oregon City staff prior to beginning construction work associated with the project.

As-built construction plans and digital copies of as-built drawings shall be filed with the city engineer within 90 days of completion of the improvements.

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

16.12.095 - Minimum improvements—Public facilities and services.

The following minimum improvements shall be required of all applicants for a land division under [Title 16](#), unless the decision-maker determines that any such improvement is not proportional to the impact imposed on the city's public systems and facilities:

A. Transportation System. Applicants and all subsequent lot owners shall be responsible for improving the city's planned level of service on all public streets, including alleys within the land division and those portions of public streets adjacent to but only partially within the land division. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for street improvements that benefit the applicant's property. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points of curvature and points of tangency of their center line, and at such other points as directed by the city engineer.

Finding: Complies with Condition. There are no monuments within the public street intersection associated with this development. The applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the property and assessing the cost to benefited properties pursuant to the city's capital improvement regulations in effect at the time of such improvement. The applicant shall pay all fees associated with processing and recording the Non-Remonstrance Agreement. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. Stormwater Drainage System. Applicants shall design and install drainage facilities within land divisions and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for stormwater drainage improvements that benefit the applicant's property. Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with city drainage master plan requirements, [Chapter 13.12](#) and the Public Works Stormwater and Grading Design Standards.

Finding: Complies with Condition. Refer to section 13.12 of this report for a discussion of storm water.

C. Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a land division in accordance with the city's sanitary sewer design standards, and shall connect those lots or parcels to the city's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for sanitary sewer improvements that benefit the applicant's property.

Applicants are responsible for extending the city's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the city engineer before construction begins.

Finding: Complies with Condition. The applicant shall demonstrate how the western lot created by the development can be provided sanitary sewer service from a viable source. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.095.D. Water System. The applicant shall design and install a water system to serve all lots or parcels within a land division in accordance with the city public works water system design standards, and shall connect those lots or parcels to the city's water system. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for water improvements that benefit the applicant's property. Applicants are responsible for extending the city's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.

Finding: Complies as proposed. The proposed development does not require a new water service. The existing water system allows for the future connection to all lots created by the development without encumbrances on adjacent properties.

16.12.095.E. Sidewalks. The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the land division. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a land division without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the land division application. Applicants for partitions may be allowed to meet this requirement by executing a binding agreement to not remonstrate against the formation of a local improvement district for sidewalk improvements that benefit the applicant's property.

Finding: Complies with Condition. Please refer to section 12.040.180 B for a discussion of sidewalks.

16.12.095.F. Bicycle Routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the decision-maker may require the installation of separate bicycle lanes within streets and separate bicycle paths.

Finding: Complies as Proposed. Please refer to the analysis in chapter 12.04 of this report.

16.12.095.G. Street Name Signs and Traffic Control Devices. The applicant shall install street signs and traffic control devices as directed by the city engineer. Street name signs and traffic control devices shall be in conformance with all applicable city regulations and standards.

Finding: Not applicable. The street has existing signs and the city finds no need for additional traffic control devices.

16.12.095.H. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all city regulations.

Finding: Complies as proposed. Given the small scope of the development and the small size of the property frontage, staff has determined that it was not be proportional to require street lighting along the frontage of the development.

16.12.095.I. Street Trees.

Finding: Please refer to the analysis in section 12.08 of this report.

16.12.095.J. *Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the city engineer.*

Finding: Not applicable. The development is not a subdivision.

16.12.095.K. *Other. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.*

Finding: Complies as conditioned. Though the subject site has overhead utility lines along the frontage of Molalla Avenue, relocation of all existing overhead utilities underground is not required because:

- The overhead utilities cannot be placed underground without impact to and involvement from adjacent properties.
- The City is mindful of assuring the public improvements are roughly proportional to the impact of the proposed development. As the applicant has proposed a 2-lot Minor Partition, the cost to underground all the existing overhead utilities would not be proportional to the proposed development.
- In this case the conversion of long lines along Molalla Avenue would require complicated and costly transitions which by code are required, however they would also trigger improvements across neighboring frontages and possibly infrastructure that would not fit in the existing ROW or dedicated public utility easement.
- To facilitate relocation existing overhead utilities by future development along Molalla Avenue, the existing overhead utility line(s) serving the existing dwelling shall be underground as it does not impact or require involvement from adjacent properties.
- Undergrounding of the overhead service line(s) serving this property is a requirement and must be accomplished in accordance with 16.12.095.K. There are a variety of overhead utilities which extend in front of the property which the home at 202 Molalla receives direct service. 16.12.095.K requires utility lines be undergrounded. Though it is not feasible that all of the utilities lines in the ROW be undergrounded, the aerial service lines extending from the distribution line alignment to the house shall be undergrounded prior to completion of the project. This work can occur without impacts to neighboring frontages, can be done in the existing ROW, is a standard requirement, and the cost to underground would be proportional to the proposed development.

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

16.12.095.L. *Oversizing of Facilities. All facilities and improvements shall be designed to city standards as set out in the city's facility master plan, public works design standards, or other city ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. The city may require oversizing of facilities to meet standards in the city's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the city for oversizing based on the city's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.*

Finding: Not applicable. Oversizing of facilities is not required for this development.

16.12.095.M. *Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of Chapter 17.47 with regard to erosion control.*

Finding: Please refer to the analysis in section 17.47 of this report.

16.12.100 *Same—Road standards and requirements.*

A. *The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of Chapter 12.04. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:*

1. The establishment of the public street is initiated by the city commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;

2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.

B. For any public street created pursuant to subsection A of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the community development director and city engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions.

Finding: Please refer to the findings in chapter 12.04 within this report.

16.12.105 Same—Timing requirements.

A. Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements. Whichever option the applicant elects shall be in accordance with this section.

B. Construction. The applicant shall construct the public improvements according to approved final engineering plans and all applicable requirements of this Code, and under the supervision of the city engineer. Under this option, the improvement must be complete and accepted by the city engineer prior to final plat approval.

C. Financial Guarantee. The applicant shall provide the city with a financial guarantee in a form acceptable to the city attorney and equal to one hundred ten percent of the cost of constructing the public improvements in accordance with Oregon City Municipal Code Chapter 17.50. Possible forms of guarantee include an irrevocable or standby letter of credit, guaranteed construction loan set-aside, reserve account, or performance guarantee, but the form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the city, must be reviewed and approved by the city attorney. The amount of the guarantee shall be based upon approved final engineering plans, equal to at least one hundred ten percent of the estimated cost of construction, and shall be supported by a verified engineering estimate and approved by the city engineer.

Finding: Please see findings from Section 17.50.140 of this report.

16.12.110 Minimum improvements—Financial guarantee.

When conditions of permit approval require a permittee to construct certain improvements, the city may, in its discretion, allow the permittee to submit a performance guarantee in lieu of actual construction of the improvement. Performance guarantees shall be governed by this section.

A. Form of Guarantee. Performance guarantees shall be in a form approved by the city attorney. Approvable methods of performance guarantee include irrevocable standby letters of credit to the benefit of the city issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the city. The form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the city shall be reviewed and approved by the city attorney. The guarantee shall be filed with the city engineer.

B. Timing of Guarantee. A permittee shall be required to provide a performance guarantee as follows:

1. After Final Approved Design by the City: A permittee may request the option of submitting a performance guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the remaining public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer.

2. Before Complete Design Approval and Established Engineered Cost Estimate: A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the city engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. This scenario applies for a fee-in-lieu situation to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. In this case, the fee-in-lieu must be submitted as cash, certified check, or other negotiable instrument as approved to form by the city attorney.

C. Duration of the Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the city. Once the city has inspected and accepted the improvement, the city shall release the guarantee to the permittee. If the improvement is not completed to the city's satisfaction within the time limits specified in the permit approval, the city engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the city in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the city, any remaining funds shall be refunded to the permittee. The city shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the city, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the city may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.

Finding: Please see findings from Section 17.50.140 of this report.

CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES

12.04.003 Applicability

A. Compliance with this chapter is required for all Land Divisions, Site Plan and Design Review, Master Plan, Detailed Development Plan and Conditional Use applications and all public improvements.

B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage, of all single and two-family dwellings. All applicable single and two-family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter. In addition, the frontage of the site shall comply with the following prioritized standards identified in this chapter:

- 1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and*
- 2. Plant street trees.*

The cost of compliance with the standards identified in 12.04.003.B.1 and 12.04.003.B.2 is limited to ten percent of the total construction costs. The value of the alterations and improvements as determined by the community development director is based on the entire project and not individual building permits. It is the responsibility of the applicant to submit to the community development director the value of the required improvements.

Additional costs may be required to comply with other applicable requirements associated with the proposal such as access or landscaping requirements.

Finding: Applicable. The applicant applied for a subdivision, this chapter is applicable.

12.04.005 Jurisdiction and management of the public rights-of-way

A. The city has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.

B. Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and air space over these areas.

C. The city has jurisdiction and exercises regulatory management over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

D. No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises and permits.

E. The exercise of jurisdiction and regulatory management of a public right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way.

Finding: Complies as proposed. By submission of the application, the applicant has acknowledged the City's jurisdiction and management of the public right-of-way.

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.

Finding: Not applicable. The applicant has not requested any modifications.

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 with Condition. See section 12.040.180 B for findings.

12.04.020 Construction specifications—Unimproved streets.

Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the city engineer and approved by the city commission. On unimproved streets curbs do not have to be constructed at the same time as the sidewalk.

Finding: Not Applicable. The applicant has not proposed to construct any infrastructure within an unimproved street.

12.04.025 - Street design—Driveway Curb Cuts.

12.04.025.A. One driveway shall be allowed per frontage. In no case shall more than two driveways be allowed on any single or two-family residential property with multiple frontages.

12.04.025.B. With the exception of the limitations identified in 12.04.025.C, all driveway curb cuts shall be limited to the following dimensions.

Property Use	Minimum Driveway Width at sidewalk or property line	Maximum Driveway Width at sidewalk or property line
Single or Two-Family Dwelling with one Car Garage/Parking Space	10 feet	12 feet
Single or Two-Family Dwelling with two Car Garage/Parking Space	12 feet	24 feet
Single or Two-Family Dwelling with three or more Car Garages/Parking Space	18 feet	30 feet
Non Residential or Multi-Family Residential Driveway Access	15 feet	40 feet

The driveway width abutting the street pavement may be extended 3 feet on either side of the driveway to accommodate turn movements. Driveways may be widened onsite in locations other than where the driveway meets sidewalk or property line (for example between the property line and the entrance to a garage).

12.04.025.C. The decision maker shall be authorized through a Type II process, unless another procedure applicable to the proposal applies, to minimize the number and size of curb cuts (including driveways) as far as practicable for any of the following purposes:

1. To provide adequate space for on-street parking;
2. To facilitate street tree planting requirements;
3. To assure pedestrian and vehicular safety by limiting vehicular access points; and
4. To assure that adequate sight distance requirements are met.
 - a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements.
 - b. Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development for detached housing within the "R-5" Single –Family Dwelling District or "R-3.5" Dwelling District, driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk or property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements.

12.04.025.D. For all driveways, the following standards apply.

1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet and preferably twenty feet back into the lot as measured from the current edge of street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the city engineer.
2. Driving vehicles, trailers, boats, or other wheeled objects across a sidewalk or roadside planter strip at a location other than an approved permanent or city-approved temporary driveway approach is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.
3. Placing soil, gravel, wood, or other material in the gutter or space next to the curb of a public street with the intention of using it as a permanent or temporary driveway is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.
4. Any driveway built within public street or alley right-of-way shall be built and permitted per city requirements as approved by the city engineer.

12.04.025.E. Exceptions. The public works director reserves the right to waive this standard, if it is determined through a Type II decision including written findings, that it is in the best interest of the public to do so.

Finding: Complies as proposed. The applicant has proposed a driveway of 22 feet in width, which is between 15 to 40 feet as required for Non-Residential driveways.

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 as Proposed. The applicant is responsible for maintaining said sidewalk and abutting curb.

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: Not Applicable. This is not a criterion for this development.

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: Not Applicable. The applicant has not proposed and is not required to repair a sidewalk.

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. This is not a criterion for this development because no sidewalk repair is required.

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. This is not a criterion for this development because no sidewalk repair is required.

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. This is not a criterion for this development.

12.04.045 Street design – Constrained local streets and/or rights-of-way

Any accessway with a pavement width of less than thirty-two feet shall require the approval of the city engineer, community development director and fire chief and shall meet minimum life safety requirements, which may include fire suppression devices as determined by the fire marshal to assure an adequate level of fire and life safety. The standard width for constrained streets is twenty feet of paving with no on-street parking and twenty-eight feet with on-street parking on one side only. Constrained local streets shall maintain a twenty-foot wide unobstructed accessway. Constrained local streets and/or right-of-way shall comply with necessary slope easements, sidewalk easements and altered curve radius, as approved by the city engineer and community development director.

Table 12.04.045		
STREET DESIGN STANDARDS FOR LOCAL CONSTRAINED STREETS		
	Minimum	Required
Type of Street	Right-of-way	Pavement Width
Constrained local street	20 to 40	20 to less than 32 feet

Finding: Not Applicable. The applicant has not proposed a constrained street.

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. Applicant is not proposing construction of a retaining wall.

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. Applicant is not proposing construction of a retaining wall.

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: Not applicable. Applicant will be permitted for excavations through Public Works construction plan review.

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. Applicant will be permitted for excavations through Public Works construction plan review.

12.04.095 - Street Design—Curb Cuts.

To assure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, such as a cul-de-sac or dead-end street, the decision maker shall be authorized to minimize the number and size of curb cuts (including driveways) as far as practicable where any of the following conditions are necessary:

- A. To provide adequate space for on-street parking;*
- B. To facilitate street tree planting requirements;*
- C. To assure pedestrian and vehicular safety by limiting vehicular access points; and*
- D. To assure that adequate sight distance requirements are met.*

Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development, single residential driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk and property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements. Shared residential driveways shall be limited to twenty-four feet in width adjacent to the sidewalk and property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements. Non-residential development driveway curb cuts in these situations shall be limited to the minimum required widths based on vehicle turning radii based on a professional engineer's design submittal and as approved by the decision maker.

Finding: Not applicable. The decision maker has not exercised the authority to minimize the number and size of curb cuts beyond what has been proposed by the applicant.

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: Complies as conditioned. The applicant has proposed work in the public right-of-way that will require pavement restoration. All pavement cut and restoration shall be performed in accordance with the City of Oregon City Pavement Cut Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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. This is not a criterion for this development.

12.04.120 Obstructions – Permit Required

Finding: Not applicable. This is not a criterion for this development.

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. This is not a criterion for this development.

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: Not applicable. This is not a criterion for this development.

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 Conditioned. The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies.

Error! Reference source not found. Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

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: Complies as proposed. The existing street location, widths, and grades of the proposed street network provide connectivity for future development of adjacent properties, a convenient street system, and for the safety of all modes of travel, including pedestrian and bicycle to, from, and through the subject site. The applicant has not proposed changes to existing street design-generally.

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
Major 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.
	Industrial	120 ft.	88 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	N/A	(5) 14 ft. Lanes	6 ft.
	Residential	126 ft.	94 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Minor	Mixed Use,	116 ft.	94 ft.		10.5 ft. sidewalk		6 ft.	8 ft.	(5) 12 ft.	6 ft.

Arterial	Commercial or Public/Quasi Public			0.5 ft.	including 5 ft.x5 ft. tree wells				Lanes	
	Industrial	118 ft.	86 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(5) 12 ft. Lanes	N/A
	Residential	100 ft.	68 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Collector	Mixed Use, Commercial or Public/Quasi Public	86 ft.	64 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft.x5 ft. tree wells		6 ft.	8 ft.	(3) 12 ft. Lanes	N/A
	Industrial	88 ft.	62 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	N/A
	Residential	85 ft.	59 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 11 ft. Lanes	N/A

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
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
	Industrial	60 ft.	38 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 19 ft. Shared Space			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 with Condition. Myrtle Street is classified as a Local Street in the Oregon City Transportation System Plan (TSP). The exiting 60-foot-wide right-of-way (ROW) of Myrtle Street is adequate, since the zoning on the one side of the centerline is residential and the other is mixed-use the total row width required is 58 feet. The frontage along Myrtle Street, on the development's side of the centerline, shall be improved to have a 0.5-foot-curb, 5-foot-wide planter strip, 5-foot-wide curb sidewalk and a 0.5-foot-wide buffer strip. Roadway pavement within Myrtle Street, to and through the development property frontage, shall be no less than 20-feet wide (1-feet of pavement west of the centerline of Myrtle Street and 19 feet of pavement east of the centerline of Myrtle Street).

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

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)."

D. 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: Not applicable. No dead-end streets or streets that end at the boundary of the development are proposed or required for this development.

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: Not applicable. The existing street alignments meet the City requirements. This standard is met.

12.04.194 Traffic Sight Obstructions

All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

Finding: Not applicable. The existing 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: Complies as Proposed. The proposed distances between intersections are within the ranges of this condition.

12.04.195.B. All new development and redevelopment shall meet the minimum driveway spacing standards identified in Table 12.04.195.B.

Table 12.04.195.B Minimum Driveway Spacing Standards

Table 12.04.195.B Minimum Driveway Spacing Standards		
Street Functional Classification	Minimum Driveway Spacing Standards	Distance
Major Arterial Streets	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	175 ft.
Minor Arterial Streets	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	175 ft.
Collector Streets	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other	100 ft.

Table 12.04.195.B Minimum Driveway Spacing Standards		
Street Functional Classification	Minimum Driveway Spacing Standards	Distance
	<i>than single and two-family dwellings</i>	
<i>Local Streets</i>	<i>Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings</i>	<i>25 ft.</i>
<i>The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.</i>		

Finding: Complies as Proposed. The proposed distances between intersections are within the ranges of this condition.

12.04.199 Pedestrian and Bicycle Accessways

Pedestrian/bicycle accessways are intended 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.

Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding three-hundred-and-thirty feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

12.04.199.A. Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.

12.04.199.B. Accessways shall be free of horizontal obstructions and have a nine-foot, six-inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:

- 1. Accessways shall have a fifteen-foot-wide right-of-way with a seven-foot wide paved surface between a five foot planter strip and a three foot planter strip.*
- 2. If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty-three feet wide with a fifteen-foot paved surface a five foot planter strip and a three foot planter strip.*

12.04.199.C. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.

2.04.199.D. To enhance pedestrian and bicycle safety, accessways 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.

12.04.199.E. Accessways shall comply with Americans with Disabilities Act (ADA).

12.04.199.F. The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:

- 1. Within the three foot planter strip, an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average;*
- 2. 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;*
- 3. Within the five foot planter strip, two-inch minimum caliper trees with a maximum of thirty-five feet of separation between the trees to increase the tree canopy over the accessway;*
- 4. In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.*

12.04.199.G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.

12.04.199.H. Accessway surfaces shall be paved with all-weather materials as approved by the city. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.

12.04.199.I. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings .

12.04.199.J. The Community Development Director may approve an alternative accessway design due to existing site constraints through the modification process set forth in Section 12.04.007.

12.04.199.K. Ownership, liability and maintenance of accessways.

To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the hearings body shall require one of the following:

1. Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or
2. The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.

Finding: Not Applicable. Accessways are not required from this development. The block lengths in the area comply with this Chapter.

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: Complies as proposed. The applicant has provided a Traffic Analysis Letter. Staff concurs with this recommendation. Therefore, transportation analysis is not required.

12.04.210 Street design--Intersection Angles.

Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles. In no case shall the acute angles be less than eighty degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet of tangent adjacent to the intersection unless topography requires a lesser distance. All street intersections shall be provided with a minimum curb return radius of twenty-five feet for local streets. Larger radii shall be required for higher street classifications as determined by the city engineer. Additional right-of-way shall be required to accommodate curb returns and sidewalks at intersections. Ordinarily, intersections should not have more than two streets at any one point.

Finding: Not applicable. No new streets are proposed.

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. No off-site street improvements are required.

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 may be required to preserve the objectives of half streets. When the remainder of an existing half-street improvement is made it shall include the following items: dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, lighting and other improvements as required for that particular street. It shall also include at a minimum the pavement replacement to the centerline of the street. Any damage to the existing street shall be repaired in accordance with the City's "Moratorium Pavement Cut Standard" or as approved by the City Engineer.

Finding: Complies as conditioned. See findings from section 12.04.180 of this report.

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: Compiles as proposed. Myrtle Street is currently a permanent dead-end street, and the construction of a through street has been found by the decision maker to be impracticable due to topography and disproportional to the size of the proposed development.

12.04.230 Street Design--Street Names.

Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names shall conform to the established standards in the City and shall be subject to the approval of the City.

Finding: Not applicable. No new street are proposed or required for this 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. No new street are proposed or required for this 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 as proposed. The development is adjacent to an arterial street but access has been proposed through Myrtle Street which is Local Street.

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: Not applicable. Curb extensions have not been deemed necessary for this development by the decision maker.

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: Not Applicable. No alleys are proposed.

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 transit agencies where the application impacts transit streets as identified in 17.04.1310.

Pedestrian/bicycle access ways shall be provided as necessary in Chapter 12.04 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. There are no nearby transit facilities.

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: Complies with Condition. Please refer to section 12.04.180.

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 with Condition. The applicant is responsible for the project's compliance 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. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.280 Violation--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: Not Applicable. No violations have been identified.

CHAPTER 12.08 - PUBLIC AND STREET TREES^[2]

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.

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.

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.*

C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.

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 did not submit a street tree plan with their submittal. For 50 feet of frontage, two street trees are required. If adequate spacing is not available for two trees, the applicant may pay fee-in-lieu for one tree. Prior to issuance of a permit associated with the proposed development the applicant shall submit a plan for street trees in compliance with OCMC 12.08. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.08.035 - Public tree removal.

Existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the community development director. A diseased or hazardous street tree, as determined by a registered arborist and verified by the City, may be removed if replaced. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table [12.08.035](#).

All new street trees will have a minimum two-inch caliper trunk measured six inches above the root crown. The community development director may approve off-site installation of replacement trees where necessary due to planting constraints. The community development director may additionally allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City in accordance with Oregon City Municipal Code 12.08.

Table 12.08.035

Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist		Replacement Schedule for Trees Not Determined to be Dead, Diseased or Hazardous by a Certified Arborist	
Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted	Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted
Any Diameter	1 Tree	Less than 6"	1 Tree
		6" to 12"	2 Trees
		13" to 18"	3 Trees
		19" to 24"	4 Trees
		25" to 30"	5 Trees
		31" and over	8 Trees

Finding: Complies with Condition. There is one existing tree in the Myrtle Street right of way. It is not clear if the applicant intends to remove this tree. If the tree in the Myrtle Street right of way is removed, the applicant shall replace the tree or pay fee-in-lieu in accordance with Chapter 12.08.035. **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

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.

de. Those exempted facilities shall be reviewed by the building official.

Finding: Applicable. The stormwater from the site will leave private property and will discharge into the ROW.

B. Water Quality and Flow Control. The water quality and flow control requirements of this chapter shall apply to the following proposed uses or developments, unless exempted under subsection C:

- 1. Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the WQRA or will disturb more than one thousand square feet of existing impervious surface within the WQRA as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given five-year period; or*
- 2. Activities that create or replace more than five thousand square feet of impervious surface per parcel or lot, cumulated over any given five-year period.*

Finding: Not Applicable. The applicant has provided a site plan which shows that the development proposes to not create or replace more than 5000 square feet of impervious area. The proposed site improvements do not

meet the threshold for requiring stormwater management improvements; however, additional impervious areas beyond what is proposed will likely trigger stormwater management requirements.

C. Exemptions. The following exemptions to subsection B of this section apply:

1. *An exemption to the flow control requirements of this chapter will be granted when the development site discharges to the Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred-year floodplain or is up to ten feet above the design flood elevation as defined in Chapter 17.42, provided that the following conditions are met:*
 - a. *The project site is drained by a conveyance system that is comprised entirely of manmade elements (e.g. pipes, ditches, culverts outfalls, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water; and*
 - b. *The conveyance system between the project site and the exempt receiving water has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected.*
2. *Projects in the following categories are generally exempt from the water quality and flow control requirements:*
 - a. *Stream enhancement or restoration projects approved by the city.*
 - b. *Farming practices as defined by ORS 30.960 and farm use as defined in ORS 214.000; except that buildings associated with farm practices and farm use are subject to the requirements of this chapter.*
 - c. *Actions by a public utility or any other governmental agency to remove or alleviate an emergency condition.*
 - d. *Road and parking area preservation/maintenance projects such as pothole and square cut patching, surface sealing, replacing or overlaying of existing asphalt or concrete pavement, provided the preservation/maintenance activity does not expand the existing area of impervious coverage above the thresholds in subsection B of this section.*
 - e. *Pedestrian and bicycle improvements (sidewalks, trails, pathways, and bicycle paths/lands) where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas.*
 - f. *Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.*
 - g. *Maintenance or repair of existing utilities.*

Finding: Applicable. The applicant has provided a site plan which utilizes pervious pavement and pavers so that the proposed development does not create or replace more than 5000 square feet of impervious area. The proposed site improvements do not meet the threshold for requiring stormwater management improvements; however, additional impervious areas beyond what is proposed will likely trigger stormwater management requirements.

D. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices, as defined in the Public Works Stormwater and Grading Design Standards:

1. *Bulk petroleum storage facilities;*
2. *Above ground storage of liquid materials;*
3. *Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;*
4. *Exterior storage of bulk construction materials;*
5. *Material transfer areas and loading docks;*
6. *Equipment and/or vehicle washing facilities;*
7. *Development on land with suspected or known contamination;*
8. *Covered vehicle parking for commercial or industrial uses;*
9. *Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and*
10. *Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.*

Finding: Not Applicable. The proposal does not contain elements requiring additional stormwater management practices.

13.12.080 - Submittal requirements.

- A. *Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.*
- B. *Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid city approved plan and report before proceeding with construction.*

Finding: Complies as Conditioned. The applicant shall provide an engineered drainage plan, signed by a professional engineer in the State of Oregon, for review and approval to fully address all applicable Stormwater and Grading Design Standards. The applicant's engineer shall submit a completed Site Assessment and Planning Checklist, found in Appendix B of the Stormwater and Grading Design Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.090 - Approval criteria for engineered drainage plans and drainage report.

An engineered drainage plan and/or drainage report shall be approved only upon making the following findings:

- A. *The plan and report demonstrate how the proposed development and stormwater facilities will accomplish the purpose statements of this chapter.*
- B. *The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under Section 13.12.020.*
- C. *The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.*
- D. *Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams.*
- E. *Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.*

Finding: Complies as Conditioned. The submitted plan does not fully meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under Section 13.12.020. The development shall replace the entirety of the existing 6" stormwater main within Myrtle Street to 12" as required by the Public Works Stormwater and Grading Design Standards.

The development shall replace the existing 6-inch stormwater main within Myrtle Street, along the development property's frontage and to the outfall to the north with a 12-inch stormwater main. The outfall of the pipe shall have rip-rap as required by the Public Works Stormwater and Grading Design Standards.

The applicant shall provide a Private Stormwater Maintenance Covenant and Access Easement and an Operations and Maintenance Plan for the proposed pervious pavement to be recorded by the City and pay associated processing fees. Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

13.12.100 - Alternative materials, alternative design and methods of construction.

The provisions of this chapter are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this chapter or the Public Works Stormwater and Grading Design Standards, provided any alternate has been approved and its use authorized by the city engineer. The city engineer may approve any such alternate, provided that the city engineer finds that the proposed design is satisfactory and complies with the intent of this chapter and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed by this chapter in effectiveness, suitability, strength, durability and safety. The city engineer shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the city files.

Finding: Not Applicable. The applicant has not proposed alternative design methods requiring special approval by the City Engineer. However, should the applicant propose such methods with the public facilities construction plan submittal, the proposal will be reviewed and approved by the City Engineer as required.

13.12.120 - Standard construction specifications.

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

Finding: Complies as proposed. The applicant has noted the requirement to follow city standards which are developed in compliance with the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, in effect at the time of application.

CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING

15.48.030 Applicability—Grading permit required.

A. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:

- 1. Grading activities in excess of ten cubic yards of earth;*
- 2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;*
- 3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;*
- 4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or*
- 5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.*

Finding: Applicable. The development proposes grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet.

15.48.090 Submittal requirements.

An engineered grading plan or an abbreviated grading plan shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards whenever a city approved grading permit is required. In addition, a geotechnical engineering report and/or residential lot grading plan may be required pursuant to the criteria listed below.

A. Abbreviated Grading Plan. The city shall allow the applicant to submit an abbreviated grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards if the following criteria are met:

- 1. No portion of the proposed site is within the flood management area overlay district pursuant to [Chapter 17.42](#), the unstable soils and hillside constraints overlay district pursuant to [Chapter 17.44](#), or a water quality resource area pursuant to [Chapter 17.49](#); and*
- 2. The proposed filling or grading activity does not involve more than fifty cubic yards of earth.*

B. Engineered Grading Plan. The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer if the proposed activities do not qualify for abbreviated grading plan.

C. Geotechnical Engineering Report. The city shall require a geotechnical engineering report in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer who specializes in geotechnical work when any of the following site conditions may exist in the development area:

- 1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;*

2. When an embankment for a stormwater pond is created by the placement of fill;
3. When, by excavation, the soils remaining in place are greater than three feet high and less than twenty feet wide.

D. Residential Lot Grading Plan. The city shall require a residential lot grading plan in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer for all land divisions creating new residential building lots or where a public improvement project is required to provide access to an existing residential lot.

Finding: Complies as proposed. The applicant provided a preliminary engineered grading plan demonstrating general compliance with the City's Public Works requirements for grading standards.

CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL

17.47.030 - Applicability.

A. This chapter, which may also be referred to as "erosion control" in this Code, applies to development that may cause visible or measurable erosion on any property within the city limits of Oregon City.

B. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.

Finding: Applicable. The applicant has proposed to construct a new subdivision with associated street improvements.

17.47.060 - Permit required.

The applicant must obtain an erosion and sediment control permit prior to, or contemporaneous with, the approval of an application for any building, land use or other city-issued permit that may cause visible or measurable erosion.

Finding: Complies with Condition. The applicant seeks approval of an application for land use which requires construction that may cause visible or measurable erosion. The applicant shall obtain an Erosion control permit prior to commencement of any construction activities. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.47.070 - Erosion and sediment control plans.

A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.

B. Approval Standards. An erosion and sediment control plan shall be approved only upon making the following findings:

- 1. The erosion and sediment control plan meets the requirements of the City of Oregon City public works standards for erosion and sediment control incorporated by reference as part of this chapter;*
- 2. The erosion and sediment control plan indicates that erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that erosion and sediment control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.*

C. The erosion and sediment control plan shall be reviewed in conjunction with the requested development approval. If the development does not require additional review, the manager may approve or deny the permit with notice of the decision to the applicant.

D. The city may inspect the development site to determine compliance with the erosion and sediment control plan and permit.

E. Erosion that occurs on a development site that does not have an erosion and sediment control permit, or that results from a failure to comply with the terms of such a permit, constitutes a violation of this chapter.

F. If the manager finds that the facilities and techniques approved in an erosion and sediment control plan and permit are not sufficient to prevent erosion, the manager shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim erosion and sediment control measures as specified in the City of Oregon City public works standards for erosion and sediment control. Within three days from the date of notice, the owner or his/her designated representative shall submit a revised erosion and sediment control plan to the city. Upon approval of the revised plan and issuance of an amended permit, the owner or his/her designated representative shall immediately implement the revised plan.

G. Approval of an erosion and sediment control plan does not constitute an approval of permanent road or drainage design (e.g., size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).

Finding: Complies with Condition. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan prior to issuance of an erosion control permit. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.41 - TREE PROTECTION STANDARDS

17.41.020 - Tree protection—Applicability.

1. Applications for development subject to Chapters 16.08 or 16.12 (Subdivision or Minor Partition) or Chapter 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments.

2. For public capital improvement projects, the city engineer shall demonstrate compliance with these standards pursuant to a Type II process.

3. Tree canopy removal greater than twenty-five percent on sites greater than twenty-five percent slope, unless exempted under Section 17.41.040, shall be subject to these standards.

4. A heritage tree or grove which has been designated pursuant to the procedures of Chapter 12.08.050 shall be subject to the standards of this section.

Finding: Not Applicable. The proposed development includes a Minor Partition, therefore this section applies. However, this site does not contain any trees 6 inches or greater in diameter on site.

17.41.130 - Regulated tree protection procedures during construction.

Finding: Not Applicable. This standard is not applicable because the site does not contain any trees 6 inches or greater in size. As such, regulated trees are not present and tree protection is not required.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

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

Finding: Complies as Proposed. The proposed application is being reviewed pursuant to the Type III process. Notice was posted onsite, online, in a newspaper of general circulation, and mailed to property owners within 300 feet of the proposed development site.

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 18-31) on August 7th, 2018. The land use application was submitted within 6 months of the pre-application conference. The application was deemed complete on March 1, 2019.

17.50.055 Neighborhood Association Meeting

A. Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

1. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, planning commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the city-recognized neighborhood association in whose territory the application is proposed. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.
2. The applicant shall send, by certified mail, return receipt requested letter to the chairperson of the neighborhood association and the citizen involvement committee describing the proposed project. Other communication methods may be used if approved by the neighborhood association.
3. A meeting shall be scheduled within thirty days of the notice. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall hold their own meeting after six p.m. or on the weekend, with notice to the neighborhood association, citizen involvement committee, and all property owners within three hundred feet. If the applicant holds their own meeting, a copy of the certified letter requesting a neighborhood association meeting shall be required for a complete application. The meeting held by the applicant shall be held within the boundaries of the neighborhood association or in a city facility.
4. If the neighborhood association is not currently recognized by the city, is inactive, or does not exist, the applicant shall request a meeting with the citizen involvement committee.
5. To show compliance with this section, the applicant shall submit a sign-in sheet of meeting attendees, a summary of issues discussed, and letter from the neighborhood association or citizen involvement committee indicating that a neighborhood meeting was held. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, a sign in sheet of attendees and a summary of issues discussed.

Finding: Complies as Proposed. The project is located within the Barclay Hills Neighborhood Association. The project was placed on the November 13th agenda of the Barclay Hills Neighborhood Association. The applicant included notes and a sign in sheet from the meeting.

17.50.060 Application Requirements.

Finding: Complies as Proposed. All application materials required are submitted with this narrative. The applicant has provided full-size and two reduced size sets of plans to accompany the submittal items.

17.50.070 Completeness Review and 120-day Rule.

Finding: Complies as Proposed. This land use application was submitted on January 22, 2019. The application was deemed complete on March 1, 2019. The City has until June 29, 2019 to make a final determination.

17.50.090 Public Notices.

Finding: Complies as Proposed. Staff provided public notice within 300' of the site via mail, newspaper, the site was posted with multiple Land Use Notices and posted on the Oregon City website. Staff provided email transmittal of the application and notice to affected agencies, the Natural Resource Committee and to all Neighborhood Associations requesting comment.

17.50.100 Notice Posting Requirements.

Finding: Complies as Proposed. The applicant provided a signed affidavit that the site was posted with the notice for at least the minimum requirement.

17.50.140 - Performance guarantees.

When conditions of permit approval require a permittee to construct certain improvements, the city may, in its discretion, allow the permittee to submit a performance guarantee in lieu of actual construction of the improvement. Performance guarantees shall be governed by this section.

A. Form of Guarantee. Performance guarantees shall be in a form approved by the city attorney. Approvable methods of performance guarantee include irrevocable standby letters of credit to the benefit of the city issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the city. The form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the city shall be reviewed and approved by the city attorney. The guarantee shall be filed with the city engineer.

B. Timing of Guarantee. A permittee shall be required to provide a performance guarantee as follows.

1. After Final Approved Design by The City: A permittee may request the option of submitting a performance guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the remaining public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer.

2. Before Complete Design Approval And Established Engineered Cost Estimate: A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the city engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. This scenario applies for a fee-in-lieu situation to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. In this case, the fee-in-lieu must be submitted as cash, certified check, or other negotiable instrument as approved to form by the city attorney.

C. Duration of the Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the city. Once the city has inspected and accepted the improvement, the city shall release the guarantee to the permittee. If the improvement is not completed to the city's satisfaction within the time limits specified in the permit approval, the city engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the city in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the city, any remaining funds shall be refunded to the permittee. The city shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the city, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the city may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.

Finding: Complies as conditioned. The applicant shall submit a performance guarantee which is equal to one hundred twenty percent of the estimated cost of constructing the public improvements shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until all improvements have been constructed and are accepted by the city.

The applicant shall provide a Maintenance Bond in the amount of 15% of the Final Cost Estimate of all public improvements constructed shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect for two years from the establishment of the guarantee and until accepted by the City.

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

CHAPTER 17.54.100 – FENCES

A. Generally. Fence, hedge, or wall.

1. *Fences and walls—Fences and walls over forty-two inches shall not be located in front of the front façade or within forty feet of the public right-of-way, whichever is less. All other fences (including fences along the side and rear of a property) shall not exceed six feet in total height unless as permitted [in] Section 17.54.100.B.*
2. *Hedges shall not be more than forty-two inches in the underlying front yard setback. Individual plants and trees taller than forty-two inches tall may be permitted provided there is at least one foot clearance between each plant.*
3. *Property owners shall ensure compliance with the traffic sight obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.*
4. *It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the city manager.*

B. Exception. Fence, hedge, wall, or other obstructing vegetation on retaining wall. When a fence, hedge, wall, or other obstructing vegetation is built on a retaining wall or an artificial berm that is not adjacent to or abutting a public right-of-way, the following standards shall apply:

1. *When the retaining wall or artificial berm is thirty inches or less in height from the finished grade, the maximum fence or wall height on top of the retaining wall shall be six feet.*
2. *When the retaining wall or earth berm is greater than thirty inches in height, the combined height of the retaining wall and fence or, wall from finished grade shall not exceed eight and one-half feet.*
3. *Fences, hedges or walls located on top of retaining walls or earth berms in excess of eight and one-half feet in height shall be set back a minimum of two feet from the edge of the retaining wall or earth berm below and shall not exceed a combined height of eight and one-half feet.*
4. *An alternative height or location requirement may be approved within a land use process for all non-single-family and two-family residential properties. The fence, hedge or wall shall be compatible with the adjacent neighborhood and achieve the same intent of the zoning designation and applicable site plan and design review process. In no case may the fence, hedge or wall exceed eight feet in height without approval of a variance.*

Finding: Complies as Proposed. The applicant proposes to remove the existing chainlink fence along the north property line. Note 8 on Civil sheet 3.0 calls for a 6 ft. wood fence along the property line. The fence is not in a front yard, therefore 6 feet is acceptable.

CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above, Staff concludes that the proposed minor partition, parking adjustment, and parking lot located 202 Molalla Avenue, identified as Clackamas County Map 2-2E-32CB Taxlot 07800 and 07300 can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Staff

recommends approval of file GLUA 19-00001 with conditions, based upon the findings and exhibits contained in this staff report.

EXHIBITS:

1. Vicinity Map (On File)
2. Applicant's Narrative and Plans (On File)
3. Public Comments
4. Letter from John Replinger (On File)
5. Easement diagram (to support Condition of Approval #22)



TYPE III STAFF REPORT AND RECOMMENDATION

A preliminary analysis of the applicable approval criteria is enclosed within the following staff report. All applicable criteria shall be met, or met with conditions, in order to be approved. The Planning Commission may choose to adopt the findings as recommended by staff or alter any finding as determined appropriate.

February 10, 2020

FILE NUMBER: GLUA-19-00053 (General Land Use Application), SP-19-00141 (Site Plan and Design Review)

APPLICANT: Bruce Soihr, Norris & Stevens
900 SW 5th Avenue, Suite 1700
Portland, OR 97204

Submitted: December 26, 2020

Complete: January 9, 2020

120 Day Deadline: May 8, 2020

PC Hearing: February 10, 2020

OWNER: John Parman
16933 S Bradley Road
Oregon City, OR 97045

Derek Harrison, OC Properties LLC
33855 Van Duyn Road
Eugene, OR 97408

REPRESENTATIVE: Parish Burns
Harper Houf Peterson Righellis, Inc.
205 SE Spokane Street, Suite 200
Portland, OR 97202

REQUEST: The applicant is requesting approval of an application in order to remove Condition of Approval #15 from the previous land use approval (Planning Files GLUA-19-00001/SP-19-00007/PARK-19-00001/MP-19-00001). Condition #15 required undergrounding of utilities, and removal of this condition will allow existing overhead power lines to remain at the existing single-family residence at 202 Molalla Avenue, Oregon City.

LOCATION: 202/221 Molalla Avenue, Oregon City, OR 97045
Clackamas County Map 2-2E-32CB, Tax Lots 7300, 7800, 8300, 8400, 8500; 2-2E-32CC, Tax Lot 3100

REVIEWER: Dilia Vassileva, Assistant Planner
Sang Pau, Development Projects Engineer

RECOMMENDATION: Approval.

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. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. 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 is final unless appealed and description of the requirements for perfecting an appeal. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed. Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 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 the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

I. BACKGROUND:

1. Existing Conditions

The property at 202 Molalla Avenue is approximately 10,000 square feet in size and is developed with a single-family home. The residence is positioned near the eastern edge of the lot and the front porch entrance oriented toward Molalla Avenue. Vehicle access is taken for the site through a driveway and curb cut along Molalla Avenue that is shared with the abutting property to the south, addressed as 212 Molalla Avenue. That neighboring property contains a small commercial building.

The zoning designation for this site is Mixed-Use Corridor District 1 (MUC-1). The Mixed-Use Corridor District (MUC) is designed to apply along sections of transportation corridors, such as Molalla Avenue. The MUC-1 designation provides for multifamily residential uses, office, and retail uses.

The abutting properties to the north and south are assigned the same zoning designation. A multifamily development is present on the property to the north. The abutting property to the south is developed with a restaurant. Properties across the street, on the east side of Molalla are also zoned MUC-1, while the properties on the other side of Myrtle Street, to the west, have an R-2 multifamily residential zoning designation.

The existing structure on the project site is still recognized as a single-family residential household use because permits to change the use to another occupancy allowed within the MUC-1 have not been issued for this structure.

The site at 221 Molalla was originally a lumberyard and was converted to a commercial building in 2006 with associated parking. The building contains multiple office and retail tenant spaces and is approximately 33,000 square feet. There is an additional parking lot on the south side of Pearl Street that also serves the existing office building.

[illegible]

2. Project Description

On April 8, 2019, the Planning Commission approved a Minor Partition, Parking Adjustment, and Site Plan and Design Review application (GLUA-19-00001/PARK-19-00001/SP-19-00007/MP-19-00001), which was for a two-lot minor partition of the property at 202 Molalla Avenue and included a proposed 10-stall parking lot and a Planning Commission parking adjustment to allow for the additional parking spaces. The application was conditionally approved by the Planning Commission. The approval included a condition of approval requiring the applicant to underground all utilities along the frontage of the property at 202 Molalla Avenue. After coordination with PGE, it was determined by PGE that the utilities in question cannot be undergrounded and thus the condition cannot be met. The applicant is requesting this application in order to modify the original application and remove the condition from the previous approval, which would allow the existing overhead utility lines to remain at the existing single-family residence at 202 Molalla Avenue.

Figure 3: Proposed Site Plan

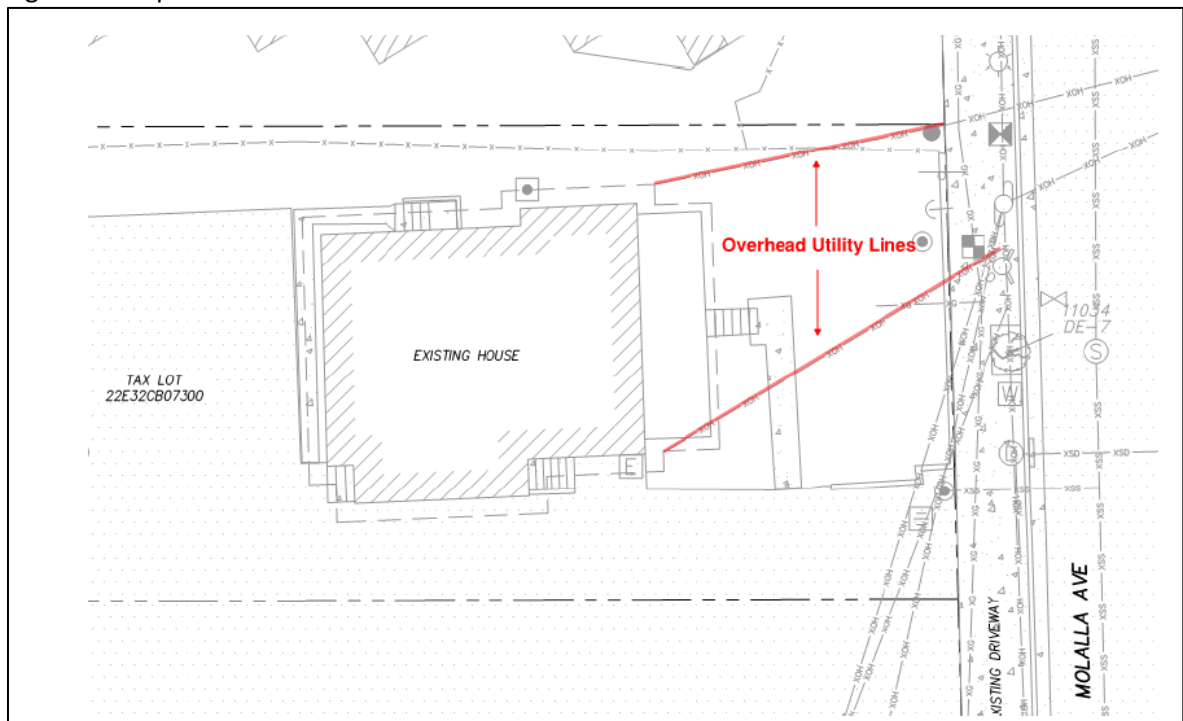


Figure 4: Utility Lines Required to be Undergrounded by Condition of Approval from Prior Review



3. Permits and Approvals: The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.

4. Public Comment

Public comments submitted include (Exhibit 3):

- A comment from the Oregon City School District identifying no concerns with the proposed application.

None of the comments provided indicate that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

II. ANALYSIS AND FINDINGS:

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

The City Code Book is available on-line at www.orcity.org.

Permits and Approvals: The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.

CHAPTER 16.12 MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT

16.12.010 - 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 plans 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 shall 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 shall 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: Applicable. The applicant has submitted a request for a modification in order to remove a condition of approval from the prior review which required undergrounding of existing utilities.

16.12.011 - Applicability.

A. Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements. Minor Site Plan and Design Review applications shall not be subject to this chapter unless improvements are proposed within the right-of-way.

B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage of all single and two-family dwellings living space. Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. Accessory dwelling units are not subject to compliance with this chapter. All applicable single and two-family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations. In addition, the street frontage shall be improved to include the following priorities for improvements:

- 1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and*
- 2. Plant street trees.*

The cost of compliance with the standards identified in 16.12.011.B.1 and 16.12.011.B.2 is calculated based on the square footage valuation from the State of Oregon Building Codes Division and limited to ten percent of the total construction costs. The value of the alterations and improvements is based on the total construction costs for a complete project rather than costs of various project component parts subject to individual building permits. The entire proposed construction project cost includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with drafting or recording dedications or easements.

Finding: Applicable. The purpose of the land use review is to remove the condition to underground utility lines serving the existing house at 202 Molalla Avenue, approved under land use review GLUA-19-00001/PARK-19-00001/SP-19-00007/MP-19-00001. The development proposed under the prior application was reviewed for compliance with all applicable standards within Chapter 16.12. The current application is required in order to remove a condition of approval from the prior review, and no additional development, building or site alterations are being proposed under this application. Therefore, with the exception of standards for undergrounding of utilities within OCMC 16.12.095.G, this Chapter in its entirety is not applicable.

16.12.013 - Modifications.

The applicant may request and the review body may consider modification of the standards in this chapter 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:

Finding: Applicable. The applicant requests a modification to the utility undergrounding requirements of OCMC 16.12.095.G.

A. The modification meets the intent of the standard;

Finding: Complies as Proposed. The intent of the standard to underground utilities is primarily for aesthetic purposes and to avoid visual clutter. The existing utility lines are an existing condition and under this modification request are proposed to remain. Utility lines along this portion of Molalla Avenue are above-ground and the aesthetics of the property would remain consistent with the surrounding area. No new utility lines which would add more visual clutter are proposed to be added to the existing utility poles. The removal of the condition to underground utility lines would not negatively impact the existing aesthetic qualities of the subject site and would meet the intent of the standard to underground utilities.

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

Finding: Not Applicable. The proposed modification would allow utility lines on the subject site's frontage to remain as they currently are and will have no impact to movement of pedestrians, motor vehicles, bicyclists and freight.

C. The modification is consistent with an adopted transportation or utility plan; and

Finding: Not Applicable. The proposed modification would allow utility lines on the subject site's frontage to remain as they currently are and will have no impact to any adopted transportation or utility plan.

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

Finding: Complies as Proposed. Utility lines along this portion of Molalla Avenue are above-ground and the property's frontage would remain consistent with the street design in the surrounding area. No new utility lines which would add more visual clutter or cause the property to become inconsistent or uncomplimentary with the surrounding street design are proposed.

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 modification has not been requested for constitutional reasons.

16.12.095 – Same – Public Facilities and Services

G. Other Utilities. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. Existing and new electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

Finding: Complies as Proposed. New improvements are not proposed under this land use application, and the purpose of the land use review is to remove the condition to underground utility lines serving the existing house at 202 Molalla Avenue. Although no new utility connections were proposed under GLUA-19-00001/PARK-19-00001/SP-19-00007/MP-19-00001, Development Services imposed Condition

#15, requiring the undergrounding of existing utility lines serving the existing residence on the property. The property owner made a good faith effort satisfy the condition to underground utility lines serving the existing house, even though no changes or improvements were proposed to the existing residence and the new parking lot improvements did not require utility connections. During coordination with PGE, the agency determined that relocation of overhead lines cannot be authorized, given the location of the transformer is not on the pole in front of the house. Compliance with the City's request would require changes to the utility system that extends across the street and does not garner support from PGE. The condition to underground overhead utilities is only applicable to utilities along the frontage of the development property but not the undergrounding of utilities which extend beyond the frontage of the development property. Therefore, the requirement is not roughly proportional to the impact of the proposed development. A waiver from the City's requirement to underground the overhead service lines has been deemed necessary by the city.

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES

17.50.030 – Summary of the City's Decision-Making Process

C. 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. 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 or the Historic Review Board hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission or the Historic Review Board, all issues are addressed. The decision of the Planning Commission or Historic Review Board is appealable to the City Commission, on the record pursuant to OCMC 17.50.190. The City Commission decision on appeal from is the City's final decision and is subject to review by LUBA within twenty-one days of when it becomes final, unless otherwise provided by state law.

Finding: Applies. OCMC 17.04.710 defines a major modification as any change that renders the prior development in noncompliance with any of the conditions of approval or approval criteria. Major modifications are required to be reviewed through the same application process as the original review. The original application included a Planning Commission Parking Adjustment which is subject to a Type III process, therefore, the modification is required to be reviewed through a Type III process.

17.50.050 – Pre-application conference.

A Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application 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.

To schedule a pre-application 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 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 pre-application conference.

B. A pre-application 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 shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.

C. Notwithstanding any representations by City staff at a pre-application 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.

Finding: Not Applicable. The applicant held a pre-application conference for the original application (Planning Files GLUA-19-00001/PARK-19-00001/SP-19-00007/MP-19-00001), however, since the current application is a modification to remove a condition of approval, and would otherwise be processed as a minor site plan and design review, the Community Development Director has waived the pre-application conference requirement in accordance with this section.

17.50.055 - Neighborhood association meeting.

Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.

C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.

D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.

E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.

Finding: Not Applicable. The applicant attended a neighborhood association meeting prior to submittal of the original application (Planning Files GLUA-19-00001/PARK-19-00001/SP-19-00007/MP-19-00001). The current application is a modification to remove a condition of approval and would otherwise be

processed as a minor site plan and design review and a neighborhood association meeting is not required.

17.50.070 - Completeness review and one hundred twenty-day rule.

C. 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:

- 1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.*
- 2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.*
- 3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.*
- 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.*

D. A one-hundred day period applies in place of the one-hundred-twenty day period for affordable housing projects where:

- 1. The project includes five or more residential units, including assisted living facilities or group homes;*
- 2. At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of the median family income for Clackamas County or for the state, whichever is greater; and*
- 3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.*

E. The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.

F. The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.

Finding: Complies as Proposed. The application was submitted on December 26, 2019 and was deemed complete on January 9, 2020. The City has until May 8, 2020 to make a final determination.

17.50.080 - Complete application—Required information.

Unless stated elsewhere in OCMC 16 or 17, a complete application includes all the materials listed in this subsection. The Community Development Director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within thirty days of when the application is first submitted, the Community Development Director may require additional information, beyond that listed in this subsection or elsewhere in Titles 12, 14, 15, 16, or 17, such as a traffic study or other report prepared by an appropriate expert. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation, and the City will not deem the application complete until all information required by the Community Development Director is submitted. At a minimum, the applicant shall submit the following:

- A. One copy of a completed application form that includes the following information:*

1. An accurate address and tax map and location of all properties that are the subject of the application;
2. Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s);

B. A complete list of the permit approvals sought by the applicant;

C. A complete and detailed narrative description of the proposed development;

D. A discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met or are not applicable, and any other information indicated by staff at the pre-application conference as being required;

E. One copy of all architectural drawings and site plans shall be submitted for Type II-IV applications.

One paper copy of all application materials shall be submitted for Type I applications;

F. For all Type II – IV applications, the following is required:

1. An electronic copy of all materials.

2. Mailing labels or associated fee for notice to all parties entitled under OCMC 17.50.090 to receive mailed notice of the application. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls;

3. Documentation indicating there are no liens favoring the City on the subject site.

4. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.

5. A current preliminary title report or trio for the subject property(ies);

G. All required application fees;

H. Annexation agreements, traffic or technical studies (if applicable);

I. Additional documentation, as needed and identified by the Community Development Director.

Finding: Complies as Proposed. The application was submitted on December 26, 2019 and was deemed complete on January 9, 2020.

17.50.100 - Notice posting requirements.

Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.

A. City Guidance and the Applicant's Responsibility. The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.

B. Number and Location. The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.

Finding: Complies as Proposed. The subject property was posted with land use notice signs longer than the minimum requirement.

17.50.140 – Financial guarantees.

When conditions of permit approval require a permittee to construct certain public improvements, the City shall require the permittee to provide financial guarantee for construction of the certain public improvements. Financial guarantees shall be governed by this section.

- A. Form of Guarantee. Guarantees shall be in a form approved by the City Attorney. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.*
- B. Performance Guarantees. A permittee shall be required to provide a performance guarantee as follows.*
 - 1. After Final Approved Design by The City: The City may request the Permittee to submit a Performance Guarantee for construction of certain public improvements. A permittee may request the option of submitting a Performance Guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.*
 - 2. Before Complete Design Approval and Established Engineered Cost Estimate: The City may request a permittee to submit a Performance Guarantee for construction of certain public improvements. A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.*
- C. Release of Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the City. Once the City has inspected and accepted the improvement, the City shall release the guarantee to the permittee. If the improvement is not completed to the City's satisfaction within the time limits specified in the permit approval, the City Engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the City in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the City, any remaining funds shall be refunded to the permittee. The City shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the City, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the City may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.*
- D. Fee-in-lieu. When conditions of approval or the City Engineer allows a permittee to provide a fee-in-lieu of actual construction of public improvements, the fee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The percentage required is to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. The engineer's estimated costs shall be supported by a*

verified engineering estimate and approved by the City Engineer. The fee-in-lieu shall be submitted as cash, certified check, or other negotiable instrument acceptable by the City Attorney.

17.50.141 – Public improvements – Warranty

All public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period. The warranty is to be used at the discretion of the City Engineer or designee to correct deficiencies in materials or maintenance of constructed public infrastructure, or to address any failure of engineering design.

- A. Duration of Warranty. Responsibility for maintenance of public improvements shall remain with the property owner or developer for a warranty period of two years.*
- B. Financial Guarantee. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, bond, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.*
- C. Amount of Warranty. The amount of the warranty shall be equal to fifteen percent of the estimated cost of construction of all public improvements (including those improvements that will become owned and maintained by the City at the end of the two year maintenance period), and shall be supported by a verified engineering estimate and approved by the City Engineer. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those improvements.*
- D. Transfer of Maintenance. The City will perform an inspection of all public improvements approximately forty-five days before the two-year warranty period expires. The public improvements shall be found to be in a clean, functional condition by the City Engineer before acceptance of maintenance responsibility by the City. Transfer of maintenance of public improvements shall occur when the City accepts the improvements at the end of the two year warranty period.*

Finding: Not Applicable. New improvements are not proposed under this land use application. The value of construction improvements approved under land use review GLUA-19-00001/PARK-19-00001/SP-19-00007/MP-19-00001 were addressed under the previous application and are not relevant under this review.

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

17.62.015 - Modifications that will better meet design review requirements.

The review body shall consider modification of certain site related development standards of this Chapter specified below. These modifications may be approved as part of a Type II design review process.

A. Applicability.

1. This process shall apply to modifications to:

- a. Landscaping in OCMC 17.62.050.A;*
- b. Vehicular Connections to Adjoining Properties in OCMC 17.62.050.B.2;*
- c. On-site pedestrian circulation in OCMC 17.62.050.C;*
- d. Utility Undergrounding Requirements in OCMC 16.12.095.G;*
- e. Building location in OCMC 17.62.055.D;*
- f. Building Details in OCMC 17.62.050.B.9.055.I;*
- g. Windows in OCMC 17.62.050.B.10.055.*

h. Parking Lot Landscaping in OCMC 17.52.060.

Finding: Applicable. The applicant has requested a modification to utility undergrounding requirements in OCMC 16.12.095.G:

G. Other Utilities. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. Existing and new electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

2. Modifications that are denied through Type II design review may be requested as a variance through the Variance process pursuant to OCMC 17.60.020 or Master Plan Adjustment pursuant to OCMC 17.65.070 as applicable.

3. Rather than a modification, applicants may choose to apply for a Variance through the Variance process pursuant to OCMC 17.60.020 or Master Plan Adjustment pursuant to OCMC 17.65.070 as applicable.

Finding: Applicable. The applicant has requested a modification through the Type II process, however, the application is also a modification to a prior approval and must be reviewed through the same process as the original approval, therefore, it is being reviewed through the Type III process.

B. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

1. The modification will result in a development that better meets the applicable design guidelines; and

Finding: Complies as Proposed. The applicable guidelines are in OCMC 16.12.095.G:

G. Other Utilities. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. Existing and new electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

The property at 202 Molalla includes existing above-ground utilities that were required to be undergrounded under the prior approval (condition of approval 15). The applicant has coordinated with PGE to facilitate the undergrounding of the existing utilities, however, PGE has determined that the relocation of the utility lines cannot be authorized due to the location of the transformer which is not on the pole in front of the house. Compliance with Condition #15 would require changes to PGE's utility system that extend beyond the property's frontage, which would not garner support from PGE and would not be roughly proportional to the impact of the proposed development. The utility lines are an existing condition and granting the modification would allow them to remain as they are and would result in public improvements that are proportional to the development that was proposed under the prior application, resulting in a development that better meets applicable standards.

2. The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Finding: Complies as Proposed. The intent of the standard to underground utilities is primarily for aesthetic purposes and to avoid visual clutter. The existing utility lines are an existing condition and under this modification request are proposed to remain. Utility lines along this portion of Molalla Avenue are above-ground and the aesthetics of the property would remain consistent with the surrounding area. No new utility lines which would add more visual clutter are proposed to be added to the existing utility poles. The removal of the condition to underground utility lines would not negatively

impact the existing aesthetic qualities of the subject site and would meet the intent of the standard to underground utilities.

17.62.030 - When required.

Site plan and design review shall be required for all development of real property in all zones except the low and medium density residential districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cluster housing developments, multi-family uses, and non-residential uses in all zones. Site Plan and Design Review does not apply to activities occurring within the right-of-way except for communication facilities pursuant to OCMC 17.80.

Site plan and design review is required for a change in use between the uses in Table 17.62.030:

Table 17.62.030

<i>Existing Use</i>	<i>Proposed Use</i>
<i>Residential</i>	<i>Nonresidential use, including but not limited to: commercial, office, industrial, retail, or institutional</i>
<i>Single-family or duplex</i>	<i>3 or more dwellings</i>

Site plan and design review shall not alter the type and category of uses permitted in the underlying zoning districts.

B. Type II Minor Site Plan and Design Review.

1. Type II Minor Site Plan and Design Review applies to the following uses and activities unless those uses and activities qualify for Type I review per OCMC 17.62.035.A.:

a. Modification of an office, commercial, industrial, institutional, public or multi-family structure that does not increase the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).

b. Modification to parking lot layout and landscaping, or the addition of up to five parking spaces.

c. A maximum addition of up to one thousandsquare feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.

d. Mobile food carts in OCMC 17.54.115.

e. Other land uses and activities may be added if the Community Development Director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.

Finding: Applicable. The applicant has not proposed any new development. Instead, the applicant has proposed to modify a previously approved application through the Site Plan and Design Review Modifications process in OCMC 17.62.015. The application is being processed as a Minor Site Plan and Design Review, however, major modifications of previously approved applications are required to be reviewed through the same process as the original application per OCMC 17.04.710. Because the original application was reviewed through the Type III process, the modification application is also subject to a Type III review.

2. Application. The application for the Type II Minor Site Plan and Design Review shall contain the following elements:

a. The submittal requirements of OCMC 17.50.

b. A narrative explaining all aspects of the proposal in detail and addressing each of the applicable criteria listed in OCMC 17.62.

c. Site plan drawings showing existing conditions/uses and proposed conditions/uses.

d. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.

e. Additional submittal material may be required by the Community Development Director on a case-by-case basis.

17.62.040 – Items required.

A complete application for Site Plan and Design Review shall be submitted. Except as otherwise in subsection I of this section, the application shall include the following:

A. A site plan or plans, to scale, containing the following:

- 1. Vicinity information showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations;*
- 2. The site size, dimensions, and zoning, including dimensions and gross area of each lot or parcel and tax lot and assessor map designations for the proposed site and immediately adjoining properties;*
- 3. Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent;*
- 4. The location of natural hazard areas on and within one hundred feet of the boundaries of the site, including:*
 - a. Areas indicated on floodplain maps as being within the one-hundred-year floodplain,*
 - b. Unstable slopes, as defined in OCMC 17.44.020,*
 - c. Areas identified on the seismic conditions map in the comprehensive plan as subject to earthquake and seismic conditions;*
- 5. The location of natural resource areas on and within one hundred feet of the boundaries of the site, including fish and wildlife habitat, existing trees (six inches or greater in caliper measured four feet above ground level), wetlands, streams, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the natural resources overlay district;*
- 6. The location of inventoried historic or cultural resources on and within one hundred feet of the boundaries of the site;*
- 7. The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within twenty five feet of the site, and the current or proposed uses of the structures;*
- 8. The location, dimensions, square footage, building orientation and setback distances of proposed structures, improvements and utilities, and the proposed uses of the structures by square footage;*
- 9. The location, dimension and names, as appropriate, of all existing and platted streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit street and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site;*
- 10. The location, dimension and names, as appropriate, of all proposed streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred feet of the boundaries of the site;*
- 11. All parking, circulation, loading and servicing areas, including the locations of all carpool, vanpool and bicycle parking spaces as required in OCMC 17.52;*
- 12. Site access points for automobiles, pedestrians, bicycles and transit;*
- 13. On-site pedestrian and bicycle circulation;*
- 14. Outdoor common areas proposed as open space;*
- 15. Total impervious surface created (including buildings and hard ground surfaces);*
- 16. The proposed location, dimensions and materials of fences and walls.*

B. A landscaping plan, drawn to scale, showing the location and types of existing trees (six inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacings of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain plant materials.

C. Architectural drawings or sketches, drawn to scale and showing floor plans, elevations accurately reflected to grade, and exterior materials of all proposed structures and other improvements as they will appear on completion of construction. The name of the adjacent street shall be identified on each applicable building elevation.

D. An electronic materials board clearly depicting all building materials with specifications as to type, color and texture of exterior materials of proposed structures. .

E. An erosion/sedimentation control plan, in accordance with the requirements of OCMC 17.47 and the Public Works Erosion and Sediment Control Standards, and a drainage plan developed in accordance with city drainage master plan requirements, OCMC 13.12 and the Public Works Stormwater and Grading Design Standards. The drainage plan shall identify the location of drainage patterns and drainage courses on and within one hundred feet of the boundaries of the site. Where development is proposed within an identified hazard area, these plans shall reflect concerns identified in the hydrological/geological/geotechnical development impact statement.

F. An exterior lighting plan, drawn to scale, showing type, height, and area of illumination.

G. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide:

1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and

2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.

If, after forty-five days' notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the City will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.

H. Such special studies or reports as the Community Development Director may require to obtain information to ensure that the proposed development does not adversely affect the surrounding community or identified natural resource areas or create hazardous conditions for persons or improvements on the site. The Community Development Director shall require an applicant to submit one or more development impact evaluations as may be necessary to establish that the City's traffic safety or capacity standards, natural resource, including geologic hazard and flood plain overlay districts, will be satisfied.

I. The Community Development Director may waive the submission of information for specific requirements of this section or may require information in addition to that required by a specific provision of this section, as follows:

1. The Community Development Director may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the Community Development Director shall, in the decision, identify the waived requirements, explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority. If the matter is forwarded to the Planning Commission for initial review, the information required by this paragraph shall be included in the staff report;

2. *The Community Development Director may require information in addition to that required by a specific provision of this section upon determination that the information is needed to evaluate the application properly and that the need can be justified on the basis of a special or unforeseen circumstance as necessary to comply with the applicable standards. If additional information is required, the Community Development Director shall, in the decision, explain the reasons for requiring the additional information.*

J. *One full-sized copy of all architectural and site plans.*

Finding: The applicant has submitted all required application items and the application was deemed complete on January 9, 2020.

17.62.050 - General Standards

Finding: Not Applicable. Compliance with all applicable Site Plan and Design Review standards was reviewed through the prior review. The current application is a modification in order to remove a condition of approval from the prior review to underground utilities. No additional development, site or building alterations which would require compliance with these standards are being proposed under this application.

17.62.055 –Institutional, office, multi-family, retail, and commercial building standards.

A. *Purpose. The primary objective of the regulations contained in this section is to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with surrounding areas. Buildings approved in compliance with these standards are intended to serve multiple tenants over the life of the building, and are not intended for a one-time occupant. The standards encourage people to spend time in the area, which also provides safety through informal surveillance. Finally, this section is intended to promote the design of an urban environment that is built to human scale by creating buildings and streets that are attractive to pedestrians, create a sense of enclosure, provide activity and interest at the intersection of the public and private spaces, while also accommodating vehicular movement.*

B. *Applicability. This section applies to institutional, office, multi-family, retail and commercial buildings except accessory structures less than one thousand square feet and temporary structures. .*

Finding: Not Applicable. Compliance with all applicable Site Plan and Design Review standards was reviewed through the prior review. The current application is a modification in order to remove a condition of approval from the prior review to underground utilities. No additional development, site or building alterations which would require compliance with these standards are being proposed under this application.

CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above, Staff recommends that the proposed Minor Site Plan and Design Review application for a site located at 202/221 Molalla Avenue, Oregon City, identified as Clackamas County Map 2-2E-32CB, Tax Lots 7300, 7800, 8300, 8400, 8500; and Clackamas County Map 2-2E-32CC, Tax Lot 3100 meets the requirements as described in the Oregon City Municipal Code. Therefore, the Community Development Director recommends the Planning Commission approve files GLUA-19-00053/SP-19-00141, based upon the findings and exhibits contained in this staff report.

EXHIBITS:

1. Vicinity Map
2. Applicant's Narrative and Plans (On File)
3. Public Comments
4. Staff Report and Notice of Decision from Prior Review (GLUA-19-00001/PARK-19-00001/SP-19-00007/MP-19-00001)



TYPE III STAFF REPORT AND RECOMMENDATION

A preliminary analysis of the applicable approval criteria is enclosed within the following staff report. All applicable criteria shall be met, or met with conditions, in order to be approved. The Planning Commission may choose to adopt the findings as recommended by staff or alter any finding as determined appropriate.

February 3, 2020

FILE NUMBER: GLUA-19-00035 (General Land Use Application), CU-19-00003 (Conditional Use) SP-20-00011 (Site Plan and Design Review), VAR-20-00001 through VAR-20-00003 (Variances)

APPLICANT: Oregon City School District
Wes Rogers
PO Box 2110
Oregon City, OR 97045

Submitted: October 14, 2019
Complete: January 17, 2020
120 Day Deadline: May 16, 2020

OWNER: First Evangelical Presbyterian Church of Oregon City
PO Box 1718
Oregon City, OR 97045

REPRESENTATIVE: Michael C. Robinson
1211 SW 5th Ave Suite 1900
Portland, OR 97204

REQUEST: The applicant requests a Conditional Use, Site Plan and Design Review, and three variances to utilize an undeveloped portion of the property for a temporary construction staging area with a gravel driveway and ten construction trailers for the upcoming Gardiner Middle School construction project.

LOCATION: 1321 Linn Ave Oregon City, Oregon 97045
Clackamas County Map 3-2E-06DA Taxlot 200

REVIEWER: Kelly Reid, AICP, Planner
Sang Pau, Development Engineering Associate

RECOMMENDATION: 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. The process for these land use decisions is

controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. 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 is final unless appealed and description of the requirements for perfecting an appeal. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed. Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 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 the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

Recommended Conditions of Approval

Planning File GLUA-19-00035

(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.

(B) = Verify that condition of approval has been met with the Building Division.

(F) = Verify that condition of approval has been met with Clackamas Fire Department.

The applicant shall meet the following conditions of approvals.

- 1.
2. The applicant submitted a transportation memorandum written by Todd Mobley, PE of Lancaster Mobley Engineering. The memo was reviewed by the City's transportation consultant John Replinger, who wrote:
3. "The proposed access is at an existing, narrow curb cut located approximately 460 feet east of the signalized intersection of Warner-Parrott/Warner Milne/Leland/Linn. The proposed, temporary access drive will be 25 feet wide, allowing two-way traffic. The proposed access is in a location where a painted median with a width of approximately 11 feet is located. As explained in the TM, this painted median could be used as a turn lane for eastbound traffic turning into the site. The selection of this access location allows most construction traffic to avoid using existing local streets that serve as access to the existing school during the construction period. I think the proposed access location is appropriate and is preferable to access involving Williams Street."
4. *The applicant shall remove the existing easterly driveway approach connecting to Warner Milne Road and replace it with ADA compliant sidewalk when the staging area is no longer needed and the construction drive is removed.* (DS)
5. The workmanship and materials for any work performed in the public right-of-way shall be in accordance with the current edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City in accordance with this ordinance, in effect at the time of application. (DS)

6. A city issued right-of-way permit shall be obtained for the replacement of the driveway approach along Warner Milne Road and the required sidewalk replacement. (DS)
7. The applicant shall submit erosion and sediment control plans for review and approval by the City prior to issuance of an erosion and sediment control permit. The construction entrance shall not obstruct the existing bike lane or sidewalk on Warner Milne Road. Erosion and sediment control measures shall be managed and maintained during, and following, the use of the project area. Disturbed soil areas shall be permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures following the use of the project area. (DS)
8. The applicant shall obtain an erosion and sediment control permit prior to commencement of any earth disturbing activities. (DS)
9. The developer shall provide an engineered grading plan prepared by a professional engineer in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards. (DS)
10. The developer shall obtain a city-issued grading permit before the commencement of any filling or grading activities. (DS)
11. The applicant shall ensure that minimum setback requirements are met on the east side of the property. (P)
12. The applicant shall ensure that any temporary construction fencing does not exceed 6 feet in height. (P)
13. The applicant shall limit the duration of the use to 18 months from the time of installation of the first construction trailer. (P)
14. Once the need for the staging area has ended, the applicant shall have 90 days to remove all materials from the site and bring the site back to its original state with seeded lawn or other landscaping that complies with standards in 17.62.050. (P)
15. The applicant shall plant four 2" caliper minimum trees on the property as mitigation. The applicant shall work with staff to select appropriate planting locations that are visible from the right of way, between the parking lot or building and the street. (P)
16. Prior to issuance of a grading permit, the applicant shall demonstrate that notice has been provided to SHPO and the required tribes of the proposed ground disturbance, and that either a response has been received or that 45 days passed without receiving a response. (P)

I. BACKGROUND:

1. Existing Conditions

The subject property has one existing driveway to Warner-Milne Road and two existing driveways to Williams Street. The existing uses on the Church Property include the Church building, a storage building and a Tri-Met Park-and-Ride facility. The part of the Church Property on which the Temporary Construction Facilities will be located is east of the Church and west of the Portland General Electric (“PGE”) service facility.

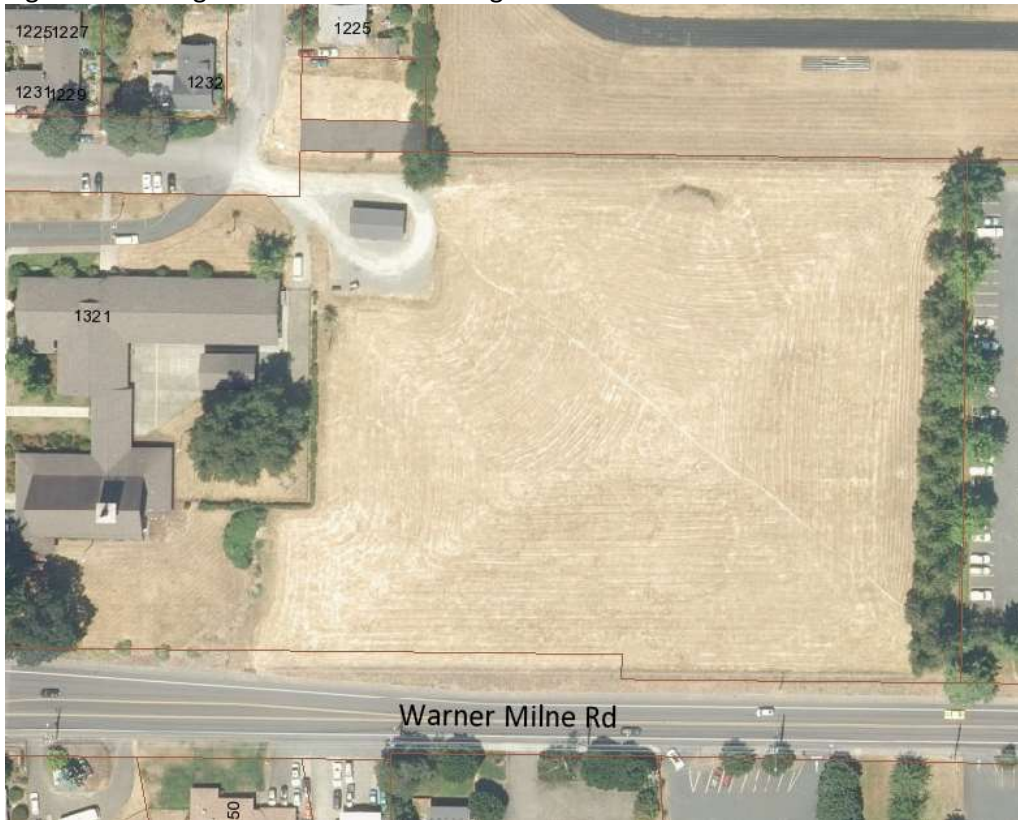
The zoning districts and land uses surrounding the property are as follows:

- To the north, the R-2 and R-6 zoning districts containing single-family dwellings and the existing Gardner Middle School;
- To the east, the MUC-1 zoning district containing the PGE service facility;
- To the south, across Warner-Milne Road, the MUC-1 zoning district containing commercial uses; and
- To the west, the Institutional zoning district containing public uses.

Figure 1. Vicinity Map



Figure 2: Existing Conditions – Aerial Image



2. Project Description

The applicant submitted the following project description:

The Applicant has submitted, and the Oregon City Planning Commission (the “Planning Commission”) has approved, a Conditional Use Permit for construction of the new Gardiner Middle School. The Temporary Construction Facilities must be located on the Church Property adjacent to the Gardiner Middle School property in order to allow the sequential removal and reconstruction of the existing Gardiner Middle School and athletic field.

The Applicant has submitted a Conditional Use Permit and Site Design Review Application (“SDR Application”) to allow establishment of the Temporary Construction Facilities on the Church Property. The Temporary Construction Facilities consist of a construction access driveway and ten (10) temporary construction buildings. These three variances are necessary in order to allow the ten (10) temporary construction buildings larger than eight hundred (800) square feet on a gravel pad and the construction access driveway to remain on the Church Property for about twelve (12) to eighteen (18) months.

The applicant requests a Conditional Use, Site Plan and Design Review, and three variances for a temporary construction staging area with a gravel driveway and ten construction trailers for the upcoming Gardiner Middle School construction project. The staging area is proposed to be located not on the Gardiner Middle School site, but instead on a neighboring property: the First Evangelical Presbyterian Church of Oregon City at 1321 Linn Avenue. Access to the site would be from a

temporary driveway from Warner Milne Road. The applicant proposes to use the undeveloped portion of the church property for 12 to 18 months, returning the area to its original state as a lawn when construction activities are complete.

The proposed staging area contains ten construction trailers totaling 6,880 square feet along with 25 parking spaces on a gravel pad. The applicant has requested variances to parking lot paving and landscaping standards, to nonconforming upgrade requirements, and to temporary building standards.

Figure 3: Proposed Site Plan

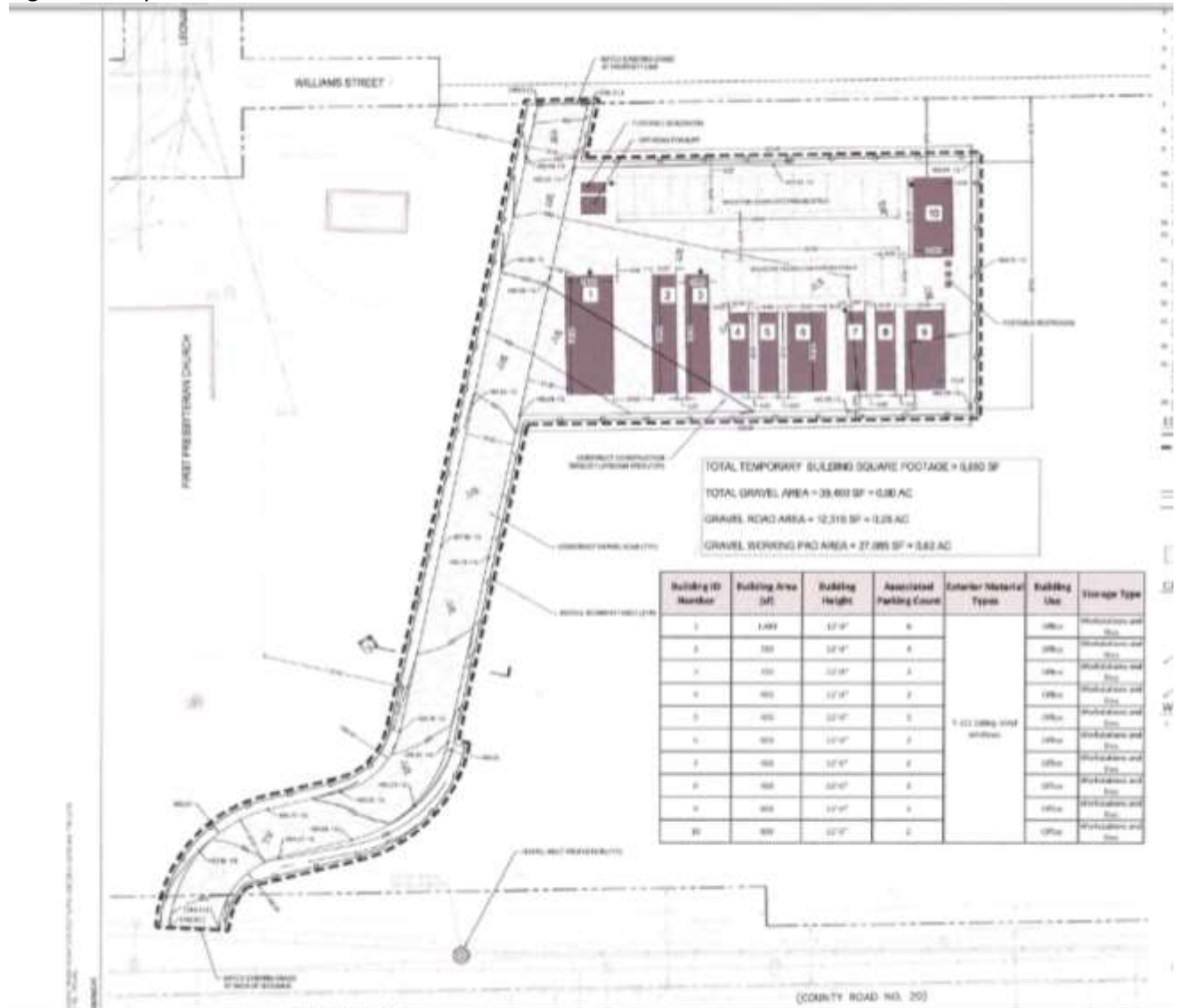


Figure 4: Example Building Elevations



- 3. Permits and Approvals:** The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.

4. Public Comment

No public comments were received before publication of this staff report.

II. ANALYSIS AND FINDINGS:

Municipal Code Standards and Requirements: The following sections of the Oregon City Municipal Code effective August 2, 2019 are applicable to this land use approval:

CHAPTER	PAGE
Chapter 12.04 Streets, Sidewalks, and Public Places.....	8
Chapter 13.12 Stormwater Management.....	15
Chapter 12.08 - Public And Street Trees.....	13
Chapter 15.48 - Grading, Filling And Excavating	16
Chapter 16.12 Minimum Public Improvements And Design Standards For Development	17
Chapter 17.12 High Density Residential District	23
Chapter 17.47 – Erosion And Sediment Control	25
Chapter 17.50 Administration And Procedures	27
Chapter 17.52 Off-Street Parking And Loading.....	31
Chapter 17.54 Supplemental Zoning Regulations And Exceptions	36
Chapter 17.56 Conditional Uses.....	36
Chapter 17.58 Lawful Nonconforming Uses, Lots, Structures, And Sites	40
Chapter 17.60 Variances	42
Chapter 17.62 Site Plan And Design Review	48

The City Code Book is available on-line at www.orcity.org.

Permits and Approvals: The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.

CHAPTER 12.04 STREETS, SIDEWALKS, AND PUBLIC PLACES

12.04.005 - Jurisdiction and management of the public rights-of-way.

A. *The City has jurisdiction and exercises regulatory management over all public rights-of-way within the City under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.*

B. *Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and air space over these areas.*

C. The City has jurisdiction and exercises regulatory management over each public right-of-way whether the City has a fee, easement, or other legal interest in the right-of-way. The City has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

D. No person may occupy or encroach on a public right-of-way without the permission of the City. The City grants permission to use rights-of-way by franchises, licenses and permits.

E. The exercise of jurisdiction and regulatory management of a public right-of-way by the City is not official acceptance of the right-of-way, and does not obligate the City to maintain or repair any part of the right-of-way.

Finding: Applicable. It is understood that the City has management and jurisdiction of ROW

12.04.025 - Driveways.

Driveways shall be reviewed in accordance with OCMC 16.12.035. Driveway requirements may be modified through the procedures in OCMC 16.12.013.

Finding: See findings from section 16.12.035 of this report.

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: Not applicable. Sidewalk and curb abutting any property is required to be maintained or repaired by the property owner even when not required by the city's land use regulations.

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 an owner or occupant to perform the duty that this ordinance imposes, the owner or occupant 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: Not applicable. The owner or occupant of real property responsible for maintaining the adjacent sidewalk is liable to any person injured because of negligence of such owner or occupant in failing to maintain the sidewalk in good condition Liability for sidewalk injuries even when not required by the city's land use regulations.

12.04.032 - Required sidewalk repair.

A. When the Public Works Director determines that repair of a sidewalk is necessary, written notice shall be provided to the owner of property adjacent to the defective 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.

1. 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 and OCMC 16.12. Sidewalks and curbs are to be constructed according to plans and specifications provided by the City Engineer.

2. Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the City Engineer. On unimproved streets, curbs do not have to be constructed.

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: Not applicable. Repair of sidewalk has not been deemed necessary.

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. Repair of sidewalk has not been deemed necessary.

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. Repair of sidewalk has not been deemed necessary.

12.04.040 – Sidewalks—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 OCMC 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 OCMC 1.16, 1.20 and 1.24.

Finding: Not applicable. The City is essentially doing the sidewalk repair as the owner/applicant.

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. Retaining walls are not proposed nor required.

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 OCMC 1.16, 1.20 and 1.24.

Finding: Not applicable. There is no existing retaining wall nor is there a proposed retaining wall. Earth is not currently or in the past falling on the sidewalk. Grass is planted on the existing slope to retain the soils.

12.04.070 - Removal of sliding dirt.

It shall be the duty of the owner of any property as mentioned in OCMC 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. This is a maintenance obligation of the property owner. There is no sliding dirt to remove.

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 as conditioned. Use of the driveway off Warner Milne Road will require that it be removed and replaced per conditions from section 16.12.035.D of this staff report. A city issued right-of-way permit shall be obtained for the replacement of the driveway approach along Warner Milne Road and the required sidewalk replacement.

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

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 proposal does not contain any excavation or disruption of public streets or alleys.

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 restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standard in effect at the time a right-of-way permit is granted. The City Commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

Finding: Not applicable. The proposal does not contain any excavation or disruption of public streets or alleys.

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 OCMC 1.16, 1.20 and 1.24.

Finding: Not applicable. The proposal does not contain any excavation or disruption of public streets or alleys.

12.04.120 - Obstructions—Permit required.

A. *Permanent Obstructions. It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B. of this section, in any public street or alley in the City, without obtaining approval for a right-of-way permit from the City Commission by passage of a resolution.*

1. *The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.*
2. *The applicant shall submit at least the following information in the permitting process in order to allow the City Commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:*

- a. *Site plan showing right-of-way, utilities, driveways as directed by staff;*
- b. *Sight distance per OCMC 10.32, Traffic Sight Obstructions;*
- c. *Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);*
- d. *Alternative routes if necessary;*
- e. *Minimizing obstruction area; and*
- f. *Hold harmless/maintenance agreement.*

3. *If the City Commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the City Engineer shall issue a right-of-way permit with any conditions deemed necessary by the City Commission.*

B. *Temporary Obstructions.*

1. A "temporary obstruction" is defined as an object placed in a public street, road or alley for a period of not more than sixty consecutive days. A "temporary obstruction" includes, but is not limited to, moving containers and debris dumpsters.
2. The City Engineer, or designee, is authorized to grant a permit for a temporary obstruction.
3. The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.
4. The applicant shall submit, and the City Engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the City Engineer:
 - a. Site plan showing right-of-way, utilities, driveways as directed by staff;
 - b. Sight distance per OCMC 10.32, Traffic Sight Obstructions;
 - c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
 - d. Alternative routes if necessary;
 - e. Minimizing obstruction area; and
 - f. Hold harmless/maintenance agreement.
5. In determining whether to issue a right-of-way permit to allow a temporary obstruction, the City Engineer may issue such a permit only after finding that the following criteria have been satisfied:
 - a. The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;
 - b. The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;
 - c. No alternative locations are available that would not require use of the public right-of-way; and
 - d. Any other factor that the City Engineer deems relevant.
6. The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.
- C. Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the City Commission.

Finding: Not applicable. No obstructions of the right-of-way are proposed.

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. No obstructions of the right-of-way are proposed.

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 OCMC 1.16, 1.20 and 1.24.

Finding: Not applicable. No obstructions of the right-of-way are proposed.

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. The City 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. No vacations of streets or alleys are proposed.

12.04.170 - Street design—Purpose and general provisions.

All development shall be in conformance with the city's public facility master plans, public works policies, standard drawings and engineering specifications. All streets shall be reviewed and approved by the city engineer prior to construction. All streets and driveway connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat or site planning and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Finding: Not applicable. No new streets or driveways are proposed.

12.04.194 - Traffic sight obstructions.

All streets shall comply with the Traffic Sight Obstructions in OCMC 10.32.

Finding: Not applicable. No changes to the street are proposed that affect sight distance. There are no existing traffic sight obstructions. The applicant submitted a transportation memorandum written by Todd Mobley, PE of Lancaster Mobley Engineering. The memo was reviewed by the City's transportation consultant John Replinger, who wrote: "The engineer calculated 335 feet as the desirable sight distance based on a posted speed of 30 mph. He measured sight distance to the west to be 460 feet to the Warner-Parrott/Warner Milne/Leland/Linn intersection. To the east he reported sight lines were unrestricted. The available sight distance easily exceeds minimums and is clearly adequate."

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 current edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City in accordance with this ordinance, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Street Standard Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Standard Drawings shall control. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.

Finding: Compiles as conditioned. The workmanship and materials for any work performed in the public right-of-way shall be in accordance with the current edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City in accordance with this ordinance, in effect at the time of application. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.280 - Violation—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 OCMC 1.16, 1.20 and 1.24.

Finding: Not applicable. No act or omission in violation of this chapter has been identified.

CHAPTER 12.08 - PUBLIC AND STREET TREES

12.08.015 - Street tree selection, planting and maintenance requirements.

All development shall provide street trees adjacent to all street frontages. Species and locations of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List, an approved street tree list for a jurisdiction in the metropolitan region, or be approved by a certified arborist unless otherwise approved pursuant to this section. If a setback sidewalk has already been constructed or the Public Works Department determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip or within tree wells. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed according to OCMC 12.08.035.C.

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 to meet the clearance distances required in subsection (B) below. The Community Development Director may approve an alternative street tree plan, or accept fee-in-lieu of planting pursuant to OCMC 12.08.035, if site or other constraints prevent meeting the required total number of tree plantings.

Finding: Not applicable. The applicant has proposed temporary buildings, with a variance to allow the buildings for a longer duration than the maximum duration allowed by code. Temporary buildings, are exempt from public improvement requirements, including street trees, pursuant to 17.62.050.I.

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. Five feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.);*

C. All street trees planted in conjunction with development shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications. Larger caliper size trees may be approved if recommended by a certified arborist or registered landscape architect.

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.

E. All trees planted within the right-of-way shall be planted with root barriers at least eighteen inches in depth adjacent to the sidewalk and curb to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.

F. All trees planted beneath powerlines shall be selected based on what is appropriate for the location. In addition, the tree species shall be approved by the associated franchise powerline utility company.

G. Tree species, spacing and selection for stormwater facilities in the public right-of-way and in storm water facilities shall conform to requirements of OCMC 13.12 and the adopted Stormwater and Grading Design Standards and be approved by the City Engineer.

H. Any public or street trees planted within the Natural Resource Overlay District shall conform to the applicable requirements of OCMC 17.49 - Natural Resources Overlay District (NROD).

Finding: Not applicable. The applicant has proposed temporary buildings, with a variance to allow the buildings for a longer duration than the maximum duration allowed by code. Temporary buildings, are exempt from public improvement requirements, including street trees, pursuant to 17.62.050.I.

12.08.035 - Tree removal and replacement.

Existing street trees, trees in the right-of-way, and trees on public property shall be retained and protected during development unless removal is specified as part of a land use approval or in conjunction with a public capital improvement project, in accordance with OCMC 17.41. Tree removal shall be mitigated by the following:

A. A diseased or hazardous street tree, as determined by a registered arborist and approved by the City, may be removed, if replaced with one new tree for each diseased or hazardous tree. Hazardous trees which have raised the adjacent sidewalk in a manner which does not comply with the Americans with Disabilities Act may be removed and replaced without approval of an arborist.

B. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035. All replaced street trees shall have a minimum 1.5-inch caliper trunk measured six inches above the root crown.

Table 12.08.035

Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist		Replacement Schedule for Trees Not Determined to be Dead, Diseased or Hazardous by a Certified Arborist	
Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted	Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted
Any Diameter	1 Tree	Less than 6"	1 Tree
		6" to 12"	2 Trees
		13" to 18"	3 Trees
		19" to 24"	4 Trees
		25" to 30"	5 Trees

		31" and over	8 Trees
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C. For the purposes of this chapter, removed trees shall be replaced by trees within the right-of-way abutting the frontage subject to the clearance distances required under OCMC 12.08.015(B). If a sufficient location to replant tree(s) is not available, the Community Development Director may allow:

- 1. Off-site installation of replacement trees within the right-of-way or on public property;*
- 2. Planting of replacement trees or designation of existing trees on the abutting property within ten feet of the right-of-way as street trees. Designated street trees shall be a minimum of two inches in caliper and shall comply with the requirements in section B. In order to assure protection and replacement of the trees on private property, a covenant shall be recorded identifying the tree(s) as subject to the protections and replacement requirements in this chapter; or*
- 3. If sufficient space to replant tree(s) is not available, the Community Development Director may allow a fee in-lieu of planting the tree(s) to be placed into a City fund dedicated to obtaining trees, planting trees and/or tree education in Oregon City.*

D. Trees that are listed as invasive or nuisance species as defined in OCMC 17.04.605 may be removed without replacement.

Finding: Not applicable. The applicant does not propose to remove any street trees.

CHAPTER 13.12 STORMWATER MANAGEMENT

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.

Finding: Not applicable. The stormwater conveyance requirements of this chapter do not apply since the project only proposes temporary stormwater conveyance facilities (runoff collection pits) located entirely on one privately owned parcel which proposed to be privately maintained and intended to only receive stormwater runoff from the property.

B. Water Quality and Flow Control. The water quality and flow control requirements of this chapter shall apply to the following proposed uses or developments, unless exempted under subsection C:

- 1. Activities located wholly or partially within water quality resource areas pursuant to OCMC 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the NROD or will disturb more than one thousand square feet of existing impervious surface within the NROD as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given five-year period; or*
- 2. Activities that create or replace more than five thousand square feet of impervious surface, cumulated over any given five-year period.*

Finding: Not applicable. The project proposes to place structures that will create more than five thousand square feet of impervious surface. However, these structures are temporary and proposed to be removed within a five-year period. Therefore, the project will not create additional impervious areas in a given five-year period; this chapter is not applicable.

C. Exemptions. The following exemptions to subsection B of this section apply:

1. An exemption to the flow control requirements of this chapter will be granted when the development site discharges to the Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred-year floodplain or is up to ten feet above the design flood elevation as defined in OCMC 17.42, provided that the following conditions are met:
 - a. The project site is drained by a conveyance system that is comprised entirely of manmade elements (e.g. pipes, ditches, culverts outfalls, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water; and
 - b. The conveyance system between the project site and the exempt receiving water has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected.
2. Projects in the following categories are generally exempt from the water quality and flow control requirements:
 - a. Stream enhancement or restoration projects approved by the City.
 - b. Farming practices as defined by ORS 30.960 and farm use as defined in ORS 214.000; except that buildings associated with farm practices and farm use are subject to the requirements of this chapter.
 - c. Actions by a public utility or any other governmental agency to remove or alleviate an emergency condition.
 - d. Road and parking area preservation/maintenance projects such as pothole and square cut patching, surface sealing, replacing or overlaying of existing asphalt or concrete pavement, provided the preservation/maintenance activity does not expand the existing area of impervious coverage above the thresholds in subsection B of this section.
 - e. Pedestrian and bicycle improvements (sidewalks, trails, pathways, and bicycle paths/lands) where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas.
 - f. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.
 - g. Maintenance or repair of existing utilities.

Finding: Not applicable. No exemptions apply to the proposed development.

D. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices, as defined in the Public Works Stormwater and Grading Design Standards:

1. Bulk petroleum storage facilities;
2. Above ground storage of liquid materials;
3. Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;
4. Exterior storage of bulk construction materials;
5. Material transfer areas and loading docks;
6. Equipment and/or vehicle washing facilities;
7. Development on land with suspected or known contamination;
8. Covered vehicle parking for commercial or industrial uses;
9. Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and
10. Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.

Finding: Not applicable. The development has not proposed use of the land that requires additional management practices as defined in the Public Works Stormwater and Grading Design Standards.

CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING

15.48.030 Applicability—Grading permit required.

A. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:

1. Grading activities in excess of ten cubic yards of earth;
2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;
3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;

4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or
5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.

Finding: Applicable. The preliminary plan presents grading and paving activities that will result in the disturbance of more than one-half acre. The developer shall obtain a city-issued grading permit before the commencement of any filling or grading activities. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

15.48.090 Submittal requirements.

An engineered grading plan or an abbreviated grading plan shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards whenever a city approved grading permit is required. In addition, a geotechnical engineering report and/or residential lot grading plan may be required pursuant to the criteria listed below.

A. Abbreviated Grading Plan. The city shall allow the applicant to submit an abbreviated grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards if the following criteria are met:

- 1. No portion of the proposed site is within the flood management area overlay district pursuant to [Chapter 17.42](#), the unstable soils and hillside constraints overlay district pursuant to [Chapter 17.44](#), or a water quality resource area pursuant to [Chapter 17.49](#); and*
- 2. The proposed filling or grading activity does not involve more than fifty cubic yards of earth.*

B. Engineered Grading Plan. The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer if the proposed activities do not qualify for abbreviated grading plan.

C. Geotechnical Engineering Report. The city shall require a geotechnical engineering report in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer who specializes in geotechnical work when any of the following site conditions may exist in the development area:

- 1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;*
- 2. When an embankment for a stormwater pond is created by the placement of fill;*
- 3. When, by excavation, the soils remaining in place are greater than three feet high and less than twenty feet wide.*

D. Residential Lot Grading Plan. The city shall require a residential lot grading plan in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer for all land divisions creating new residential building lots or where a public improvement project is required to provide access to an existing residential lot.

Finding: Complies with Condition. The developer shall provide an engineered grading plan prepared by a professional engineer in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 16.12 MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT

16.12.010 - 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 plans 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 shall 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 shall 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 with Condition. Compliance with the “purpose and general provisions” of chapter 16.12 can be met by adhering to the following: The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.011 - Applicability.

A. Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements. Minor Site Plan and Design Review applications shall not be subject to this chapter unless improvements are proposed within the right-of-way.

B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage of all single and two-family dwellings living space. Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. Accessory dwelling units are not subject to compliance with this chapter. All applicable single and two -family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations. In addition, the street frontage shall be improved to include the following priorities for improvements:

- 1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and*
- 2. Plant street trees.*

The cost of compliance with the standards identified in 16.12.011.B.1 and 16.12.011.B.2 is calculated based on the square footage valuation from the State of Oregon Building Codes Division and limited to ten percent of the total construction costs. The value of the alterations and improvements is based on the total construction costs for a complete project rather than costs of various project component parts subject to individual building permits. The entire proposed construction project cost includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with drafting or recording dedications or easements.

Finding: Applicable. The development is a site plan and design review application as referenced in 16.12.011.A; therefore, requirements of chapter 16.12 apply. However, the Applicant requests that the Planning Commission grant a modification to all of the standards in OCMC Chapter 16.12 pursuant to OCMC 16.12.013.E. See findings from section 16.12.013 of this report.

16.12.012 - Jurisdiction and management of the public rights-of-way.

The City has jurisdiction and exercises regulatory management over all public rights-of-way as defined and outlined within 12.04 of the Oregon City Municipal Code.

Finding: Applicable. The city has exercised its regulatory management authority by providing findings within this staff report with conditions to be met by the applicant prior to working within all public rights-of-way.

16.12.013 - Modifications.

The applicant may request and the review body may consider modification of the standards in this chapter 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:

Finding: Applicable. The Applicant requests a modification to all of the standards in OCMC Chapter 16.12 pursuant to OCMC 16.12.013.E claiming that the impacts of the Temporary Construction Facilities do not

warrant any public improvements and that there is no rational nexus between the impacts of the Temporary Construction Facilities and required public improvements in OCMC Chapter 16.12.

A. The modification meets the intent of the standard;

Finding: Complies as proposed. The City concurs with the applicant's assertion that the impacts of the Temporary Construction Facilities do not warrant any public improvements and that there is no rational nexus between the impacts of the Temporary Construction Facilities and would not require public improvements identified in OCMC Chapter 16.12.

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

Finding: Not Applicable. No modification has been requested which impacts movement of pedestrians, motor vehicles, bicyclists and freight.

C. The modification is consistent with an adopted transportation or utility plan; and

Finding: Not Applicable. No modification has been requested which impacts adopted transportation or utility plan.

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

Finding: Not Applicable. No modification has been requested regarding street design.

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: Complies as proposed. The City concurs with the applicant's assertion that the impacts of the Temporary Construction Facilities do not warrant any public improvements and that there is no rational nexus between the impacts of the Temporary Construction Facilities. Therefore, public improvements identified in OCMC Chapter 16.12. are not applicable.

16.12.033 - 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 E 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 (TSP) or as otherwise identified by the City 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 twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.
- D. For the intersection of OR 213 & Beavercreek Road, the following mobility standards apply:
 1. During the first, second & third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.
- E. 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

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 OCMC 16.12.033 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: Complies as Proposed. The applicant submitted a transportation memorandum written by Todd Mobley, PE of Lancaster Mobley Engineering. The memo was reviewed by the City's transportation consultant John Replinger, who wrote: "The Project Narrative and TM indicate the site is expected to accommodate approximately 36 employees and that most employees will arrive early and stay all or most of the day. The TM states 26 parking stalls will be provided on the site and predicts traffic volumes on Warner Milne Road will be low. I find this to be a reasonable conclusion about the traffic impacts. Predicted traffic volumes are low enough that operational analysis is not required."

16.12.035 - Driveways.

A. All new development and redevelopment shall meet the minimum driveway spacing standards identified in Table 16.12.035.A.

Table 16.12.035.A Minimum Driveway Spacing Standards
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<i>Street Functional Classification</i>	<i>Minimum Driveway Spacing Standards</i>	<i>Distance</i>
<i>Major Arterial Streets</i>	<i>Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings</i>	<i>175 ft.</i>
<i>Minor Arterial Streets</i>	<i>Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings</i>	<i>175 ft.</i>
<i>Collector Streets</i>	<i>Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings</i>	<i>100 ft.</i>
<i>Local Streets</i>	<i>Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings</i>	<i>25 ft.</i>

The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection (on the same side of the road) right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.

Finding: Complies as Proposed. No new driveways are proposed and existing driveways meet spacing standards. The applicant submitted a transportation memorandum written by Todd Mobley, PE of Lancaster Mobley Engineering. The memo was reviewed by the City's transportation consultant John Replinger, who wrote:

"The proposed access is at an existing, narrow curb cut located approximately 460 feet east of the signalized intersection of Warner-Parrott/Warner Milne/Leland/Linn. The proposed, temporary access drive will be 25 feet wide, allowing two-way traffic. The proposed access is in a location where a painted median with a width of approximately 11 feet is located. As explained in the TM, this painted median could be used as a turn lane for eastbound traffic turning into the site. The selection of this access location allows most construction traffic to avoid using existing local streets that serve as access to the existing school during the construction period. I think the proposed access location is appropriate and is preferable to access involving Williams Street."

B. Nonresidential or multi-family residential driveways that generate high traffic volumes shall be treated as intersections and shall adhere to requirements of OCMC 16.12.020.

Finding: Not applicable. The existing driveways do not generate high traffic volumes.

C. One driveway may be allowed per frontage, unless otherwise restricted. In no case shall more than two driveways be allowed for any single-family attached or detached residential property, duplex, 3-4 plex, or property developed with an ADU or internal conversion with multiple frontages, unless otherwise approved by the City Engineer.

Finding: Complies as conditioned. The existing driveways were previously permitted and approved by the City. See findings from section 16.12.035.D regarding removal of driveways conflicting with the applicable version of City Code at the time of the application submittal. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

D. When a property fronts multiple roads, access shall be provided from the road with the lowest classification in the Transportation System Plan whenever possible to minimize points of access to arterials and collectors. At the discretion of the City Engineer, properties fronting a collector or arterial road may be allowed a second driveway, for the creation of a circulation pattern that eliminates reverse maneuvers for vehicles exiting a property if applied for and granted through procedures in OCMC 16.12.013. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the City Engineer determines that:

- 1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or*
- 2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.*

Finding: Complies as conditioned. Driveways were reviewed in accordance with 12.04.025. The development property fronts multiple roads and has two existing driveway ramps which are connected to Warner Milne

Road, a road classified as a Minor Arterial road. The development property also has existing driveway ramps connecting from Williams Street, a road classified as a Local road. The existing driveway ramps connecting to Warner Milne Road conflict with the requirement for access to be provided from the road with the lowest classification in the Transportation System Plan and to minimize points of access to arterials. The project proposes to utilize the existing easterly driveway approach off Warner Milne Road. Therefore, the existing easterly driveway approach off Warner Milne Road is subject to the requirements of this code section. The applicant submitted a transportation memorandum written by Todd Mobley, PE of Lancaster Mobley Engineering. The memo was reviewed by the City's transportation consultant John Replinger, who wrote:

"The proposed access is at an existing, narrow curb cut located approximately 460 feet east of the signalized intersection of Warner-Parrott/Warner Milne/Leland/Linn. The proposed, temporary access drive will be 25 feet wide, allowing two-way traffic. The proposed access is in a location where a painted median with a width of approximately 11 feet is located. As explained in the TM, this painted median could be used as a turn lane for eastbound traffic turning into the site. The selection of this access location allows most construction traffic to avoid using existing local streets that serve as access to the existing school during the construction period. I think the proposed access location is appropriate and is preferable to access involving Williams Street."

The applicant shall remove the existing easterly driveway approach connecting to Warner Milne Road and replace it with ADA compliant sidewalk when the staging area is no longer needed and the construction drive is removed. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. All driveway approaches shall be limited to the dimensions identified in Table 16.12.035.D.

Table 16.12.035.D Driveway Approach Size Standards			
<i>Property Use</i>	<i>Minimum Driveway Approach Width</i>		<i>Maximum Driveway Approach Width</i>
<i>Single-Family Attached</i>	<i>10 feet</i>		<i>12 feet</i>
<i>Single-Family Detached in R-5 & R-3.5</i>	<i>10 feet</i>		<i>12 feet</i>
<i>Single-Family Detached in R-10, R-8, & R-6</i>	<i>12 feet</i>		<i>24 feet</i>
<i>Duplexes</i>	<i>12 feet</i>		<i>24 feet</i>
<i>3-4 Plexes</i>	<i>12 feet</i>		<i>24 feet</i>
<i>Multi-Family</i>	<i>18 feet</i>		<i>30 feet</i>
<i>Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential</i>	<i>One-Way 12 feet</i>	<i>Two-Way 20 feet</i>	<i>40 feet</i>

Driveway widths shall match the width of the driveway approach where the driveway meets sidewalk or property line but may be widened onsite (for example between the property line and the entrance to a garage). Groups of more than four parking spaces shall be so located and served by driveways so that their use will not require backing movements or other maneuvering within a street right-of-way other than an alley.

Finding: Compiles as proposed. The existing driveways widths meet driveway width standards.

F. The City Engineer reserves the right to require a reduction in the number and size of driveway approaches as far as practicable for any of the following purposes:

1. To provide adequate space for on-street parking;
2. To facilitate street tree planting requirements;
3. To assure pedestrian and vehicular safety by limiting vehicular access points; and
4. To assure that adequate sight distance requirements are met.

a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line.

Finding: Not applicable. City Engineer has not exercised the right to require a reduction in the number of driveway approaches for the purposes identified in this code section. However, some existing driveways conflict with section 16.12.035.D.

G. For all driveways, the following standards apply.

1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet back into the property as measured from the current edge of sidewalk or street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the City Engineer.
2. Any driveway approach built within public right-of-way shall be built and permitted per City requirements as approved by the City Engineer.
3. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the City Engineer.

Finding: Complies as proposed. The existing driveways comply with existing standards with regard to surface material and slope.

H. Exceptions. The City Engineer reserves the right to waive these standards or not allow driveway access, if the driveway(s) would cause a significant traffic safety hazard. Narrower driveway widths may be considered where field conditions preclude use of recommended widths. When larger vehicles and trucks will be the predominant users of a particular driveway, turning templates may be utilized to develop a driveway width that can safely and expeditiously accommodate the prevalent type of ingress and egress traffic.

Finding: Not applicable. The City Engineer has not waived these standards.

CHAPTER 17.12 HIGH DENSITY RESIDENTIAL DISTRICT

17.12.010 - Designated.

The R-2 residential district is designed for high density residential development.

17.12.020 - Permitted uses.

Permitted uses in the R-2 district are:

- A. Accessory dwelling units for existing single-family detached residential units constructed prior to the effective date of this ordinance;
- B. Internal conversions of existing single-family detached residential units constructed prior to the effective date of this ordinance;
- C. Duplexes;
- D. Corner duplexes;
- E. Single-family attached residential units;
- F. 3-4 plex residential;
- G. Multifamily residential;
- H. Cluster housing;
- I. Residential care facilities;
- J. Accessory buildings;
- K. Parks, playgrounds, playfields and community or neighborhood centers;
- L. Home occupations;
- M. Family day care providers;

- N. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- O. Management and associated offices and buildings necessary for the operations of a multi-family residential development;
- P. Transportation facilities.

17.12.025 - Conditional uses.

The following uses are permitted in the R-2 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Private and/or public educational or training facilities;
- G. Public utilities, including sub-stations (such as buildings, plants and other structures);
- H. Religious institutions;
- I. Assisted living facilities; nursing homes and group homes for over fifteen patients;
- J. Live/work dwellings;

Finding: Complies as Proposed. The existing religious institution use is a conditional use in the R-2 zone. The property also has an approved conditional use (CU 92-16) for a preschool on site. The use as a staging area is related to construction of Gardiner Middle School and will be temporary. While a construction staging area is not listed under permitted or conditional uses for the R-2 zone, it is considered a temporary use associated with construction projects and generally is not listed as a use on its own in the City's zoning code. The reason that it is being reviewed in this instance is that the staging area is proposed to be located on a separate property from where the construction project is located.

17.12.035 - Prohibited uses.

Prohibited uses in the R-2 district are:

- A. Any use not expressly listed in OCMC 17.12.020, 17.12.025 or 17.12.030.
- B. Marijuana businesses.

Finding: Not applicable. While a construction staging area is not listed under permitted or conditional uses for the R-2 zone, it is considered a temporary use associated with construction projects and generally is not listed as a use on its own in the City's zoning code. The reason that it is being reviewed in this instance is that the staging area is proposed to be located on a separate property from where the construction project is located.

17.12.040 - Dimensional standards.

Dimensional standards in the R-2 district are as follows:

Table 17.12.040

Standard	R-2
Minimum lot size ¹	
Duplex	4,000 sq. ft.
Single-family attached	2,000 sq. ft.
3-4 plex and multifamily	6,000 sq. ft.
Maximum height	
All, except	35 ft., except
Multifamily	45 ft.

Maximum building lot coverage	85%
Minimum lot width All, except Single-family attached	50 ft., except 20 ft.
Minimum lot depth All, except Multifamily	70 ft., except 75 ft.
Minimum front yard setback	5 ft., except 0 ft. - Porch
Maximum front yard setback	20 ft.
Minimum interior side yard setback All, except Single-family attached	5 ft. ¹ 0 ft. (attached) / 5 ft. (side)
Minimum corner side yard setback	5 ft.
Minimum rear yard setback	10 ft. ¹ , except 5 ft. - Porch
Garage setbacks	20 ft. from ROW, except 5 ft. from alley
Minimum required landscaping (including landscaping within a parking lot)	15%

Notes:

1. If a multifamily residential development abuts a parcel zoned R-10, R-8, R-6, there shall be a landscaped yard of 10 feet on the side abutting the adjacent zone in order to provide a buffer area.

Finding: Complies with condition. The applicant proposes ten temporary structures. The buildings are all proposed to be 12 feet in height. The minimum landscaping of 15% is currently provided and will continue to be provided in excess of 15% during the duration of the proposed use. The only setback shown on the site plan is to the north property line, where a 40 foot setback is proposed. The proposed setbacks from the south and west property lines are clearly much greater than ten feet. The applicant shall ensure that minimum setback requirements are met on the east side of the property. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.12.045 - Exceptions to setbacks.

A. Projections from buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.

B. Through lot setbacks. Through lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard is not necessary.

Finding: Not applicable. No setback exceptions are proposed or required.

CHAPTER 17.47 – EROSION AND SEDIMENT CONTROL

17.47.030 - Applicability.

A. This chapter, which may also be referred to as "erosion control" in this Code, applies to development that may cause visible or measurable erosion on any property within the city limits of Oregon City.

B. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.

Finding: Applicable. The applicant has proposed construction activities that may cause visible or measurable erosion on the development property.

17.47.060 - Permit required.

The applicant must obtain an erosion and sediment control permit prior to, or contemporaneous with, the approval of an application for any building, land use or other city-issued permit that may cause visible or measurable erosion.

Finding: Complies with Condition. The applicant seeks approval of an application for land use which requires construction that may cause visible or measurable erosion. The applicant shall obtain an erosion and sediment control permit prior to commencement of any earth disturbing activities. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.47.070 - Erosion and sediment control plans.

A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.

B. Approval Standards. An erosion and sediment control plan shall be approved only upon making the following findings:

1. The erosion and sediment control plan meets the requirements of the City of Oregon City public works standards for erosion and sediment control incorporated by reference as part of this chapter;

2. The erosion and sediment control plan indicates that erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that erosion and sediment control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.

C. The erosion and sediment control plan shall be reviewed in conjunction with the requested development approval. If the development does not require additional review, the manager may approve or deny the permit with notice of the decision to the applicant.

D. The city may inspect the development site to determine compliance with the erosion and sediment control plan and permit.

E. Erosion that occurs on a development site that does not have an erosion and sediment control permit, or that results from a failure to comply with the terms of such a permit, constitutes a violation of this chapter.

F. If the manager finds that the facilities and techniques approved in an erosion and sediment control plan and permit are not sufficient to prevent erosion, the manager shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim erosion and sediment control measures as specified in the City of Oregon City public works standards for erosion and sediment control. Within three days from the date of notice, the owner or his/her designated representative shall submit a revised erosion and sediment control plan to the city. Upon approval of the revised plan and issuance of an amended permit, the owner or his/her designated representative shall immediately implement the revised plan.

G. Approval of an erosion and sediment control plan does not constitute an approval of permanent road or drainage design (e.g., size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).

Finding: Complies with Condition. The applicant shall submit erosion and sediment control plans for review and approval by the City prior to issuance of an erosion and sediment control permit. The construction entrance shall not obstruct the existing bike lane or sidewalk on Warner Milne Road. Erosion and sediment control measures shall be managed and maintained during, and following, the use of the project area. Disturbed soil areas shall be permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures following the use of the project area. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES

17.50.030 - Summary of the City's decision-making processes.

The following decision-making processes chart shall control the City's review of the indicated permits:

Table 17.50.030: PERMIT APPROVAL PROCESS

PERMIT TYPE	I	II	III	IV	Expedited Land Division
Annexation				X	
Compatibility Review for Communication Facilities	X				
Compatibility Review for the Willamette River Greenway Overlay District			X		
Code Interpretation			X		
Master Plan/Planned Unit Development - General Development Plan			X		
Master Plan/Planned Unit Development - General Development Plan Amendment	X	X	X		
Conditional Use			X		
Detailed Development Plan ¹	X	X	X		
Extension	X				
Final Plat	X				
Geologic Hazards		X			
Historic Review	X		X		
Lot Line Adjustment and Abandonment	X				
Manufactured Home Park Review (New or Modification)		X			
Placement of a Single Manufactured Home on Existing Space or Lot within a Park	X				
Minor Partition		X			
Nonconforming Use, Structure and Lots Review	X	X			
Plan or Code Amendment				X	
Revocation				X	
Site Plan and Design Review	X	X			
Subdivision		X			X
Variance		X	X		
Zone Change				X	
Natural Resource Overlay District Exemption	X				
Natural Resource Overlay District Review		X	X		
Live/Work Dwelling Review		X			
Cluster Housing Development Review		X			
Residential Design Standards Review for Single Family Attached, Single Family Detached,	X				

Duplexes, 3-4 Plexes, Internal Conversions and Accessory Dwelling Units				
Modification of Residential Design Standards		X		

1 If any provision or element of the Master Plan/Planned Unit Development requires a deferred Type III procedure, the Detailed Development Plan shall be processed through a Type III procedure.

A. Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use, decision. The decision-making process requires no notice to any party other than the applicant. The Community Development Director's decision is final and not appealable by any party through the normal City land use process.

B. Type II decisions involve the exercise of limited interpretation and discretion in evaluating approval criteria, similar to the limited land use decision-making process under state law. Applications evaluated through this process are assumed to be allowable in the underlying zone, and the inquiry typically focuses on what form the use will take or how it will look. Notice of application and an invitation to comment is mailed to the applicant, recognized active neighborhood association(s) and property owners within three hundred feet. The Community Development Director accepts comments for a minimum of fourteen days and renders a decision. The Community Development Director's decision is appealable to the City Commission, by any party who submitted comments in writing before the expiration of the comment period. Review by the City Commission shall be on the record pursuant to OCMC 17.50.190 under ORS 197.195(5). The City Commission decision is the City's final decision and is subject to review by the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

C. 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. 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 or the Historic Review Board hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission or the Historic Review Board, all issues are addressed. The decision of the Planning Commission or Historic Review Board is appealable to the City Commission, on the record pursuant to OCMC 17.50.190. The City Commission decision on appeal from is the City's final decision and is subject to review by LUBA within twenty-one days of when it becomes final, unless otherwise provided by state law.

Finding: Applicable. The applicant has submitted this Type III land use application which includes variances, site plan and design review, and conditional use review.

17.50.055 - Neighborhood association meeting.

Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.

C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend.

This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.

D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.

E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.

Finding: Complies as Proposed. The applicant held the required neighborhood meeting with the Rivercrest neighborhood association on November 21, 2019 in accordance with this section. Notes from the meeting along with a sign in sheet have been provided.

17.50.070 - Completeness review and one hundred twenty-day rule.

C. 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:

1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.

2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.

3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.

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.

D. A one-hundred day period applies in place of the one-hundred-twenty day period for affordable housing projects where:

1. The project includes five or more residential units, including assisted living facilities or group homes;

2. At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of the median family income for Clackamas County or for the state, whichever is greater; and

3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.

E. The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.

F. The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.

Finding: Complies as Proposed. The application was submitted on October 14, 2019, deemed incomplete on November 6, 2019, and deemed complete on January 17, 2020 after additional information was submitted.

17.50.140 – Financial guarantees.

When conditions of permit approval require a permittee to construct certain public improvements, the City shall require the permittee to provide financial guarantee for construction of the certain public improvements. Financial guarantees shall be governed by this section.

- A. Form of Guarantee. Guarantees shall be in a form approved by the City Attorney. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the*

lending institution for the benefit of the City. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.

- B. Performance Guarantees. A permittee shall be required to provide a performance guarantee as follows.*
- 1. After Final Approved Design by The City: The City may request the Permittee to submit a Performance Guarantee for construction of certain public improvements. A permittee may request the option of submitting a Performance Guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.*
 - 2. Before Complete Design Approval and Established Engineered Cost Estimate: The City may request a permittee to submit a Performance Guarantee for construction of certain public improvements. A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.*
- C. Release of Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the City. Once the City has inspected and accepted the improvement, the City shall release the guarantee to the permittee. If the improvement is not completed to the City's satisfaction within the time limits specified in the permit approval, the City Engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the City in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the City, any remaining funds shall be refunded to the permittee. The City shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the City, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the City may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.*
- D. Fee-in-lieu. When conditions of approval or the City Engineer allows a permittee to provide a fee-in-lieu of actual construction of public improvements, the fee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The percentage required is to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer. The fee-in-lieu shall be submitted as cash, certified check, or other negotiable instrument acceptable by the City Attorney.*

Finding: Not applicable. Construction of public improvements is not required for the proposed development.

17.50.141 – Public improvements – Warranty

All public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period. The warranty is to be used at the discretion of the City Engineer or designee to correct deficiencies in materials or maintenance of constructed public infrastructure, or to address any failure of engineering design.

- A. Duration of Warranty. Responsibility for maintenance of public improvements shall remain with the property owner or developer for a warranty period of two years.*
- B. Financial Guarantee. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, bond, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.*

- C. *Amount of Warranty.* The amount of the warranty shall be equal to fifteen percent of the estimated cost of construction of all public improvements (including those improvements that will become owned and maintained by the City at the end of the two year maintenance period), and shall be supported by a verified engineering estimate and approved by the City Engineer. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those improvements.
- D. *Transfer of Maintenance.* The City will perform an inspection of all public improvements approximately forty-five days before the two-year warranty period expires. The public improvements shall be found to be in a clean, functional condition by the City Engineer before acceptance of maintenance responsibility by the City. Transfer of maintenance of public improvements shall occur when the City accepts the improvements at the end of the two year warranty period.

Finding: Not applicable. Construction of public improvements is not required for the proposed development.

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

17.52.010 - Applicability.

The construction of a new structure or parking lot, or alterations to the size or use of an existing structure, parking lot or property use shall require site plan review approval and compliance with this chapter. This chapter does not apply to single-family attached, detached residential dwellings and duplexes.

Finding: Applies. The applicant proposes temporary structures which do not require parking. However, the applicant has proposed a temporary gravel parking area for 25 vehicles; thus this chapter applies.

17.52.020 - Number of automobile spaces required.

A. The number of parking spaces shall comply with the minimum and maximum standards listed in Table 17.52.020. The parking requirements are based on spaces per one thousand square feet net leasable area unless otherwise stated.

Table 17.52.020		
LAND USE	PARKING REQUIREMENTS	
	MINIMUM	MAXIMUM
Multifamily Residential	1.00 per unit	2.5 per unit
3-4 Plex Residential	2.00	4
Hotel, Motel	1.0 per guest room	1.25 per guest room
Correctional Institution	1 per 7 beds	1 per 5 beds
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes	1 per 7 beds	1 per 5 beds
Hospital	2.00	4.00
Preschool Nursery/Kindergarten	2.00	3.00
Elementary/Middle School	1 per classroom	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium
High School, College, Commercial School for Adults	0.20 per # staff and students	0.30 per # staff and students
Auditorium, Meeting Room, Stadium, Religious	.25 per seat	0.5 per seat

Assembly Building, movie theater,		
Retail Store, Shopping Center, Restaurants	4.10	5.00
Office	2.70	3.33
Medical or Dental Clinic	2.70	3.33
Sports Club, Recreation Facilities	Case Specific	5.40
Storage Warehouse, Freight Terminal	0.30	0.40
Manufacturing, Wholesale Establishment	1.60	1.67
Light Industrial, Industrial Park	1.3	1.60

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.

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.

3. Where calculation in accordance with the above 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.

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 vehicles used in conducting the business or use.

5. A change in use within an existing habitable building located in the MUD Design District or the Willamette Falls Downtown District is exempt from additional parking requirements. Additions to an existing building and new construction are required to meet the minimum parking requirements for the areas as specified in Table 17.52.020 for the increased square footage.

Finding: Not applicable. The applicant has proposed ten temporary buildings. Temporary buildings are exempt from parking requirements per 17.62.050.I.

17.52.030 - Standards for automobile parking.

A. Access. Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety and meet requirements of OCMC 16.12.035. 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.

Finding: Complies as Proposed. The applicant has proposed 25 vehicular parking spaces accessed by a driveway from Warner Milne Road. The driveway curb cut is existing. See findings in Section 16.12.

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 stormwater and low impact development design standards are encouraged.

Finding: See Section 17.60. The applicant has proposed 25 vehicular parking spaces and circulation on a gravel surface, requesting a variance to this standard.

C. Drainage. Drainage shall be designed in accordance with the requirements of OCMC 13.12 and the City public works stormwater and grading design standards.

Finding: See findings in Section 13.12 of this staff report.

D. Dimensional Standards.

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 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/plan.* Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the Community Development Director may approve an alternative parking lot plan with variations to parking dimensions of this section. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while providing landscaping to the quantity and quality found within parking lot landscaping requirements.

PARKING STANDARD

PARKING ANGLE SPACE DIMENSIONS

A Parking Angle		B Stall Width	C Stall to Curb	D Aisle Width	E Curb Length	F Overhang
0 degrees		8.5	9.0	12	20	0
30 degrees	Standard Compact	9' 8'	17.3' 14.9'	11' 11'	18' 16'	
45 degrees	Standard Compact	8.5 8.5	19.8' 17.0'	13' 13'	12.7' 11.3'	1.4
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

All dimensions are to the nearest tenth of a foot.

NOTE: Overhang dimensions are intended to indicate possible location from parking area edge for location of bumpers.

E. *Carpool and Vanpool Parking.* New developments with seventy-five or more parking spaces, excluding projects where seventy-five percent or more of the total floor area is residential, and new hospitals, government offices, group homes, 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 ADA accessible parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."

Finding: Complies as Proposed. The applicant has proposed 25 90 degree vehicular parking spaces. The proposed drive aisle is 24 feet, and each parking space is 9 feet wide by 19 feet in length.

17.52.040 - Bicycle parking standards.

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 exclusively residential use with less than five dwellings onsite (excluding cluster housing).

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 OCMC 17.52.020 for determining automobile parking space requirements. Modifications to bicycle parking requirements may be made through the site plan and design, conditional use, or master plan review process.

TABLE A Required Bicycle Parking Spaces*

Where two options for a requirement are provided, the option resulting in more bicycle parking applies. Where a calculation results in a fraction, the result is rounded up to the nearest whole number.

<i>USE</i>	<i>MINIMUM BICYCLE PARKING</i>	<i>MINIMUM BICYCLE PARKING - COVERED - The following percentage of bicycle parking is required to be covered</i>
<i>Multi-family (five or more units)</i>	<i>1 per 10 units (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Correctional institution</i>	<i>1 per 15 auto spaces (minimum of 2)</i>	<i>30% (minimum of 1)</i>
<i>Nursing home or care facility</i>	<i>1 per 30 auto spaces (minimum of 2)</i>	<i>30% (minimum of 1)</i>
<i>Hospital</i>	<i>1 per 20 auto spaces (minimum of 2)</i>	<i>30% (minimum of 1)</i>
<i>Park-and-ride lot</i>	<i>1 per 5 auto spaces (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Transit center</i>	<i>1 per 5 auto spaces (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Parks and open space</i>	<i>1 per 10 auto spaces (minimum of 2)</i>	<i>0%</i>
<i>Public parking lots</i>	<i>1 per 10 auto spaces (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Automobile parking structures</i>	<i>1 per 10 auto spaces (minimum of 4)</i>	<i>80% (minimum of 2)</i>
<i>Religious institutions, movie theater, auditorium or meeting room</i>	<i>1 per 10 auto spaces (minimum of 2)</i>	<i>30% (minimum of 1)</i>
<i>Libraries, museums</i>	<i>1 per 5 auto spaces (minimum of 2)</i>	<i>30% (minimum of 1)</i>
<i>Preschool, nursery, kindergarten</i>	<i>2 per classroom (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Elementary</i>	<i>4 per classroom (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Junior high and High school</i>	<i>2 per classroom (minimum of 2)</i>	<i>50% (minimum of 2)</i>
<i>College, business/commercial schools</i>	<i>2 per classroom (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Swimming pools, gymnasiums, ball courts</i>	<i>1 per 10 auto</i>	<i>30% (minimum of 1)</i>

	<i>spaces (minimum of 2)</i>	
<i>Retail stores and shopping centers</i>	<i>1 per 20 auto spaces (minimum of 2)</i>	<i>50% (minimum of 2)</i>
<i>Retail stores handling exclusively bulky merchandise such as automobile, boat or trailer sales or rental</i>	<i>1 per 40 auto spaces (minimum of 2)</i>	<i>0%</i>
<i>Bank, office</i>	<i>1 per 20 auto spaces (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Medical and dental clinic</i>	<i>1 per 20 auto spaces (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Eating and drinking establishment</i>	<i>1 per 20 auto spaces (minimum of 2)</i>	<i>0%</i>
<i>Gasoline service station</i>	<i>1 per 10 auto spaces (minimum of 2)</i>	<i>0%</i>

* Covered bicycle parking is not required for developments with two or fewer parking stalls.

Finding: Not applicable. The applicant has proposed ten temporary buildings. Temporary buildings are exempt from parking requirements per 17.62.050.I.

17.52.060 - Parking lot landscaping.

Purpose. The purpose of this code section includes the following:

- 1. To enhance and soften the appearance of parking lots;*
- 2. To limit the visual impact of parking lots from sidewalks, streets and particularly from residential areas;*
- 3. To shade and cool parking areas;*
- 4. To reduce air and water pollution;*
- 5. To reduce storm water impacts and improve water quality; and*
- 6. To establish parking lots that are more inviting to pedestrians and bicyclists.*

A. Applicability. Unless otherwise specified, construction of new parking lots and alterations of existing parking lots shall comply with parking lot landscaping standards. Parking lot landscaping requirements within this section do not apply to parking structures or parking garages, except landscaping as required in OCMC 17.62.

Finding: See variance findings in Section 17.60. The applicant did not specifically address this section, but a variance request is implied by the application for a variance to parking lot surfacing and design standards. No parking lot landscaping is proposed for the parking area of 25 vehicles. The parking lot is proposed to be in place for up to 18 months maximum.

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: Applies. The applicant indicated that they will maintain the parking lot for the duration of the temporary use.

CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

17.54.100 Fences, Hedges, Walls, and Retaining Walls.

A. A fence, hedge, wall, retaining wall, or combination thereof may be located on real property, not within the right-of-way, subject to all of the following:

1. A fence, hedge, wall, retaining wall, or combination thereof located in front of a building may be up to 3.5-feet in total height as measured from the finished grade at any point on the fence.

2. A fence, hedge, wall, located next to and behind the forward most building, or within more than forty feet of the right-of-way, whichever is less may be up to:

a. Six feet in total height for residential properties with less than five units as measured from the finished grade at any point on the fence; or

b. Eight feet in total height for all other uses as measured from the finished grade at any point on the fence.

3. A retaining wall or combination of a fence, hedge, wall located next to and behind the forward most building, or within more than forty feet of the right-of-way, whichever is less, may be up to (as measured from the finished grade) 8.5 feet in height from the finished grade.

4. Fences, hedges, and/or walls located within two feet above a retaining wall, as measured on a horizontal plane, shall be measured together for the purposes of determining height.

5. Property owners shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.

Finding: Complies with condition. The applicant did not indicate whether construction fencing would be erected. The applicant shall ensure that any temporary construction fencing does not exceed 6 feet in height. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.56 CONDITIONAL USES

17.56.010 - Permit—Authorization—Standards—Conditions.

A conditional use listed in this title may be permitted, enlarged or altered upon authorization of the Planning Commission in accordance with the standards and procedures of this title. A conditional use permit listed in this section may be permitted, enlarged or altered upon authorization of the Planning Commission in accordance with the standards and procedures of this section. Any expansion to, alteration of, or accessory use to a conditional use shall require Planning Commission approval of a modification to the original conditional use permit.

A. The following conditional uses, because of their public convenience and necessity and their effect upon the neighborhood shall be permitted only upon the approval of the Planning Commission after due notice and public hearing, according to procedure as provided in OCMC 17.50. The Planning Commission may allow a conditional use, provided that the applicant provides evidence substantiating that all the requirements of this title relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

1. The use is listed as a conditional use in the underlying district;

Finding: Complies as Proposed. The existing religious institution use is a conditional use in the R-2 zone. The property also has an approved conditional use (CU 92-16) for a preschool on site. The use as a staging area is related to construction of Gardiner Middle School and will be temporary. While a construction staging area is not listed under permitted or conditional uses for the R-2 zone, it is considered a temporary use associated with construction projects and generally is not listed as a use on its own in the City's zoning code. The reason that it is being reviewed in this instance is that the staging area is proposed to be located on a separate property from where the construction project is located.

2. *The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;*

Finding: Complies as Proposed. The Church Property is level, large enough to accommodate the proposed use, and the proposed use does not interfere with the existing improvements. The Church Property does not contain any natural features. The part of the Church Property proposed for the Temporary Construction Facilities contains no natural or environmentally significant areas nor is it encumbered by any overlay zoning districts.

3. *Development shall demonstrate compliance with OCMC 16.12;*

Finding: See Section 16.12 of this staff report.

4. *The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district;*

Finding: Complies with Conditions. The applicant states “The Temporary Construction Facilities will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying zoning districts.

The Temporary Construction Facilities are substantially removed from the surrounding uses, including those on the west side of Linn Avenue, the south side of Warner- Milne Road, the east side of the property and the single-family dwellings on the north and west. The Temporary Construction Facilities will be accessed from Warner-Milner Road, thus avoiding construction traffic using the local streets between Gardner Middle School on the east and Linn Avenue on the west.”

Staff finds that the proposal would not result in impacts to neighboring properties. The PGE facility is industrial in nature and is shielded by a solid wall from the subject site. The school property will be under construction itself and will be less impacted with the construction staging area being located offsite than if it were located onsite, closer to the school buildings and uses. The neighboring residential properties on Williams Street will not be impacted by construction traffic, because this traffic will not use Williams Street and will instead use a driveway from Warner Milne Road. The noise that is associated with construction will not be any different due to the location of the construction staging area being placed on the church property. The construction staging area would have an impact on the vibrancy and livability of the neighborhood, due to its appearance, unfinished nature, and lack of softening landscaping, if it remains for a long duration. Thus, the applicant shall limit the duration of the use to 18 months from the time of installation of the first construction trailer. Once the need for the staging area has ended, the applicant shall have 90 days to remove all materials from the site and bring the site back to its original state with seeded lawn or other landscaping that complies with standards in 17.62.050. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

5. *The proposal satisfies the goals and policies of the city comprehensive plan which apply to the proposed use.*

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

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

Finding: Complies as proposed. The applicant met with the neighborhood association prior to submittal of a complete application. Furthermore, the application was posted on the City’s website,

posted in a local newspaper and signs were posted on the subject site informing the public. In addition, notice of the proposal was mailed to all property owners within 300 feet of the site and emailed to a variety of agencies, as well as each Citizen Involvement Committee member and each neighborhood association chair. Each of the notifications informed the public of the proposal and invited applicants to comment on the proposal. Lastly, the agenda for each Planning Commission hearing is posted at a variety of City facilities and emailed to the public.

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.

Finding: Complies with Condition. The construction staging area would have an impact on the vibrancy and livability of the neighborhood if it remains for a long duration. The applicant shall limit the duration of the use to 18 months from the time of installation of the first construction trailer. Once the need for the staging area has ended, the applicant shall have 90 days to remove all materials from the site and bring the site back to its original state with seeded lawn or other landscaping that complies with standards in 17.62.050. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. Permits for conditional uses shall stipulate restrictions or conditions which may include, but are not limited to, a definite time limit to meet such conditions, provisions for a front, side or rear yard greater than the minimum dimensional standards of the zoning ordinance, suitable landscaping, off-street parking, and any other reasonable restriction, condition or safeguard that would uphold the spirit and intent of the zoning ordinance, and mitigate adverse effect upon the neighborhood properties by reason of the use, extension, construction or alteration allowed as set forth in the findings of the Planning Commission.

Finding: Complies with Conditions. The applicant has proposed that the temporary use, which does not meet multiple standards related to design and appearance, will have a duration of 12 to 18 months. The applicant shall limit the duration of the use to 18 months from the time of installation of the first construction trailer. Once the need for the staging area has ended, the applicant shall have 90 days to remove all materials from the site and bring the site back to its original state with seeded lawn or other landscaping that complies with standards in 17.62.050. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Any conditional use shall meet the dimensional standards of the zone in which it is to be located pursuant to subsection B. of this section unless otherwise indicated, as well as the minimum conditions listed below.

Finding: Complies with Condition. The applicant meets all dimensional standards of the R-2 zone with the exception of the east setback, which was not indicated. The applicant shall meet the all setbacks in the R-2 zone. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

D. In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use, any change of use expansion of lot area or expansion of structure shall conform with the requirements for conditional use.

Finding: Complies as Proposed. The applicant has submitted this application to comply with this provision.

E. The Planning Commission may specifically permit, upon approval of a conditional use, further expansion to a specified maximum designated by the Planning Commission without the need to return for additional review.

Finding: Staff does not recommend any future expansion provisions at this time and the applicant has not requested.

17.56.020 - Permit—Application.

A. A property owner or authorized agent shall initiate a request for a conditional use by filing an application with the city recorder. The applicant shall submit a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The application shall be accompanied by the filing fee listed in OCMC 17.50.080 to defray the costs of publication, investigation and processing.

Finding: Complies as Proposed. The applicant has submitted this application to comply with this provision.

B. Before the Planning Commission may act on a conditional use application, it shall hold a public hearing thereon, following procedure as established in OCMC 17.50.

Finding: Complies as Proposed. This application is going before the Planning Commission as a public hearing.

17.56.025 - Minor modifications to legal conditional uses.

Minor modifications to an approved conditional use permit may be permitted. If permitted, the modification shall be reviewed as a minor site plan and design review. A minor modification to an approved conditional use permit is considered one of the following:

A. Modification to a structure for the purpose of enhancing the aesthetics of the building and there is no increase in the interior usable space;

B. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage; or

C. Revisions to parking alignment and/or related vehicle circulation patterns.

Finding: Not applicable. The applicant has proposed new square footage of over 6000 square feet in the form of the construction trailers, along with a new parking lot,; thus the proposal is not considered a minor modification.

17.56.040 - Criteria and standards for conditional uses.

In addition to the standards listed herein in OCMC 17.56.010, which are to be considered in the approval of all conditional uses and the standards of the zone in which the conditional use is located, the following additional standards shall be applicable:

A. Building Openings. The city may limit or prohibit building openings within fifty feet of residential property in a residential zone if the openings will cause glare, excessive noise or excessive traffic which would adversely affect adjacent residential property as set forth in the findings of the Planning Commission.

Finding: Not applicable. The applicant has not proposed any building openings within 50 feet of residential property.

B. Additional Street Right-of-Way. The dedication of additional right-of-way may be required where the city plan indicates need for increased width and where the street is inadequate for its use; or where the nature of the proposed development warrants increased street width.

Finding: Not applicable. The temporary nature of the proposal does not result in the need for additional right of way.

C. Public Utility or Communication Facility. Such facilities as a utility substation, water storage tank, radio or television transmitter, tower, tank, power transformer, pumping station and similar structures shall be located, designed and installed with suitable regard for aesthetic values. The base of these facilities shall not be located closer to the property line than a distance equal to the height of the structure. Hydroelectric generation facilities shall not exceed ninety megawatts of generation capacity.

Finding: Not applicable. The use is not a public utility or communication facility.

D. Schools. The site shall be located to best serve the intended area, shall be in conformance with the city plan, shall have adequate access, and shall be in accordance with appropriate State standards.

Finding: Not applicable. The use is not a school.

E. Helipad Landing Facility.

Finding: Not applicable. The use is not a helipad landing facility.

F. Residential Care Facilities.

Finding: Not applicable. The use is not a residential care facility.

G. Bed and Breakfast Inns.

Finding: Not applicable. The use is not a bed and breakfast inn.

17.56.060 - Revocation of conditional use permits.

The Planning Commission or the City Commission may initiate administrative action under Chapter 17.50 to revoke any conditional use permit previously issued by the city or, with regard to lands annexed by the city, those such permits issued by the county. The Planning Commission or, on review, the City Commission, may revoke such permit upon determining:

A. One or more conditions attached to the grant of the conditional use permit have not been fulfilled; and

B. The unfulfilled condition is substantially related to the issuance of the conditional use permit.

Finding: The Planning Commission has this ability and may choose to initiate a revocation pursuant to this section.

17.56.070 - Periodic review of conditional use permits.

A. The City Commission may provide for the periodic review of some or all of the conditional use permits previously issued by the city, or, with regard to lands annexed by the city, those such permits issued by the county. In providing for such review, the City Commission may designate classes of such previously issued permits for which periodic review shall be undertaken.

B. Such review shall be accomplished as an administrative action under Chapter 17.50 and shall be limited to the question of whether additional conditions should be imposed on a conditional use in the light of changing circumstances and more efficient implementation of the city's comprehensive plan.

C. Notwithstanding the provisions of Chapter 17.58, any additional conditions shall be met as a requirement for continued operation of the conditional use.

Finding: Not applicable. This is not a periodic review of a conditional use permit.

CHAPTER 17.58 LAWFUL NONCONFORMING USES, LOTS, STRUCTURES, AND SITES

17.58.015 - Applicability.

The regulations of this chapter apply only to those nonconforming situations that were lawfully established or that were approved through a land use decision. All nonconforming structures, uses or lots shall have been maintained over time. These situations have lawful nonconforming status. Nonconforming situations that were not allowed when established or have not been maintained over time have no lawful right to continue.

Finding: Applicable. The site is nonconforming due to setbacks, parking lot location, and other factors.

17.58.040 - Lawful nonconforming structure or site.

A structure or site that was lawfully established but no longer conforms to all development standards of this land use code (such as setbacks) shall be considered lawfully nonconforming. Notwithstanding development standard requirements in this Code, minor repairs and routine maintenance of a lawful nonconforming structure are permitted.

The continuation of a lawful nonconforming structure or site is subject to the following:

A. Accidental Destruction. When a nonconforming structure is damaged by fire or other causes, the structure may be rebuilt using the same structure footprint.

B. Intentional Destruction. When a nonconforming structure is removed or intentionally damaged by fire or other causes within the control of the owner, the replacement structure shall comply with the development standards of this title.

C. Expansion. An expansion of a lawful nonconforming structure or site may be approved, conditionally approved or denied in accordance with the standards and procedures of this section.

1. In making a determination on such applications, the decision maker shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and, to approve such expansion, it shall be found that the criteria identified in OCMC 17.58.060 have either been met, can be met by observance of conditions, or are not applicable.

2. Increases in the square footage of a building and/or site improvements which include installation of any additional off-street parking stalls that exceed the threshold of subparagraph C.2.a. below shall comply with the development standards listed in subparagraph C.2.b. The value of the alterations and improvements is based on the entire project and not individual building permits.

a. Thresholds triggering compliance. The standards of subparagraph C.2.b. below shall be met when the value of the increase in square footage of a building and/or increase in off-street parking stalls, as determined by the Community Development Director, is more than seventy-five thousand dollars. The following alterations and improvements shall not be included in the threshold calculation:

1. Proposed alterations to meet approved fire and life safety agreements;
2. Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
3. Alterations required to meet Seismic Design Requirements; and
4. Improvements to on-site stormwater management facilities in conformance with Oregon City Stormwater Design Standards.

Finding: See findings in Section 17.60 of this staff report. The site is nonconforming due to setbacks, parking lot location, and other factors. The applicant proposes work that exceeds \$75,000 in site improvements and has requested a variance to this standard.

b. Standards that shall be met. Developments not complying with the development standards listed below shall be brought into conformance.

1. Pedestrian circulation systems, as set out in the pedestrian standards that apply to the sites;
2. Minimum perimeter parking lot landscaping;
3. Minimum interior parking lot landscaping;
4. Minimum site landscaping requirements;
5. Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with OCMC 17.52—Off-Street Parking and Loading;
6. Screening; and
7. Paving of surface parking and exterior storage and display areas.

Finding: See findings in Section 17.60 of this staff report. The applicant has requested a variance to this standard.

c. Area of required improvements.

1. Generally. Except as provided in C.2.c.2. below, required improvements shall be made for the entire site.
2. Exception for sites with ground leases. Required improvements may be limited to a smaller area if there is a ground lease for the portion of the site where the alterations are proposed. If all of the following are met, the area of the ground lease will be considered as a separate site for purposes of required improvements. The applicant shall meet the following:
 - i. The signed ground lease — or excerpts from the lease document satisfactory to the city attorney — shall be submitted to the Community Development Director. The portions of the lease shall include the following:
 - A. The term of the lease. In all cases, there shall be at least one year remaining on the ground lease; and
 - B. A legal description of the boundaries of the lease.
 - ii. The boundaries of the ground lease shall be shown on the site plan submitted with the application. The area of the lease shall include all existing and any proposed development that is required for, or is used exclusively by, those uses within the area of the lease; and
 - iii. Screening shall not be required along the boundaries of ground leases that are interior to the site.

Finding: See findings in Section 17.60 of this staff report. The applicant has requested a variance to this standard.

d. *Timing and cost of required improvements.* The applicant may choose one of the two following options for making the required improvements:

1. *Option 1.* Required improvements may be made as part of the alteration that triggers the required improvements. The cost of the standards that shall be met, identified in subparagraph C.2.b. above, is limited to ten percent of the value of the proposed alterations. It is the responsibility of the applicant to document to the Community Development Director the value of the required improvements. Additional costs may be required to comply with other applicable requirements associated with the proposal. When all required improvements are not being made, the priority for the improvements shall be as listed in subparagraph C.2.b. above.

2. *Option 2.* Required improvements may be made over several years, based on the compliance period identified in Table 17.58—1 below. However, by the end of the compliance period, the site shall be brought fully into compliance with the standards listed in subparagraph C.2.b. Where this option is chosen, the following shall be met:

i. Before a building permit is issued, the applicant shall submit the following to the Community Development Director:

A. A Nonconforming Development Assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in Subparagraph C.2.b.

B. A covenant, in a form approved by the City Attorney, executed by the property owner that meets the requirements of OCMC 17.50.150. The covenant shall identify development on the site that does not meet the standards listed in Subparagraph C.2.b., and require the owner to bring that development fully into compliance with this title. The covenant shall also specify the date by which the owner will be in conformance. The date shall be within the compliance periods set out in Table 17.58 — 1.

ii. The nonconforming development identified in the Nonconforming Development Assessment shall be brought into full compliance with the requirements of this Title within the following compliance periods. The compliance period begins when a building permit is issued for alterations to the site of more than seventy-five thousand dollars. The compliance periods are based on the size of the site (see Table 17.58—1 below).

iii. By the end of the compliance period, the applicant or owner shall request that the site be certified by the Community Development Director as in compliance. If the request is not received within that time, or if the site is not fully in conformance, no additional building permits will be issued.

iv. If the regulations referred to by subparagraph C.2.b. are amended after the Nonconforming Development Assessment is received by the Community Development Director, and those amendments result in development on the site that was not addressed by the Assessment becoming nonconforming, the applicant shall address the new nonconforming development using Option 1 or 2. If the applicant chooses Option 2, a separate Nonconforming Development Assessment, covenant and compliance period will be required for the new nonconforming development.

Table 17.58—1: Compliance Periods for Option 2

Square footage of site	Compliance Period
Less than 150,000 sq. ft.	2 years
150,000 sq. ft. or more, up to 300,000 sq. ft.	3 years
300,000 sq. ft. or more, up to 500,000 sq. ft.	4 years
More than 500,000 sq. ft.	5 years

Finding: See findings in Section 17.60 of this staff report. The applicant has requested a variance to this standard.

CHAPTER 17.60 VARIANCES

17.60.010 - Authority.

According to procedures set forth in OCMC 17.60.030, the planning commission or the community development director may authorize variances from the requirements of this title. In granting a variance, the planning commission or community development director may attach conditions to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

Finding: The applicant has applied for three variances. None of the variances are a request to allow a use that is not authorized in the zone.

Variance 1. A variance to off-street parking requirements in OCMC 17.52 requiring paved parking lot surfacing and parking lot landscaping.

Variance 2. A variance to OCMC 17.58.040.C.2.a and .d.1 requiring non-conforming development upgrades in the amount of ten percent of the value of the proposed alterations.

Variance 3. A variance to OCMC 17.62.050.I.2.b limiting temporary structures larger than eight hundred (800) square feet to be on the property for a maximum duration of seven (7) consecutive days.

17.60.020 - Variances—Procedures.

A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D. of this section shall apply when applicable.

B. A nonrefundable filing fee, as listed in OCMC 17.50.080, shall accompany the application for a variance to defray the costs.

C. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in OCMC 17.60.030, Variances — Grounds.

Finding: Complies as proposed. The applicant submitted an application with all of the required materials and the proposal will be reviewed by the Planning Commission at a public hearing.

D. Minor variances, as defined in subsection E. of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in OCMC 17.50.030B., and shall address the criteria identified in OCMC 17.60.030, Variance — Grounds.

E. For the purposes of this section, minor variances shall be defined as follows:

- 1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;*
- 2. Variances to width, depth and frontage requirements of up to twenty percent;*
- 3. Variances to residential yard/setback requirements of up to twenty-five percent;*
- 4. Variances to nonresidential yard/setback requirements of up to ten percent;*
- 5. Variances to lot area requirements of up to five percent;*
- 6. Variance to lot coverage requirements of up to twenty-five percent;*
- 7. Variances to the minimum required parking stalls of up to five percent; and*
- 8. Variances to the floor area requirements and minimum required building height in the mixed-use districts.*
- 9. Variances to design and/or architectural standards for single family dwellings, duplexes, single-family attached dwellings, internal conversions, accessory dwelling units, and 3-4 plexes in OCMC 17.14, 17.16, 17.20, 17.21, and 17.22.*

Finding: Not applicable. The three variances requested do not fall under the definition of minor variances.

17.60.030 - Variance—Grounds.

The applicant has requested three variances. The findings for each variance will be grouped together, beginning with Variance #1 to the standards for paved parking lot surfacing and parking lot landscaping.

Variance #1

A variance may be granted only in the event that all of the following conditions exist:

A. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;

Finding: Complies as Proposed. The applicant stated the following:

“The variance to allow unpaved parking and access aisle for the Temporary Construction Facilities will not cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by OCMC Title 17. The Temporary Construction Facilities Plan includes adequate surfacing for the expected traffic for the Temporary Construction Facilities and storm drainage facilities. Further, the Applicant will seek the necessary permits from the City for temporary access for the construction driveway to Warner-Milne Road. The Applicant will restore the Site to its original condition following completion of the Temporary Construction Facilities on the Church Property.”

The lack of parking lot pavement and landscaping will have minimal impact on adjacent properties. Air could be impacted by gravel dust from the lack of paving on the parking lot surface and driveway, and the lack of landscaping. However, these areas will be located at a distance from any neighboring properties and will likely only impact the property itself.

B. That the request is the minimum variance that would alleviate the hardship;

Finding: Complies as Proposed. The applicant states:

“The hardship to be alleviated by this variance is the necessity to pave a temporary off-street parking area and access aisles to accommodate the Temporary Construction Facilities. This variance is the minimum variance that would alleviate the hardship caused by the requirement to provide paved parking and access aisles for the Temporary Construction Facilities where an appropriate gravel surface will be adequate to serve the Temporary Construction Facilities access driveway and Temporary Construction Facilities pad.”

The applicant proposes to meet the dimensional standards for parking lots to ensure safety, and has only requested a variance to the items that are meant to apply to permanent parking lots. Requiring pavement and landscaping for a parking lot that will only be in place for a duration of 18 months is not practical; it would add considerable expense and waste to the project.

C. Granting the variance will equal or exceed the purpose of the regulation to be modified.

Finding: Complies as Proposed. The applicant states:

“Although not plainly stated in the OCMC, the purpose of the requirement for having paved surfaces for required off-street parking spaces and access aisles is to provide adequate access to facilities served by the off-street parking, minimize undesirable erosion and stormwater run-off and reduce dust. In this case, the Planning Commission can find that the proposed variance will meet these purposes for the following reasons. First, the proposed Temporary Construction Facilities driveway and Temporary Construction Facilities gravel pad are temporary and will be in use only as long as the Temporary Construction Facilities must be located on the Church Property. Second, the proposed gravel surface is more than adequate to reduce dust and provide an appropriate travel surface for construction vehicles and employees’ cars. Finally, the Temporary Construction Facilities’ Site Plan includes a Stormwater Management Plan. The Applicant will accept a condition requiring these improvements to be associated with the off-street parking and access aisles.”

The purpose of the regulation is as the applicant states, with the addition that the purpose of the parking lot landscaping standards is to soften the hardscape of parking lots, provide shade, and manage stormwater. These standards are written with permanent parking lots in mind and not with temporary construction staging areas. Due to the limited duration of this parking lot, the purpose of the regulation will not be compromised.

D. Any impacts resulting from the adjustment are mitigated;

Finding: Complies as Proposed. The lack of parking lot pavement and landscaping will have minimal impact. Air could be impacted by gravel dust from the lack of paving on the parking lot surface and driveway, and the

lack of landscaping. However, these areas will be located at a distance from any neighboring properties and will likely only impact the property itself.

E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and

Finding: Complies as Proposed. The applicant has proposed the most practicable alternative, which is providing a gravel surface and limited stormwater management for the temporary surface.

F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.

Finding: Complies as Proposed. The Comprehensive Plan does not contain any goals and policies that are directly relevant to this proposed variance.

Variance #2:

Explanation: OCMC 17.58.040.C.2.a and .d.1 provides that when improvements to a nonconforming site are proposed, there are certain required improvements to the non-conforming development site that must be made as part of the alteration and the cost of complying with those improvements is limited to ten percent of the value of the proposed alterations. Because the improvements proposed in this variance application are temporary and not permanent, the Applicant requests a variance to the requirement that the Applicant make improvements required in OCMC 17.58.040.C.2.b in the amount of ten percent of the cost of the proposed alterations.

A variance may be granted only in the event that all of the following conditions exist:

A. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;

Finding: Complies as Proposed. The applicant stated the following:

“The variance to not require ten percent of the cost of the alterations will not cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by OCMC Title 17. Further, as explained below, the Applicant proposes a condition of approval to provide additional trees on the property as mitigation for the impact of the variance.”

Based on the construction cost submitted by the applicant, approximately \$36,000 of nonconforming upgrades could potentially be required as part of this project. The upgrades that would be required would be landscaping additions to the existing church parking lot, potential pedestrian circulation improvements to provide better connectivity, and the addition of bicycle parking on site. Not providing these upgrades would not cause damage to neighboring properties.

B. That the request is the minimum variance that would alleviate the hardship;

Finding: Complies as Proposed. The applicant states:

“The Planning Commission can find that the variance is the minimum variance that would alleviate the hardship which is the requirement to pay ten percent of the value of the alterations for improvements to the non-conforming development site where the improvements triggering the permanent improvements are temporary. The Temporary Construction Facilities are temporary and do not justify permanent improvements to the nonconforming development.”

Because the proposal is not a permanent expansion or intensification of a nonconforming site, requiring nonconforming upgrades of up to \$36,000 would be considered a hardship to the applicant. The applicant is adjusting the location of a construction staging area to be on an offsite location for logistical reasons; the staging area would otherwise be located on the Gardiner Middle School property and would not trigger nonconforming upgrades to neighboring properties.

C. Granting the variance will equal or exceed the purpose of the regulation to be modified.

Finding: Complies as Proposed. The applicant states:

“The purpose of the standard sought to this variance is to provide, over time, upgrades to non-conforming development. However, the proposed mitigation in this case will equal or exceed the purpose of the regulation to be modified by mitigating for the impacts, if any, of the variance to allow the Temporary Construction Facilities in terms of size and length of time.”

The purpose of the regulation is as the applicant states. Due to the limited duration of this parking lot, the purpose of the regulation will not be compromised.

D. Any impacts resulting from the adjustment are mitigated;

Finding: Complies as Proposed. The variance will result in no nonconforming upgrades on the church property; thus no new parking lot landscaping, pedestrian walkways, or bicycle parking would be provided. While the nonconforming upgrades constitute an opportunity for a better site, the lack of them does not necessarily constitute an impact. The applicant proposes mitigation of tree plantings on the church property. Staff finds that the proposed mitigation is reasonable; additional details and findings are found in the discussion of Variance #3.

E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and

Finding: Complies as Proposed. No practical alternatives which would not require a variance are apparent. The applicant has instead proposed tree plantings.

F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.

Finding: Complies as Proposed. The Comprehensive Plan does not contain any goals and policies that are directly relevant to this proposed variance.

Variance #3:

Explanation: Variance 3 requests a variance to OCMC 17.62.050.I.2.b to allow structures larger than eight hundred (800) square feet to be on the property longer than seven (7) consecutive days. The Temporary Construction Facilities consist of more than eight hundred (800) square feet in ten (10) temporary construction buildings. The Temporary Construction Facilities will be present for about twelve (12) to eighteen (18) months on the Church Property.

A variance may be granted only in the event that all of the following conditions exist:

A. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;

Finding: Complies as Proposed. The applicant stated the following:

"The Planning Commission can find that the variance to allow Temporary Construction Facilities larger than eight hundred (800) square feet for more than seven (7) consecutive days is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by OCMC Title 17. The Temporary Construction Facilities are necessary to be located on the Church Property in order to facilitate the sequential reconstruction of the Gardiner Middle School, athletic field and school building. By allowing the Temporary Construction Facilities on the Church Property, construction traffic need not use the residential streets to the west of the Gardiner Middle School but instead may access Warner-Milne Road."

B. That the request is the minimum variance that would alleviate the hardship;

Finding: Complies as Proposed. The applicant has proposed a duration of 12 to 18 months, increased from the standard of 7 days. The proposed duration is meant to allow for the construction of the new Gardiner Middle School, a 150,000 square foot building and associated parking lots and athletic facilities. Construction of this large structure will take substantial time.

C. Granting the variance will equal or exceed the purpose of the regulation to be modified.

Finding: Complies as Proposed. The applicant states:

"The Planning Commission can find that granting the variance will equal or exceed the purpose of the regulation to be modified. The purpose of the regulation to be modified is to limit the amount of time on which a temporary construction building may be located if it is larger than eight hundred (800) square feet. However, the purpose of this regulation is to allow temporary buildings in appropriate circumstances. The purpose is equally achieved by this variance because it allows an appropriate location of the Temporary Construction Facilities to facilitate the sequential reconstruction of the Gardiner Middle School building and athletic field."

The purpose of the regulation is as the applicant states. Due to the limited duration of this parking lot, the purpose of the regulation will not be compromised.

D. Any impacts resulting from the adjustment are mitigated;

Finding: Complies with condition. The variance will result in ten temporary buildings on the property for up to 18 months. Temporary buildings are exempt from design standards and building material standards, meaning they can be lesser quality and less attractive than permanent structures. The impact of this variance is the visual impact of construction trailers on a highly visible site along a busy street – Warner Milne Road. The structures will be set back considerably from the street, so the architectural details will be less visible; however, there will still be an impact, albeit a short-lived one.

The applicant has proposed tree plantings as mitigation. Staff recommends a condition of approval for four trees on site. While locating these trees between the construction trailer buildings and Warner Milne Road would provide the most effective mitigation, that solution could be problematic for future development of the property, which is zoned for high density residential uses. If planted along Warner Milne Rd behind the curb-tight sidewalk, the trees may not be compatible with a redevelopment plan that could include brand new sidewalk and street trees. If planted closer to the trailers, the trees could conflict with future building locations. Therefore, the trees may be located in other areas of the site that are highly visible to the public, along either the Warner Milne Road or Linn Avenue frontages. The trees shall be at least 2" caliper and the applicant may work with staff to select appropriate planting locations. The applicant shall also ensure that the site will be returned to its original state by removing all temporary items and re-seeding or landscaping in

accordance with 17.62.050, within 90 days of construction project completion. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and

Finding: Complies as Proposed. No practical alternatives which would not require a variance are apparent. The applicant is not able to use the Gardiner Middle School site for staging because the existing school building must remain in operation during the construction of the new school, leaving no room for a staging area on the school property.

F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.

Finding: Complies as Proposed. The Comprehensive Plan does not contain any goals and policies that are directly relevant to this proposed variance.

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

17.62.010 - Purpose.

The purposes of site plan and design review are to: encourage site planning in advance of construction; protect lives and property from potential adverse impacts of development; consider natural or man-made hazards which may impose limitations on development; conserve the city's natural beauty and visual character and minimize adverse impacts of development on the natural environment as much as is reasonably practicable; assure that development is supported with necessary public facilities and services; ensure that structures and other improvements are properly related to their sites and to surrounding sites and structure; and implement the city's comprehensive plan and land use regulations with respect to development standards and policies.

17.62.015 - Modifications that will better meet design review requirements.

The review body shall consider modification of certain site related development standards of this Chapter specified below. These modifications may be approved as part of a Type II design review process.

A. Applicability.

1. This process shall apply to modifications to:

- a. Landscaping in OCMC 17.62.050.A;*
- b. Vehicular Connections to Adjoining Properties in OCMC 17.62.050.B.2;*
- c. On-site pedestrian circulation in OCMC 17.62.050.C;*
- d. Utility Undergrounding Requirements in OCMC 16.12.095.G;*
- e. Building location in OCMC 17.62.055.D;*
- f. Building Details in OCMC 17.62.050.B.9.055.I;*
- g. Windows in OCMC 17.62.050.B.10.055.*
- h. Parking Lot Landscaping in OCMC 17.52.060.*

Finding: Not applicable. No modifications have been proposed.

17.62.030 - When required.

Site plan and design review shall be required for all development of real property in all zones except the low and medium density residential districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cluster housing developments, multi-family uses, and non-residential uses in all zones. Site Plan and Design Review does not apply to activities occurring within the right-of-way except for communication facilities pursuant to OCMC 17.80.

Site plan and design review is required for a change in use between the uses in Table 17.62.030:

Table 17.62.030

Existing Use	Proposed Use
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<i>Residential</i>	<i>Nonresidential use, including but not limited to: commercial, office, industrial, retail, or institutional</i>
<i>Single-family or duplex</i>	<i>3 or more dwellings</i>

Site plan and design review shall not alter the type and category of uses permitted in the underlying zoning districts.

Finding: Applies. The applicant has proposed over 6000 square feet in the form of construction trailers, along with a parking lot and expanded driveway.

17.62.035 - Minor site plan and design review.

This section provides for a Minor Site Plan and Design Review process. Minor Site Plan review is a Type I or Type II decision, as described in OCMC 17.62.035.A., subject to administrative proceedings described in OCMC 17.50 and may be utilized as the appropriate review process only when authorized by the Community Development Director. The purpose of this type of review is to expedite design review standards for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.

A. Type I Minor Site Plan and Design Review.

1. Applicability. Type I applications involve no discretion and are typically processed concurrently with a building permit application. The Type I process is not applicable for:

- a. Any activity which is included with or initiates actions that require Type II-IV review.*
- b. Any increase in square footage of a conditional or nonconforming use (excluding nonconforming structures).*
- c. Any proposal in which nonconforming upgrades are required under OCMC 17.58.*
- d. Any proposal in which modifications are proposed under OCMC 17.62.015.*

Finding: Not applicable. The applicant has proposed over 6000 square feet in the form of construction trailers, along with a new parking lot with 25 spaces and expanded driveway.

2. The following projects may be processed as a Type I application:

- a. Addition of up to two hundred square feet to a commercial, institutional, or multifamily structure in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding new drive thru). Increases of more than two hundred square feet in a twelve-month period shall be processed as Type II.*
- b. Addition of up to one thousand square feet to an industrial use in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding ancillary retail and office). Increases of more than one thousand square feet in a twelve-month period shall be processed as Type II.*
- c. Temporary structures, excluding mobile vendors.*
- d. Removal, replacement or addition of awnings, or architectural projections to existing structures.*
- e. Addition, modification, or relocation of refuse enclosure.*
- f. Changes to amount, location, or design of bicycle parking.*
- g. Installation of mechanical equipment.*
- h. Repaving of previously approved parking lots with no change to striping.*
- i. Replacement of exterior building materials.*
- j. Addition of windows and doors, relocation of windows and doors in which transparency levels remain unchanged, or removal of windows and doors provided minimum transparency requirements are still met.*
- k. Addition or alteration of parapets or rooflines.*
- l. Modification of building entrances.*
- m. Addition to or alteration of a legal nonconforming single or two-family dwelling.*
- n. Change to parking lot circulation or layout, excluding driveway modifications.*
- o. Removal or relocation of vehicle parking stalls provided total parking remains between approved minimum and maximum with no new reductions other than through the downtown parking district.*
- p. Adoption of shared parking agreements.*
- q. Changes to landscaping that do not require stormwater quality and quantity treatment under OCMC 13.12.*
- r. New or changes to existing pedestrian accessways, walkways or plazas.*
- s. Installation of or alterations to ADA accessibility site elements.*
- t. Modification or installation of a fence, hedge, or wall, or addition of a fence, hedge or wall.*
- u. Addition of or alterations to outdoor lighting.*

v. Demolition of any structure or portion of a structure

w. Tree removal

x. Type I Master Plan Amendments under OCMC 17.65.080.

y. Mobile food carts in one location for five hours or less as identified in OCMC 17.54.115

z. 3-4 plex, duplex, single-family attached dwellings, single-family detached residential unit, internal conversions, live/work dwelling and accessory dwelling unit.

aa. Placement of a single manufactured home within an existing space or lot in a manufactured home park.

Finding: Not applicable. The applicant has proposed over 6000 square feet in the form of construction trailers, along with a new parking lot with 25 spaces and expanded driveway.

B. Type II Minor Site Plan and Design Review.

1. Type II Minor Site Plan and Design Review applies to the following uses and activities unless those uses and activities qualify for Type I review per OCMC 17.62.035.A.:

a. Modification of an office, commercial, industrial, institutional, public or multi-family structure that does not increase the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).

b. Modification to parking lot layout and landscaping, or the addition of up to five parking spaces.

c. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.

d. Mobile food carts in OCMC 17.54.115.

e. Other land uses and activities may be added if the Community Development Director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.

Finding: Not applicable. The applicant has proposed over 6000 square feet in the form of construction trailers, along with a new parking lot with 25 spaces and expanded driveway.

17.62.040 – Items required.

A complete application for Site Plan and Design Review shall be submitted. Except as otherwise in subsection I of this section, the application shall include the following:

A. A site plan or plans, to scale, containing the following:

1. Vicinity information showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations;

2. The site size, dimensions, and zoning, including dimensions and gross area of each lot or parcel and tax lot and assessor map designations for the proposed site and immediately adjoining properties;

3. Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent;

4. The location of natural hazard areas on and within one hundred feet of the boundaries of the site, including:

a. Areas indicated on floodplain maps as being within the one-hundred-year floodplain,

b. Unstable slopes, as defined in OCMC 17.44.020,

c. Areas identified on the seismic conditions map in the comprehensive plan as subject to earthquake and seismic conditions;

5. The location of natural resource areas on and within one hundred feet of the boundaries of the site, including fish and wildlife habitat, existing trees (six inches or greater in caliper measured four feet above ground level), wetlands, streams, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the natural resources overlay district;

6. The location of inventoried historic or cultural resources on and within one hundred feet of the boundaries of the site;

7. The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within twenty five feet of the site, and the current or proposed uses of the structures;

8. The location, dimensions, square footage, building orientation and setback distances of proposed structures, improvements and utilities, and the proposed uses of the structures by square footage;

9. The location, dimension and names, as appropriate, of all existing and platted streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit street and

facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site;

10. The location, dimension and names, as appropriate, of all proposed streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred feet of the boundaries of the site;

11. All parking, circulation, loading and servicing areas, including the locations of all carpool, vanpool and bicycle parking spaces as required in OCMC 17.52;

12. Site access points for automobiles, pedestrians, bicycles and transit;

13. On-site pedestrian and bicycle circulation;

14. Outdoor common areas proposed as open space;

15. Total impervious surface created (including buildings and hard ground surfaces);

16. The proposed location, dimensions and materials of fences and walls.

B. A landscaping plan, drawn to scale, showing the location and types of existing trees (six inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacings of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain plant materials.

C. Architectural drawings or sketches, drawn to scale and showing floor plans, elevations accurately reflected to grade, and exterior materials of all proposed structures and other improvements as they will appear on completion of construction. The name of the adjacent street shall be identified on each applicable building elevation.

D. An electronic materials board clearly depicting all building materials with specifications as to type, color and texture of exterior materials of proposed structures. .

E. An erosion/sedimentation control plan, in accordance with the requirements of OCMC 17.47 and the Public Works Erosion and Sediment Control Standards, and a drainage plan developed in accordance with city drainage master plan requirements, OCMC 13.12 and the Public Works Stormwater and Grading Design Standards. The drainage plan shall identify the location of drainage patterns and drainage courses on and within one hundred feet of the boundaries of the site. Where development is proposed within an identified hazard area, these plans shall reflect concerns identified in the hydrological/geological/geotechnical development impact statement.

F. An exterior lighting plan, drawn to scale, showing type, height, and area of illumination.

Finding: Complies as Proposed. The applicant submitted all necessary information for this application.

G. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide:

1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and

2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.

If, after forty-five days' notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the City will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.

Finding: Complies with Condition. The applicant did not submit materials from SHPO or tribes regarding archaeological monitoring recommendations. The neighboring Gardiner Middle School property has been the subject of recent notification to the tribes and SHPO, but there is not evidence of notification about this particular property. Prior to issuance of a grading permit, the applicant shall demonstrate that notice has been provided to SHPO and the required tribes of the proposed ground disturbance, and that either a response has been received or that 45 days passed without receiving a response. **Staff has determined that it**

is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

H. Such special studies or reports as the Community Development Director may require to obtain information to ensure that the proposed development does not adversely affect the surrounding community or identified natural resource areas or create hazardous conditions for persons or improvements on the site. The Community Development Director shall require an applicant to submit one or more development impact evaluations as may be necessary to establish that the City's traffic safety or capacity standards, natural resource, including geologic hazard and flood plain overlay districts, will be satisfied.

Finding: Not applicable. No special studies have been required.

I. The Community Development Director may waive the submission of information for specific requirements of this section or may require information in addition to that required by a specific provision of this section, as follows:

1. The Community Development Director may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the Community Development Director shall, in the decision, identify the waived requirements, explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority. If the matter is forwarded to the Planning Commission for initial review, the information required by this paragraph shall be included in the staff report;

Finding: Complies as Proposed. The Community Development Director has waived the requirement for a materials board, architectural elevation drawings, a landscaping plan, and a full site plan that includes the church portion of the property, due to the nature of the request; for temporary buildings on the undeveloped half of the site. The waiver of these requirements may be challenged on appeal and may be denied by a subsequent review authority.

2. The Community Development Director may require information in addition to that required by a specific provision of this section upon determination that the information is needed to evaluate the application properly and that the need can be justified on the basis of a special or unforeseen circumstance as necessary to comply with the applicable standards. If additional information is required, the Community Development Director shall, in the decision, explain the reasons for requiring the additional information.

Finding: Not applicable. No additional information has been required.

17.62.050 - General Standards

All development shall comply with the following standards:

A. Landscaping.

1. Existing native vegetation is encouraged to 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.

2. Except as allowed elsewhere in Title 16 or 17 of this Code, all areas to be credited towards landscaping shall be installed with growing plant materials.

3. Pursuant to OCMC 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.

4. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas and parking lots. Landscape architect approval is not required for tree removal and/or installation if the species are chosen from an approved street tree list. A certified landscape designer, arborist, or nurseryman shall be acceptable in lieu of a landscape architect for projects with less than five hundred square feet of landscaping. All landscape plans shall 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. Plant species listed on the Oregon City Nuisance Plant list are prohibited and native species are encouraged. 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.

5. Landscaping shall be visible from public thoroughfares to the extent practicable.

6. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of OCMC 10.32, Traffic Sight Obstructions.

Finding: Not applicable. Landscaping is not proposed as part of this application.

B. Vehicular Access and Connectivity.

1. Parking areas shall be located behind the building façade that is closest to the street, below buildings, or on one or both sides of buildings.

Finding: Complies as Proposed. The proposed new parking area is located behind the existing church building, which faces Linn Avenue.

2. Existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements which provide connection from the right-of-way to the adjoining property shall be provided.

Finding: Not applicable. No easements are required at this time due to the temporary nature of the proposal. Easements will be required upon development of the property, which would not only provide the easement, but provide the physical connection as part of the development.

3. Parcels larger than three acres shall provide streets as required in OCMC 16.12.

Finding: The applicant has proposed a modification in 16.12; see findings in Section 16.12 of this report.

4. Parking garage entries shall not be more than half of the streetscape.

Finding: Not applicable. No parking garages are proposed.

C. A well-marked, continuous and protected on-site pedestrian circulation system meeting the following standards shall be provided:

1. Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct and not cross a drive aisle. Exceptions may be allowed by the director where steep slopes, a physically constrained site, 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.

2. The pedestrian circulation system shall connect all main entrances, parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard.

3. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent sites, except within industrial zoning designations.

4. Elevated external stairways or walkways shall not extend beyond the building facade except for external stairways or walkways located in, or facing interior courtyard areas that are not visible from the street or a public access easement. This standard does not apply to sky-bridges or sky-ways.

5. 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: Not applicable. The buildings proposed are all temporary buildings, which are exempt from this standard pursuant to 17.62.050.I.

D. All development shall maintain continuous compliance with applicable federal, state, and City standards .

E. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided pursuant to OCMC 16.12. 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 offsite 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: Not applicable. The buildings proposed are all temporary buildings, which are exempt from this standard pursuant to 17.62.050.I.

F. If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of development, the review authority shall require such improvement, using designs supportive of transit use. Improvements at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the City's Transportation System Plan.

Finding: Not applicable. The buildings proposed are all temporary buildings, which are exempt from this standard pursuant to 17.62.050.I.

G. Screening of Mechanical Equipment:

Finding: Not applicable. The buildings proposed are all temporary buildings, which are exempt from this standard pursuant to 17.62.050.I.

H. Building Materials.

Finding: Not applicable. The buildings proposed are all temporary buildings, which are exempt from this standard pursuant to 17.62.050.I.

I. Temporary Structures.

Temporary structures are permitted pursuant to the following standards:

1. Structures up to two hundred square feet:

Finding: Not applicable. The proposed structures are all over 200 square feet.

2. Temporary structures larger than two hundred square feet may be permitted up to 2 times per year; and:

i. Structures larger than two hundred square feet up to eight hundred square feet:

a. Shall not be on a property for more than thirty consecutive days;

b. Shall comply with the minimum dimensional standards of the zoning designation;

c. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;

d. Shall not disturb ingress or egress to the site; and

e. Shall be exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.I and J.

Finding: Complies with condition/See findings in Section 17.60 of this staff report. Of the ten buildings proposed, nine are between 20 and 800 square feet. The applicant has requested a variance to allow the buildings to remain for longer than 30 days. The buildings do not disturb existing parking or ingress/egress to the site. The applicant shall ensure that minimum setback requirements are met on the east side of the property. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

ii. Structures larger than eight hundred square feet:

a. Shall not be on a property for more than seven consecutive days;

- b. *Shall comply with the minimum dimensional standards of the zoning designation;*
- c. *Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;*
- d. *Shall not disturb ingress or egress to the site; and*
- e. *Shall be exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.I and J.*

Finding: Complies with condition/See findings in Section 17.60 of this staff report. Of the ten buildings proposed, one is over 800 square feet. The applicant has requested a variance to allow the building to remain for longer than 7 days. The buildings do not disturb existing parking or ingress/egress to the site. The applicant shall ensure that minimum setback requirements are met on the east side of the property. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

3. *Government owned properties are exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.H and I and the dimensional standards of the zoning designation.*

Finding: Not applicable. The property is not government owned.

III. Staff Recommendation

Staff recommends that the Planning Commission approve Planning files GLUA-19-00035: General Land Use Application, CU-19-00003 (Conditional Use) SP-20-00011 (Site Plan and Design Review), VAR-20-00001 through VAR-20-00003 (Variances) as submitted by the applicant with the attached recommended conditions of approval.

IV. Exhibits

The following exhibits are attached to this staff report.

- 1. Vicinity Map
- 2. Applicant's Submittal
- 3. Memorandum from John Replinger of Replinger and Associates
- 4. Conditional Use CU 92-16 for preschool use at subject site



City of Oregon City

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

Staff Report

File Number: PC 20-023

Agenda Date: 2/10/2020

Status: Public Hearing

To: Planning Commission

Agenda #: 3b.

From: Planner Kelly Reid

File Type: Land Use Item

SUBJECT:

GLUA-19-00035 (General Land Use Application), CU-19-00003 (Conditional Use) SP-20-00011 (Site Plan and Design Review), VAR-20-00001 through VAR-20-00003 (Variances) for a temporary construction staging area with a gravel driveway and ten construction trailers at 1321 Linn Avenue.

RECOMMENDED ACTION (Motion):

Approval with conditions.

BACKGROUND:

The applicant requested a Conditional Use, Site Plan and Design Review, and three variances for a temporary construction staging area with a gravel driveway and ten construction trailers for the upcoming Gardiner Middle School construction project. The staging area is proposed to be located not on the Gardiner Middle School site, but instead on a neighboring property: the First Evangelical Presbyterian Church of Oregon City at 1321 Linn Avenue. Access to the site would be from a temporary driveway from Warner Milne Road. The applicant proposes to use the undeveloped portion of the church property for 12 to 18 months, returning the area to its original state as a lawn when construction activities are complete.

The proposed staging area contains ten construction trailers totaling 6,880 square feet along with 25 parking spaces on a gravel pad. The applicant has requested variances to parking lot paving and landscaping standards, to nonconforming upgrade requirements, and to temporary building standards.

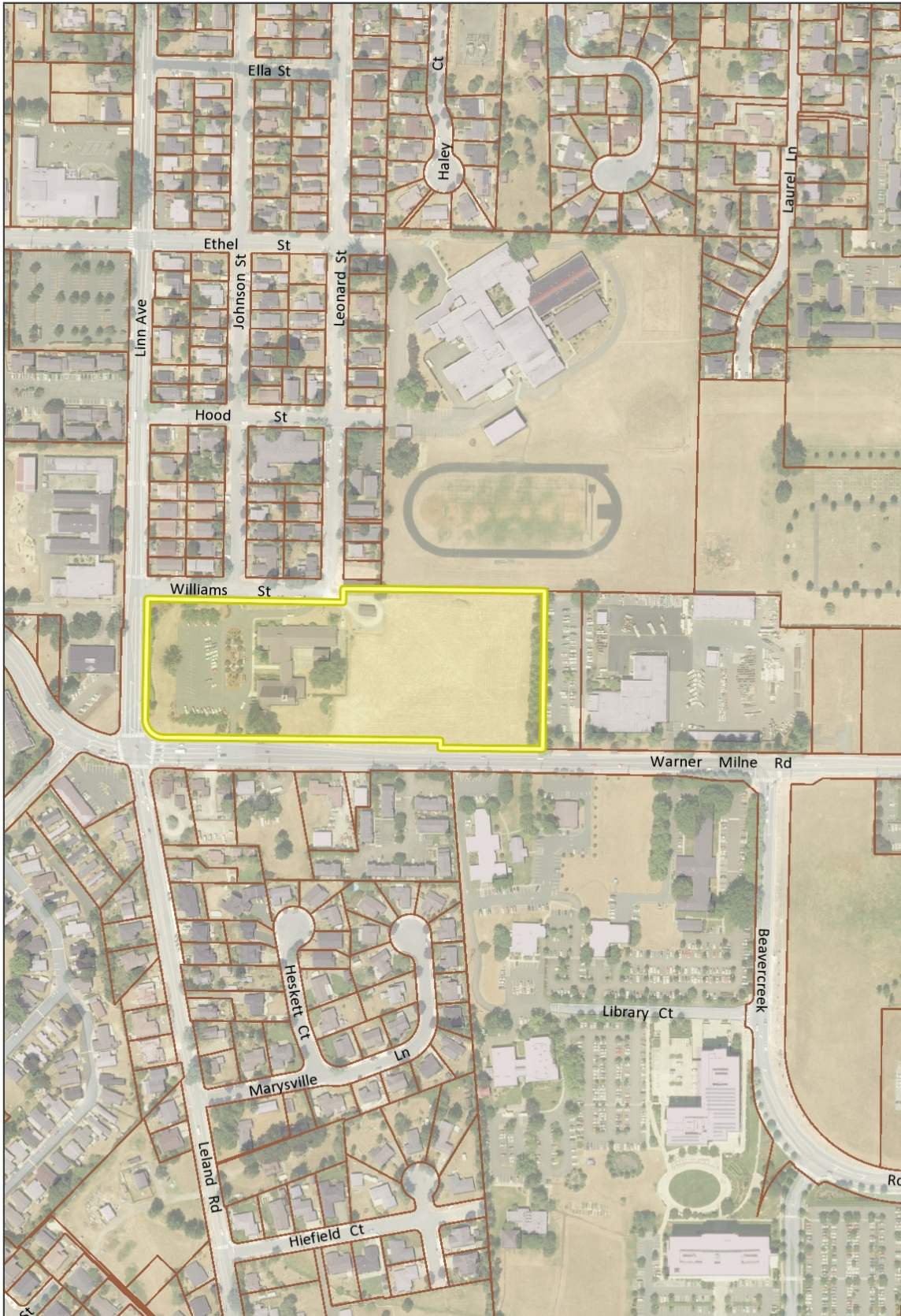
BUDGET IMPACT:

Amount: N/A

FY(s):

Funding Source:

Oregon City GIS Map



Legend

Street Names

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

Notes

Overview Map



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



0 400 Feet
1: 4,800

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





LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification
- ☐ Site Plan and Design Review
- ☐ Extension of Approval

Type II (OCMC 17.50.030.B)

- ☐ 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): GLUA-19-00035

Proposed Land Use or Activity: Variance to OCMC 17.52.020.B (Off-Street Parking Surfacing), 17.58.040.C.2.a and .d.1 (Deletion of Alteration Requirement), and 17.62.050.I.2.i.a (Temporary Structures Up to Eight Hundred Square Feet for No More Thirty Consecutive Days)

Project Name: Temporary Construction Facilities **Number of Lots Proposed (If Applicable):** N/A

Physical Address of Site: 1321 Linn Avenue, Oregon City, Oregon 97045

Clackamas County Map and Tax Lot Number(s): 32E06D.A00200

Applicant(s):

Applicant(s) Signature: *Wes Rogers*

Applicant(s) Name Printed: Wes Rogers **Date:** December 30, 2019

Mailing Address: PO Box 2110, Oregon City, Oregon 97045

Phone: (503) 656-8000 **Fax:** N/A **Email:** wes.rogers@orecity.k12.or.us

Property Owner(s):

Property Owner(s) Signature: *Keith A. Richmond*

Property Owner(s) Name Printed: First Evangelical Presbyterian Church of Oregon City **Date:** December 30, 2019

Mailing Address: PO Box 1718, Oregon City, Oregon 97045

Phone: (503) 656-7444 **Fax:** N/A **Email:** joe.e.wheeler@comcast.net

Representative(s):

Representative(s) Signature: *Michael C. Robinson*

Representative (s) Name Printed: Michael C. Robinson **Date:** December 30, 2019

Mailing Address: 1211 SW Fifth Avenue, Suite 1900, Portland, Oregon 97204

Phone: (503) 796-3756 **Fax:** N/A **Email:** mrobinson@schwabe.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.

December 23, 2019

Michael C. Robinson

Admitted in Oregon
T: 503-796-3756
C: 503-407-2578
mrobinson@schwabe.com

VIA E-MAIL AND OVERNIGHT MAIL

Ms. Kelly Reid, AICP, Planner
City of Oregon City Planning Division
698 Warner Parrott Road
Oregon City, OR 97045

RE: Application by Oregon City School District for Temporary Construction Facilities
on First Evangelical Presbyterian Church of Oregon City Property, City of Oregon
City File Nos. GLUA-19-0035 and CU-19-0003

Dear Ms. Reid:

This office represents the Applicant. Please find enclosed the required materials to make this Application complete. The City has received the application form signed by the property owner, a check in the amount of the applicable fee and a letter explaining how the neighborhood meeting requirements have been satisfied.

Mr. Rogers and I are the Applicant's representatives. Please provide us with copies of all correspondence to and from the City, the City's completeness determination and notice of the decision.

The Applicant would the Application like to be heard by the Oregon City Planning Commission on January 27, 2020.

Very truly yours,



Michael C. Robinson

MCR:jmhi

Enclosures

Cc Mr. Wes Rogers (via email) (w/enclosures)
Mr. Stephen Wasserberger (via email) (w/enclosures)
Ms. Tracy Goodman (via email) (w/enclosures)
Mr. Matt Jacoby (via email) (w/enclosures)
Mr. David Johnson (via email) (w/enclosures)
First Presbyterian Church of Oregon City (via email) (w/enclosures)

PDX\132880\247926\MCR\26859758.1

BEFORE THE CITY OF OREGON CITY PLANNING COMMISSION

In the Matter of an Application by the)
Oregon City School District for the First)
Evangelical Presbyterian Church of Oregon) FINDINGS OF FACT AND
City Property (the “Church Property”) in the) CONCLUSIONS OF LAW
R-2 Zone Located at 1321 Linn Avenue for a) ADDRESSING THE RELEVANT
Conditional Use Permit to Allow a) APPROVAL CRITERIA
Temporary Construction Access Road and)
Ten (10) Temporary Construction Buildings) City of Oregon City File Nos.
(the “Temporary Construction Facilities”) to) GLUA-19-0035 and CU-19-0003
Serve the Construction of the new Gardner)
Middle School.)

1. INTRODUCTION.

A. Request.

This is a request by the Oregon City School District (the “School District”) for the property located at 1321 Linn Avenue in the R-2, “Multi-Family Dwelling District” for a Conditional Use Permit alteration application pursuant to Oregon City Municipal Code (“OCMC”) 17.50, “Conditional Uses,” to allow Temporary Construction Facilities to serve the construction of the new Gardner Middle School located north of the Church Property, and a Site Plan and Design Review Application pursuant to OCMC Chapter 17.62, “Site Plan and Design Review.”

The Temporary Construction Facilities consist of a temporary twenty-five foot wide gravel construction access road between Warner-Milne Road on the south to the Gardner Middle School property on the north and ten (10) temporary construction buildings on a gravel pad for construction activities, including offices, storage of equipment and storage of materials.

The Temporary Construction Facilities will be established prior to the construction of the new Gardner Middle School and removed after construction of the new Gardner Middle School is completed. The Temporary Construction Facilities will be in place for about twelve to eighteen months and will accommodate approximately thirty-six employees.

The purpose of this Application is to allow the Temporary Construction Facilities to be located on the Church Property because the Gardner Middle School site cannot accommodate the Temporary Construction Facilities. The reason that the Gardner Middle School site cannot accommodate the Temporary Construction Facilities is that the existing athletic field and school will be removed sequentially and, consequently, the site lacks an appropriate location for the Temporary Construction Facilities. Additionally, providing construction access from Warner-Milne Road avoids bringing construction equipment

through the existing single-family neighborhood between Linn Avenue on the west and Gardner Middle School on the east.

B. Church Property Description.

The Church Property has one driveway to Warner-Milne Road and two driveways to Williams Street. The uses on the Church Property include the Church building and a Tri-Met park-and-ride facility.

The part of the Church Property on which the Temporary Construction Facilities will be located is east of the Church and west of the Portland General Electric (“PGE”) service facility.

C. Site Plan.

Exhibit 1, “Temporary Construction Access and Staging, Sheet LU100,” shows the location of the Temporary Construction Facilities. The Church Property on which the Temporary Construction Facilities are to be located is vacant.

D. Surrounding Land Uses and Zoning.

The zoning districts and land uses surrounding the Church Property are as follows:

- To the north, the R-2 and R-6 zoning districts containing single-family dwellings and the existing Gardner Middle School;
- To the east, the MUC-1 zoning district containing the PGE service facility;
- To the south, across Warner-Milne Road, the MUC-1 zoning district containing commercial uses; and
- To the west, the Institutional zoning district containing public uses.

E. Pre-Application meeting and neighborhood meeting.

The Applicant’s representative held two Pre-Application meetings with the City of Oregon City Planning Department on May 8, 2019 and June 24, 2019. The Applicant held the required neighborhood meeting under OCMC 17.5.055 on November 21, 2019 and submitted the required information regarding the neighborhood meeting following the meeting (**Exhibit 2**).

F. Application completeness.

The Applicant submitted the Application form and fee on October 14, 2019. The City deemed the Application incomplete on November 6, 2019. This submittal includes all of the missing information in the City’s November 6, 2019 incompleteness letter [Items 1, 3 (except

for architectural drawings (Item 8) and a materials board (Item 10) waived by the Planning Director pursuant to OCMC 17.62.040.I.1 on November 19, 2019) 9, 11 and 13-18]. Item 2 will be submitted shortly. With the submittal of Items 1, 2, 3, 9, 11 and 13-18, the Applicant will have submitted all of the missing materials identified in the November 6, 2019 incompleteness letter as required by ORS 227.178(2)(a) and the Application is complete within 180 days of submittal as required by ORS 227.178(3)(a).

II. APPLICABLE APPROVAL CRITERIA.

A. Oregon City Municipal Code (“OCMC”) Chapter 17.56, “Conditional Uses.”

The existing Church is a conditional use in the R-2 zoning district pursuant to OCMC 17.12.025.H, “Religious Institutions.”

The Temporary Construction Facilities are subject to the conditional use approval criteria in OCMC 17.56.

The Temporary Construction Facilities satisfy the dimensional requirements in the R-2 zoning district as required by OCMC 17.12.040, Table 17.12.040.

B. Applicable approval criteria in OCMC Chapter 17.56.

a. OCMC 17.56.010.

FINDING: The Church is a lawfully permitted conditional use. OCMC 17.56.010 permits a conditional use to be altered upon authorization of the Oregon City Planning Commission (the “Planning Commission”). This Applicant seeks the alteration of an existing Conditional Use Permit to allow the Temporary Construction Facilities.

b. OCMC 17.56.010.A.1.

FINDING: A Church is listed as a conditional use in the R-2 zoning district.

c. OCMC 17.56.010.A.2.

FINDING: The characteristics of the Church Property are suitable for the proposed use. The Church Property is level, large enough to accommodate the proposed use, and the proposed use does not interfere with the existing improvements. The Church Property does not contain any natural features. The part of the Church Property proposed for the Temporary Construction Facilities contains no natural or environmentally significant areas nor is it encumbered by any overlay zoning districts.

d. OCMC 17.56.010.A.3.

FINDING: The proposed Temporary Construction Facilities satisfies OCMC Chapter

16.12, “Minimum Public Improvements and Design Standards.” The proposed Temporary Construction Facilities are temporary and do not create requirements for additional street or sidewalk improvements.

OCMC 16.12.013, “Modifications,” allows modifications to the standards in OCMC Chapter 16.12. The Applicant requests that the Planning Commission grant a modification to all of the standards in OCMC Chapter 16.12 pursuant to OCMC 16.12.013.E. Because the impacts of the Temporary Construction Facilities do not warrant any public improvements there is no rational nexus between the impacts of the Temporary Construction Facilities and required public improvements in OCMC Chapter 16.12.

e. OCMC 17.56.010.A.4.

FINDING: The Temporary Construction Facilities will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying zoning districts.

The Temporary Construction Facilities are substantially removed from the surrounding uses, including those on the west side of Linn Avenue, the south side of Warner-Milne Road, the east side of the property and the single-family dwellings on the north and west. The Temporary Construction Facilities will be accessed from Warner-Milne Road, thus avoiding construction traffic using the local streets between Gardner Middle School on the east and Linn Avenue on the west.

f. OCMC 17.56.010.A.5.

FINDING: The Oregon City Comprehensive Plan (the “Plan”) does not contain relevant Goals or Policies for this Application.

g. OCMC 17.56.010.B.

FINDING: The Planning Commission may impose reasonable condition of approval regulating the use. The Applicant will accept reasonable conditions of approval related to the temporary nature of the proposed use, including a condition requiring the removal of the temporary construction road access to Warner-Milne Road.

h. OCMC 17.56.010.C.

FINDING: The proposed use meets the dimensional standards of the R-2 zone.

B. OCMC 17.56.020.A.

The Church is the property owner. The Church has submitted a signed Conditional Use Permit Application form (**Exhibit 3**).

C. OCMC 17.56.025.

FINDING: This Application may not be processed as a Minor Modification to an approved Conditional Use because it exceeds the thresholds provided for in OCMC 17.56.015.A-C.

D. OCMC 17.56.040, “Criteria and Standards for Conditional Uses.”

a. OCMC 17.56.040.A.

FINDING: The proposed building openings in the ten (10) temporary construction buildings will not cause glare, excessive noise, or excessive traffic which would adversely affect adjacent residential property.

b. OCMC 17.56.040.B.

FINDING: Additional street right-of-way is not required by the Temporary Construction Facilities.

c. OCMC 17.56.040.C-G.

FINDING: These sections are not relevant to this Application.

E. Conclusion.

The Planning Commission can find that the relevant approval standards for an alteration of a Conditional Use to authorize the Temporary Construction Facilities are satisfied.

III. OCMC Chapter 17.62, “Site Plan and Design Review.”

A. OCMC 17.62.030 and 17.62.035.

FINDING: Site Plan and Design Review approval is required for this Application because OCMC 17.62.035, “Minor Site Plan and Design Review,” is inapplicable.

B. OCMC 17.62.040.

FINDING: The Planning Commission can find that the Site Plan contains the information necessary for its evaluation of the proposed use, including access points, dimensions of each use, and building setbacks. The Church Property does not contain natural resources, inventoried historic cultural resources, or natural hazards located on the Site or within one hundred (100) feet of the Church Property boundaries.

Landscaping is not required for the Application because the use is a temporary use. Upon completion of the new Gardner Middle School, the gravel access road and

construction staging facility and buildings will be removed and the area returned to its current condition, which is grass.

The Applicant has included photographs depicting exterior building materials for the proposed ten (10) structures (**Exhibit 4**). The buildings on the Church Property will have typical modular-type materials. They will have T-1111 wood siding with wood trim. The doors and frames will be hollow metal. The windows will be vinyl. The roofing materials will be either asphalt composite shingles or a built-up roofing system. The units are mobile with a steel frame below with wheels and tires. Often the wheels are removed and the units are supported on dunnage for the duration of the project. The below portion of the units will have a skirting installed with T-111 or vinyl siding. Access to the units at the doors will have either a wood framed stair and platform or an aluminum system.

The Application (**Exhibit 1**) contains an erosion/sedimentation control plan meeting the requirements in OCMC 17.47.

No exterior lights, other than security lights attached to the buildings, are proposed.

C. OCMC 17.62.050.A.

FINDING: The portion of the Church Property on which the proposed temporary use is located contains only grass. A landscaping plan is not required for a temporary use.

D. OCMC 17.62.050.B.

FINDING: The proposed temporary construction road from Warner-Milne Road to the Gardner Middle School property is located in the interest of public safety and avoids construction traffic using the local streets between Linn Avenue on the west and Gardner Middle School on the east. **Exhibit 3** is a memorandum dated December 6, 2019 from Todd Mobley, P.E., of Lancaster Mobley explaining the lack of adverse impacts caused by the temporary construction road location. The temporary construction access road will be removed when the Temporary Construction Facilities are removed.

E. OCMC 17.62.050.C, E-G and J (except as addressed elsewhere).

FINDING: These standards are inapplicable to this temporary use.

F. OCMC 17.62.050.D.

FINDING: The use will maintain continuous compliance with all city, state and federal standards.

G. OCMC 17.62.050.H.

FINDING: OCMC 17.62.050.H.1.i prohibits vinyl or plywood siding (including T-111, or similar plywood) in visible locations from the right-of-way and OCMC 17.62.050.H.2.ii prohibits plain metal siding unless an exception is granted based on the integration of material into the overall design of the structure. The Applicant requests a modification because the ten (10) proposed buildings, some of which will contain T-111, or similar plywood as exterior materials, will be located on the Church Property for a short time, and situated away from Warner-Milne Road, the only right-of-way which might have visibility to the Site. The temporary construction buildings are of a uniform construction so that T-111 siding or similar plywood is not possible to remove from the buildings. The Application otherwise satisfies the building material requirements in this section.

The modification satisfies the standards in OCMC 17.62.015.B.1 and 2 because it results in a development that better meets the applicable design guidelines and meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which the modification is requested.

H. OCMC 17.62.050.I.

FINDING: The Applicant seeks modifications to OCMC 17.62.050.I.2.ii, I.2.ii.a and I.2.ii.c so that the temporary structures which are more than 800 square feet in size may be on the property for more than seven (7) consecutive days and may have less than the minimum number of required parking spaces for the temporary structures. The modifications can be granted if the standards in OCMC 17.62.015.B.1 and 2 are met.

The Planning Commission can find that OCMC 17.62.015.B.1 is satisfied because the proposed modifications will result in a development that better meets the applicable design guidelines because it will minimize disturbance elsewhere in the area to accommodate the Temporary Construction Facilities.

The Planning Commission can find that OCMC 17.62.015.B.2 is satisfied because, on balance, the proposal is consistent with the purpose of the standard for which the modification is requested which is to control building materials and limit the amount of time temporary uses are allowed. In this case, the purpose of the standard is to accommodate temporary uses and allowing different exterior building materials and allowing the temporary uses for a longer period of time will serve the purpose of allowing the construction facilities to support the construction of the new Gardiner Middle School.

I. OCMC 17.62.050.J.16.

FINDING: Additional paved parking is not required. The Applicant requests a modification to OCMC Chapter 17.52 requiring paved parking. The proposed gravel area around the ten (10) buildings will be temporary and will be treated to avoid dust and constructed to avoid erosion. A modification pursuant to OCMC 17.62.015 is permitted because the modification will result in a development that better meets design guidelines as

relevant to this proposed use and the modification meets the intent of the standard which is to avoid unpaved permit parking areas.

Additionally, the Applicant requests that the Planning Commission find that OCMC 17.62.050.I.1 and 6 are not applicable to this Application because the standards in those sections are not applicable to a temporary use. The Planning Commission can also find that OCMC 17.62.050.J.5 will be satisfied. The Planning Commission can also find that OCMC 17.62.050.J.7-14 and 17-19 are inapplicable to this Application.

IV. CONCLUSION.

For the reasons contained in this Application, the Planning Commission can find that the relevant approval standards are satisfied.

EXHIBITS

- Exhibit 1** Temporary construction access and staging, Plan Sheet LU100
- Exhibit 2** Letter dated November 25, 2019 demonstrating compliance with OCMC 17.50.055, “Neighborhood Association Meeting”
- Exhibit 3** Memorandum dated December 6, 2019 from Todd Mobley, P.E. of Lancaster Mobley
- Exhibit 4** Photos of similar temporary constructing buildings
- Exhibit 5** Church Property Deed
- Exhibit 6** First American Title Church Property Research Report
- Exhibit 7** Mailing labels and map of all properties within 300 feet of the Church Property

November 25, 2019

Michael C. Robinson
Admitted in Oregon
T: 503-796-3756
C: 503-407-2578
mrobinson@schwabe.com

VIA E-MAIL

Ms. Kelly Reid, AICP, Planner
City of Oregon City Planning Division
698 Warner Parrott Road
Oregon City, OR 97045

RE: City of Oregon City File No. 2019 GLUA 19-35; Evidence Demonstrating
Compliance with Oregon City Municipal Code ("OCMC") 17.50.055,
"Neighborhood Association Meeting"

Dear Ms. Reid:

This office represents the Applicant, the Oregon City School District. This letter demonstrates that the Applicant has complied with OCMC 17.50.055, the neighborhood association meeting requirement (**Exhibit 1**).

1. STANDARDS.

A. OCMC 17.50.055.A.1.

FINDING: The Application requests approval of a Conditional Use Permit. OCMC 17.50.055.A.1 requires an Applicant for a Conditional Use Permit to schedule and attend a meeting with the City-recognized neighborhood association in whose territory the Application is proposed. The property that is the subject of this Application is located within the territory of the City-recognized Rivercrest Neighborhood Association. The Applicant scheduled and held a neighborhood meeting at the Rivercrest Neighborhood Association's regularly scheduled meeting on November 21, 2019.

The City can find that this standard is satisfied.

B. OCMC 17.50.055.A.2.

FINDING: This standard requires that the Applicant send by e-mail or regular mail a letter to the neighborhood association chairperson and the citizen involvement committee describing the proposed project, or the Applicant may use other communication methods if approved by the neighborhood association.

FINDING: The Applicant's representative, Mr. Stephen Wasserberger, sent an email to Mr. Ed Lindquist, Chair of the Rivercrest Neighborhood Association, on October 14, 2019 requesting

that the neighborhood meeting be held on November 21, 2019 in order to discuss the use of the First Presbyterian Church of Oregon City property for the Gardner Middle School construction project. Mr. Wasserberger sent a subsequent email to Mr. Lindquist on October 16, 2019 making the same request. On October 16, 2019, Ms. Karin Morey, Vice Chair of the Rivercrest Neighborhood Association, confirmed that the matter would be scheduled for the Rivercrest Neighborhood Association's November 21, 2019 meeting (**Exhibit 2**).

The City can find that this standard is satisfied.

C. OCMC 17.50.055.A.3.

FINDING: This standard requires that the neighborhood association meeting be scheduled within thirty (30) days of the notice. The City can find that the date of the notice of the meeting was October 21, 2019. The neighborhood meeting was held on November 21, 2019, within thirty (30) days of the notice.

The City can find that this standard is satisfied.

D. OCMC 17.50.055.A.4.

FINDING: This standard requires that the neighborhood meeting be held with the citizen involvement committee if the neighborhood association does not exist or is inactive. The City can find that this standard is inapplicable because the Rivercrest Neighborhood Association is an active City-recognized neighborhood association.

The City can find that this standard is satisfied.

E. OCMC 17.50.055.A.5.

FINDING: This standard requires that the Applicant demonstrate compliance with OCMC 17.50.055.A.5 by submitting a sign-in sheet of neighborhood meeting attendees and a summary of issues discussed. **Exhibit 3** to this letter is the sign-in sheet from the November 21, 2019 meeting. **Exhibit 4** is a summary of issues discussed at the November 21, 2019 meeting.

The City can find that this standard is satisfied.

2. CONCLUSION.

The City can find that the Applicant has satisfied the applicable standards in OCMC 17.50.055.A.1-.5. Please place this letter and its exhibits in the official Planning Department file for this Application.

Ms. Kelly Reid, AICP, Planner
November 25, 2019
Page 3

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael C. Robinson", with a stylized flourish at the end.

Michael C. Robinson

MCR:jmhi
Enclosures

Cc Mr. Wes Rogers *(via email) (w/enclosures)*
Mr. Stephen Wasserberger *(via email) (w/enclosures)*
Ms. Tracy Goodman *(via email) (w/enclosures)*
Mr. Matt Jacoby *(via email) (w/enclosures)*

PDX\132880\247926\MCR\26558374.1

January 15, 2020

Michael C. Robinson

Admitted in Oregon
T: 503-796-3756
C: 503-407-2578
mrobinson@schwabe.com

VIA E-MAIL

Ms. Kelly Reid, AICP, Planner
City of Oregon City Community Development - Planning
211 Molalla Avenue, Suite 200
Oregon City, OR 97045

RE: City of Oregon City File No. 2019 GLUA 19-35; Application for Variances for Relevant Provisions of Oregon City Municipal Code ("OCMC") Title 17; Revised Application Narrative

Dear Ms. Reid:

This office represents the Oregon City School District. Enclosed with this letter, please find the following:

1. One paper copy of the revised variance application; and
2. An electronic copy of the revised variance application has been provided.

Thank you in advance for your professional assistance.

Very truly yours,



Michael C. Robinson

MCR:jmhi
Enclosure

Cc Mr. Wes Rogers (*via email*) (*w/enclosure*)
Mr. Stephen Wasserberger (*via email*) (*w/enclosure*)
Ms. Tracy Goodman (*via email*) (*w/enclosure*)
Mr. Matt Jacoby (*via email*) (*w/enclosure*)
Mr. Joe E. Wheeler (*via email*) (*w/enclosure*)

PDX\132880\247926\MCR\27053186.1

BEFORE THE CITY OF OREGON CITY PLANNING COMMISSION

In the Matter of an Application by the)	
Oregon City School District on the First)	
Evangelical Presbyterian Church of Oregon)	
City Property (the “Church Property”) in the)	FINDINGS OF FACT AND
R-2 Zone Located at 1321 Linn Avenue for)	CONCLUSIONS OF LAW
Approval of three Variances to the Oregon)	ADDRESSING THE RELEVANT
City Municipal Code (“OCMC”) to Allow,)	APPROVAL CRITERIA; REVISED
Respectively, a Variance to Non-)	APPLICATION NARRATIVE
Conforming Development Upgrades,)	
Unpaved Parking and Access Aisles and that)	City of Oregon City File Nos.
the Temporary Construction Facilities)	GLUA-19-0035 and CU-19-0003
Exceed the Maximum Square Footage and)	
Maximum Amount of Time to be Allowed.)	

1. INTRODUCTION.

A. Request.

This is a request by the Oregon City School District (the “School District”) for the property located at 1321 Linn Avenue in the R-2, “Multi-Family Dwelling District” for approval of three variances to the OCMC as follows:

a. Variance 1.

A variance to OCMC 17.52.030.A requiring paved parking of access aisle surfaces.

b. Variance 2.

A variance to OCMC 17.58.040.C.2.a and .d.1 requiring non-conforming development upgrades in the amount of ten percent of the value of the proposed alterations.

c. Variance 3.

A variance to OCMC 17.62.050.I.2.b prohibiting temporary structures larger than eight hundred (800) square feet to be on the property longer than seven (7) consecutive days.

The Applicant has submitted, and the Oregon City Planning Commission (the “Planning Commission”) has approved, a Conditional Use Permit for construction of the new Gardiner Middle School. The Temporary Construction Facilities must be located on the Church Property adjacent to the Gardiner Middle School property in order to allow the

sequential removal and reconstruction of the existing Gardiner Middle School and athletic field.

The Applicant has submitted a Conditional Use Permit and Site Design Review Application (“SDR Application”) to allow establishment of the Temporary Construction Facilities on the Church Property. The Temporary Construction Facilities consist of a construction access driveway and ten (10) temporary construction buildings.

These three variances are necessary in order to allow the ten (10) temporary construction buildings larger than eight hundred (800) square feet on a gravel pad and the construction access driveway to remain on the Church Property for about twelve (12) to eighteen (18) months.

B. Church Property Description.

The Church Property has one existing driveway to Warner-Milne Road and two existing driveways to Williams Street. The existing uses on the Church Property include the Church building, a storage building and a Tri-Met Park-and-Ride facility. The part of the Church Property on which the Temporary Construction Facilities will be located is east of the Church and west of the Portland General Electric (“PGE”) service facility.

C. Site Plan.

Exhibit 1, “Temporary Construction Access and Staging, Sheet LU100,” shows the location of the Temporary Construction Facilities, including the temporary access to the Church Property from Warner-Milne Road. The Church Property on which the Temporary Construction Facilities are to be located is vacant.

D. Surrounding Land Uses and Zoning.

The zoning districts and land uses surrounding the Church Property are as follows:

- To the north, the R-2 and R-6 zoning districts containing single-family dwellings and the existing Gardner Middle School;
- To the east, the MUC-1 zoning district containing the PGE service facility;
- To the south, across Warner-Milne Road, the MUC-1 zoning district containing commercial uses; and
- To the west, the Institutional zoning district containing public uses.

E. Pre-Application meeting and neighborhood meeting.

The Applicant’s representative held two Pre-Application meetings with the City of Oregon City Planning Department on May 8, 2019 and June 24, 2019. The Applicant held

the required neighborhood meeting under OCMC 17.5.055 on November 21, 2019 and submitted the required information regarding the neighborhood meeting following the meeting.

F. Application completeness.

The submittal of these Variance Applications, including the Variance Application fees, provides the last incompleteness item identified in the City's November 6, 2019 determination of incompleteness (Item 18, "All required application fees, including Site Plan and Design Review and variance fees").

II. APPLICABLE APPROVAL CRITERIA.

OCMC Chapter 17.60, "Variances," provides the procedures and substantive approval criteria for the three variances requested by this Application. This part of the Application sets out each variance request and addresses the approval criteria in OCMC 17.60.030, "Variance-Grounds," for each variance.

A. OCMC 17.60.020.

FINDING: These Variance Applications have been initiated by the property owner, the Church, and the Applicant is the Oregon City School District. The Variance Application is accompanied by a Site Plan, drawn to scale, showing the proposed development. This Application notes the zoning requirements and the extent of the variances requested.

B. OCMC 17.60.020.B.

FINDING: The Application includes a non-refundable filing fee consisting of an application fee for each variance.

C. OCMC 17.60.020.C.

FINDING: The Planning Commission will hold a public hearing on the Variance Applications addressing the approval criteria in OCMC 17.60.030.

D. OCMC 17.60.020.D.

FINDING: These Variance Applications are not minor variances as defined in OCMC 17.60.020.E.

E. Application of Approval Criteria in OCMC 17.60.030 to Variance 1, Variance requested to allow unpaved off-street parking and parking aisles.

OCMC 17.52.030.A requires paved surfaces for parking and access aisles. Variance 1 requests that the Planning Commission approve a variance to this standard to allow unpaved parking and access aisle for the Temporary Construction Facilities access driveway

and Temporary Construction Facilities pad. The variance approval criteria in OCMC 17.60.030.A-F are addressed below.

a. OCMC 17.60.030.A: “The variance from the requirements is likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or other necessary qualities otherwise protected by this Title;”

FINDING: The variance to allow unpaved parking and access aisle for the Temporary Construction Facilities will not cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by OCMC Title 17. The Temporary Construction Facilities Plan includes adequate surfacing for the expected traffic for the Temporary Construction Facilities and storm drainage facilities. Further, the Applicant will seek the necessary permits from the City for temporary access for the construction driveway to Warner-Milne Road. The Applicant will restore the Site to its original condition following completion of the Temporary Construction Facilities on the Church Property.

The Planning Commission can find that this standard is satisfied.

b. OCMC 17.60.030.B: “The request is the minimum variance that would alleviate the hardship;”

FINDING: The hardship to be alleviated by this variance is the necessity to pave a temporary off-street parking area and access aisles to accommodate the Temporary Construction Facilities. This variance is the minimum variance that would alleviate the hardship caused by the requirement to provide paved parking and access aisles for the Temporary Construction Facilities where an appropriate gravel surface will be adequate to serve the Temporary Construction Facilities access driveway and Temporary Construction Facilities pad.

The Planning Commission can find that this standard is satisfied.

c. OCMC 17.60.030.C: “Granting the variance will equal or exceed the purpose of the regulation to be modified;”

FINDING: Although not plainly stated in the OCMC, the purpose of the requirement for having paved surfaces for required off-street parking spaces and access aisles is to provide adequate access to facilities served by the off-street parking, minimize undesirable erosion and stormwater run-off and reduce dust. In this case, the Planning Commission can find that the proposed variance will meet these purposes for the following reasons. First, the proposed Temporary Construction Facilities driveway and Temporary Construction Facilities gravel pad are temporary and will be in use only as long as the Temporary Construction Facilities must be located on the Church Property. Second, the proposed gravel surface is more than adequate to reduce dust and provide an appropriate travel surface for construction vehicles and employees’ cars. Finally, the Temporary Construction Facilities’ Site Plan includes a

Stormwater Management Plan. The Applicant will accept a condition requiring these improvements to be associated with the off-street parking and access aisles.

The Planning Commission can find that this standard is satisfied.

d. OCMC 17.60.030.D: “Any impacts resulting from the adjustment are mitigated;”

FINDING: The Planning Commission can find that the requested variance will not result in impacts.

The Planning Commission can find that this standard is satisfied.

e. OCMC 17.60.030.E: “No practical alternatives have been identified which would accomplish the same purpose and not require a variance;”

FINDING: The Planning Commission can find that there are no practical alternatives to not providing a paved surface for the off-street parking and access aisles for the Temporary Construction Facilities.

The Planning Commission can find that this standard is satisfied.

f. OCMC 17.60.030.F: “The variance conforms to the Comprehensive Plan and the intent of the ordinance being varied.”

FINDING: The Planning Commission can find that the Oregon City Comprehensive Plan (the “Plan”) contains no relevant policies to the OCMC standard subject to this variance. As explained above, the variance conforms to the intent of the standard to be varied, OCMC 17.52.030.A.

The Planning Commission can find that this standard is satisfied.

g. Conclusion.

For these reasons, the Planning Commission can find that the variance to OCMC 17.52.030.A can be approved.

F. Variance 2.

OCMC 17.58.040.C.2.a and .d.1 provides that when improvements to a non-conforming site are proposed, there are certain required improvements to the non-conforming development site that must be made as part of the alteration and the cost of complying with those improvements is limited to ten percent of the value of the proposed alterations. Because the improvements proposed in this variance application are temporary and not permanent, the Applicant requests a variance to the requirement that the Applicant make

improvements required in OCMC 17.58.040.C.2.b in the amount of ten percent of the cost of the proposed alterations.

a. OCMC 17.60.030.A: “The variance from the requirements is likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or other necessary qualities otherwise protected by this Title;”

FINDING: The variance to not require ten percent of the cost of the alterations will not cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by OCMC Title 17. Further, as explained below, the Applicant proposes a condition of approval to provide additional trees on the property as mitigation for the impact of the variance.

The Planning Commission can find that this standard is satisfied.

b. OCMC 17.60.030.B: “The request is the minimum variance that would alleviate the hardship;”

FINDING: The Planning Commission can find that the variance is the minimum variance that would alleviate the hardship which is the requirement to pay ten percent of the value of the alterations for improvements to the non-conforming development site where the improvements triggering the permanent improvements are temporary. The Temporary Construction Facilities are temporary and do not justify permanent improvements to the non-conforming development.

The Planning Commission can find that this standard is satisfied.

c. OCMC 17.60.030.C: “Granting the variance will equal or exceed the purpose of the regulation to be modified;”

FINDING: The purpose of the standard sought to this variance is to provide, over time, upgrades to non-conforming development. However, the proposed mitigation in this case will equal or exceed the purpose of the regulation to be modified by mitigating for the impacts, if any, of the variance to allow the Temporary Construction Facilities in terms of size and length of time.

The Planning Commission can find that this standard is satisfied.

d. OCMC 17.60.030.D: “Any impacts resulting from the adjustment are mitigated;”

FINDING: To the extent that there are impacts, the Applicant proposes the following condition of approval. The proposed condition of approval is as follows:

“The Applicant shall propose tree plantings on the Church Property as part of its construction plans that

will mitigate identified impacts of the variances, if any, for the Temporary Construction Facilities' length of time and size and such proposal shall be subject to approval by the Planning Department."

Additionally, **Exhibit 2** is a letter from the construction company preparing the site for the Temporary Construction Facilities. The letter explains how the site will be restored to its present condition following completion of the Temporary Construction Facilities.

The Planning Commission can find that this standard is satisfied.

e. OCMC 17.60.030.E: "No practical alternatives have been identified which would accomplish the same purpose and not require a variance;"

FINDING: The Planning Commission can find that there are no practical alternatives which have been identified which would accomplish the same purpose and not require a variance.

The Planning Commission can find that this standard is satisfied.

f. OCMC 17.60.030.F: "The variance conforms to the Comprehensive Plan and the intent of the ordinance being varied."

FINDING: The Planning Commission can find that there are no Plan provisions relevant to this variance and that the variance conforms to the intent of the ordinance being varied.

The Planning Commission can find that this standard is satisfied.

g. Conclusion.

For these reasons, the Planning Commission can find that the variance standards to not require ten percent of the cost of alterations to the site are satisfied.

G. Variance 3.

Variance 3 requests a variance to OCMC 17.62.050.I.2.b to allow structures larger than eight hundred (800) square feet to be on the property longer than seven (7) consecutive days. The Temporary Construction Facilities consist of more than eight hundred (800) square feet in ten (10) temporary construction buildings. The Temporary Construction Facilities will be present for about twelve (12) to eighteen (18) months on the Church Property.

a. OCMC 17.60.030.A: "The variance from the requirements is likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or other necessary qualities otherwise protected by this Title;"

FINDING: The Planning Commission can find that the variance to allow Temporary Construction Facilities larger than eight hundred (800) square feet for more than seven (7) consecutive days is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by OCMC Title 17. The Temporary Construction Facilities are necessary to be located on the Church Property in order to facilitate the sequential reconstruction of the Gardiner Middle School, athletic field and school building. By allowing the Temporary Construction Facilities on the Church Property, construction traffic need not use the residential streets to the west of the Gardiner Middle School but instead may access Warner-Milne Road.

The Planning Commission can find that this standard is satisfied.

b. OCMC 17.60.030.B: “The request is the minimum variance that would alleviate the hardship;”

FINDING: The Planning Commission can find that this variance is the minimum variance that will alleviate the hardship which would prohibit the Temporary Construction Facilities’ proposed square footage or length of time.

The Planning Commission can find that this standard is satisfied.

c. OCMC 17.60.030.C: “Granting the variance will equal or exceed the purpose of the regulation to be modified;”

FINDING: The Planning Commission can find that granting the variance will equal or exceed the purpose of the regulation to be modified. The purpose of the regulation to be modified is to limit the amount of time on which a temporary construction building may be located if it is larger than eight hundred (800) square feet. However, the purpose of this regulation is to allow temporary buildings in appropriate circumstances. The purpose is equally achieved by this variance because it allows an appropriate location of the Temporary Construction Facilities to facilitate the sequential reconstruction of the Gardiner Middle School building and athletic field.

The Planning Commission can find that this standard is satisfied.

d. OCMC 17.60.030.D: “Any impacts resulting from the adjustment are mitigated;”

FINDING: The Planning Commission can find that no impacts will result from this variance.

The Planning Commission can find that this standard is satisfied.

e. OCMC 17.60.030.E: “No practical alternatives have been identified which would accomplish the same purpose and not require a variance;”

FINDING: The Planning Commission can find that there are no practical alternatives which have been identified which would accomplish the same purpose and not require a variance.

The Planning Commission can find that this standard is satisfied.

f. OCMC 17.60.030.F: “The variance conforms to the Comprehensive Plan and the intent of the ordinance being varied.”

FINDING: The Planning Commission can find that the Plan contains no relevant policies applicable to this variance and that the intent OCMC 17.62.050.I.2.b is satisfied by the variance.

The Planning Commission can find that this standard is satisfied.

g. Conclusion.

The Planning Commission can find that the criteria for a variance to OCMC 17.62.050.I.2.b are satisfied.

III. CONCLUSION.

For the reasons contained in this Application, the Oregon City School District respectfully requests that the Planning Commission grant the requested variances in order to allow the Temporary Construction Facilities to be located on the Church Property for about twelve (12) to eighteen (18) months which will facilitate the sequential reconstruction of the Gardiner Middle School athletic field and school building to allow unpaved off-street parking and drive aisles and to allow the Temporary Construction Facilities buildings to exceed eight hundred (800) square feet and to remain on the site longer than seven (7) consecutive days.

EXHIBIT

- Exhibit 1** Temporary construction access and staging, Plan Sheet LU100
- Exhibit 2** Letter dated January 13, 2020 from Pence Construction describing restoration of the site following completion of the Temporary Construction Facilities



- ## EROSION CONTROL NOTES
1. LIMITS OF DISTURBANCE SHOULD BE INDICATED ON A CONVICTION TO FIELD VIEW AND ANALYST ACCORDINGLY PRIOR TO CONSTRUCTION.
 2. CONVICTION SHOULD PROVIDE: TEMPORARY SEDIMENT BARRIERS DOWNSLOPE AREAS USING LOCAL SILEX MIX OR FILL, LANDSCAPING, AND/OR OTHER MEASURES TO PREVENT EROSION.
 3. CALTO BUSH PROTECTION CAN BE INSTALLED ON EXISTING STRUCTURES TO RETAIN AND EXISTING STRUCTURES TO PREVENT EROSION.
 4. BARRIERS ON EXISTING, SLOPE SHOULD BE MAINTAINED THROUGHOUT CONSTRUCTION, AND BARRIERS MAY BE REINFORCED BASED ON FIELD CONDITIONS.
 5. PASSES, CLEANING AND GRADING TO THE MAXIMUM EXTENT PRACTICAL, TO PREVENT EXPOSED NACTIVE AREAS FROM BECOMING A SOURCE OF EROSION.
 6. EROSION AND SEDIMENT CONTROL MEASURES INCLUDING PERMANENT SEDIMENT CONTROL SHOULD BE IN PLACE PRIOR TO CONSTRUCTION. EROSION CONTROL MEASURES SHOULD BE MAINTAINED THROUGHOUT CONSTRUCTION, AND BARRIERS MAY BE REINFORCED BASED ON FIELD CONDITIONS.
 7. EROSION CONTROL MEASURES SHOULD BE MAINTAINED THROUGHOUT CONSTRUCTION, AND BARRIERS MAY BE REINFORCED BASED ON FIELD CONDITIONS.
 8. STANDARDS ON ALL EXISTING AREAS AS GRADING PROGRESSES AND FOR ALL EXISTING EXISTING AREAS.
 9. EROSION CONTROL MEASURES SHOULD BE MAINTAINED THROUGHOUT CONSTRUCTION, AND BARRIERS MAY BE REINFORCED BASED ON FIELD CONDITIONS.
 10. EROSION CONTROL MEASURES SHOULD BE MAINTAINED THROUGHOUT CONSTRUCTION, AND BARRIERS MAY BE REINFORCED BASED ON FIELD CONDITIONS.
 11. EROSION CONTROL MEASURES SHOULD BE MAINTAINED THROUGHOUT CONSTRUCTION, AND BARRIERS MAY BE REINFORCED BASED ON FIELD CONDITIONS.
 12. EROSION CONTROL MEASURES SHOULD BE MAINTAINED THROUGHOUT CONSTRUCTION, AND BARRIERS MAY BE REINFORCED BASED ON FIELD CONDITIONS.
 13. EROSION CONTROL MEASURES SHOULD BE MAINTAINED THROUGHOUT CONSTRUCTION, AND BARRIERS MAY BE REINFORCED BASED ON FIELD CONDITIONS.
 14. EROSION CONTROL MEASURES SHOULD BE MAINTAINED THROUGHOUT CONSTRUCTION, AND BARRIERS MAY BE REINFORCED BASED ON FIELD CONDITIONS.
 15. EROSION CONTROL MEASURES SHOULD BE MAINTAINED THROUGHOUT CONSTRUCTION, AND BARRIERS MAY BE REINFORCED BASED ON FIELD CONDITIONS.

LEGEND

- — — — — PROPERTY LINE
— — — — — LIMITS OF DISTURBANCE (SHOWN OFFSET FOR CLARITY)

GRADING LABEL LEGEND

-
- XXXX
XXXX
XXXX
XXXX
XXXX
- CALCUL
DISCREPION
GRADING SLOPE AND DIRECTION (COMMIT)
SPOT ELEVATION
DISCREPION LISTED BELOW
NO DISCREPION WRAS 17 OR 10
PNS-EID GRADE

WET WEATHER NOTES

- DURING THEIR CONSIDERATION, THE FOLLOWING ADDITIONAL EROSION CONTROL MEASURES SHALL BE APPLIED (AT A MINIMUM):
 - PROTECT TOP SURFACES WITH EROSION SEEDING AND NETTING STRIPS BUILT AT BOTTOM CORNER OF SLOPES TO PREVENT SOILING TRANSPORT VIA RUN-OFF.
 - INSPECT THE EROSION CONTROL MEASURES ON A DAILY BASIS AND REPAIR AS NEEDED.
 - CONSTRUCTION ACTIVITIES MUST AVOID OR MINIMIZE EXCAVATION AND CREATION OF BARE GROUND DURING WET WEATHER.

75% FRACTURED PARTICLES ACCORDING TO AAS-10 TP-61.



1 GRAVEL WORKING PAD AND ACCESS ROAD SECTION



TEMPORARY CONSTRUCTION ACCESS AND STAGING

AT GARDINER MIDDLE SCHOOL
OREGON CITY SCHOOL DISTRICT
180 Ethel Street, Oregon City, Oregon 97045

BR|C
ARCHITECTURE, INC.

Oregon City
School District

100%

111 SW Fifth Ave., Suite 3400
Portland, OR 97204
© 503.227.2381
F 503.274.4041
www.MP.com

phase	LANDUSE
date	11/03/2019
project	18020

**SITE, GRADING, AND
EROSION CONTROL PLAN**

LU100



PORTLAND | 2720 SW Corbett Avenue, Portland, OR 97201-4804 | 503.252.3802
SALEM | 2747 Pence Loop SE, Salem, OR 97302-1153 | 503.399.7223

January 13, 2020

Wes Rogers, Bond Program Manager, Oregon City School District
14551 Meyers Road
Oregon City, OR 97045
Beaverton, OR 97005

RE: Presbyterian Church Lot Post Construction Restoration

Dear Wes,

After Phase 1 construction of the Gardiner Middle School Project Pence Construction will restore the Presbyterian Church lot we have been allowed to use for staging as follows:

- All Temp buildings and infrastructure improvements installed for construction will be removed.
- Gravel fills used for roadways and staging areas will be salvaged and re-used as fills under the new athletic fields area.
- Topsoil will be re-graded into the areas left bare by our activities.
- All bare soil areas will be hydro seeded to re-establish grass cover and prevent erosion.
- The asphalt ramp at the staging roads intersection with Warner Milne road will be removed.
- Any sidewalk sections broken by construction traffic will be removed and replaced.
- Erosion Control measures will be removed when cover is established.

I hope this helps you understand our approach to restoring the field the Church is allowing us to use.

Sincerely

Carl Schrank
Project Manager Pence Construction













Technical Memorandum

To: Wes Rogers, Oregon City School District
From: Todd E. Mobley, PE
Date: December 6, 2019
Subject: GLUA-19-00035, CU-19-00003 – Transportation Analysis Letter



RENEWALS: 12/31/2020

Introduction

This memorandum is written for the subject application in response to the Determination of Application Incompleteness, dated November 6, 2019. Specifically, item 13 in the incompleteness notice requires submittal of a "Traffic Analysis Letter analysing the safety of the driveway on Warner Milne Road".

This memo provides the required Traffic Analysis Letter.

Proposed Use

The subject application is for the construction of a temporary access road and staging area related to the planned Gardiner Middle School building replacement. The temporary access will avoid construction impacts to Williams Street while the site is under construction and school is still in session at the existing Gardiner Middle School building.

A total of 10 temporary buildings are proposed as field office space for construction activities. There will be space for 26 parking stalls for employee parking.

Access to the staging area is proposed via a temporary gravel roadway that will be 25 feet in width, allowing two directions of traffic. The gravel roadway will intersect Warner Milne Road in the location of an existing curb cut, however the existing curb cut is narrow and will be widened to accommodate the 25-foot wide gravel roadway.

Figure 1 on page two shows the temporary access location along Warner Milne Road.

Access Operation

The staging area will serve as a field office, and most employees will arrive on site in the morning, typically before the morning peak of traffic on the surrounding roadways. While there will be some traffic coming and going throughout the day, it is expected to be minor, since most employees will arrive early, stay at the site for all or most of the day, then depart in the afternoon. In general, traffic volumes on the access to Warner Milne Road are expected to be low in volume.

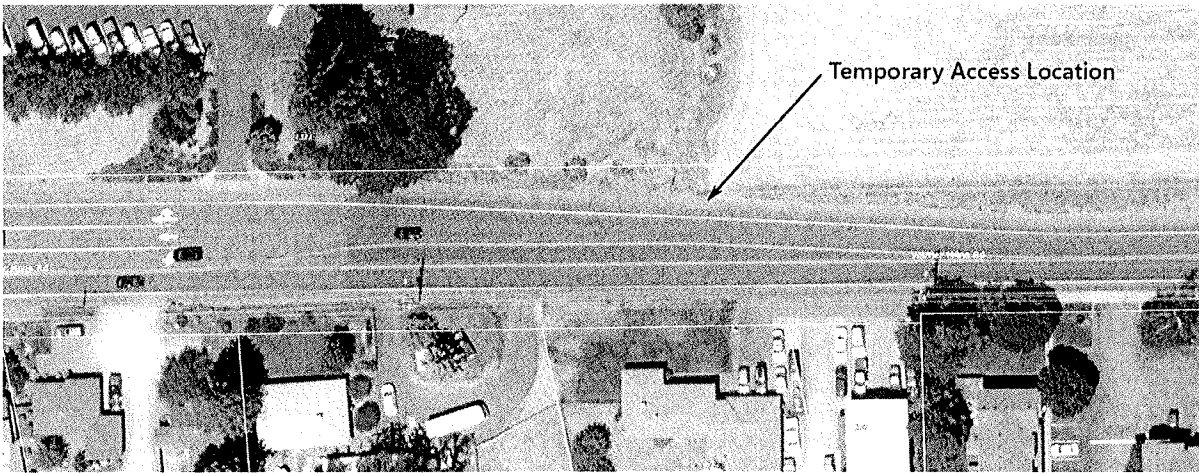


Figure 1: Warner Milne Road & Temporary Access Location

The temporary access will be located approximately 460 feet east of the signalized intersection of SE Linn Avenue/Leland Road at Warner Milne Road/Warner Parrott Road. Given this location, the access is far enough east of the intersection to avoid queue spillback from the traffic signal. In addition, at the access location there is a striped center median that is approximately 11 feet in width. This could serve a left-turn refuge for drivers making a left turn into the site, although the double yellow striping may discourage some drivers. Given the expected low traffic volumes on the site access, left turns into the site are not expected to be problematic, even if drivers choose not to use the striped median.

Sight Distance

Intersection sight distance was measured and evaluated in at the temporary access to Warner Milne Road in accordance with the standards established in A Policy on Geometric Design of Highways and Streets¹. According to AASHTO the driver's eye is taken to be 14.5 feet from the near edge of the nearest travel lane of the intersecting street and at a height of 3.5 feet above the minor-street approach pavement. The vehicle driver's eye-height along the major-street approach is assumed to be 3.5 feet above the cross-street pavement.

Based on the posted speed zone of 30 mph, the required intersection sight distance is 335 feet in each direction. Sight lines were measured in the field and found to be well in excess of 335 feet in each direction. Looking west, the intersection with Linn Avenue is clearly visible, which is approximately 460 feet away. Looking to the east, sight lines are essentially unrestricted. Figures 2 and 3 on page three show the line of sight in both directions.

¹ American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 6th Edition, 2011.





Figure 3: Looking west from temporary access



Figure 2: Looking east from temporary access

Summary & Conclusion

The proposed temporary access to Warner Milne Road will be constructed in the same location of an existing curb cut but will be widened to accommodate the 25-foot wide gravel roadway serving the staging area. There is clear line of sight from the access location in both directions on Warner Milne Road and intersection sight distance standards are met. The widened driveway, together with the clear line of sight, will allow safe ingress and egress to the site during construction of the new Gardiner Middle School building.



November 25, 2019

Michael C. Robinson
Admitted in Oregon
T: 503-796-3756
C: 503-407-2578
mrobinson@schwabe.com

VIA E-MAIL

Ms. Kelly Reid, AICP, Planner
City of Oregon City Planning Division
698 Warner Parrott Road
Oregon City, OR 97045

RE: City of Oregon City File No. 2019 GLUA 19-35; Evidence Demonstrating
Compliance with Oregon City Municipal Code ("OCMC") 17.50.055,
"Neighborhood Association Meeting"

Dear Ms. Reid:

This office represents the Applicant, the Oregon City School District. This letter demonstrates that the Applicant has complied with OCMC 17.50.055, the neighborhood association meeting requirement (**Exhibit 1**).

1. STANDARDS.

A. OCMC 17.50.055.A.1.

FINDING: The Application requests approval of a Conditional Use Permit. OCMC 17.50.055.A.1 requires an Applicant for a Conditional Use Permit to schedule and attend a meeting with the City-recognized neighborhood association in whose territory the Application is proposed. The property that is the subject of this Application is located within the territory of the City-recognized Rivercrest Neighborhood Association. The Applicant scheduled and held a neighborhood meeting at the Rivercrest Neighborhood Association's regularly scheduled meeting on November 21, 2019.

The City can find that this standard is satisfied.

B. OCMC 17.50.055.A.2.

FINDING: This standard requires that the Applicant send by e-mail or regular mail a letter to the neighborhood association chairperson and the citizen involvement committee describing the proposed project, or the Applicant may use other communication methods if approved by the neighborhood association.

FINDING: The Applicant's representative, Mr. Stephen Wasserberger, sent an email to Mr. Ed Lindquist, Chair of the Rivercrest Neighborhood Association, on October 14, 2019 requesting

that the neighborhood meeting be held on November 21, 2019 in order to discuss the use of the First Presbyterian Church of Oregon City property for the Gardner Middle School construction project. Mr. Wasserberger sent a subsequent email to Mr. Lindquist on October 16, 2019 making the same request. On October 16, 2019, Ms. Karin Morey, Vice Chair of the Rivercrest Neighborhood Association, confirmed that the matter would be scheduled for the Rivercrest Neighborhood Association's November 21, 2019 meeting (**Exhibit 2**).

The City can find that this standard is satisfied.

C. OCMC 17.50.055.A.3.

FINDING: This standard requires that the neighborhood association meeting be scheduled within thirty (30) days of the notice. The City can find that the date of the notice of the meeting was October 21, 2019. The neighborhood meeting was held on November 21, 2019, within thirty (30) days of the notice.

The City can find that this standard is satisfied.

D. OCMC 17.50.055.A.4.

FINDING: This standard requires that the neighborhood meeting be held with the citizen involvement committee if the neighborhood association does not exist or is inactive. The City can find that this standard is inapplicable because the Rivercrest Neighborhood Association is an active City-recognized neighborhood association.

The City can find that this standard is satisfied.

E. OCMC 17.50.055.A.5.

FINDING: This standard requires that the Applicant demonstrate compliance with OCMC 17.50.055.A.5 by submitting a sign-in sheet of neighborhood meeting attendees and a summary of issues discussed. **Exhibit 3** to this letter is the sign-in sheet from the November 21, 2019 meeting. **Exhibit 4** is a summary of issues discussed at the November 21, 2019 meeting.

The City can find that this standard is satisfied.

2. CONCLUSION.

The City can find that the Applicant has satisfied the applicable standards in OCMC 17.50.055.A.1-.5. Please place this letter and its exhibits in the official Planning Department file for this Application.

Ms. Kelly Reid, AICP, Planner
November 25, 2019
Page 3

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael C. Robinson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael C. Robinson

MCR:jmhi
Enclosures

Cc Mr. Wes Rogers *(via email) (w/enclosures)*
Mr. Stephen Wasserberger *(via email) (w/enclosures)*
Ms. Tracy Goodman *(via email) (w/enclosures)*
Mr. Matt Jacoby *(via email) (w/enclosures)*

PDX\132880\247926\MCR\26558374.1

17.50.050 – Pre-application conference.

- A. Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application 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.
1. To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.
 2. 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.
 3. 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 pre-application conference.
- B. A pre-application 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 shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.
- C. Notwithstanding any representations by City staff at a pre-application 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.

17.50.055 - Neighborhood association meeting.

Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development

and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

- A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.
- B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.
- C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.
- D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.
- E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.

OCSD 2018 BOND PROGRAM - GARDINER MS UPDATE

Wasserberger, Stephen <stephen.wasserberger@orecity.k12.or.us>

Mon, Oct 14, 2019 at 5:23 PM

To: edlindquist97045@gmail.com

Cc: Karin.morey@gmail.com, Wes Rogers <wes.rogers@orecity.k12.or.us>, Tracy Goodman
<tracy.goodman@orecity.k12.or.us>

Hello Ed,

On behalf of the Oregon City School District, the bond team and architects, we would be pleased to provide a full update on the progress of the design for Gardiner Middle School to the Rivercrest Neighborhood Association. We are hopeful you can add us to your November 21 meeting agenda.

We trust the committee members will be pleased with progress relating to issues raised during the summer presentation. We will also update the committee members with our discussions regarding use of the church property for construction staging, as well as status of the land use process with the City.
I look forward to hearing from you.

Regards,



Stephen Wasserberger | Bond Manager | Senior Project Manager

Strengths: Relator | Responsibility | Belief | Individualization | Developer
12745 SW Beaverdam Road, Suite 120 | Beaverton, OR 97005
Direct: 503-785-8551 | Cell: 503-799-3152 | Main: 503-641-4100
www.otak.com | www.daycpm.com

Wasserberger, Stephen <stephen.wasserberger@orecity.k12.or.us>
To: edlindquist97045@gmail.com, Karin.morey@gmail.com
Cc: Tracy Goodman <tracy.goodman@orecity.k12.or.us>

Wed, Oct 16, 2019 at 9:21 AM

Hello Ed,

Circling back regarding the School District request to attend the Nov 21 Neighborhood Association meeting. Please let me know if this request should go to another Association officer for scheduling.

Thank you,



Stephen Wasserberger | Bond Manager | Senior Project Manager

Strengths: Relator | Responsibility | Belief | Individualization | Developer
12745 SW Beaverdam Road, Suite 120 | Beaverton, OR 97005
Direct: 503-785-8551 | Cell: 503-799-3152 | Main: 503-641-4100
www.otak.com | www.daycpm.com

Karin Morey <karin.morey@gmail.com>

Wed, Oct 16, 2019 at 5:55 PM

To: "Wasserberger, Stephen" <stephen.wasserberger@orecity.k12.or.us>

Cc: Ed Lindquist <edlindquist97045@gmail.com>, Tracy Goodman <tracy.goodman@orecity.k12.or.us>

You are on our agenda for the November 21 meeting. 7:00 p.m., First Presbyterian Church, Linn & Warner Milne.

You will be the only guest presenter so you will have plenty of time for questions.

Karin Morey, Vice Chair, Rivercrest Neighborhood Association

Goodman, Tracy <tracy.goodman@orecity.k12.or.us>

Mon, Oct 21, 2019 at 11:36 AM

To: Karin Morey <karin.morey@gmail.com>

Cc: "Wasserberger, Stephen" <stephen.wasserberger@orecity.k12.or.us>, Ed Lindquist <edlindquist97045@gmail.com>

Thank you, Karin,

We are looking forward to it!

~tracy



Tracy Goodman | Project Manager
DAY CPM an Otak Division

STRENGTHS: Connectedness | Realtor | Maximizer | Futuristic | Communication
12745 SW Beaverdam Road, Suite 120 | Beaverton, OR 97005
Cell: 503.703.0703 | Main: 503-641-4100
www.otak.com | www.daycpm.com

Rivercrest Neighborhood Association
Regular Meeting, November 21, 2019
First Presbyterian Church
Presentation by Oregon City School District of Conditional Use Permit on
Church Property for Temporary Construction Staging Area and
Buildings and driveway to serve Gardiner Middle School Site

PLEASE SIGN IN

NAME	ADDRESS	EMAIL
Bevera Sonnen	1018 Leonard	
Karin Money	1208 Linn	Karin.Money@gmail.com
Violet Stephenson	230 Park DR.	hrvmstephenson@gmail.com
Brenda Wilms	OCT	bwilms@occity.org
Betsy Borchgrevik	808 Promonty Ave.	betsyb-cht@hotmail.com
WES ROGERS	906 Summit St	wes.rogers@ocsd62.org
Tracy Goodman		tracy.goodman@otak.com
David Lawson		David.Lawson@kic Arcad .com
Mike & Alice Norris	141 OGDEN DR	norrisa@teleport.com
Carl Schrank	15887 Toman Rd	C.Schrank@Comcast.net

Hand
Sign
Sheet

NAME	ADDRESS	EMAIL
Wendell Penson	370 Vine St	
Denyse McGriff	815 Washington St. OC	guttmcgriff@msn.com
Jeri Abbott-Johansen	1578 159 Donald St &	
Ben Watson	142 Ethel St	mrbrwatson@yahoo.com
Britt Bore	650 Irving St. 1st fl. mailing	e

Memorandum

To: FILE

From: Michael C. Robinson

Date: November 25, 2019

Subject: Summary of Issues Discussed at November 21, 2019 Neighborhood Association Meeting with Rivercrest Neighborhood Association Pursuant to Oregon City Municipal Code (“OCMC”) 17.50055.A.

The meeting began at 7:00 p.m. in the First Presbyterian Church Sanctuary. Eighteen (18) people attended the meeting but not all persons signed in. The Applicant’s representative, Mike Robinson, explained the site of the proposed Conditional Use Permit for temporary construction access and staging, the timing of the temporary construction access and staging and the process for obtaining City approval for the temporary construction access and staging areas.

The Applicant presented two exhibits. **Exhibit 1** is Sheet LU100, the site plan for temporary construction access and staging. **Exhibit 2** shows four photographs of typical construction trailers to be used at the temporary construction site.

City Councilor Denise McGriff asked how construction trucks would reach site? Pence Construction, the general contractor, explained that the School District will instruct contractors how to enter and exit the site, avoiding the neighborhood streets to the west of Gardner Middle School. No one else asked any questions.

MCR:jmhi

PDX\132880\247926\MCR\26655091.1

REPLINGER & ASSOCIATES LLC
TRANSPORTATION ENGINEERING

January 30, 2020

Ms. Kelly Reid
City of Oregon City
PO Box 3040
Oregon City, OR 97045

**SUBJECT: REVIEW OF TRANSPORTATION ANALYSIS LETTER – GARDINER
MIDDLE SCHOOL CONSTRUCTION ACCESS – GLUA19-35**

Dear Ms. Reid:

In response to your request, I have reviewed the Project Narrative and Technical Memorandum (TM) submitted in support of the construction access proposed to serve the Gardiner Middle School construction site. The TM, dated December 6, 2019, was prepared under the direction of Todd Mobley, PE of Lancaster Mobley.

The proposal involves a temporary construction site to be located on church property adjacent to Warner Milne Road and south of the current Gardiner Middle School. The key issue addressed in the TM is an assessment of the proposed site driveway and its intersection with Warner Milne Road.

Overall

I find the TM addresses the city's requirements for a Transportation Analysis Letter and provides an adequate basis to evaluate impacts of the proposed development.

Comments

- 1. Trip Generation.** The Project Narrative and TM indicate the site is expected to accommodate approximately 36 employees and that most employees will arrive early and stay all or most of the day. The TM states 26 parking stalls will be provided on the site and predicts traffic volumes on Warner Milne Road will be low. I find this to be a reasonable conclusion about the traffic impacts. Predicted traffic volumes are low enough that operational analysis is not required.
- 2. Access Locations.** The proposed access is at an existing, narrow curb cut located approximately 460 feet east of the signalized intersection of Warner-

Parrott/Warner Milne/Leland/Linn. The proposed, temporary access drive will be 25 feet wide, allowing two-way traffic. The proposed access is in a location where a painted median with a width of approximately 11 feet is located. As explained in the TM, this painted median could be used as a turn lane for eastbound traffic turning into the site. The selection of this access location allows most construction traffic to avoid using existing local streets that serve as access to the existing school during the construction period. I think the proposed access location is appropriate and is preferable to access involving Williams Street.

- 3. Driveway Width.** The engineer indicates the existing curb cut is too narrow to accommodate two-way traffic and will be widened to accommodate the 25-foot gravel roadway.
- 4. Sight Distance.** The engineer calculated 335 feet as the desirable sight distance based on a posted speed of 30 mph. He measured sight distance to the west to be 460 feet to the Warner-Parrott/Warner Milne/Leland/Linn intersection. To the east he reported sight lines were unrestricted. The available sight distance easily exceeds minimums and is clearly adequate.
- 5. Safety Issues.** The engineer notes that existing, painted, center median, could be used by eastbound vehicles turning left into the site. He predicts no significant impact at this location due to the low volumes even if vehicles do not use the median area to perform left turns into the site.
- 6. Conclusion.** The engineer concluded "There is clear line of sight from the access location in both directions on Warner Milne Road and intersection sight distance standards are met. The widened driveway, together with the clear line of sight, will allow safe ingress and egress to the site during construction of the new Gardiner Middle School building." I concur with the engineer's conclusions.

Conclusion and Recommendations

I find that the TM meets city requirements and provides an adequate basis upon which impacts of the temporary construction site and its access can be assessed.

I find the proposed access location to be a good choice. It avoids impacts to the exiting routes serving the school during construction. The location provides good sight distance and minimal conflicts or delay to traffic on Warner Milne Road. I do not see any issues needing additional analysis or any that require mitigation.

Ms. Kelly Reid
January 30, 2020
Page 3

If you have any questions or need any further information concerning this review, please contact me at replinger-associates@comcast.net.

Sincerely,

A handwritten signature in black ink that reads "John Replinger". The signature is written in a cursive, flowing style.

John Replinger, PE
Principal

**STAFF REPORT
OREGON CITY PLANNING COMMISSION
NOVEMBER 24, 1992**

FILE NO.:CU92-16

HEARING DATE:Tuesday, November 24, 1992
7:00 PM
City Hall, 320 Warner Milne Road, Oregon City

APPLICANT:Playtime Preschool
1321 Linn Avenue
Oregon City, OR 97045

OWNER:First Presbyterian Church
1321 Linn Avenue
Oregon City, OR 97045

REQUEST:Allow continued operation of preschool

LOCATION:North of Warner Milne Road, east side of Linn Avenue
Tax Lot 200, Map 3-2E-6DA

REVIEWER:Kristine L. Meyer

CRITERIA:

The criteria for a Conditional Use Permit are set forth in Section 17.56 of the City Code, as follows:

- 1.The use is listed as a conditional use in the underlying district.**
- 2.The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.**

3.The site and proposed development are timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

- 4.The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district.**
- 5.The proposal satisfies the goals and policies of the Oregon City Comprehensive Plan which apply to the proposed use.**

BASIC FACTS:

- 1.The preschool is located within the First Presbyterian Church building at 1321 Linn Avenue; Map 3-2E-6DA, Tax Lot 200.**
- 2.The site is zoned R-6 "Single-Family Dwelling District" and RA-2 - "Multi-Family Dwelling District" and designated LR "Low Density Residential" and O "Limited Office" in the Comprehensive Plan.**
- 3.Surrounding land uses include: north - residences and Gardiner Junior High School; east - Portland General Electric Service Center; west - Fernwood Court Apartments and Mt. Pleasant Grade School; south - office uses and residences; southwest - retail center.**
- 4.The use requested is to continue operation of a preschool for 36 children, three and four years of age. The preschool has been in operation for the past eight years and was notified of the need for a conditional use permit through an inspection of the building by the fire department.**
- 5.Transmittals on the request were sent, with the following comments:**

Building Official: Verify whether Childrens Services Division will approve or license the preschool.

City Engineer, Development Services Director, Fire Chief, Police Chief, Public Works Director: no conflicts

ANALYSIS AND FINDINGS:

- 1.Criterion (1): Preschools are listed as a conditional use throughout the City - therefore, this criterion is met.**
- 2.Criterion (2): The characteristics of the site are suitable for the proposed use**

considering size, shape, location, topography, existence of improvements, and natural features. The church and preschool are located on a large (9.52 acres), rectangular parcel with the church building placed roughly in the center. The topography is relatively flat with no natural features other than landscaped areas. To the east of the church building is a large lawn and playfield. The parcel is located on the northwest corner of the Linn Avenue and Warner Milne Road intersection. Williams Street borders the property on the north. Sewer and water serve the site, and stripped parking areas exist for use by employees and parents of children attending the preschool.

3.Criterion (3): The preschool is timely in terms of providing preschool services to the residents in Oregon City. The property is accessed by Williams Street and Warner Milne Road. Stripped parking lots are available for use by preschool employees and parents, although the parking area by Williams Street is also used as a Park & Ride. The property is located in an area easily accessed by surrounding residences by traveling on Warner Milne Road and Linn Avenue.

The parking lots are in fair condition. The Williams Street parking lot contains potholes and poor parking space stripping. Poor stripping and eroding pavement in the interior parking lot also exists.

4.Criterion (4): The preschool will not alter the character of the surrounding area. The preschool is located within a church, which is the only other use on the site. Therefore, no problems associated with noise, traffic, or parking should arise. The hours of operation of the preschool are 9:00 AM to 11:30 AM, Monday through Friday, and will not interfere with church services on Sunday. Although the underlying zoning district is residential, surrounding land uses include two schools; one junior high school and one grade school. The church is located on a large parcel, a substantial distance from residential uses. The preschool playarea is located on the south side of the church building, away from residences. The preschool has been operating for the past eight years, and to Staff's knowledge, the City has not received any complaints during this time.

5.Criterion (5): There are no specific policies or goals that relate to preschools, but the "Community Facilities" goal states, "to serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate community facilities." The

preschool serves the educational needs of Oregon City by providing an easily accessible preschool close to residences, and also in close proximity to other educational uses.

CONCLUSION AND RECOMMENDATION:

In conclusion, the request for a preschool meets the criteria for a conditional use permit. It is recommended that the conditional use permit be approved with the following conditions:

- 1.The preschool shall meet all applicable Building and Fire Codes prior to business license approval.**
- 2.The preschool shall not operate on weekends. If the hours of operation exceed four (4) hours per day, the preschool shall satisfy the certification requirements of the Children Services Division for a daycare center prior to occupancy, unless specifically excluded by law. If the use fails to meet Children Services Division requirements for a preschool, the City shall revoke the conditional use permit for the preschool.**
- 3.The parking lots shall be restripped and the potholes and eroded portions repaved within six months of the decision date.**
- 4.This land use decision is valid for a period of one year from the effective date of the final decision. Any land use permit may be extended, prior to the date of expiration, by the Planning Staff, with notice for a period of six (6) months, up to an aggregate period of one year.**

From: [Diliana Vassileva](#)
To: [Mike Mitchell](#); [Laura Terway](#); [Kelly Reid](#)
Subject: RE: comment on GLUA-18-00035 temporary construction facility
Date: Friday, February 7, 2020 9:09:05 AM

Thanks Mike. Kelly is the planner on this one. I am copying her here.

Thanks,
Diliana



Diliana Vassileva
Assistant Planner
Planning Division
City of Oregon City
PO Box 3040
698 Warner Parrott Road,
Oregon City, Oregon 97045
Direct - 503.974.5501
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 698 Warner Parrott Road, Oregon City 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: Mike Mitchell <mmitchell@orcitey.org>
Sent: Friday, February 7, 2020 8:30 AM
To: Diliana Vassileva <dvassileva@orcitey.org>; Laura Terway <lterway@orcitey.org>
Subject: comment on GLUA-18-00035 temporary construction facility

Diliana,
I am not able to attend Monday's hearing. Please add these comments to the record and provide them to the planning commissioners on item GLUA-18-00035.

Thanks,
Mike

I would ask that the commissioners consider these questions/comments during the hearing:

1. Do the traffic count numbers take into account trips from trucks that will be delivering materials during the day? What steps will be taken to ensure that those trucks use the temporary driveway and do not use the residential streets?
2. 17.60.030 variance #1: the staff report states that dust issues will be confined to the

property. I believe that there could be dust impacts on Warner Milne Rd. as trucks enter and leave the property and those impacts could be a nuisance or hazard to drivers on Warner Milne. Should a COA be added that requires steps (watering or other?) to reduce dust impacts?

3. condition of approval #15: In my opinion, four trees is not a sufficient mitigation given the length of the frontage on Warner Milne. Should the required number of trees be increased?
4. Suggestion: could the parking lot/trailer arrangement be reversed on the east/west axis so that the vehicles are closer and the trailers further away from Warner Milne? The trailers would be less visible and the vehicles would provide some screening of the trailers.

Thanks to the commissioners for considering these items.

Mike

From: [JOE](#)
To: [Kelly Reid](#)
Subject: GLUA-19-00035 variance application
Date: Wednesday, February 5, 2020 5:53:30 PM

Thanks Kelly - please forward the following to the planning commission for inclusion in the record for the February 10th meeting.

Members of the Planning Commission:

I strongly urge you to grant the requested variances for GLUA-19-00035 regarding the temporary staging area to be developed on the First Presbyterian Church's property just south of the Gardiner Middle School property during the construction of the new Gardiner Middle School building.

As a member of First Presbyterian and current active Elder on our Management Commission (which is responsible for administering and taking care of our property and buildings) I know the area where the current proposal sites the staging area and access road from Warner Milne is used for nothing more than growing grass and gophers. The interest expressed by the school district to use this area to aid in their construction of the new school building presents an opportunity to divert construction traffic from the residential streets to the west of the school property and give the building contractor a space to efficiently organize their equipment and parking for their employees on site so they can more efficiently proceed with the construction of the school. The district and contractor have been more than happy to amend their plans to accommodate any concerns we had and develop a plan to use the property that both meets their needs and minimizes impacts to nearby areas (especially our preschool that is in session Tuesdays through Fridays).

As to the specific variances I believe a gravel surface for both the staging area and access road is more desirable than paving these areas. The project plans to recycle the rock and gravel used in these areas into the base preparation for the reconstructed athletic fields to be built after the new school building is completed and functioning. A layer of asphalt would be harder to incorporate in those areas and a less impermeable surface during the building construction phase will decrease runoff from this area that needs to be dealt with through the storm sewers. Requiring pavement in this area would also drive up the costs unnecessarily since this area will be used for up to 18 months then restored to it's prior condition.

Similarly, the requirement for improvements roughly equaling 10% of the value of the changes is counterproductive since we have no plans for this area beyond it's current use as open space. Requiring "permanent" improvements as part of this project would simply be a waste of money since any improvements made could easily conflict with future uses of the property and have to be removed / altered.

Lastly, the requirement that temporary structures be under 800 square feet and on site for 30 days or less is impractical given the size and scope of the school project. I think the district has an ambitious timeline laid out for constructing the new building and having it ready for occupancy for the beginning of the '21-'22 school year but that will still require this staging area and associated building be open for use for over a year. The church has no plans to keep any of the temporary structures in place and actually prefers the entire staging area and road be

restored to it's prior condition as soon as practical once the building construction is finished. I urge the commission to allow the requested buildings to be placed on the temporary site as long as is necessary to complete the school building construction.

Our membership have been strongly behind working with the school district to facilitate the school construction however we can. We ask you approve the variances and the use of the church back lot area for a staging area / construction access road to help the school district minimize the costs of the construction project and it's impacts on the neighboring properties.

Thank you,

Joe Wheeler
Elder, Management Commission
First Presbyterian Church of Oregon City,

Sent from XFINITY Connect Mobile App



City of Oregon City

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

Staff Report

File Number: PC 20-024

Agenda Date: 2/10/2020

Status: Agenda Ready

To: Planning Commission

Agenda #: 3c.

From: Sr. Planner Pete Walter

File Type: Land Use Item

SUBJECT:

LEG-19-00006: Natural Resources Overlay District Map Amendment - Addition of Canemah Wetland to the Natural Resources Overlay District.

RECOMMENDED ACTION (Motion):

Approval of file LEG-19-00006, the proposed amendment to Natural Resources Overlay District Map, to the City Commission for their consideration.

BACKGROUND:

This proposal is to include a wetland and associated vegetated corridor within the City's Natural Resources Overlay District by amending the Overlay District Map. The effect of the overlay district map amendment, if approved, will be to apply the protections and standards of OCMC 17.49 to the subject properties upon which the wetland and surrounding vegetated corridor exist.

The Oregon City Municipal Code protects water quality and function of streams, wetlands and adjacent habitat by surrounding the features with native plantings (called a vegetated corridor) which also result in a buffer between the features and development. The authority to regulate the vegetated corridor surrounding the feature is identified in the Natural Resources Overlay District (NROD) in Chapter 17.49 of the Oregon City Municipal Code. The NROD discourages development within the vegetated corridor and requires mitigation for disturbances if they occur. The City's authority is limited to regulating the area around a stream or wetland, and not the feature itself.

A wetland was identified during the development review process which had not been previously included in the NROD. This application would add the previously unmapped, delineated wetland as well as the adjacent 50' vegetative corridor buffer to the Natural Resources Overlay District map. If approved, all future development within the vegetated corridor would be subject to the provisions within Chapter 17.49 of the Oregon City Municipal Code.

BUDGET IMPACT:

Amount: N/A

FY(s):

Funding Source:



LEGISLATIVE STAFF REPORT AND RECOMMENDATION

A preliminary analysis of the applicable approval criteria is enclosed within the following staff report. All applicable criteria shall be met, or met with conditions, in order to be approved. The Planning Commission may choose to adopt the findings as recommended by staff or alter any finding as determined appropriate.

FILE NO.: LEG-19-00006

APPLICATION TYPE: Legislative

HEARING DATE: Planning Commission
February 10, 2020 – 7:00 p.m., City Hall
Oregon City, OR 97045

APPLICANT: City of Oregon City

REQUEST: Addition of Canemah Wetland to the Natural Resources Overlay District

AFFECTED

LOCATIONS:

Addresses

Tax Lots:

514 4th Ave 3-1E-01AA-02300 (0.23 ac)

502 4TH Ave 3-1E-01AA-02100 (0.23 ac)

508 4th Ave 3-1E-01AA-02200 (0.11 ac)

450 Miller St 3-1E-01AA-03600 (0.11 ac)

462 Miller St 3-1E-01AA-03700 (0.23 ac)

474 Miller St “ “

486 Miller St “ “

and abutting rights-of-way (see map).

REVIEWERS: Pete Walter, AICP, Senior Planner
Laura Terway, AICP, Community Development Director
Josh Wheeler, Assistant City Engineer

RECOMMENDATION: Staff recommends approval of this application based on the satisfaction of all required criteria for a Legislative action.

PROCESS: OCMC 17.50.170 -- Legislative Hearing Process including individual mailed notice to property owners within 300 feet per OCMC 17.50.090.B.

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 shall 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 OCMC 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).

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 657-0891.

A. BACKGROUND

This proposal is to include a wetland and associated vegetated corridor within the City's Natural Resources Overlay District by amending the Overlay District Map. The effect of the overlay district map amendment, if approved, will be to apply the protections and standards of OCMC 17.49 to the subject properties upon which the wetland and surrounding vegetated corridor exist. The proposal is considered a legislative zoning map amendment because it was initiated by the City and involves a decision whether or not to protect a resource through the application of different regulations. This type of City-initiated policy-making effort is legislative.

That said, legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that generally affect the entire city or large portions of it. This proposal will affect only a small number of properties. In order to avoid causing any prejudice resulting from legislative processing, the City has complied with the public notice requirements applicable to a Type IV Quasi-Judicial decision as well. This requires sending a public notice to all owners within 300' of the affected properties, creation of a project webpage, input from the Natural Resources Committee, and a recommendation by the Planning Commission prior to a decision by the City Commission at a series of legally noticed public hearings.

The Oregon City Municipal Code Chapter 17.49 protects water quality and function of streams, wetlands and adjacent habitat by surrounding the features with native plantings (called a vegetated corridor) resulting in a buffer between the features and development. Though the City does not regulate activities within the feature itself, the authority to regulate the vegetated corridor surrounding the feature is identified in the Natural Resources Overlay District (NROD) in Chapter 17.49 of the Oregon City Municipal Code. As a whole, the NROD discourages development within the vegetated corridor and requires mitigation for disturbances which occur.

According to the purpose statement in OCMC 17.49.050, the Natural Resource Overlay District designation implements Metro Titles 3 and 13 lands, and Statewide Planning Goal 5 resources within Oregon City. The 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. It is intended to resolve conflicts between development and conservation of habitat, stream corridors, wetlands, and floodplains identified in the city's maps. The NROD contributes to the following functional values:

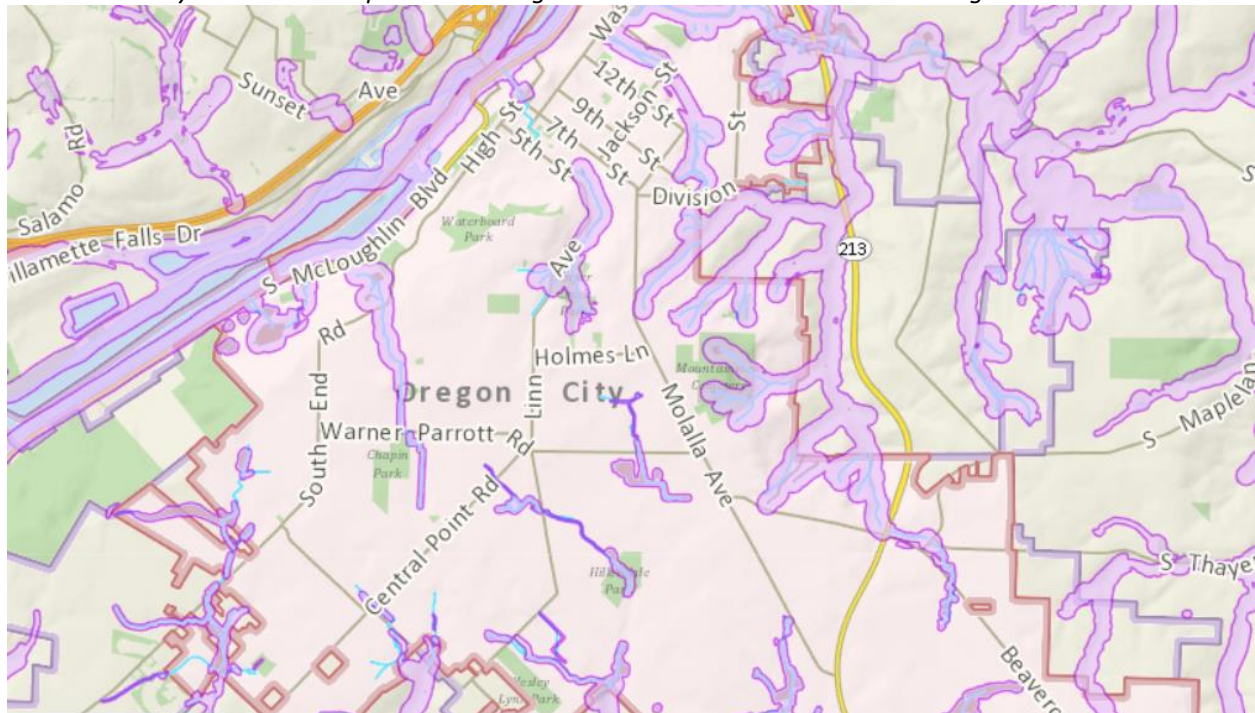
- A. Protect and restore streams and riparian areas for their ecologic functions and as an open space amenity for the community.
- B. Protect floodplains and wetlands, and restore them for improved hydrology, flood protection, aquifer recharge, and habitat functions.
- C. Protect upland habitats, and enhance connections between upland and riparian habitat.

- D. Maintain and enhance water quality and control erosion and sedimentation through the revegetation of disturbed sites and by placing limits on construction, impervious surfaces, and pollutant discharges.
- E. Conserve scenic, recreational, and educational values of significant natural resources.

The NROD ecological functions listed above integrate within existing neighborhoods and new residential and commercial developments. The long-term goal of the NROD is to restore and enhance stream corridors, wetlands, and forests to more natural vegetated conditions, recognizing that existing homes and other existing uses will continue in the overlay area. This chapter does not regulate the development within the identified water resource. Separate permits from the Division of State Lands and the Army Corp of Engineers may be required for work within a stream or wetland.

Excerpt of the Natural Resources Overlay District (NROD) - Map

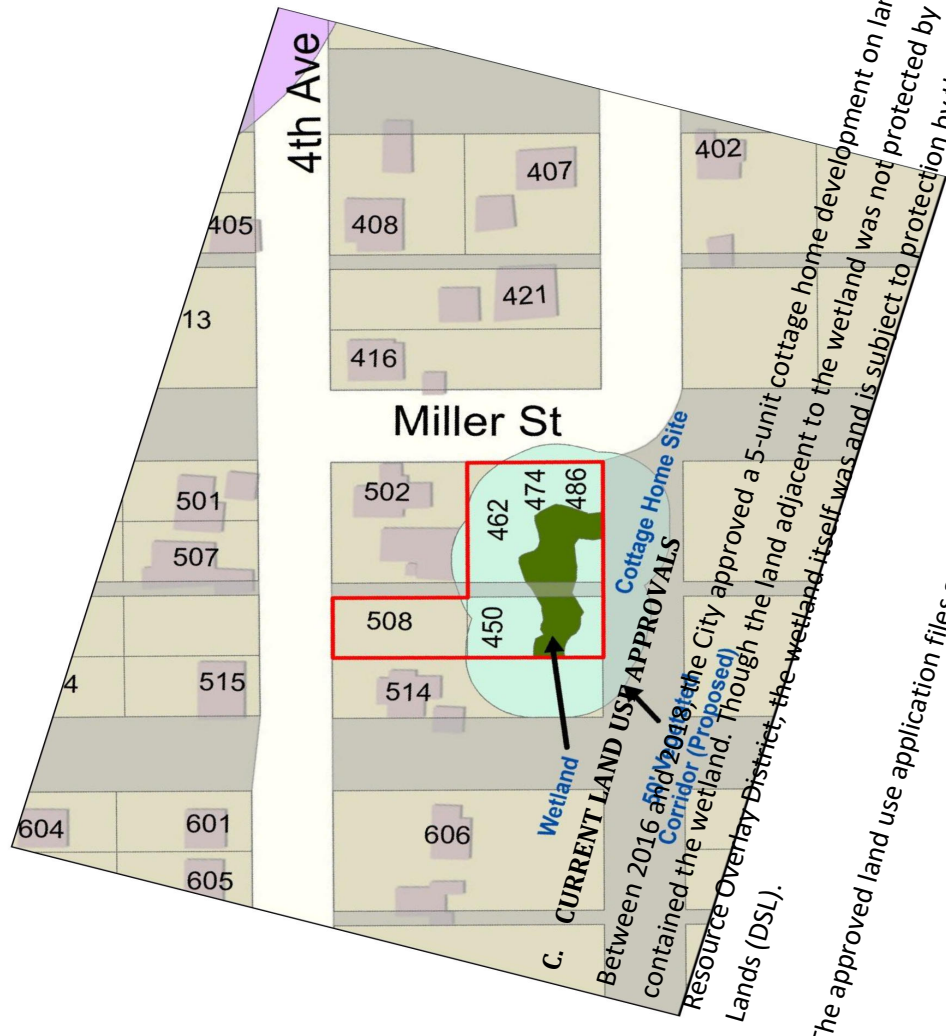
NROD boundary is shown in Purple Surrounding Streams and Wetlands – See Next Page



B. HISTORY

In early 2016, a developer conducted prospective investigations of vacant parcels in the Canemah Neighborhood revealing the presence of a small 0.37-acre wetland. EVREN Northwest, Inc. and Turnstone Environmental Consultants, Inc. conducted a wetland delineation on April 11, 2016 at the request of the developer. The Department of State Lands reviewed the wetland delineation referenced above and issued a letter of concurrence on July 25, 2019. A copy of the wetland report is attached to this staff report. A functional assessment of the wetland pursuant to the Oregon Freshwater Wetland Assessment Method (OFWAM) is not required for this wetland because it is smaller than 0.5 acres,

determination that the wetland is "locally
 District. Water bodies and wetlands that are within or partially within the City's adopted Natural Resources Overlay
 outside of the overlay are subject to applicable state and federal regulations, however, are not required
 to comply with the City's Natural Resources Overlay District. The City may only impose the protections
 of a vegetated corridor to wetlands and streams that are wholly outside of the Natural Resources Overlay District and thus
 In this case, the wetland identified lies wholly outside of the Natural Resources Overlay District and thus
 no local regulations, such as the 50' vegetative corridor buffer, were required.



Historic Review Board decisions:

In 2016, applications were filed for Historic Review Board approval for seven (7) cottage style homes. Ultimately the Historic Review Board (HRB) only issued approval for five homes on the parcels, with preservation incentives to adjustment of the front, side, and rear setbacks, in the Canemah Historic District.

- HR-16-0009
- HR-16-0010
- HR-16-0011
- HR-16-0012
- HR-16-0013
- HR-16-0014

In 2017, the applicant proposed modifications to the previous applications (HR-16-0009 through HR-16-0014) for construction of six cottage style homes, with preservation incentives to adjustment of the front, side, and rear setbacks, in the Canemah Historic District. Although six cottages were proposed, the HRB only gave approval for five cottage homes, conditioning the approval on the removal of the sixth cottage from the proposal.

- MD-17-0001
- MD-17-0002
- MD-17-0003
- MD-17-0004
- MD-17-0005
- MD-17-0006

Appeal decisions:

- AP-17-0004

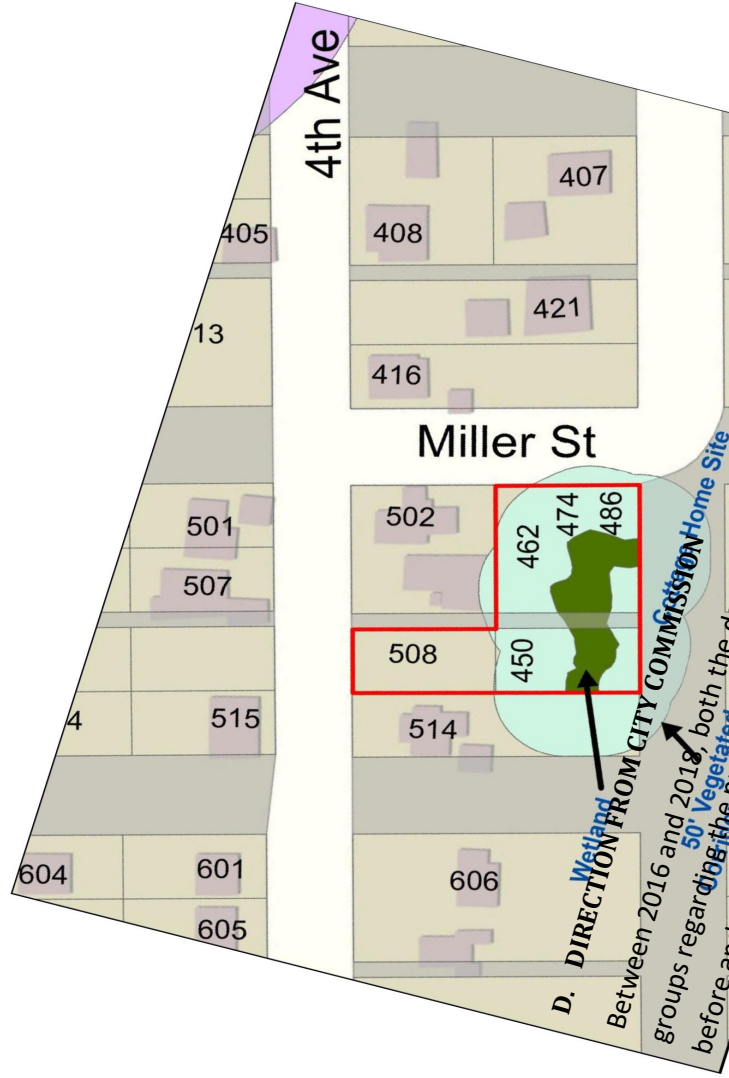
The Historic Review Board's conditional approval of files MA-17-0001 through MD-17-0006 were appealed to the City Commission, who upheld the approvals. The City's decision was subsequently appealed to the Land Use Board of Appeals (LUBA, No. 2017-133). LUBA upheld the City's approval of the development.

Site Plan and Design Review and Geologic Hazard Overlay District decisions:

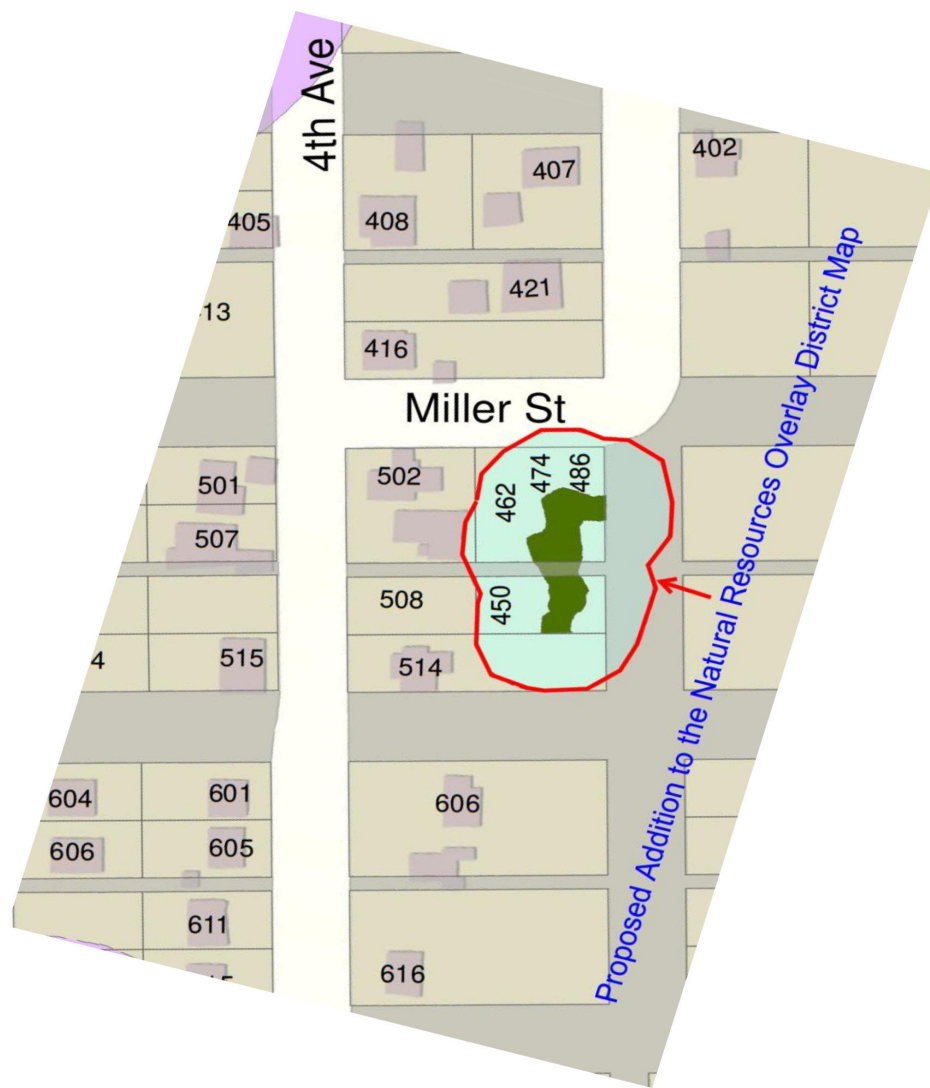
In 2017, following the HRB decisions and resolution of the appeals described above, the Community Development Director approved, through the Type II review process, the following concurrent applications for Site Plan and Design Review and Geologic Hazard Overlay District approval for the five-cottage housing development:

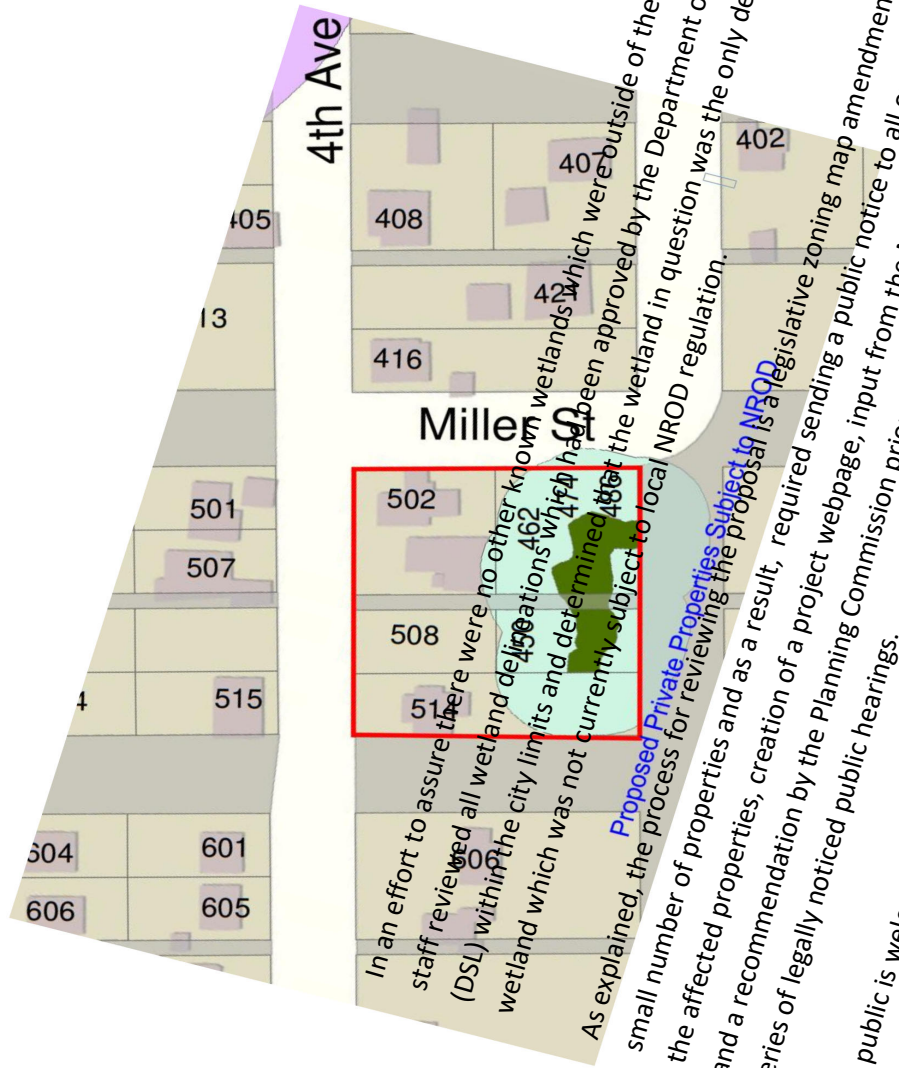
- SP-17-0145
- US-17-0009

Natural Resources Overlay District map does not
 housing development. The developer may continue to
 following approval by the City Commission.



This application would add the delineated wetland as well as the adjacent 50' buffer to the Natural Resources Overlay District map. If approved, all future development within the NROD would be subject to the provisions within Chapter 17.49 of the City Code.





E. LOCATION

...cesses
...es within one block of the Canemah
...city right-of-way. Please refer to the vicinity map attached

Tax Lot	Taxpayer
514 4 th Ave	LYTLE-BLAHA KAREN C
502 4 TH Ave	GOODWIN CLINTON LEE
508 4 th Ave	CANEMAH COTTAGES LLC
450 Miller St	CANEMAH COTTAGES LLC
462 Miller St	CANEMAH COTTAGES LLC
474 Miller St	CANEMAH COTTAGES LLC
486 Miller St	CANEMAH COTTAGES LLC

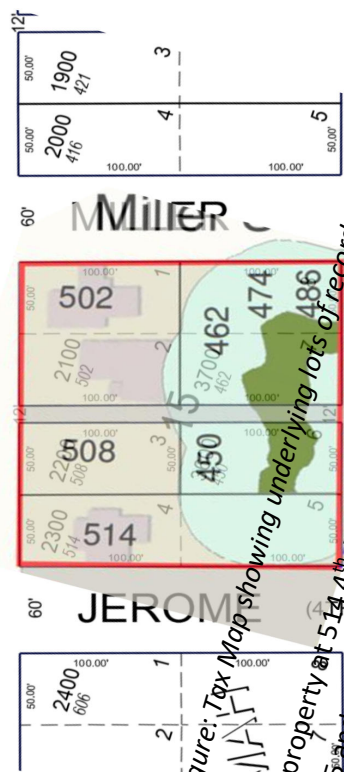
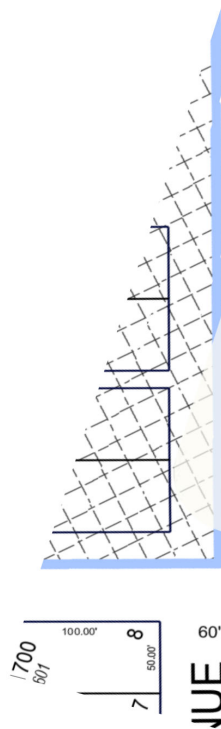


Figure: Tax Map showing underlying lots of record with wetland and proposed vegetated corridor

The property at 514 4th Avenue is comprised of one tax lot (TL 2300) with two underlying lots of record (lots 5 and 15). If the property owner chose to re-establish the underlying lot 5 as a separate tax lot with the tax assessor, it could be sold and developed separately. If LEG-19-00006 is approved, most of lot 5 would fall under the definition of a "Highly Constrained residential lot" pursuant to OCMC 17.04.562. A highly constrained lot of record is defined as "a residential vacant lot of record with more than thousand square feet of buildable area, with minimum dimensions of fifty feet, and remaining outside the Natural Resource Overlay District" (OCMC 17.04.562). If LEG-19-00006 is approved, also apply to lots 6, 7 and 8, however, these lots also

development which would not be affected by this amendment. Lots 1, 2 and 3 are largely unaffected by the proposed vegetated corridor.

F. PUBLIC NOTICE

Notice was provided in the following manner pursuant to OCMC 17.50 for a legislative proposal as well as OCMC 17.50.090.B for a Type IV quasi-judicial proposal.

G. PUBLIC INVOLVEMENT AND INPUT PRIOR TO PUBLIC HEARINGS

At a City Commission work session on May 9, 2017, the City Commission was briefed on the proposed project and in 2018 staff received direction to begin the process of amending the NROD map to include the wetland when staff resources were available, as staff was focusing on amending the code for equitable housing. The direction to move forward was based on a request from the Natural Resources Committee (NRC). The project was discussed by the Natural Resources Committee (NRC) on May 10, 2017, February 14, 2018, January 9, 2019, July 10, 2019, and October 9, 2019. Planning staff began researching the project in May 2017. Planning staff sent informational letters to the affected property owners in June 11, 2019. Planning staff discussed the proposed amendment at the Canemah Neighborhood Association meeting on September 19, 2019. The project was discussed at a joint work session of the Planning Commission and NRC on February 25, 2019. The first public hearing to consider this amendment will be held by the Planning Commission at City Hall, 625 Center Street, Oregon City, on February 10, 2020.

H. PUBLIC COMMENTS RECEIVED

At the time of publishing of this report, public comments were received from the following parties, which are attached to this report.

Karen Blaha, 514 4th Avenue, Canemah

Karen Blaha submitted a letter, photos and other materials detailing her concerns regarding the proposal and the potential impact on her property.

Dennis Anderson, 804 4th Avenue, Canemah

Mr. Anderson submitted an email, letter and photos with concerns regarding the proposal.

Julie Oppen, 814 4th Avenue, Canemah

Julie Oppen submitted a letter with concerns regarding the proposal.

I. DECISION-MAKING CRITERIA:

OCMC Chapter 17.68 Zoning Changes and Amendments

17.68.010 - Initiation of the amendment.

A text amendment to the comprehensive plan, or an amendment to the zoning code or 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; or.*
- 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. This proposal qualifies as initiated as either a legislative request by the Planning Division at the direction of the City Commission, Planning Commission and Natural Resources Committee as discussed earlier under “G. PUBLIC INVOLVEMENT AND INPUT PRIOR TO PUBLIC HEARINGS” and/or simply by virtue of being requested by the City Commission.

17.68.015 –Procedures.

Applications shall be reviewed pursuant to the procedures set forth in Chapter 17.50.

Finding: Complies as proposed. This legislative action was proposal is a legislative request by the Planning Division at the direction of the City Commission, Planning Commission and Natural Resources Committee. The legislative hearing process is described in OCMC 17.50.170.

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 shall 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.

Finding: Complies as proposed. This is a legislative action that affects land use. The first evidentiary public hearing before the planning commission is scheduled for February 10, 2020. Notice of the legislative proposal was provided to DLCD on 12/19/2020.

2. The Community Development Director's Report. Once the planning commission hearing has been scheduled and noticed in accordance with OCMC 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.

Finding: Complies as proposed. Public notice of the first evidentiary planning commission public hearing was provided on 12/19/2019 pursuant to OCMC 17.50.090.C. Public Notice was provided through mailings to and within 300' of the affected tax lots and on the city website. This report has been prepared and made available 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).

Finding: Complies as proposed. The recommendation of the Planning Commission will be forwarded to the City Commission for consideration when it is directed to staff to do so.

17.68.020 - Criteria.

The criteria for comprehensive plan amendment or text or map amendment in the zoning code are set forth as follows:

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

Finding: Staff has evaluated the proposed legislative action and referenced the applicable Comprehensive Plan Goals and Policies, as discussed below.

Findings of consistency with applicable Comprehensive Plan Goals and Policies are provided below.

- *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.

Finding: Complies as Proposed. In addition to the formal public hearing process for a legislative action, including the more expansive provision of individual public notice, this proposal has been discussed at a variety of City boards and committees. At a City Commission work session open to the public on May 9, 2017, the City Commission was briefed on the proposed project. In 2018, staff received direction to begin the process of amending the NROD map to include the wetland when staff resources were available (2019). The direction to move forward was based on a request from the Natural Resources Committee (NRC). The project was discussed by the Natural Resources Committee (NRC) on May 10, 2017, February 14, 2018, January 9, 2019, July 10, 2019, and October 9, 2019. Planning staff sent informational letters to the affected property owners in June 11, 2019 (attached). Planning staff discussed the proposed amendment at the Canemah Neighborhood Association meeting on September 19, 2019. The project was discussed at a joint work session of the Planning Commission and the Natural Resources Committee on February 25, 2020.

Staff presented as summary of the proposed amendment to the Citizen Involvement Committee on February 3, 2020.

The first public hearing to consider this amendment will be held by the Planning Commission at City Hall, 625 Center Street, Oregon City, on February 10, 2019. These efforts encourage public participation and these standards are satisfied.

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 as Proposed. In addition to the meetings described above, prior to the public hearing process, staff provided notice pursuant to OCMC 17.50.090.C. Public notice of the first evidentiary planning commission public hearing was provided on 12/19/2019 pursuant to OCMC 17.50.090.C. Public Notice was provided through mailings to and within 300' of the affected tax lots and

on the city website pursuant to OCMC 17.50.090.B. In addition to the mailed public notices, Senior Planner Pete Walter personally contacted each of the affected property owners by phone and mail to discuss the proposal in mid-June of 2019. This report has been prepared and made available at least seven days prior to the hearing. The proposal was discussed openly by staff, committees and affected property owners prior to the hearing process. **The proposal is consistent with the applicable Comprehensive Plan Goals and Policies cited above.**

- Comprehensive Plan Section 2: Land Use

Goal 2.1 Efficient Use of Land

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 as Proposed. This amendment will allow the development of residential land in a sustainable manner that does not negatively impact known habitat and water quality areas such as wetlands, streams and their associated vegetated corridors. In Canemah, the principles of sustainable development are followed through the application of clear and objective development standards in the Oregon City Municipal Code (OCMC) Chapters 17.49 (Natural Resources Overlay District), Chapter 17.44 (Geologic Hazards Overlay District), Chapter 17.41 (Tree Protection, Preservation, Removal and Replanting Standards), Chapter 13.12 (Stormwater Management), Chapter 15.48 (Grading, Filling and Excavating), and other applicable standards and specifications that will allow development to occur, notwithstanding imposing protections. **The proposal is consistent with Comprehensive Plan Goal 2.1.**

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.

Finding: Complies as Proposed. In Oregon, cities have long made a commitment to accommodate growth within urban growth boundaries (UGB), rather than develop the adjacent county with low-density homes and businesses. Land inside the urban growth boundary includes cities and services such as water and sewer systems, parks, schools and fire and police protection while land outside the boundary is primarily rural residential, farm and forest use. The urban growth boundary is one of the tools managed by Metro, our regional government, to protect farms and forests from urban development and to promote the efficient use of land, public facilities and services inside the boundary. The proposal to include the wetland within the NROD will protect habitat and water quality within the City and neighborhood, promote a sense of place for residents while raising the quality of development and promoting the efficient use of land. **The proposal is consistent with Comprehensive Plan Goal 2.4.**

Goal 2.7 Oregon City Comprehensive Plan Land-Use Map

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: Not Applicable. The proposed amendment will not affect but will maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city. The properties in question will remain designated LR – Low Density Residential. **The proposal is consistent with Comprehensive Plan Goal 2.7.**

- Comprehensive Plan Section 5: Open Spaces, Scenic and Historic Areas, and Natural Resources

The Comprehensive Plan contains the following **Statements of Principle** pertaining to natural resources:

- Page 1:

“Promote sustainability and sustainable development. Images of the Earth taken from space in the late 1960s helped awaken people to the fact that the Earth’s resources are finite. The City Commission agrees with citizens who believe it is incumbent on the City of Oregon City to use its land, water, and air resources in a sustainable manner, which means meeting the city’s social, environmental and economic needs in a way that benefits all citizens but does not undermine the ability of future generations to meet their needs. This is the essence of sustainable development. Taken together, the policies in the Oregon City Comprehensive Plan will enhance the likelihood of a sustainable community but cannot guarantee it. Land-use decisions will be made with the concept of sustainability in mind to ensure that development enhances the long-term quality of life in Oregon City.”

- Page 3:

“Protect natural resources. The City of Oregon City contains abundant, diverse, and unique natural resources that contribute to the quality of life, help define the city’s identity, and provide great enjoyment for residents. The most obvious of these resources are the Willamette River and its thunderous falls, the Clackamas River, Newell Creek canyon, and the steep cliffs and bluffs over which the city is draped. However, many other resources are present: small streams, wetlands, wooded areas and oak savannahs, views of the Cascade Mountains, and abundant fish and wildlife, including salmon, sturgeon, deer, ospreys, and bald eagles. The City Commission strongly supports protecting these many natural resources and is committed to measures to ensure that these resources are secure even as development proceeds within the city.”

The principal relevant goals of the Comprehensive Plan pertaining to water resources and habitat protection are in Section 5 – *Open Space, Scenic and Historic Areas*, and Section 6 - *Quality of Air, Water, and Land Resources* and the various policies pertaining to those goals. The Comprehensive Plan states:

- Page 44:

“Because land-use practices, development design, and city infrastructure can affect the quality and quantity of water resources, the City will protect and restore these resources through a variety of means. One way is through the Water Resources Overlay District [now renamed the Natural Resources Overlay District], which is a zoning overlay with development standards to protect surface waters. The overlay district implements the requirements of Title 3 of Metro’s *Urban Growth Management Functional Plan* (1998). Another way is through civic projects to restore water features. Restoration and protection of these resources is covered primarily in Section 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources).”

The Comprehensive Plan includes the following discussion with respect to wetlands and streams.

- Page 36:

Wetlands. Wetlands and their associated hydrology, soils, vegetation, and wildlife provide a wide range of valuable services to the public. Wetlands enable the City to efficiently meet a number of goals in maintaining the quality of life in Oregon City, such as:

- preventing degradation of stream quality and damage from flooding during storms by storing runoff from precipitation and moderating its release into stream networks
- preventing pollutants and sediments from roadways and other development from reaching streams by filtering the flow of groundwater toward streams
- recharging groundwater aquifers for slow release later into streams and through uptake by vegetation into the environment by reducing the speed of runoff and enabling water to percolate into the ground
- providing habitat for wildlife that is important to residents
- providing open space, recreational opportunities, aesthetic and landscape amenities to buffer various uses, all of which maintain the unique environmental setting of Oregon City

Important wetlands have been identified and mapped by the City and Metro in a Local Wetlands Inventory that will be the basis for protection measures through the Comprehensive Plan, implementing ordinances, and other measures. The inventory is kept by the City.

Streams. Streams define the physical configuration of Oregon City and thus its land-use patterns, transportation patterns, and community functions. The Willamette and Clackamas rivers, major waterways of regional significance, border two sides of the city and create an aesthetic and recreational setting of great value to the city. Other principal streams are: •

Abernethy Creek and Newell Creek, tributaries of the Willamette River; these creeks create major topographic and ecologic areas within the city

- Beaver Creek, a tributary of the Willamette River; Beaver's Creek's minor tributaries create the topographic definition of the city's southern edge
- other creeks that drain directly to the Willamette, such as Singer Creek and Coffee Creek, which drain from the Hilltop area through the McLoughlin and Canemah neighborhoods, respectively.

Together, these rivers and streams contribute to the uniqueness of Oregon City and to the variety of natural resource, recreational, and open space values enjoyed by residents and visitors.

Goal 5.1 Open Space

Establish an open space system that conserves fish and wildlife habitat and provides recreational opportunities, scenic vistas, access to nature and other community benefits.

Policy 5.1.1

Conserve open space along creeks, urban drainage ways, steep hillsides, and throughout Newell Creek Canyon.

Finding: Complies as Proposed. The vegetated corridor will promote conservation of open space abutting the wetland, which is also located at the base of a steep hillside along a drainage way. Although the wetland does not appear to provide fish habitat, it does provide wildlife habitat and the opportunity to enjoy access to nature. **The proposed amendment is consistent with Comprehensive Plan Goal 5.1 and Policy 5.1.1.**

Policy 5.1.2

Manage open space areas for their value in linking citizens and visitors with the natural environment, providing solace, exercise, scenic views and outdoor education. Built features in open space sites should harmonize with natural surroundings.

Finding: Complies as Proposed. In accordance with Metro Title 3, Water Quality, and Metro Title 13, Nature in the Neighborhoods, adoption of the revised NROD map assures that key resource areas throughout the city are protected as one contiguous system and that new development minimizes and mitigates disturbances to these sensitive areas. These areas provide improved water quality recreational opportunities, scenic vistas, access to nature and other community benefits. **The proposed amendment is consistent with Comprehensive Plan Policy 5.1.2.**

Goal 5.2 Scenic Views and Scenic Sites

Protect the scenic qualities of Oregon City and scenic views of the surrounding landscape.

Finding: Complies as Proposed. Addition of the wetland to the revised Natural Resource Overlay District map would protect some scenic views of the wetland by providing a buffer between development and the wetland. **The proposed amendment is consistent with Comprehensive Plan Goal 5.2.**

Goal 5.4 Natural Resources

Identify and seek strategies to conserve and restore Oregon City's natural resources, including air, surface and subsurface water, geologic features, soils, vegetation, and fish and wildlife, in order to sustain quality of life for current and future citizens and visitors, and the long-term viability of the ecological systems.

Policy 5.4.1

Conserve and restore ecological structure, processes and functions within the city to closely approximate natural ecosystem structure, processes, and functions.

Finding: Complies as Proposed. Addition of the wetland to the revised Natural Resource Overlay District map would conserve and restore the natural resource values associated with the wetland, which includes improved surface and subsurface water quality, geologic features, soil, vegetation and wildlife habitat. Although small in area, the wetland adds to the quality of life for the adjacent neighborhood and the viability of the ecological systems associated with the wetland. **The proposed amendment is consistent with Comprehensive Plan Goal 5.4 and Policy 5.4.1.**

Policy 5.4.3

Identify, initiate and cooperate in partnerships with other jurisdictions, businesses, neighborhoods, schools and organizations to conserve and restore natural resources within and adjacent to Oregon City

Finding: Complies as Proposed. The wetland is located on private property. Addition of the wetland to the Natural Resource overlay District could provide a future opportunity for partnerships with interested organizations and future property owners for education about urban ecology, and ways to balance development with protection of natural resources. **The proposed amendment is consistent with Comprehensive Plan Policy 5.4.3.**

Policy 5.4.4

Consider natural resources and their contribution to quality of life as a key community value when planning, evaluating and assessing costs of City actions.

Finding: Complies as Proposed. Addition of the wetland to the revised Natural Resource Overlay District map would conserve and restore the natural resource values associated with the wetland, which

includes improved surface and subsurface water quality, geologic features, soil, vegetation and wildlife habitat. Although small in area, the wetland adds to the quality of life for the adjacent neighborhood and the viability of the ecological systems associated with the wetland. **The proposed amendment is consistent with Comprehensive Plan Policy 5.4.4.**

Policy 5.4.5

Ensure that riparian corridors along streams and rivers are conserved and restored to provide maximum ecological value to aquatic and terrestrial species. This could include an aggressive tree and vegetation planting program to stabilize slopes, reduce erosion, and mitigate against invasive species and stream impacts where appropriate.

Policy 5.4.7

The City shall encourage preservation over mitigation when making decisions that affect wetlands and a “no net loss” approach to wetland protection.

Policy 5.4.9

Protect and enhance riparian corridors along streams in Oregon City to increase shade, reduce streambank erosion and intrusion of sediments, and provide habitat for a variety of plants, animals, and fish.

Policy 5.4.10

Encourage and promote the restoration of the hydrologic and ecological character and function of streams and wetlands that have been degraded by channeling or eliminated from the landscape by routing into culverts.

Finding: Complies as Proposed. Addition of the wetland to the Natural Resource overlay District could provide a future opportunity for partnerships with interested organizations for education about urban ecology, and ways to balance development with protection of natural resources. Addition of the wetland to the revised Natural Resource Overlay District map would conserve and restore the natural resource values associated with the wetland, which includes improved surface and subsurface water quality, geologic features, soil, vegetation and wildlife habitat. Although small in area, the wetland adds to the quality of life for the adjacent neighborhood and the viability of the ecological systems associated with the wetland. **The proposed amendment is consistent with Comprehensive Plan Policy 5.4.5, 5.4.7, 5.4.9, and 5.4.10.**

Policy 5.4.11

Maintain and enhance the function and quality of natural wetlands and create, where appropriate, wetlands or swales to moderate the quantity and velocity of water runoff entering streams during storm events and to reduce the amount of pollutants carried into streams.

Policy 5.4.16

Protect surfacewater quality by:

- providing a vegetated corridor to separate protected water features from development
- maintaining or reducing stream temperatures with vegetative shading
- minimizing erosion and nutrient and pollutant loading into water
- providing infiltration and natural water purification by percolation through soil and vegetation

Policy 5.4.17

Protect and maintain groundwater recharge through conservation and enhancement of wetlands and open space.

Finding: Complies as Proposed. Addition of the wetland to the revised Natural Resource Overlay District map would maintain and enhance the quality of the wetland, which in turn serves to moderate the quantity and velocity of water run-off entering streams. The amendment will add a 50' vegetated corridor to separate the protected wetland from development and provide additional habitat and water quality benefits. **The proposed amendment is consistent with Comprehensive Plan Policy 5.4.11, 5.4.16 and 5.4.17.**

- Comprehensive Plan Section 6: Quality of Air, Water and Land Resources

Goal 6.2 Water Quality

Control erosion and sedimentation associated with construction and development activities to protect water quality.

Policy 6.2.1

Prevent erosion and restrict the discharge of sediments into surface- and groundwater by requiring erosion prevention measures and sediment control practices.

Finding: Complies as Proposed. Addition of the wetland to the revised Natural Resource Overlay District map could help to control erosion and sedimentation into water resources through the provision of a vegetative corridor as buffer. Further, Goal 6.2 and Policy 6.2.1 will be implemented through permits issued in accordance with the City's adopted "Erosion and Sediment Control" standards per Ordinance 99-1013, the language of which is contained in OCMC Chapter 17.47 that defines policies, minimum requirements, minimum standards, and design procedures for erosion prevention and sediment control in Oregon City. **The proposed amendment is consistent with Comprehensive Plan Goal 6.2 and Policy 6.2.1.**

- Comprehensive Plan Section 7: Natural Hazards

Goal 7.1 Natural Hazards

Protect life and reduce property loss from the destruction associated with natural hazards.

Finding: Complies as Proposed. Natural hazards are described in detail in the Comprehensive Plan, which states on Page 49; “The natural features and processes that shape the topographic, scenic, and natural resource setting of Oregon City present a variety of hazards to people and human activities, such as flooding, rock falls, landslides, wildfires, and earthquakes. Some of the hazards are related to steep topography, saturated soils and bedrock, and bare soil and rock that have been exposed by removing vegetation, movement of the earth, and erosion.” The wetland to be added to the NROD is in the Canemah neighborhood, which is well-known for landslide activity and is entirely within the City’s Geologic Hazard Overlay District regulated by OCMC Chapter 17.44. No changes are proposed to the mapping of the Geologic Hazard Overlay District, and the proposal would not affect the administration of OCMC Chapter 17.44. **Therefore, the proposed amendment is consistent with Comprehensive Plan Goal 7.1.**

- Comprehensive Plan Section 10: Housing

Goal 10.1 Diverse Housing Opportunities

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

Goal 10.2 Supply of Affordable Housing

Provide and maintain an adequate supply of affordable housing.

Finding: Complies as Proposed. The proposed amendment does not prohibit the permitted use of land for the listed uses within the R-6 district, although it does limit the allowed impervious area on lots that have more than 75% covered by the NROD, or “highly constrained lots of record” to 3,000 square feet and at least 25 feet from the edge of a delineated wetland pursuant to OCMC 17.49.120 . These restrictions allow for a reasonable development area necessary to accommodate a residence, including building footprint, paved areas such as patios, driveways, and other impervious surfaces. This is important to note when one considers that the standard size of a typical lot of record in the Canemah District is 5,000 square feet in area. The maximum disturbance area of 3,000 square feet permitted under the NROD code in OCMC 17.49.120 exceeds the standard 40% maximum allowable lot coverage required for any structure within the R-6 zone district, or 2000 square feet for a typical 5000 square foot lot. As a result, the amendment will not have any effect on the potential disturbance levels and the supply and diversity of housing stock can be maintained. The NROD code already includes incentives such as on-site density transfer, and greater flexibility in dimensional standards to improve site design. **Therefore, the proposed amendment is consistent with Comprehensive Plan Goals 10.1 and 10.2.**

Upon review of the Comprehensive Plan, staff has determined that the following plan sections and their goals and policies do not apply to the proposed amendment, and subsequently this report does not include any findings for consistency with these sections:

- Section 3: Agricultural Lands
- Section 4: Forest Lands
- Section 8: Parks and Recreation
- Section 9: Economic Development
- Section 11: Public Facilities
- Section 12: Transportation
- Section 13: Energy Conservation
- Section 14: Urbanization
- Section 15: Willamette River Greenway

Based on the findings above, staff finds that the proposed amendment to the Natural Resource Overlay District map is consistent with the applicable goals and policies of the Oregon City Comprehensive Plan, and that criterion (A) is met.

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 plan amendment, 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 or plan amendment;

Finding: Not Applicable. The proposed amendment would have no effect on the City's adopted public facilities master plans, or the implementing codes, standards and specifications related to those plans. The proposed amendment does not affect the uses allowed by the existing zoning. **Therefore, the proposed amendment is consistent with Criterion (B).**

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 or plan amendment; and

Finding: Not Applicable. The proposed amendment does not change the existing or planned function, capacity and level of service of the transportation system. **Therefore, the proposed amendment is consistent with Criterion (C).**

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

Finding: Complies as Proposed. While the current Comprehensive Plan implements the Statewide Planning Goals. Findings for consistency with Goals 5 and 6, those goals that are directly applicable to the subject proposal.

STATEWIDE PLANNING GOAL 5:

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

Finding: Complies as Proposed. This goal requires the “protection of natural resources” through an inventory, conflict analysis and protection evaluation scheme that is prescribed by Oregon Administrative Rule 660, Chapter 23.

OAR 660-023-0250 specifies the circumstances that trigger Goal 5 review. In relevant part, an amendment affects a Goal 5 resource if the post-acknowledgment plan amendment (PAPA) “amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource.” Amendment of the NROD map to include a new wetland will alter the City’s existing local wetland inventory by adding to it. Therefore, Goal 5 review is applicable.

The first step in the general Goal 5 process is to compile an inventory of resources to determine whether the resource is significant. OAR 660-023-0030. Here, although not deemed a “significant wetland” as defined by DSL, the wetland delineation completed as part of the 2016 development review suggests that the wetland may be significant from a local perspective and is suitable for NROD protection. A copy of the wetland report is attached to this staff report. A functional assessment of the wetland pursuant to the Oregon Freshwater Wetland Assessment Method (OFWAM) is not required for this wetland because it is smaller than 0.5 acres, according to Department of State Lands. Subsequently a determination that the wetland is “locally significant” has not been made. Vegetative corridors are mapped for wetlands that are classified as both significant and non-locally significant on the City’s NROD map. The decision to include a specific resource site for protection does not require revision or expansion of the City’s wetland inventory. OAR 660-23-0250(4).

The second step is determining a program to achieve Goal 5 based on “an analysis of the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use.” OAR 660-023-0040. A “conflicting use” is defined by OAR 660-023-0010 to include “a land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource.” Amending the NROD map to acknowledge and protect an additional resource reflects a decision to acknowledge and protect a resource rather than to restrict it.

This wetland is located within the Canemah Historic District, another Goal 5 protected area. Designation of this wetland will not affect any existing historic protections. Development on properties including newly designated NROD overlay areas will still be required to comply with Historic Overlay requirements of OCMC 17.40. Therefore, amendment of the NROD map will not “allow, limit or prohibit” a “conflicting use” and therefore, no further analysis of ESEE consequences is necessary. Goal 5 is achieved.

STATEWIDE PLANNING GOAL 6:

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

Finding: Complies as Proposed. This goal requires that the amendment not threaten to violate applicable state and federal environmental quality standards. Designation and protection of an additional wetland through the NROD overlay is unlikely to have any effect on the quality of waters of the state i.e. rivers and streams, but landscaped buffers will improve the isolated water and contribute to air quality.

Water pollutants. Any development within these areas will comply with the applicable regional, state and federal standards for water quality. Goal 6 is achieved.

STATEWIDE PLANNING GOAL 10:

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

Finding: Complies as Proposed. This map amendment will not alter existing housing opportunities throughout the City. Goal 10 is achieved.

17.68.025 - Zoning for land annexed into the city.

Upon annexation into the City, the property shall be rezoned from County zoning to the corresponding City zoning designation as identified in Table 17.06.030, provided the criteria for a zone change can be met.

Finding: This section is not applicable. No annexation is proposed.

17.68.040 - Approval by the Commission.

If the Planning Commission finds that the request or application for an amendment, or change, complies with the criteria of OCMC 17.68.020, it shall forward its findings and recommendation to the City Commission for action thereon by that body.

Finding: The findings and recommendation of the Planning Commission will be forwarded to the City Commission when ready.

17.68.050 - Conditions.

In granting a change in zoning classification to any property, the Commission may attach such conditions and requirements to the zone change as the Commission deems necessary in the public interest and such conditions and restrictions shall thereafter apply to the zone change or map amendment.

Finding: The Planning Commission or City Commission has the authority to add conditions and requirements to the proposed amendment that it deems necessary to protect the public interest.

J. STAFF RECOMMENDATION

The Community Development Director recommends that the Planning Commission recommend approval of the proposed amendment to Natural Resources Overlay District Map to the City Commission for their consideration.

These findings are based on all the materials submitted into the record during these proceedings for LEG-19-00006.

Based on its review of all of the evidence in the record, the City Commission finds that the applicable approval criteria necessary to support amending Natural Resources Overlay District Map are met.

K. EXHIBITS

1. Legislative Application Form signed by City Manager
2. Detailed Project Description 9.19.2019
3. Detailed Project Description mailed to affected owners 6.11.2019
4. Map of DSL Delineated Wetland 2016-0272
5. Preliminary site plan of proposed Canemah cottage development w/ location of wetland, October 2017.
6. Public Notices
7. Public Comments
 - a. Karen Blaha
 - b. Dennis Anderson
 - c. Julie Oppen
8. City Commission Meeting Minutes
 - a. December 5, 2018
 - b. December 6, 2017
 - c. November 17, 2017
 - d. May 9, 2017
9. Canemah Neighborhood Association Meeting Minutes, November 17, 2016
10. Natural Resources Committee Meeting Agenda, January 9, 2019
11. Natural Resources Committee Meeting Draft Minutes, February 14, 2018
12. Video Clip Link to City Commission Work Session, May 9, 2017, Item 3c. "Natural Resources Committee Project Requests." http://oregon-city.granicus.com/MediaPlayer.php?view_id=2&clip_id=1920 . (Discussion of wetland addition to NROD starts at 1:26:22.)
13. Wetland Delineation Report for 4th and Miller, Oregon City. EVREN Northwest, Inc. and Turnstone Environmental Consultants, Inc. May 14, 2016.
14. Staff email correspondence with Department of State Lands, 02.03.2020



LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification
- ☐ Minor Site Plan & Design Review
- ☐ Extension of Approval
- ☐ Historic Review - Remodel

Type II (OCMC 17.50.030.B)

- ☐ Detailed Development Plan
- ☐ Floodplain Review
- ☐ Geologic Hazard Overlay
- ☐ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☐ Site Plan and Design Review
- ☐ Subdivision (4+ lots)
- ☐ Expedited Land Division
- ☐ Minor Variance
- ☐ Natural Resource (NROD) Review
- ☐ Public Improvement Modification
- ☐ Willamette Greenway

Type III / IV (OCMC 17.50.030.C)

- ☐ Appeal of Land Use Decision
- ☐ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ General Development Plan or Amendment
- ☐ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☐ Historic Review
- ☐ Municipal Code Amendment
- ☐ Parking Adjustment
- ☐ Variance ☐ Sign Variance
- ☐ Natural Resource (NROD) Review
- ☒ Zone Change (Text/Map)
- ☐ Willamette Greenway

File Number(s): LEG-19-00006

Date: 12/18/2019

Proposed Land Use or Activity: Addition of Canemah Wetland to the Natural Resources Overlay District

Project Name: _____ Number of Lots Proposed (If Applicable): N/A

Physical Address of Site: 450, 462, 474, 486 Miller St and 502, 508 and 513 4th Ave, Oregon City, OR 97045

Clackamas County Map and Tax Lot Number(s): 3-1E-01AA, Tax Lots 02100 (502 4TH AVE), 02200 (508 4TH AVE), 02300 (514 4TH AVE), 3-1E-01AA-03600 (450 MILLER ST), 3700 (462 MILLER ST, 474 MILLER ST, 486 MILLER ST)

Applicant(s):

Applicant(s) Signature: [Signature]

Applicant(s) Name Printed: Tony Konkol - City Manager - Oregon City Date: 02/19/2019

Mailing Address: P.O. Box 3040, Oregon City, OR 97045

Phone: _____ Fax: _____ Email: See Rep. below

Property Owner(s):

Property Owner(s) Signature: _____

Property Owner(s) Name Printed: _____ Date: _____

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

Representative(s):

Representative(s) Signature: _____

Representative (s) Name Printed: Pete Walter, Planner Date: 2.25.2019

Mailing Address: 698 Warner Parrott Rd, Oregon City, OR 97045

Phone: (503) 496-1568 Fax: (503) 722-3880 Email: pwalter@orc.org

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.



Project Description

Addition of Canemah Wetland to the Natural Resources Overlay District

September 19, 2019

Summary

This proposal is to include a wetland within the City's Natural Resources Overlay District by amending the Overlay District Map. The effect of the overlay district map amendment, if approved by the City Commission, will be to apply the protections and standards of OCMC 17.49 to the subject properties upon which the wetland and surrounding vegetated corridor exist. The proposal is considered a legislative zoning map amendment.

Natural Resource Overlay District Background

The Oregon City Municipal Code protects water quality and function of streams, wetlands and adjacent habitat by surrounding the features with native plantings (called a vegetated corridor) which also result in a buffer between the features and development. Though the City does not regulate activities within the feature itself, the authority to regulate the vegetated corridor surrounding the feature is identified in the Natural Resources Overlay District (NROD) in Chapter 17.49 of the Oregon City Municipal Code. As a whole, the NROD discourages development within the vegetated corridor and requires mitigation for disturbances which occur.

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 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. It is intended to resolve conflicts between development and conservation of habitat, stream corridors, wetlands, and floodplains identified in the city's maps. The NROD contributes to the following functional values:

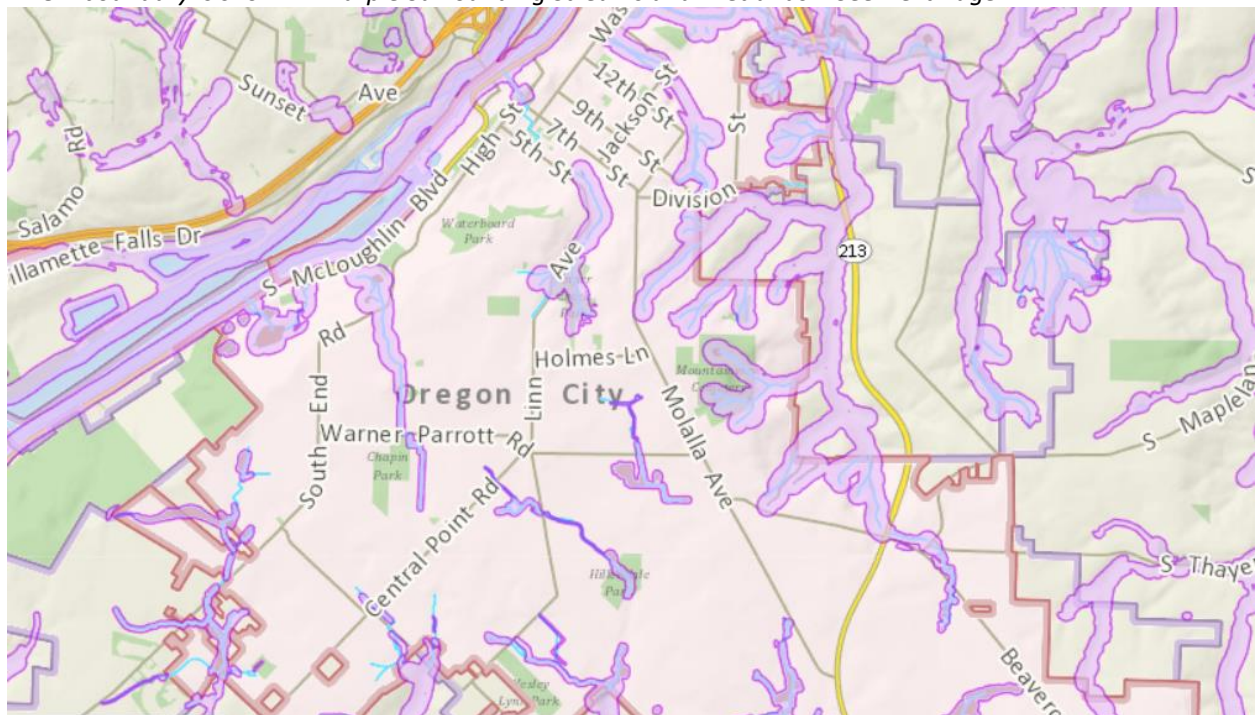
- A. Protect and restore streams and riparian areas for their ecologic functions and as an open space amenity for the community.
- B. Protect floodplains and wetlands, and restore them for improved hydrology, flood protection, aquifer recharge, and habitat functions.
- C. Protect upland habitats, and enhance connections between upland and riparian habitat.
- D. Maintain and enhance water quality and control erosion and sedimentation through the revegetation of disturbed sites and by placing limits on construction, impervious surfaces, and pollutant discharges.

E. Conserve scenic, recreational, and educational values of significant natural resources.

The NROD ecological functions listed above are planned for integration with existing neighborhoods and new residential and commercial developments. The long-term goal of the NROD is to restore and enhance stream corridors, wetlands, and forests to more natural vegetated conditions, recognizing that existing homes and other existing uses will continue in the district. This chapter does not regulate the development within the identified water resource. Separate permits from the Division of State Lands and the Army Corp of Engineers may be required for work within a stream or wetland.

Excerpt of the Natural Resources Overlay District (NROD) - Map

NROD boundary is shown in Purple Surrounding Streams and Wetlands – See Next Page

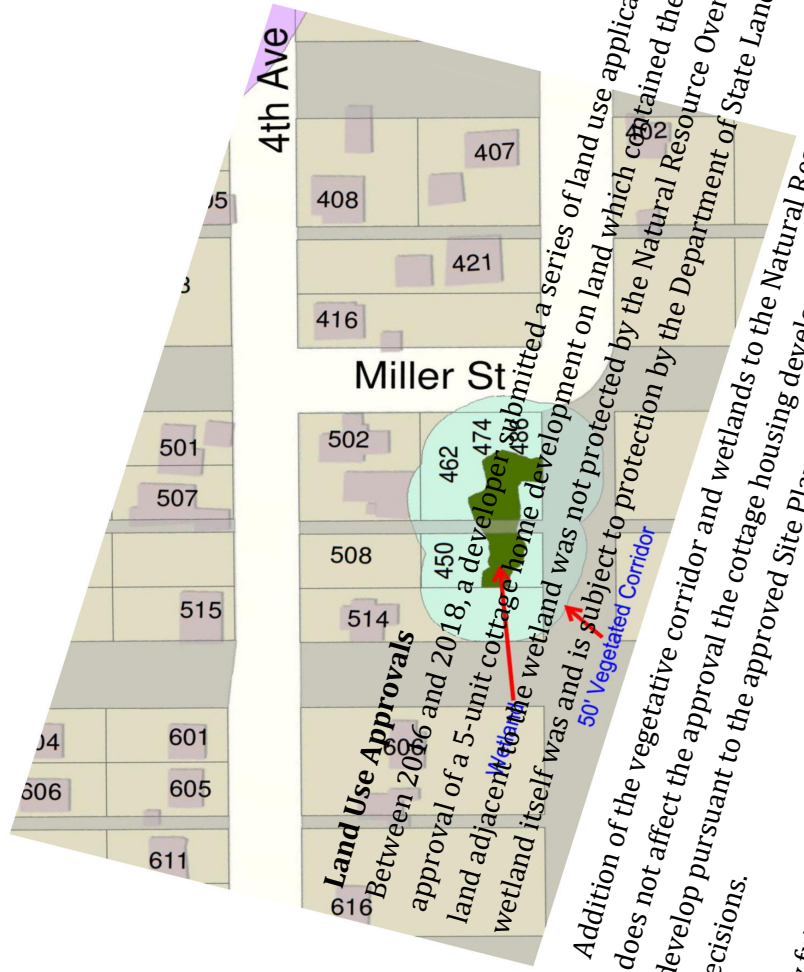


History

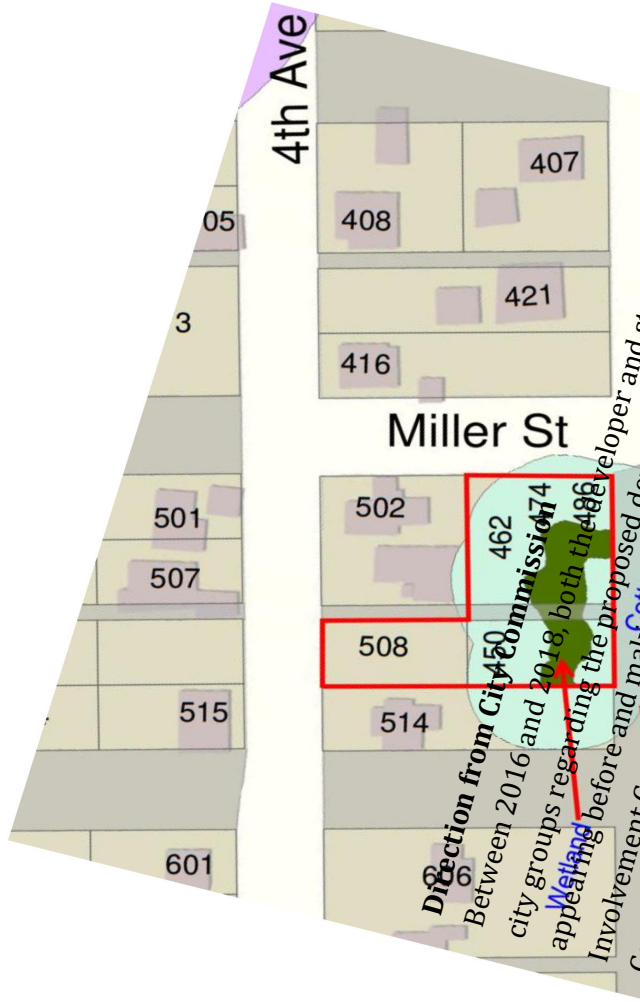
In early 2016, a developer conducted prospective investigations of vacant parcels in the Canemah Neighborhood revealing the presence of a small 0.37-acre wetland. EVREN Northwest, Inc. and Turnstone Environmental Consultants, Inc. conducted a wetland delineation on April 11, 2016 at the request of the developer. The Department of State Lands reviewed the wetland delineation referenced above and issued a letter of concurrence on July 25, 2019.

The requirement to protect the wetlands through the use of a 50' vegetated corridor, and other regulations, are limited to wetlands that are within or partially within the City's adopted Natural Resources Overlay District. Wetlands that are discovered which lie wholly outside of the overlay

...utions, however are not required to comply with the
...dict. The wetland identified lies wholly outside of the Natural
...act and thus no local regulations, such as the 50' vegetative corridor buffer,
...quired.

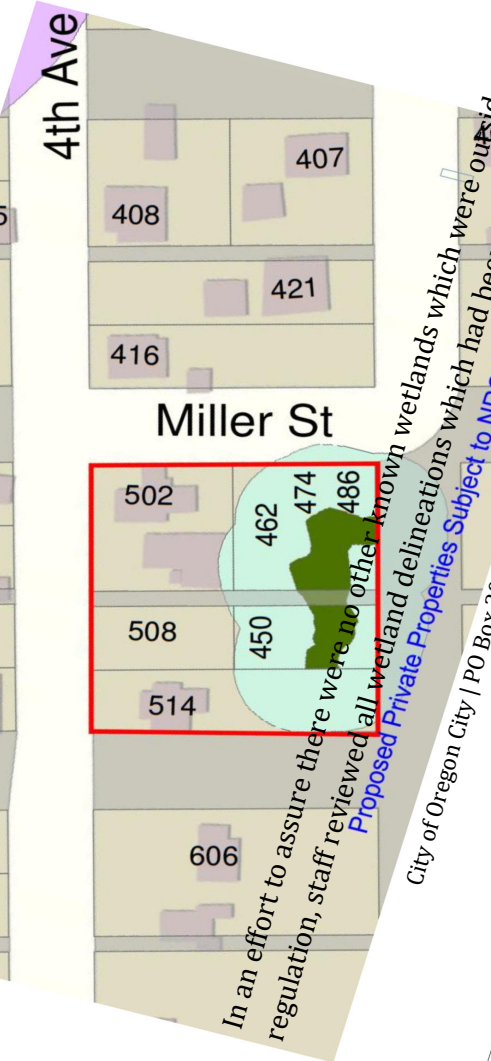
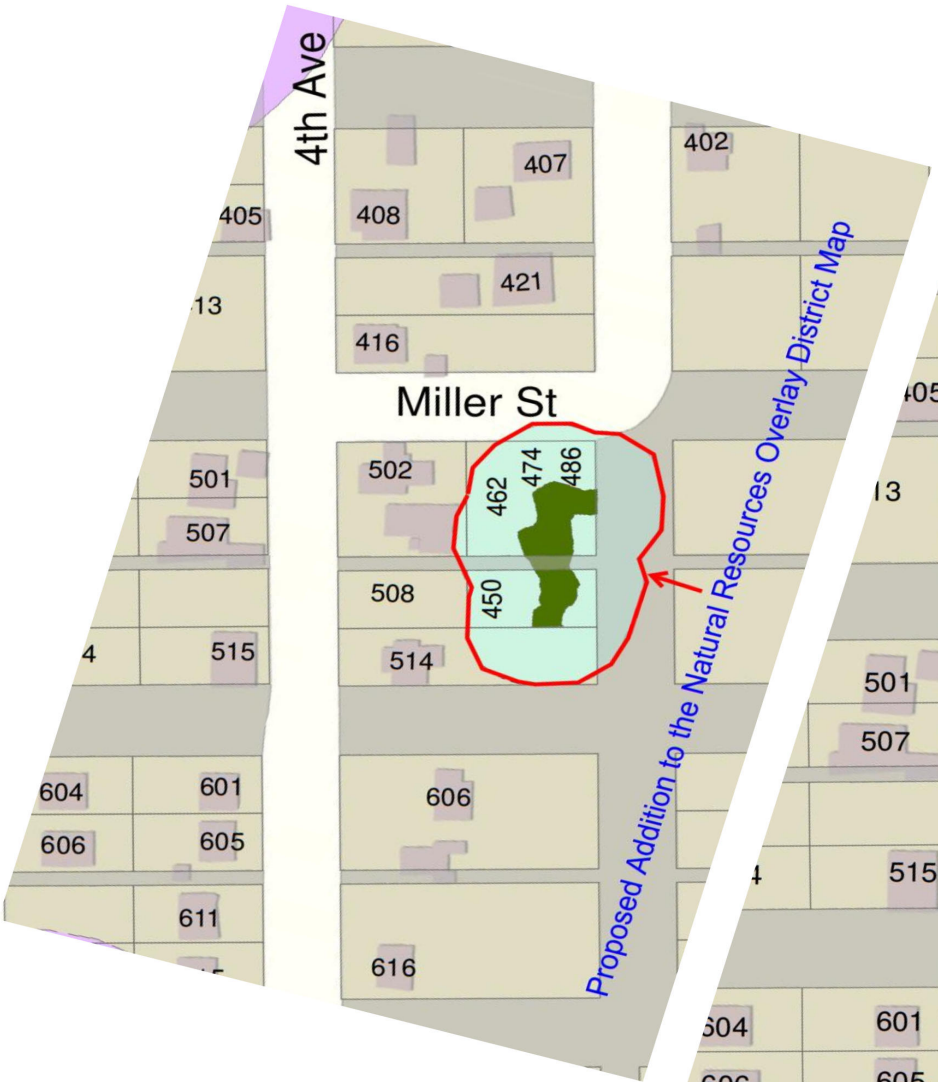


Any future new structures, alterations or additions proposed within the vegetative corridor may require approval pursuant to OCMC 17.49, if the wetland is added to the Natural Resources Overlay District following approval by the City Commission.



Direction from City Commission
 Between 2016 and 2018, both the city groups regarding the proposed appearing before and making presentations to the Involvement Committee, Natural Resources Commission and a City Commission. At a City Commission work session on May 9, 2017, the City Commission was briefed on the proposed project and in early 2018 staff received direction to begin the process of amending the NROD map to include the wetland when staff resources are available.

This application would add the delineated wetland as well as the adjacent 50' buffer to the Natural Resources Overlay District map. If approved, all future development within the vegetated corridor would be subject to the provisions within Chapter 17.49 of the Oregon City Municipal Code. Chapter 17.49 of the Oregon City Municipal Code may be reviewed at www.orcity.org and clicking on "Municipal Code", then navigating to Chapter 17.49.



State Lands (DSL) within the city limits and determined that the wetland in question was the only wetland which was not subject to local NROD regulation.

The process for reviewing the proposal is a legislative zoning map amendment applied to a small number of properties. This requires sending a public notice to all owners within 300' of the affected properties, creation of a project webpage, input from the Natural Resources Committee, and a recommendation by the Planning Commission prior to a decision by the City Commission at a series of legally noticed public hearings.

The public is welcome to submit verbal or written testimony pertinent to the proposal while the record is open, once the formal public notice is issued up until the time that the City Commission closes the record. Testimony can be provided in writing or email, as well as verbally at any of the upcoming public hearings.

The date of the first evidentiary hearing before the Planning Commission will be provided in the public notice. The City Commission hearing date will be decided once the Planning Commission makes a formal recommendation on the proposal.

Questions related to this project, or the impact of the proposed regulations that would be applied, should be directed to Pete Walter.

Pete Walter, AICP, Senior Planner
(503) 496-1568
Email: pwalter@orccity.org

Attachments:

1. Map of DSL Approved wetland delineation WD2016-0272



June 13, 2019

To: Affected Property Owners
From: Pete Walter, AICP, Planner
Re: Project Description - Zone Change Application ZC-19-00001
Addition of Wetlands to Natural Resources Overlay District

Please contact me at (503) 496-1568 or email me at pwalter@orccity.org for more information.

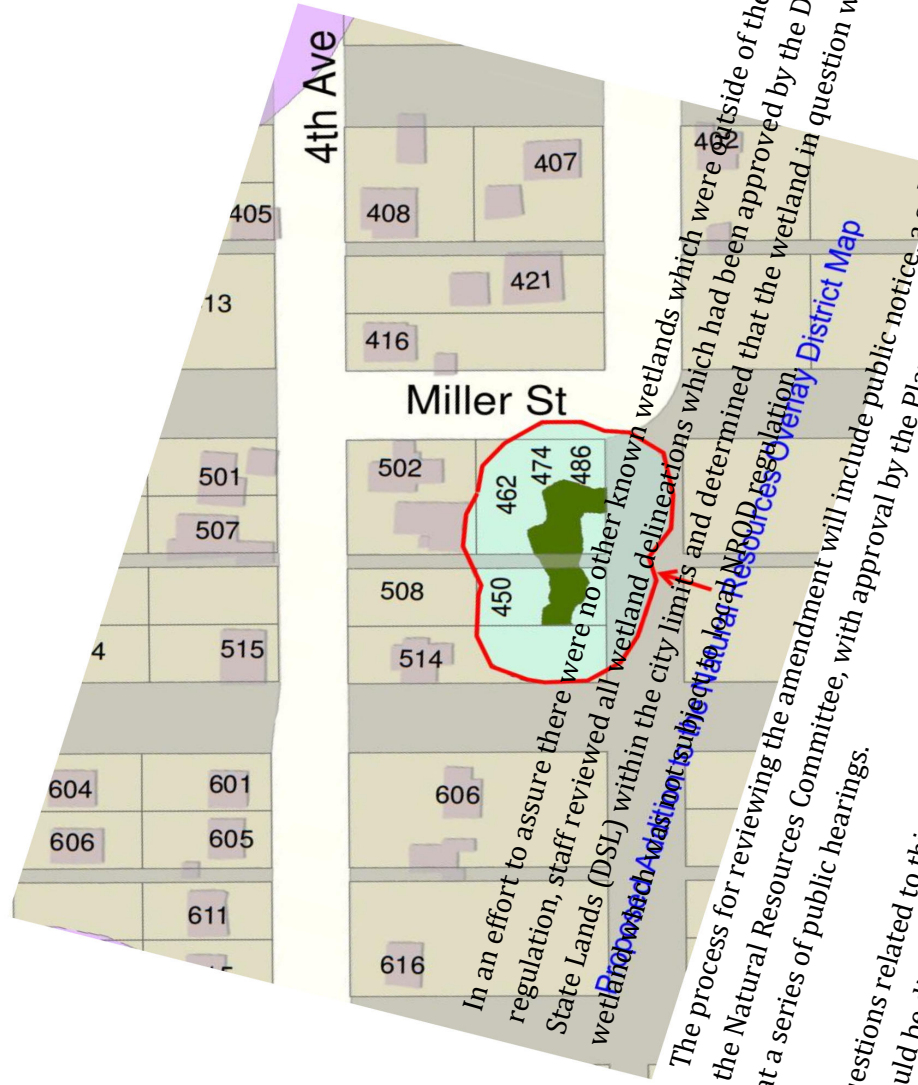
I am attempting to contact affected property owners in order to provide information about a City initiated proposal to include a wetland within the City's Natural Resources Overlay District by amending the Overlay District Map. The effect of the overlay district map amendment, if approved by the City Commission, will be to apply the protections and standards of OCMC 17.49 to the subject properties upon which the wetland and surrounding vegetated corridor exist. The proposal is considered a Type IV zoning map amendment rather than a legislative amendment for the following reasons:

- 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 proposal does not affect policy documents that affect the entire city or large portions of it. Rather, the proposed map amendment affects a very small area of the city (four properties).
- The proposal does not change the allowable land uses permitted by the underlying R-6 single-family zone district

Natural Resource Overlay District Background

The Oregon City Municipal Code protects water quality and function of streams, wetlands and adjacent habitat by surrounding the features with native plantings (called a vegetated corridor) which also result in a buffer between the features and development. Though the City does not regulate activities within the feature itself, the authority to regulate the vegetated corridor surrounding the feature is identified in the Natural Resources Overlay District (NROD) in Chapter 17.49 of the Oregon City Municipal Code. As a whole, the NROD discourages development within the vegetated corridor and requires mitigation for disturbances which occur.

...ct (NROD) - Map
...and the delineated wetland as well as the adjacent 50' buffer to the Natural
Overlay District map. If approved, all future development within the vegetated corridor
would be subject to the provisions within Chapter 17.49 of the Oregon City Municipal Code.



In an effort to assure there were no other known wetlands which were outside of the City's jurisdiction, staff reviewed all wetland delineations which had been approved by the Department of the Natural Resources Committee, with approval by the Planning Commission and City Commission at a series of public hearings.

The process for reviewing the amendment will include public notice, a solicitation for input from the Natural Resources Committee, with approval by the Planning Commission and City Commission at a series of public hearings.

Questions related to this project, or the impact of the proposed regulations that would be applied, should be directed to Pete Walter.

Pete Walter, AICP, Planner
(503) 496-1568
Email: pwalter@orc.org

Figure 6 :

Wetland Delineation Map

Legend

Sample Point

▲ Wetland

● Upland

↑ Photo Point

Wetland Extends Outside Study Area

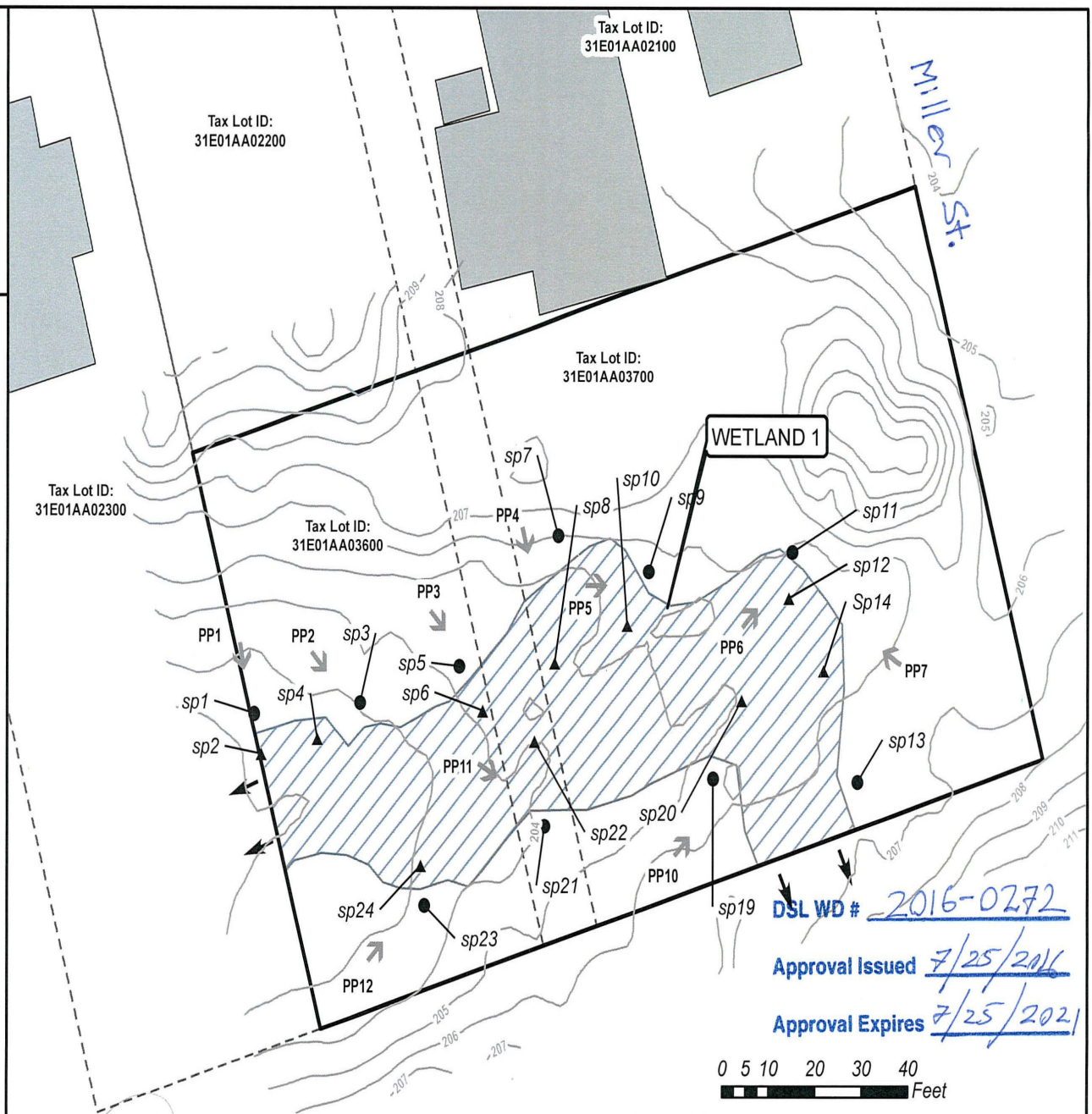
1 Foot Contour (LiDAR derived)

Study Area (0.372 acres)

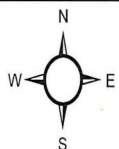
Taxlots

Existing Building Footprints (Metro data)

Wetland Area (0.096 acres)



DSL WD # 2016-0272
Approval Issued 7/25/2016
Approval Expires 7/25/2021



1:325

4th and Miller Wetland Delineation

Clackamas County, Or.

7/17/2016

NOTES:

1. All wetland points and boundaries were collected with a resource grade GPS unit capable of sub-meter accuracy. All features collected have an accuracy of 1 meter or less.
2. One foot contours created with interpolated LiDAR data. Horizontal and vertical accuracy unknown, assumed to be 1m or less.





File LEG-19-00006: Natural Resources Overlay District Map Amendment – Addition of Wetlands to the Natural Resources Overlay District.

Project Website: <https://www.oregoncity.org/planning/project/leg-19-00006>

Purpose of this Project

The Oregon City Municipal Code protects water quality and function of streams, wetlands and adjacent habitat by surrounding the features with native plantings (called a vegetated corridor) which also result in a buffer between the features and development. Though the City does not regulate activities within the protected water bodies, the authority to regulate the vegetated corridor surrounding the feature is identified in the Natural Resources Overlay District (NROD) in Chapter 17.49 of the Oregon City Municipal Code. The NROD discourages development within the vegetated corridor and requires mitigation for disturbances if they occur.

This application would add a previously unmapped delineated wetland as well as the adjacent 50' vegetative corridor buffer to the Natural Resources Overlay District map. If approved, all future development within the vegetated corridor would be subject to the provisions within Chapter 17.49 of the Oregon City Municipal Code.

What are the products of this proposal?

- Adoption of new overlay district map that includes the new wetland.
- Addition of a 50-foot wide vegetative corridor buffer to the wetland to comply with OCMC 17.49.
- No additional wetlands or changes to the text of OCMC 17.49 are proposed.

Project Timeline/Public Involvement

The City Commission gave direction to move forward with this project in May 2017 based on a request from the Natural Resources Committee (NRC). The project was discussed by the Natural Resources Committee (NRC) on May 10, 2017, February 14th, 2018, January 9, 2019, July 10, 2019, and October 9, 2019. Planning staff sent informational letters to the affected property owners in June 11, 2019. Planning staff discussed the proposed amendment at the Canemah Neighborhood Association meeting on September 19, 2019. The project was discussed at a joint work session of the Planning Commission and NRC on February 25, 2019. **The first public hearing to consider this amendment will be held by the Planning Commission at City Hall, 625 Center Street, Oregon City, on February 10, 2019.**

Questions about the impacts of this amendment should be directed to Pete Walter, AICP, Senior Planner. Pete may be contacted by email at pwalter@oregoncity.org or by phone at (503) 496-1568.

How Many Hearings will the Planning and City Commission Hold for this Project?

This notice identifies the first Planning Commission hearing date for LEG 19-00006. Additional Planning Commission dates and City Commission dates will be identified after the first Hearing date. The number of hearings is at the discretion of the Planning and City Commissions.

Why am I Receiving this Letter?

You are receiving this notice letter because you own property within 300 feet of the affected properties. A map of the proposed amendment is available at the project website.

NOTICE OF PUBLIC HEARING



On **February 10th, 2020** the City of Oregon City - Planning Commission will conduct a public hearing at 7:00 p.m. in the City Hall Commission Chambers at City Hall, 625 Center Street, Oregon City 97045 to consider the following legislative proposal:

FILE NUMBER: LEG 19-00006: Natural Resources Overlay District Map Amendment

REQUEST: Amendments to the Oregon City Natural Resources Overlay District Map, which is an Ancillary Document to the Oregon City Comprehensive Plan. The proposal will add a wetland and its associated vegetative corridor to the NROD map. Adding the wetland to the NROD will assure that the wetland is protected in accordance with Oregon City Municipal Code Chapter 17.49 and Metro Titles 3 and 13.

AFFECTED AREA: Clackamas Map and Tax Lots 3-1E-01AA-02300, 3-1E-01AA-02100, 3-1E-01AA-02200, 3-1E-01AA-03600, 3-1E-01AA-03700 and abutting Rights of Way (see enclosed map).

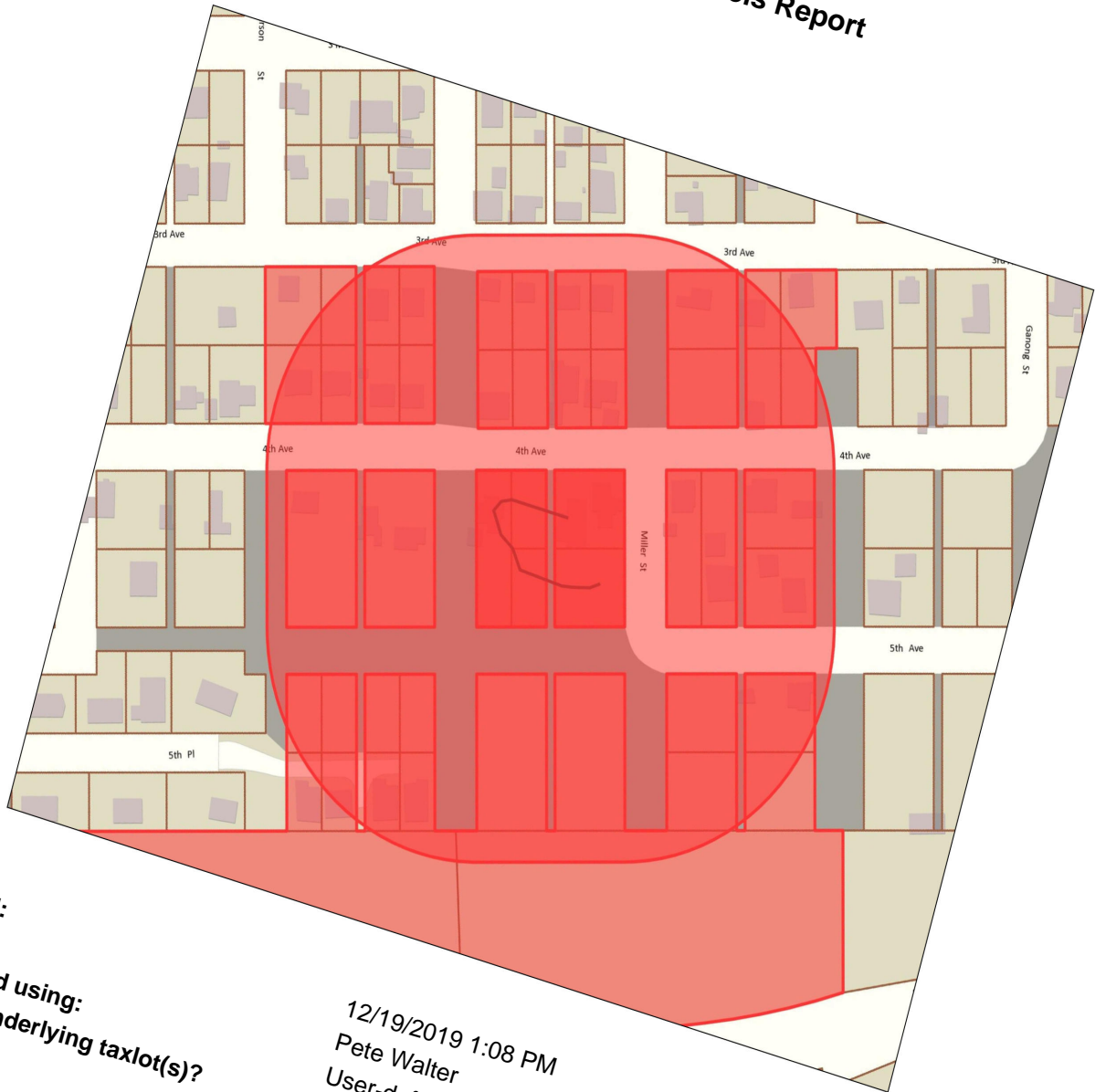
CONTACT PERSON: Pete Walter, AICP, Senior Planner (503) 496-1568 or pwalter@orccity.org

CITY NEIGHBORHOOD ASSN: Canemah

On February 10th, 2020, the City of Oregon City Planning Commission will hold its first public hearing regarding the adoption of Ordinance Number 20-1002 (Planning File LEG 19-00006) to consider the proposed amendment. The City Commission will hold public hearings to considering the adoption of Ordinance Number 20-1002 once the Planning Commission has made a recommendation. All meetings will be held at Oregon City, City Hall, 625 Center Street, Oregon City at 7:00 pm unless otherwise noticed. Any interested party may testify at the hearings or submit written comments at or prior to the public hearings while the record is open.

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Mailing Labels Report



Labels created:
Run by:
Labels generated using:
Use graphic or underlying taxlot(s)?
Buffer?
Buffer Distance:
Label type:
Sort order:
Output format:
Notify Neighborhood Associations?
Taxlots used to create labels:
Labels generated:

12/19/2019 1:08 PM
Pete Walter
User-defined Graphic
Underlying taxlot(s)
Yes
300 Foot
Taxpayers
By Name
Pdf
Yes
49
42 (includes 2 Neighborhood Association labels)

ARIA TOUCH LLC

8903 SW NORDIC DR
TIGARD, OR 97223

FLYNN CAROLYN J & REED A ROTHSCHI

408 4TH AVE
OREGON CITY, OR 97045

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VIJAN AMIN S

6010 E SONORAN TRAIL
SCOTTSDALE, AZ 85266

WILLIAMS LORI

628 5TH PL
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File LEG-19-00006: Natural Resources Overlay District Map Amendment – Addition of Wetlands to the Natural Resources Overlay District.

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Questions about the impacts of this amendment should be directed to Pete Walter, AICP, Senior Planner. Pete may be contacted by email at pwalter@oregoncity.org or by phone at (503) 496-1568.

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AFFECTED AREA: Clackamas Map and Tax Lots 3-1E-01AA-02300, 3-1E-01AA-02100, 3-1E-01AA-02200, 3-1E-01AA-03600, 3-1E-01AA-03700 and abutting Rights of Way (see enclosed map).

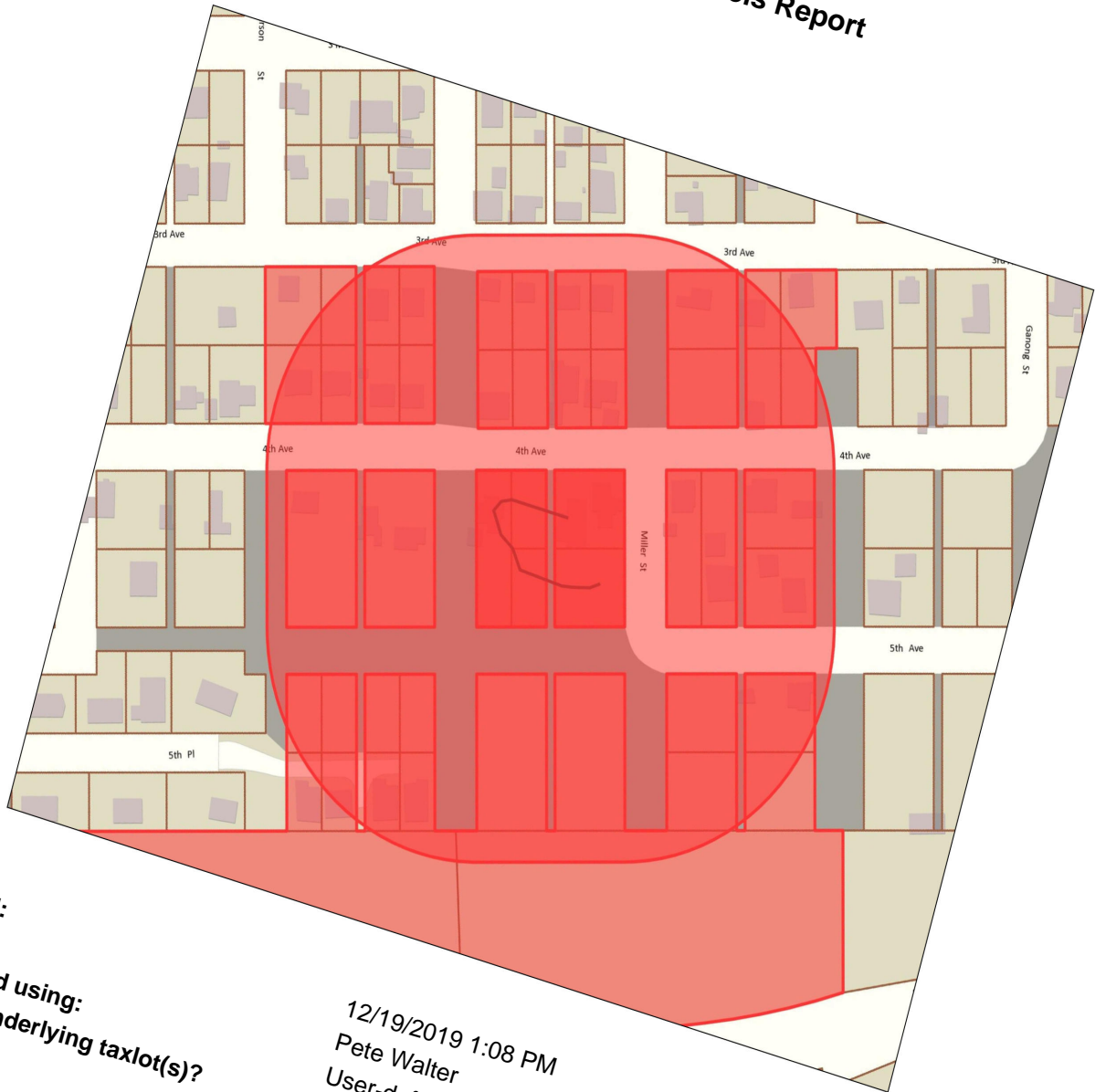
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CITY NEIGHBORHOOD ASSN: Canemah

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Mailing Labels Report



Labels created:
Run by:
Labels generated using:
Use graphic or underlying taxlot(s)?
Buffer?
Buffer Distance:
Label type:
Sort order:
Output format:
Notify Neighborhood Associations?
Taxlots used to create labels:
Labels generated:

12/19/2019 1:08 PM
Pete Walter
User-defined Graphic
Underlying taxlot(s)
Yes
300 Foot
Taxpayers
By Name
Pdf
Yes
49
42 (includes 2 Neighborhood Association labels)

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WILLIAMS LORI

628 5TH PL
OREGON CITY, OR 97045

Pete Walter

From: DLCD Plan Amendments <plan.amendments@state.or.us>
Sent: Thursday, December 19, 2019 2:46 PM
To: Pete Walter
Subject: Confirmation of PAPA Online submittal to DLCD

Oregon City

Your notice of a proposed change to a comprehensive plan or land use regulation has been received by the Oregon Department of Land Conservation and Development.

Local File #: LEG-19-00006

DLCD File #: [005-19](#)

Proposal Received: 12/19/2019

First Evidentiary Hearing: 2/10/2020

Submitted by: pwalter

If you have any questions about this notice, please reply or send an email to plan.amendments@state.or.us.

FEB 3 10:28AM

February 3, 2020

TO: Oregon City Planning Commission

FROM: Karen Lytle Blaha, Property Owner

SUBJECT: NROD Proposal for 514 4th Avenue/ File # LEG 19-00006

The City is proposing to retroactively and unfairly take from me the use of my land as purchased and allowed 25 years ago (May 26, 1995, see attached deed). This proposal amounts to unnecessarily restricting nearly 5,000 square feet, the size of a Canemah platted lot—most of my backyard. It creates a financial hardship and negatively affects my property value. This action essentially targets one homeowner to remedy the City's own errors in land use, natural resource identification, and permitting.

In your capacity as a quasi-judicial body, I ask that you apply discretion to achieve parity among adjacent properties in Canemah: The Cottage Development east and contiguous to mine and 606 4th Avenue (Martinez) to the west. I request that you apply discretion by grandfathering-in my property, as allowed for the Cottage Development, or install a culvert and connect to the existing one on the 606 4th Avenue property, or reduce the proposed buffer to 1,250 square feet.

The citywide wetlands inventory was conducted in 1999, and the Cottage Development property was missed, although a prior planning director told the Canemah Neighborhood Association (09/2019) that this area was long known to the City, and nothing was done about it. The City must bear the responsibility for creating a condition where very dense development was allowed in a wetlands, and I am now caught in a trap apparently set by State Land Use Goal 5 and Metro Titles 3 & 13. Is this the true intent of those goals? For 25 years I and my family have been doing a darn good job of eradicating blackberry bushes and ivy while planting riparian-friendly species. In the dry summer the tall grass and foliage are a clear fire danger and must be managed. We have been doing what the City would now legally require us to do, but with onerous effects.

My vision of adding on to my home or building an ADU for my aging years will be foreclosed by this City action. If I even touch the buffer (mind you The Buffer, *not* The Wetlands) I could not afford to hire the required hydrologist, biologist, and other experts to satisfy this higher-order permitting. I lived here during the 1996 flood—the water extended about one foot beyond the stream, but came nowhere near the size of this buffer. The State's 50-foot standard from each stream side is a one-size fits all standard. Perhaps the Commission would consider asking the State to take a look at this property.

Here are my proposals for equitable remedy:

Grandfather-In My Property. This would be my preferred solution. The City's argument against grandfathering my property, as was done for the Cottage Development, is that the developer had submitted a proposal while I had not. Had I been told a year prior that I would be swept into this wetlands debacle, I would have had a chance to develop and submit a plan. By grandfathering my property, the state goal would be accommodated with the occasional small stream freely flowing as it has done for many years. Much of the time the "stream" is really a ditch, and in summer a dry bed.

Reduce Buffer Size. Because my main objection is the resulting gross size of the proposed buffer that takes almost one full lot without compensation, reducing the buffer to 1,250 square feet helps mitigate this taking.

Install a Culvert. A prior owner of 606 4th Avenue installed non-permitted piping to direct any water off his property. I would accept a similar solution with the City installing and connecting piping to the existing piping. It would be wise for the City to inspect the condition of the existing piping, and with the recent sale of developable property contiguous to 606 4th Avenue, create a much larger solution and plan as that new owner intends to build two to four houses on that property. It appears on the City graphic that the stream ends at my property line. It does not.

Respectfully, I again ask the Commission in its quasi-judicial capacity to apply humane discretion in this proposed taking of my backyard.

Sincerely,



Karen Lytle Blaha
514 4th Avenue, Canemah 97045
Cell Phone: 503-989-8905



Figure 1 Partial view of proposed buffer at 514 4th Ave. backyard



Figure 2/ View from patio of backyard proposed buffer

NOTICE OF PUBLIC HEARING

THIS IS TO NOTIFY YOU THAT THE CITY OF OREGON CITY HAS PROPOSED CHANGES TO THE OREGON CITY NATURAL RESOURCES OVERLAY DISTRICT MAP THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY, AND OTHER PROPERTIES, AND MAY CHANGE THE VALUE OF YOUR PROPERTY. PLANNING COMMISSION FIRST HEARING DATE: **FEBRUARY 10TH, 2020**

On **February 10th, 2020** the City of Oregon City - Planning Commission will conduct a public hearing at 7:00 p.m. in the City Hall Commission Chambers at City Hall, 625 Center Street, Oregon City 97045 to consider the following legislative proposal:

FILE NUMBER: LEG 19-00006

REQUEST: Amendments to the Oregon City Natural Resources Overlay District Map, which is an Ancillary Document to the Oregon City Comprehensive Plan. The proposal will add a wetland and its associated vegetative corridor to the NROD map. Adding the wetland to the NROD will assure that the wetland is protected in accordance with Oregon City Municipal Code Chapter 17.49 and Metro Titles 3 and 13.

AFFECTED AREA: Clackamas Map and Tax Lots 3-1E-01AA-02300, 3-1E-01AA-02100, 3-1E-01AA-02200, 3-1E-01AA-03600, 3-1E-01AA-03700 and abutting Rights of Way (see enclosed map).

CONTACT PERSON: Pete Walter, AICP, Senior Planner (503) 496-1568 or pwalter@orccity.org

CITY NEIGHBORHOOD ASSN: Canemah

On **February 10th, 2020**, the City of Oregon City Planning Commission will hold its first public hearing regarding the adoption of Ordinance Number 19-1021 (Planning File LEG 19-00006) to consider the proposed amendment. The City Commission will hold public hearings to considering the adoption of Ordinance Number 19-1021 once the Planning Commission has made a recommendation. All meetings will be held at Oregon City, City Hall, 625 Center Street, Oregon City at 7:00 pm unless otherwise noticed. Any interested party may testify at the hearings or submit written comments at or prior to the public hearings while the record is open.

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FEB 3 10:38AM

20.00
5.00

632820

STATUTORY WARRANTY DEED

EMMITTE M. GILMORE AND DIXIE L. GILMORE Grantor, conveys and warrants to KAREN C. LYTTLE-BLAHA, A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in CLACKAMAS County, Oregon, to wit:

LOTS 4 AND 5, BLOCK 15, CANEMAH, in the City of Oregon City, County of Clackamas and State of Oregon.

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 30.0930. The said property is free from encumbrances except CONDITIONS, RESTRICTIONS, EASEMENTS AND POWERS OF SPECIAL DISTRICTS, IF ANY.

The true consideration for this conveyance is \$110,000.00 (Here comply with the requirements of ORS 93.030)

Dated this 26 day of May, 1995

Emmitte M. Gilmore
EMMITTE M. GILMORE
Dixie L. Gilmore
DIXIE L. GILMORE

State of Oregon, County of Clackamas
The foregoing instrument was acknowledged before me
this 26 day of May, 1995
by
Emmitte M. Gilmore and
Dixie L. Gilmore

State of Oregon, County of _____
The foregoing instrument was acknowledged before me
this _____ day of _____, 19____
by _____, President
and _____, Secretary
of _____
a _____
corporation, on behalf of the corporation.

Kathy Jensen
Notary Public for Oregon
My commission expires: _____



Notary Public for Oregon
My commission expires: _____

WARRANTY DEED

GRANTOR: EMMITTE M. GILMORE
GRANTEE: KAREN C. LYTTLE BLAHA

Until a change is requested, all tax statements shall be sent to the following address:
KAREN C. LYTTLE BLAHA
P. O. Box 626
OREGON CITY, OREGON 97045

Escrow No. C632820KJ Title No. C632820

After recording return to:
KAREN C. LYTTLE BLAHA
P. O. Box 626
OREGON CITY, OREGON 97045

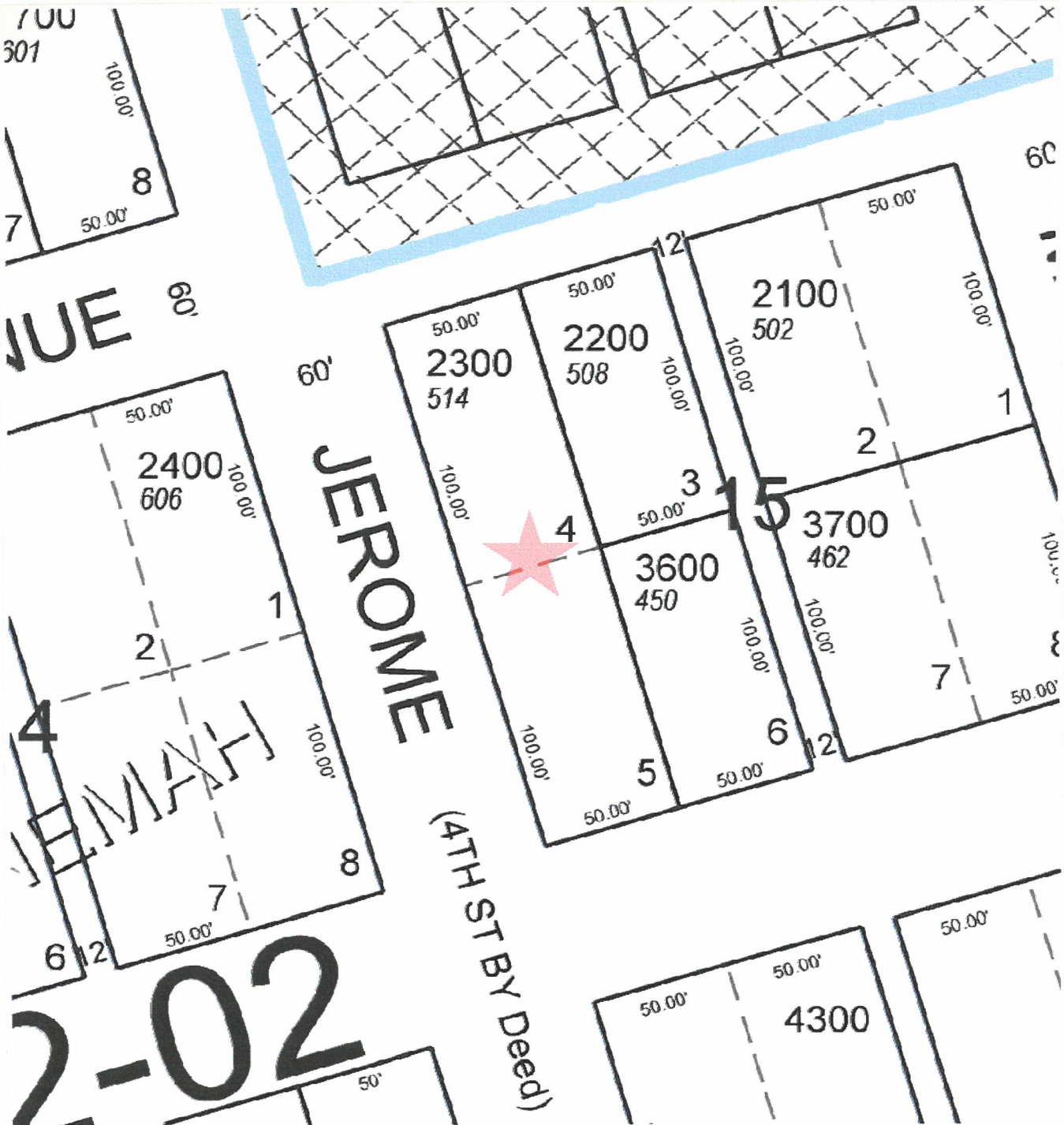
This Space Reserved for Recorder's Use

STATE OF OREGON 95-031487
CLACKAMAS COUNTY
Received and placed in the public
records of Clackamas County
RECEIPT# AND FEE: 20188 \$25.00
DATE AND TIME: 05/31/95 03:47 PM
JOHN KAUFFMAN, COUNTY CLERK

95-031487

FEB 3 10:38AM

Recorded by TICOR TITLE



WFG National Title Company
a Williston Financial Group Company

Parcel ID: 00743137

Site Address: 514 4th Ave

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

FEB 3 10:39AM

Pete Walter

From: Dennis Anderson <go2danderson@gmail.com>
Sent: Monday, February 3, 2020 1:18 PM
To: Pete Walter
Subject: Public Hearing Feb10
Attachments: draft1a.pdf; 514Backyard1JPG.JPG; 514Backyard2.JPEG; 514Backyard3.jpg

Pete Walter. Good Day. I would like you to put forth the enclosed material to be available for the Public Hearing Feb. 10, 2020, at the City Hall, Planning Commission meeting.

Items that accompany this note are as follows: 1. Letter to you stating the imposition and concerns placed on a singular resident , 2. some visual aids to illustrate the area in question.

Hoping this all travels well, but if there are any problems or you would desire me to post all things differently —please let me know. Thanks Dennis

Dennis Anderson
804 4Th Avenue
Oregon City,OR 97045
go2danderson@gmail.com

February 2, 2020

Pete Walter, AICP

Senior Planner
ATT: Planning Commission
City Hall Commission Chambers
625 Center Street
Oregon City, OR 97045
pwalter@orcite.org

Concerning the NROD proposal, Ordinance Number 19-1021(Planning File LEG 19-00006) before the Oregon City Planning Commission, if put in place would have some questionable implications .

Historically, in the area of question—there has been NO apparent land use damage, there has been NO history of flooding, and there has been NO visible turbidity to water quality.

What is alarming, is the exaggerated urgency and directive of restricted use, that of a setback of 50’ either side of the trickle of a stream which would be an impoverishment of the 514 4th Avenue property and render it a meadow. This would impose an unnecessary hardship on a single widow, who has been a good steward and property owner of long standing, some 25 years within this community.

At this date in time, there may be a question of extended favoritism to one property owner, with allowances that indicate the waved restrictions of the “vegetation corridor” directive while another property owner appears to have been given a complete pass, even with the knowledge that there exists a culvert buried under 45 truck loads of dirt, blocking what would be a natural water flow.

Finally and perhaps more problematic —if not illegal —there may exist a case of “inverse condemnation” because there has been no attempt at mediation or offer of compensation for the 514 th Avenue property. Don’t you think reasonable consideration should be applied without the harsh impact of a land grab of one’s personal property?

Alternatively— as stated at our Canemah Neighborhood meeting in September by Senior Planner Pete Walter—the City Planning Commission, in a Type II decision and acting as quasi-judicial body, has discretion to revise this proposal. Therefore, it would be my hope for a more pragmatic approach—more sensible to suit the conditions that exist with these three separate but adjacent properties in our established community. Thank You for your attention.

Attachments included: Affected Area (graphic) and 514 Backyard (3 pictures)







Jan. 30, 2020

Dear Pete,

"Bad things happen to good people"

We are neighbors + friends to Karen Blaha.
It is my hope that you could inspect Karen's
property + find it un-coded to, after
her property of 25 years. The hardest part
is her neighbors on either side of her
home were evaluated much differently
+ I believe her age + being single
to have made her vulnerable.

Please + thank you if you can
do anything to help Karen protect
her home from any unfair planning.

We both consider her situation
an unneeded stress to her.

Best regards

503-655-2192 Pete + Julie Oppen
814 4th Ave.
Oregon City, OR. 97045



City of Oregon City

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

Meeting Minutes - Final

City Commission

Dan Holladay, Mayor
Renate Mengelberg, Commission President
Brian Shaw, Nancy Ide, Frank O'Donnell

Wednesday, December 5, 2018

7:00 PM

Commission Chambers

REVISED

1. Convene Regular Meeting and Roll Call

Mayor Holladay called the meeting to order at 7:00 PM.

Present: 5 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

Staffers: 13 - City Manager Tony Konkol, Assistant City Attorney Carrie Richter, City Recorder Kattie Riggs, Community Development Director Laura Terway, Police Chief and Public Safety Director James Band, Public Works Director John Lewis, Community Services Director Phil Lewis, Finance Director Wyatt Parno, Human Resources Director Patrick Foiles, Economic Development Manager Eric Underwood, Library Director Maureen Cole, Assistant City Recorder Claudia Cisneros and Planner Pete Walter

2. Flag Salute

3. Ceremonies, Proclamations, and Presentations

3a. Natural Resources Committee Annual Update

Doug Neeley, Natural Resources Committee Chair, provided the Natural Resources Committee (NRC) annual update to the Commission. The NRC was requesting to update the Natural Resource Overlay District (NROD), code changes to allow temporary wetland area overlays, code changes to recommend development applications that involved the NROD to make a presentation to the NRC, and hiring a part-time arborist position. They also wished to work with the Greater Oregon City Watershed Council to establish a procedure for naming streams which included public participation. The NRC would like to see Waterboard Park designated as a Geologically Significant Area. They supported a recommendation by the Planning Commission to develop code amendments dealing with tree removal prior to annexation and development proposals. He then discussed presentations that had been made to the NRC.

3b. Planning Commission Annual Update

Denyse McGriff, Planning Commission Chair, along with Damon Mabee, Planning Commission member, presented the Planning Commission annual update. They explained items the Planning Commission would like to recommend for a future work plan. These included updating the Oregon City Comprehensive Plan, updating the

Urban Growth Management Agreement with Clackamas County, amending the Oregon City Municipal Code to include standards regarding tree removal during the local annexation review process, increasing the fee amount paid for tree mitigation, and encouraging a change for a more streamlined review process for short-term and vacation rental uses such as HomeAway and Air B & B.

4. Citizen Comments

William Gifford, resident of Oregon City, discussed the Neighborhood Traffic Fact Sheet that had been created by the Transportation Advisory Committee.

Damon Mabee, resident of Oregon City, stated he had been blocked from the Mayor's social media content and he would like to be unblocked.

5. Adoption of the Agenda

Mayor Holladay moved items 7a. and 6a. to the top of the agenda. The agenda was adopted as amended.

6. Public Hearings

6a. First Reading of Ordinance No. 18-1009, Development Code Amendments including Equitable Housing, Planning file LEG 18-00001

Pete Walter, Planner, presented the staff report on the proposed housing and other development and zoning code amendments. He explained the Code amendment process and public input opportunities. The three options for the Commission were to continue Planning File LEG 18-00001 and Ordinance No. 18-1009 to the January 8, 2019 City Commission Work Session, continue it until the January 16, 2019 City Commission hearing, or approve it. He presented the citizen comments that had been submitted since the agenda had been posted which included comments from Rick Givens, Craig & Debbie DeRusha, Rosalie Nowalk, and Clackamas Community College.

Mayor Holladay opened the public hearing.

Denyse McGriff, Planning Commission Chair, introduced the other members of the Planning Commission in attendance including Damon Mabee, Bob Mahoney, and Tom Geil. Ms. McGriff walked through several items the Planning Commission would like the City Commission to consider when moving forward with the Code amendments such as supporting affordable housing units, adding funds to the budget to update the Comprehensive Plan, zoning manufactured home parks with their own zoning which only allowed for alternative low cost housing options, updating the Urban Growth Management Agreement with Clackamas County, and short-term vacation rental streamlining code.

Mike Mitchell, resident of Oregon City, thought this was great first step, but was concerned about the addition of tree protections, food carts, and transitional shelters. He didn't think the public knew these topics were being discussed and thought they should be taken out of the process and sent back to the Planning Commission for a full public input process.

Debbie DeRusha, resident of Oregon City, discussed limiting the internal conversion age to twenty years and owner occupancy restrictions for ADUs (accessory dwelling

units). Doing internal conversions on older homes could be expensive, there should be inflation consideration for SDC fee credits, and there should be a disincentive for tearing houses down.

Denyse McGriff, resident of Oregon City, agreed with Mr. Mitchell that the City Commission should break down this Code amendment into smaller parts to discuss and receive more public input.

William Gifford, resident of Oregon City, suggested instead of an internal conversion twenty year limitation, there could be a limitation based on the neighborhood the house was in and allow a percentage of homes in that neighborhood to be converted rather than being based on the age of the building.

Tom Geil, resident of Oregon City, thought there was too much information and it was confusing for the public. He suggested the Commission postpone their decision until after the new year and take it piece by piece.

Rick Givens, planning consultant working in Oregon City, explained his concerns with the requirement that a preliminary subdivision plat had to be prepared by a surveyor and the proposed changes to lot size averaging. He asked that the Commission rethink the current proposal.

Bob Mahoney, resident of Oregon City, felt Oregon City needed to keep things simpler and accessible for the public.

Mayor Holladay suggested continuing the hearing to January 16, 2019 when the Commission would take a section at a time to discuss.

Commissioner Mengelberg proposed the following: to address the comments from Rick Givens regarding subdivision plats by adding language to section 16.08.025 as A1, for section 16.08.065 lot size reduction, staying with the 20 percent previously agreed upon for maximum flexibility, support for section 17.12.025 live/work dwellings, under section 17.20.010 eliminate the property owner requirement for Accessory Dwelling Units, under section 17.20.030 eliminating the 20 year limit for internal conversions, under section 17.34.060 the mixed-use downtown dimensional standards for maximum building height should be 75 feet, and under section 17.62.065 - outdoor lighting, she would like to encourage the use of energy efficient lighting such as LED or solar to reduce ongoing electrical demand and operating costs.

Commissioner Shaw would like to see as much density as possible so the Urban Growth Boundary didn't need to be moved until absolutely necessary. He would like to see the lot averaging remain the same, allowing for varied lot sizes.

A motion was made by Commissioner Ide, seconded by Commissioner Shaw, to continue Planning File LEG-18-00001 and Ordinance No. 18-1009 to the January 16, 2019 City Commission meeting. The motion carried by the following vote:

Aye: 5 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

6b.

First Reading of Ordinance No. 18-1031, Approving an Annexation, Zone Change (Clackamas County FU-10 to Oregon City R-6), and a 3-Lot Minor Partition for a 0.76 acre property located at 14530 S Maplelane Rd (GLUA-18-00020, AN-18-00002, ZC-18-00001, and MP-18-00004)

It was noted that Commissioner O'Donnell left the meeting at 7:45 PM and Commissioner Ide left the meeting at 8:17 PM.

Mr. Walter presented the staff report. This was a request for annexation of .76 acres, zone change from FU-10 to R-6, and a three lot minor partition. The Planning Commission and staff recommended approval of the application. He discussed the subject site, partition layout, approval criteria, and district/boundary changes.

Carrie Richter, City Attorney, asked if anyone on the Commission had ex parte contacts, conflicts of interest, bias, or any other statements to declare.

Commissioner Shaw had visited the site.

Mayor Holladay opened the public hearing.

There was no public testimony.

Mayor Holladay closed the public hearing.

A motion was made by Commissioner Shaw, seconded by Commissioner Mengelberg, to approve the first reading of Ordinance No. 18-1031 and an Annexation, Zone Change, and a 3-lot Minor Partition for a 0.76 acre property located at 14530 S. Maplelane Rd. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Renate Mengelberg

6c.

First Reading of Ordinance No. 18-1027, Designating Old Canemah Park as a Park Under Oregon City Charter Chapter X

Phil Lewis, Community Services Director, said the City was in the process of dedicating all of the parks as Charter parks by ordinance. He explained the sections of the park that would be included through tonight's ordinance.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Shaw, to approve the first reading of Ordinance No. 18-1027, designating Old Canemah Park as a park under Oregon City Charter Chapter X. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Renate Mengelberg

7. General Business

7a.

Resolution No. 18-45, Naming Tyrone S. Woods Memorial Park

Phil Lewis, Community Services Director, presented the staff report recommending the park formerly known as Glen Oak Park be permanently re-named Tyrone S. Woods Memorial Park. Mr. Lewis walked through the process that had been used to re-name this park and explained the significance of Tyrone S. Woods, an Oregon City resident who gave his life in service to our country.

Kattie Riggs, City Recorder, submitted a citizen comment from Shawn Datchler into the record and noted a scrivener's error on the fifth Whereas in the Resolution, the date should have read October 25, 2018.

The Mayor invited the family and friends of Tyron S. Woods to speak.

Cheryl Croft-Bennett, resident of Oregon City and mother of Tyrone S. Woods, was honored by this gesture, thanked the Commission, and introduced the group with her.

A motion was made by Commissioner Shaw, seconded by Commissioner Mengelberg, to approve Resolution No. 18-45, naming Tyrone S. Woods Memorial Park. The motion carried by the following vote:

Aye: 5 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

7b. Resolution No. 18-34, Supporting the National Flood Insurance Program's Community Rating System 2018 Recertification for Oregon City

John Lewis, Public Works Director, explained this resolution validated the flood insurance program that the City already had. He explained the areas that were covered under this insurance.

A motion was made by Commissioner Shaw, seconded by Commissioner Mengelberg, to approve Resolution No. 18-34, supporting the National Flood Insurance Program's Community Rating System 2018 Recertification for Oregon City. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Renate Mengelberg

7c. Second Reading of Ordinance No. 18-1023, Designating Canemah Slope Park as a Park Under Oregon City Charter Chapter X

Mr. Phil Lewis explained this was the second reading to dedicate additional parks as Charter parks by ordinance and he would answer any questions.

A motion was made by Commissioner Shaw, seconded by Commissioner Mengelberg, to approve the second reading and final adoption of Ordinance No. 18-1023, designating Canemah Slope Park as a park under Oregon City Charter Chapter X. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Renate Mengelberg

7d. Second Reading of Ordinance No. 18-1024, Designating the Straight Pioneer Cemetery as a Park Under Oregon City Charter Chapter X

A motion was made by Commissioner Shaw, seconded by Commissioner Mengelberg, to approve the second reading and final adoption of Ordinance No. 18-1024, designating Straight Pioneer Cemetery as a park under Oregon City Charter Chapter X. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Renate Mengelberg

7e. Second Reading of Ordinance No. 18-1026, Designating Stafford Park as a Park Under Oregon City Charter Chapter X

A motion was made by Commissioner Mengelberg, seconded by Commissioner Shaw, to approve the second reading and final adoption of Ordinance No. 18-1026, designating Stafford Park as a park under Oregon City Charter Chapter X. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Renate Mengelberg

7f. Second Reading of Ordinance No. 18-1028, Designating the Pioneer Community Center as a Park Under Oregon City Charter Chapter X

A motion was made by Commissioner Shaw, seconded by Commissioner Mengelberg, to approve the second reading and final adoption of Ordinance No. 18-1028, designating Pioneer Community Center as a park under Oregon City Charter Chapter X. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Renate Mengelberg

8. Consent Agenda

Mayor Holladay pulled item 8b. from the Consent Agenda to discuss.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Shaw, to approve the consent agenda except for item 8b. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Renate Mengelberg

8a. Resolution No. 18-29, Vacating a Section of Public Right-of-Way Adjacent to 16433 Front Avenue

8b. Resolution No. 18-43, Supporting the Clackamas County-wide Tobacco Retail License

Tony Konkol, City Manager, said Clackamas County gave a presentation to the Commission on implementing a tobacco retail license. They had requested a resolution in support of the program.

Mayor Holladay was not in favor of placing another tax on small businesses, especially since he thought it would not change behaviors.

Commissioner Shaw thought it would help provide protection to minors.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Shaw, to approve Resolution No. 18-43, supporting the Clackamas County-wide Tobacco Retail License. The motion carried by the following vote:

Aye: 2 - Commissioner Brian Shaw and Commissioner Renate Mengelberg

Nay: 1 - Mayor Dan Holladay

8c. Resolution No. 18-44, Certifying the Election Results for the November 6, 2018 General Election

- 8d. Transparency and Open Government: 2019-2023 Strategic Plan for Records and Information Management
- 8e. Minutes of the October 9, 2018 Work Session
- 8f. Minutes of the September 19, 2018 Regular Meeting
- 8g. Minutes of the September 19, 2018 Work Session
- 8h. Minutes of the September 19, 2018 Joint Work Session with Parks and Recreation Advisory Committee

9. Communications

a. City Manager

Mr. Underwood announced that Business Oregon would be having their Commission meeting, highlighting the Beavercreek Employment Area, at the Industrial Technical Center at Clackamas Community College, 11 AM - 1 PM on Friday, December 7, 2018.

Mr. John Lewis announced the Oregon Transportation Commission approved the alternate mobility targets. The Public Works department conducted an online survey to solicit feedback regarding a speed zone change on Central Point Road and the State would be reducing the speed to 35 mph from the City limits until the intersection.

Mr. Konkol announced the City Commission Work Session on December 11, 2018 would be cancelled and there would be an open house farewell celebration for Commissioners Shaw and Mengelberg prior to the December 19, 2018 City Commission Meeting.

b. Commission

Commissioner Shaw presented the City with the Silver Safety Award from the Citycounty Insurance Conference during the summer. He also congratulated Wyatt Parno for his communication during with the former water leak work.

c. Mayor

Mayor Holladay announced that Wyatt Parno, Finance Director, was the interim General Manager of South Fork Water Board while the current General Manager, John Collins, was out on medical leave.

10. Adjournment

Mayor Holladay adjourned the meeting at 8:44 PM.

Respectfully submitted,

Kattie Riggs

Kattie Riggs, City Recorder



City of Oregon City

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

Meeting Minutes - Final

City Commission

Dan Holladay, Mayor
Brian Shaw, Commission President
Nancy Ide, Frank O'Donnell, Renate Mengelberg

Wednesday, December 6, 2017

7:00 PM

Commission Chambers

1. Convene Regular Meeting and Roll Call

Mayor Holladay called the meeting to order at 7:03 PM.

Present: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

Absent: 2 - Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

Staffers: 12 - City Manager Tony Konkol, City Attorney William Kabeiseman, City Recorder Kattie Riggs, James Band, Community Services Director Phil Lewis, Community Development Director Laura Terway, Christina Robertson-Gardiner, Economic Development Manager Eric Underwood, Library Director Maureen Cole, Finance Director Wyatt Parno, Human Resources Director Jim Loeffler and John Lewis

2. Flag Salute

3. Ceremonies, Proclamations, and Presentations

3a. Natural Resources Committee (NRC) Annual Update

Doug Neeley, Chair, and Trent Warness, Vice Chair, presented the Natural Resources Committee's annual update. Mr. Neeley gave a description of the Committee's roles and responsibilities. The Wetland Resource Overlays had not been updated since 1999 and there had been a new wetland delineation in Canemah that needed to be included in the Overlay. He suggested a tentative overlay be placed on the area. Other projects the NRC had been involved in included the Clackamas Community College Environmental Learning Center, Heritage Tree program, installing signage on streams in the City, geological designation of Water Board Park, invasive plant removal, joint meetings with the Parks and Recreation Advisory Board and Planning Commission, and received updates from Public Works, Planning, and other environmental organizations on several projects. The NRC would like funds identified to off-set the arborist costs for Heritage Tree designations as well as funds for installing more signs on streams in the City. He then reported on a series of natural history walking tours given by Jerry Herrmann, NRC member.

4. Citizen Comments

Bob Mahoney, resident of Oregon City, commended the Planning staff for their work. He asked the Commission to consider the economic impact that appeals of decisions were having on tax payers. This made investors and developers not want to come to

the City and it affected the future economics of the community. Tax payers had to pay for these appeals. He thought the appeal process needed to be reviewed. He did not think these appeals should be allowed to go on and on and cause developers delays.

Mayor Holladay suggested discussing this issue with State Representative Mark Meek.

5. Adoption of the Agenda

Mayor Holladay pulled item 8e from the agenda and it would come before the Commission at another meeting. The agenda was adopted as amended.

6. Public Hearings

- 6a. Request to Continue Planning File LE 17-02 to February 21, 2018, Legislative Amendment to Adopt the McLoughlin-Canemah Trail Plan, Amending the Transportation System Plan, Trails Master Plan, and Parks Master Plan

Mayor Holladay opened the public hearing.

Laura Terway, Community Development Director, requested a continuance for this application to February 21, 2018 to get more input from stakeholders.

A motion was made by Commissioner Shaw, seconded by Commissioner Ide, to continue Planning File LE 17-02 to February 21, 2018, Legislative Amendment to adopt the McLoughlin-Canemah Trail Plan, amending the Transportation System Plan, Trails Master Plan, and Parks Master Plan. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

- 6b. First Reading of Ordinance No. 17-1011 and AP 17-05: Appeal of the Planning Commission's Denial of TP 17-03 and ZC 17-02; Zone Change from "R-10" Single-Family Dwelling District to "R-8" Single-Family Dwelling District and a Subdivision of 77 lots (Wheeler Farm) Located near White Lane and Orchard Grove Drive

Mayor Holladay opened the public hearing.

Bill Kabeiseman, City Attorney, said after the Commission made the tentative decision to deny the appeal and approve the application, an email was received dated November 5, 2017 from Tom Geil. He asked the Commission to include a vote on the record that the Commission rejected that email.

A motion was made by Commissioner Ide, seconded by Commissioner Shaw, to reject the November 5, 2017 email from Tom Geil. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

Mr. Kabeiseman asked if the Commission had any ex parte contacts since the last hearing on this matter. There were none.

Christina Robertson-Gardiner, Planner, stated this was an application for a 77-lot subdivision and zone change from R-10 to R-8. The Planning Commission's decision to deny the application was appealed to the City Commission. The City Commission made a tentative decision to reverse the Planning Commission's decision and grant the appeal with the direction for staff to come back with findings and revised conditions of approval. The revised conditions were in regard to the 1.35-acre open space, Tract A, which would be open space in perpetuity, open to the public, and would be maintained by the Homeowners Association.

There was discussion regarding the options if the Homeowners Association did not maintain the open space.

There was no public comment. Mayor Holladay closed the public hearing.

A motion was made by Commissioner Ide, seconded by Commissioner Shaw, to approve the first reading of Ordinance No. 17-1011 and AP 17-05: appeal of the Planning Commission's denial of TP 17-03 and ZC 17-02; Zone Change from "R-10" single-family dwelling district to "R-8" single-family dwelling district and a subdivision of 77 lots (Wheeler Farm) located near White Lane and Orchard Grove Drive. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

7. General Business

7a. AP 17-04: Appeal of the Historic Review Board's August 22, 2017 Decision to Approve the Designs of Six (6) Cottage Style Homes in the Canemah Historic District

Ms. Terway said at the last Commission meeting the record was closed and the appeal of the HRB's August 22, 2017 decision was tentatively denied.

Mr. Kabeiseman asked if the Commission had any ex parte contacts since the tentative decision was made.

Mayor Holladay said Paul Edgar sent him an email, but it did not relate specifically to this particular item.

Commissioner Ide did not attend the last Commission meeting, but she did review the application and prepared for tonight.

Ms. Robertson-Gardiner said in August 2017 the Historic Review Board approved a cottage home project in Canemah. The approval was appealed by the Friends of Canemah and Paul Edgar. The Commission held the appeal hearing in November and tentatively denied the appeal and affirmed the HRB's decision. They directed staff to return with additional findings and adoption of the final decision tonight.

A motion was made by Commissioner Shaw, seconded by Commissioner Ide, to deny AP 17-04 and uphold the Historic Review Board's August 22, 2017 decision to approve the designs of cottage style homes in the Canemah Historic District. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

7b. Land Use Board of Appeals (LUBA) Remand of the Historic Nomination for the Community Cannery and Workshop Annex in the Upper Yard of the City's Public Works Operations Center

Mr. Kabeiseman asked the Commission if they had any ex parte contacts to declare since the last meeting. There were none.

Ms. Terway said in November the Commission made a tentative decision on the following: the City Commission was the proper decision-maker for the remand, the City had not waived the right to refuse consent by delegating the authority of designating historic resources to the Historic Review Board, the City Manager had the authority to refuse consent under the City Charter, and ORS 197.772 allowed public entities to refuse consent to historic designations.

Mr. Kabeiseman said the record was closed and he recommended not taking further testimony. The Commission agreed not to take any more testimony.

Jesse Buss, resident of Oregon City, objected to the lack of opportunity to speak.

A motion was made by Commissioner Shaw, seconded by Commissioner Ide, to adopt the revised findings for the Land Use Board of Appeals (LUBA) remand of the historic nomination for the Community Cannery and Workshop Annex in the Upper Yard of the City's Public Works Operations Center. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

7c. First Reading of Ordinance No. 17-1013, Amending the Oregon City Municipal Code Title 13, Public Services, Section 13.20 System Development Charge for Capital Improvements

John Lewis, Public Works Director, explained the proposed changes to the Code for System Development Charges for capital improvements. The changes included the definition of "most recent structure or use," establishing the value of SDC credits and the length of time they could be redeemed, and SDC reduction or reimbursement language. The next steps were to adopt the Ordinance with the proposed changes and the Transportation SDC methodology. The rate changes would come before the Commission in February 2018.

A motion was made by Commissioner Shaw, seconded by Commissioner Ide, to approve the first reading of Ordinance No. 17-1013, amending the Oregon City Municipal Code Title 13, Public Services, Section 13.20 System Development Charge for Capital Improvements. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

7d. Resolution No. 17-29, Declaring an Emergency and Exempting The Father's Heart Street Ministry and the Oregon City Retirement Center from Planning Code Requirements on a Temporary Basis

Tony Konkol, City Manager, said last year there were several cold weather events where the Commission declared emergency resolutions to allow two facilities, Father's Heart and the Oregon City Retirement Center, to be used as warming shelters during

those events. He had been in contact with Clackamas County health officials and the need for emergency shelters during cold weather events still existed in the community. The City had identified a checklist of minimum standards that were required for facilities to be identified as emergency warming shelters. The City received requests that these two facilities be available again this year. Father's Heart could house up to 49 people and the Oregon City Retirement Center could house up to 16 people from 6 p.m. to 7 a.m. each day the outside temperature reached 33 degrees or below including the wind chill factor until March 15, 2018. He recommended approval of the resolution.

A motion was made by Commissioner Ide, seconded by Commissioner Shaw, to approve Resolution No. 17-29, declaring an emergency and exempting The Father's Heart Street Ministry and the Oregon City Retirement Center from Planning Code requirements on a temporary basis. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

7e.

Resolution No. 17-31, Recognizing and Supporting the Efforts of the Oregon City Homeless Solutions Coalition

Mr. Konkol said the Oregon City Homeless Solutions Coalition was working on ways to address homelessness in the City. The Commission was being asked to formally recognize and support this effort. Commissioner O'Donnell had contacted him asking if adopting this resolution committed the City to financial resources. The answer was no, this was not a request for financial assistance, although there had been discussions regarding assistance in the future.

Commissioner Ide confirmed this was not a request for funds, but a request for recognition that they existed in the community and were working towards homelessness solutions in the region.

A motion was made by Commissioner Shaw, seconded by Commissioner Ide, to approve Resolution No. 17-31, recognizing and supporting the efforts of the Oregon City Homeless Solutions Coalition. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

8. Consent Agenda

Mayor Holladay pulled item 8b from the Consent Agenda.

A motion was made by Commissioner Ide, seconded by Commissioner Shaw, to approve the consent agenda items 8a, 8c, 8d, and 8f - 8h. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

8a.

Resolution No. 17-30, Establishing Annual Inflationary Adjustments to Storm Drainage Rates

8b.

Revised Commission Policy 1-3, Public Meetings

Mayor Holladay wanted to let people know that this policy revised the time of City board and committee meetings to not go past 10 p.m. without a unanimous vote of approval by the members present and in no circumstances to go past 11 p.m. He did not think good decisions could be made past 11 p.m. and that was the reason for the policy change.

A motion was made by Commissioner Shaw, seconded by Commissioner Ide, to approve the revised Commission Policy 1-3, Public Meetings. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

- 8c.** Technology Services Contract with Mark43, Inc. for New Police Records Management Software
- 8d.** Personal Service Agreement with Friends of Trees for Neighborhood Tree Planting and Pruning
- 8e.** Public Improvement Contract with DGS General Construction for Tenant Improvements to the Mt. Pleasant Annex (698 Warner Parrott Road)
- 8f.** Minutes of the October 10, 2017 Work Session
- 8g.** Minutes of the October 18, 2017 Regular Meeting
- 8h.** Minutes of the November 1, 2017 Regular Meeting

9. Communications

a. City Manager

Ms. Terway reported on the Friends of Trees tree planting that occurred on Saturday.

Eric Underwood, Economic Development Manager, gave an update on the Enterprise Zone program. A long time Oregon City company was taking advantage of the program in order to expand their business. The company would be investing \$1 million and would be hiring four new family wage jobs.

Jim Band, Police Chief, announced Captain Davis was accepted into the 272nd session of the FBI National Academy.

b. Commission

Commissioner Ide reported on the National League of Cities Conference and Willamette Falls Locks Work Group. The Willamette Falls Locks Commission would have its first meeting in January 2018. She had also been attending several panel discussions on affordable housing and did a ride along with Officer Mike Day.

Commissioner Shaw attended the Citizen Involvement Committee (CIC) meeting.

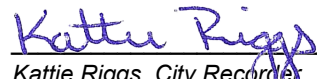
c. Mayor

Mayor Holladay attended the Tree Lighting Ceremony and Willamette Falls Legacy Project Partners meeting.

10. Adjournment

Mayor Holladay adjourned the meeting at 8:13 PM.

Respectfully submitted,



Katie Riggs, City Recorder



City of Oregon City

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

Meeting Minutes - Final

City Commission

Dan Holladay, Mayor
Brian Shaw, Commission President
Nancy Ide, Frank O'Donnell, Renate Mengelberg

Wednesday, November 15, 2017

7:00 PM

Commission Chambers

1. Convene Regular Meeting and Roll Call

Mayor Holladay called the meeting to order at 7:05 PM.

Present: 4 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

Absent: 1 - Commissioner Nancy Ide

Staffers: 12 - City Manager Tony Konkol, Assistant City Attorney Carrie Richter, City Recorder Kattie Riggs, James Band, Community Services Director Phil Lewis, Community Development Director Laura Terway, Christina Robertson-Gardiner, Economic Development Manager Eric Underwood, Economic Development Coordinator Leigh Anne Hogue, Library Director Maureen Cole, Finance Director Wyatt Parno and Human Resources Director Jim Loeffler

2. Flag Salute

3. Ceremonies, Proclamations

3a. Proclamation Declaring November 20 - 25, 2017 as Oregon City Buy Local Week and Saturday, November 25, 2017 as Oregon City Buy Local, Small Business Saturday

Danielle Walsh, owner of White Rabbit Gifts and Black Ink Coffee, discussed what buying local meant to her. Buying local was a reinvestment into the community. Non-profits benefited from small businesses and local businesses helped with tourism. Shopping local reduced environmental impacts and helped keep jobs in the area. She was hosting a Meeting of the Makers to help local makers get started in business.

Jonathan Stone, Executive Director of the Downtown Oregon City Association, shared that the Association was a finalist for the Great American Main Street Award due to the City's high rate of independent businesses. The Snowflake Raffle would begin on November 25, 2017 and the winners would be chosen at the Tree Lighting Ceremony. There would be an Entrepreneurial Ecosystems Workshop on November 29, 2017.

Mayor Holladay read the proclamation declaring November 20 - 25, 2017 as Oregon City Buy Local Week and Saturday, November 25, 2017 as Oregon City Buy Local, Small Business Saturday.

3b. Tourism Strategic Plan Project Mid-point Update Presentation by Coraggio Group

Eric Underwood, Economic Development Manager, said they were at the midpoint in creating the Tourism Strategic Plan. Leigh Anne Hogue, Economic Development Coordinator, stated there had been a lot of stakeholder engagement in the past five months.

Matthew Landkamer, Beau Bennett, and Colin Stoetzel of Coraggio Group gave an update on the project. Mr. Landkamer stated there were two tracks to this project, one was the Tourism Strategic Plan and the other was marketing and branding. Mr. Bennett discussed the project timeline, strategic planning framework, and strategic imperatives, objectives, and initiatives. Mr. Stoetzel described the next steps for the project over the next three months and how the draft Plan would be completed in January 2018. He then explained the progress on the marketing and branding effort and the idea of creating a key experience. Mr. Landkamer continued with the next steps for the marketing and branding. Their job was to help the City select a marketing agency to implement the key experience campaign. The plan was to hire an agency in January and begin work in February. The key experience would be launched in May or June for the summer season. The Coraggio Group would help oversee the development of the key experience. The experience would focus on assets that were ready to go.

Mayor Holladay suggested the Commission be a part of the selection of the marketing agency.

There was discussion regarding the details of the key experience and need for coordinating all of the tourism agencies to be a unified tourism industry.

4. Citizen Comments

There were no citizen comments.

5. Adoption of the Agenda

The agenda was adopted as presented.

6. Public Hearings

6a. AP 17-04: Appeal of the Historic Review Board's August 22, 2017 Decision to Approve the Designs of Six (6) Cottage Style Homes in the Canemah Historic District

Mayor Holladay opened the public hearing.

Carrie Richter, City Attorney, read the hearing statement. No new evidence was allowed, testimony would be limited to the issues raised in the notice of appeal, and only those who testified at the Historic Review Board meeting could testify. She asked if anyone on the Commission had ex parte contacts, conflicts of interest, bias, or any other statements to declare. There were none. Commissioners Shaw and Mengelberg and Mayor Holladay had visited the site.

Christina Robertson-Gardiner, Planner, stated there were two exhibits that had recently been received, one was from Karen Blaha and the other from Christine Kosinski. Ms.

Kosinski's letter needed to be stricken from the record as she did not have standing in this appeal. The options for the Commission that night were: if the Commission agreed with the Historic Review Board's decision, the Commission should deny the appeal and approve the application and if the Commission determined the HRB erred in its deliberations and findings, the Commission could either deny the appeal but provide additional conditions or findings that would make the application compatible and that would be included in the revised decision on December 6, 2017 or grant the appeal, deny the application, and provide additional findings that would be included in the revised decision on December 6. Staff recommended the Commission make a tentative decision that night. She explained the timeline of the application for a 5-unit cottage housing project which was approved in August. This was for a historic district compatibility review. The application still had to go through site plan and design review, geologic hazards review, right-of-way permits, and building permits. The property was located in the Canemah national register historic district. She described the subject site and proposed layout. Originally seven cottage homes were proposed for the site, but the HRB made a condition that only six would be built. The homes were small, 600 square feet to 1,100 square feet. In the discussions regarding whether these homes were compatible, the Municipal Code was reviewed and the HRB found that if the applicant was willing to comply with the conditions of approval, the design may be deemed compatible even though the design did not meet the strict design standards for new construction. She then gave a background on the design guidelines for new construction and alternative designs. The conditions of approval included house number two to be removed, enhanced landscaping, and house number one had to meet the setback standards of the zone. All windows and doors would be made of wood, all double doors would be French style doors, second story windows would be rectangular and would not exceed the door height plus a one-foot transom, and no roof cutouts would be permitted. There were also specific conditions for each house.

Ms. Richter explained the building layout issues included in the appeal. The allegation was approval of this application allowed excess density and lot coverage, more than one house per lot, and more than 80% lot coverage. The HRB found that the guidelines acknowledged variation in lot sizes and the modest house size coupled with landscaping mitigated for the one extra house. They also found that there was a greater density of buildings within the Casady House property adjacent to the site that supported allowing additional density. Another issue had to do with the significant amount of land grading and installation of retaining walls, alteration of wagon roads, and internal parking lots. The HRB found the grading was necessary to make the site accessible and to allow house number one to be lower in elevation to the adjacent homes. The historic district did not protect wagon roads, but the proposal would not include curbs and sidewalks that altered the historic roadways. Retaining walls were common in Canemah and the internal parking lots would not be visible from the street. The appeal was also based on wetland impacts, setbacks, and preservation incentives. The appeal stated the application failed to preserve vegetative corridors and adversely affected wetlands. Wetland preservation was not within the HRB's purview and would be dealt with during the Geologic Hazard Overlay review. The application requested a number of reductions in the setbacks. In order to allow these setbacks, the HRB granted a preservation incentive. The HRB found that the preservation incentive was appropriate due to the natural topography of the site and allowed for better spacing of the three homes proposed along Miller Street. Additional plantings were required to mitigate for the impacts. Another issue was structure design. One of the allegations was there was too much duplication and the houses were clones. The HRB found nothing in the guidelines that prohibited duplication in the design. None of the proposed home designs were identical and the more simplified design helped the houses fade into the background. Another allegation was the use of modern design

details that were inconsistent with Canemah. The HRB imposed conditions limiting the size of the second story windows, prohibited roof cuts, and restricted skylight locations to locations not visible from the right-of-way. The appellants believed that taken together, the proposed layout and build design deviated from what was appropriate for preserving Canemah including property values, civic pride, and tourism. The HRB found that the houses were designed in the vernacular style and were contextually appropriate. There was insufficient evidence regarding the adverse effects on property values in building these homes. One of the objectives was to encourage the use of historic districts for housing, and this met that objective.

Paul Edgar was representing himself and the Friends of Canemah who were the appellants. The applicant had the burden of proof to show substantial evidence in the record that the application met the applicable approval criteria. The Commission's job was to interpret the code and context of the code. This application did not follow the cottage homes ordinance as it was not on one lot, but four lots, and the lot had to be at least 10,000 square feet and none of them were that large. The proposed development altered the manner and changed the appearance of the historic district. There was no way to alter this proposal in a manner that would allow it to fit with the building guidelines. This proposal did not advance the public interest or protection of the special character of the historic district. There was no design like this in Canemah and there should not be detracting clones. He offered the full historic inventory for the Casady House in his documentation. This was a Queen Anne style home, and the cottage homes were modern style. The proposed development would destabilize property values. It did not engender civic pride and would lessen tourism in Canemah. It weakened the City's First City historic story and importance. The development would also affect the wetlands. He thought the setbacks were a standard, not a guideline. It was not compatible with the historic character of the Canemah district. No homes were only 10 feet apart. The Commission had an obligation to historic preservation. He wanted to see development on this property, but it had to be the right development.

Chris Staggs, applicant, said the City was growing and evolving. He bought this property for its potential. He was not a big developer, but a family owned business that was focused on creating special places where people would enjoy living. He thought the development would build up and improve the area. They had gone through a rigorous process with the HRB, engaged with the Canemah Neighborhood Association, and talked to neighbors. The Canemah Neighborhood Association supported this application. An exhaustive study of Canemah was done for the application to better understand the historic district. At the end of that process, they had a complete knowledge of the character and what was important to the district. Canemah was a densely developed area in a collection of hillside conditions. The homes were situated on the lots to work with the topography and other homes. In many situations, the homes were close to each other and on the property lines. He read an excerpt from the new construction design guidelines regarding setbacks. He thought this proposal fit with the character of Canemah in terms of density, setbacks, overlapping property lines, and right-of-way. He emphasized how the project fit with the neighborhood. He discussed the site plan for the development. The project preserved open space and wetlands as the homes were situated around that area. The wetland had been delineated and registered with the state. Because of that, they had asked for a preservation incentive for houses five and six to be on the property lines. There was a significant distance from the street edge to these homes and there would be a landscaping buffer as well. A lot of attention had been paid to the proportions for the windows, siding, and scale of the homes. They also deferred to the historic Casady House next door. The proposed cottage house would be lower in respect and deference to the Casady House. It was also oriented towards the street which was similar to the

Casady House. All of the cottage homes were similar in volume and form which was similar to what was in the neighborhood. The roof cutouts would be taken out and the glass would be smaller in the windows, which followed the conditions of approval. The Canemah neighborhood would benefit from the addition of these modestly scaled residences. He asked the Commission to uphold the decision of the HRB to approve this application.

Howard Post, resident of Oregon City, said generally the lots in Canemah were 50 x 100 with one home. This would be a commercial development where the properties would be for rent, not for sale. There was not supposed to be any commercial development above 3rd Avenue. It was not common in Canemah to allow preservation incentives. People in Canemah were not against development, but they did want it to be compatible. He was concerned about losing historic district status as this had never been done before. He thought it would set a precedent and would change the district. Some people in Canemah were in support, and some were not. The question was whether they were going to change Canemah from a historic district to a cluster of houses with no guidelines.

Karen Blaha, resident of Oregon City, supported staff's recommendations. It was time for the project to move on to the next steps. Those steps were daunting. She lived adjacent to this property. She was the treasurer of the Canemah Neighborhood Association. The applicant had come to Association meetings to talk about the project, but the Association had not taken a formal position on the project.

Kristen Minor gave the rebuttal for the applicant. She sat on the Portland Landmarks Commission and worked in an architecture office where they did historic preservation. She had looked at the case record so far and assessed the development with the nature of the historic district. The proposed design was a modern vernacular style which took its cues from the historic contributing structures in Canemah. It did not replicate the existing houses, but the majority of the designs were taken from the existing houses such as the scale, footprint, and materiality.

Mr. Staggs closed by saying this had been an exhaustive process. He could build four single-family homes with four accessory dwelling units on these four lots of record or he could build eight cottage homes. He originally applied to build seven cottage homes, and through the HRB process, it was now five cottages. He thought it was an appropriate scale and density for Canemah and was compatible. He requested that the Commission uphold the HRB's decision for approval.

Commissioner Mengelberg asked about the lots and number of homes. Mr. Staggs clarified there were four tax lots and five cottages proposed. Ms. Richter explained the appellant's argument was these five houses could not go on more than one lot under the cottage home standards. The applicant said that when they got to that point all of the lots would be consolidated into one lot that was over 10,000 square feet. For this proceeding, the cottage home standards were not relevant. This was just to evaluate the historic appropriateness of the project.

Mayor Holladay closed the public hearing.

Ms. Richter said one of the testifiers discussed how this property would be leased, which was not germane to this review. Regarding the guidelines, if an application complied with all the guidelines, it complied with the criteria. In this case there was deviation from the guidelines, but the HRB found that the criteria were satisfied. The HRB agreed that not all the guidelines were followed, but the variety and creativity in

design was allowed. The appellants distributed new information that night from Chapter 2 of the Municipal Code and she recommended the Commission reject the additional testimony. She also recommended that the Commission make a tentative decision that night and staff would return with findings on December 6, 2017. The applicant had agreed to extend the 120-day deadline to December 7, 2017. She reviewed the options for Commission action.

Commissioner Shaw said he was one of the founding members of the HRB and was sensitive to what happened in Canemah. This was an exciting project and he was a proponent of increasing density where appropriate. He thought the proposal was compatible and complimentary to Canemah as there was a variety of architecture in the district. He thought the application complied as proposed with conditions. He asked if a historic district could ever lose its status.

Ms. Richter said yes, it could, but to discuss it further would add new evidence.

Commissioner O'Donnell said this was a limited finding and agreed with Commissioner Shaw's remarks.

Mayor Holladay said history was not a snapshot in time, but was a continuum. He thought the project looked similar to what was in Canemah. He did not think it would adversely affect the historic district. He thought the HRB made the right decision. This development would also add affordable housing in the City.

A motion was made by Commissioner Shaw, seconded by Commissioner Mengelberg, to tentatively deny AP 17-04 and to approve the Historic Review Board's August 22, 2017 decision to approve the designs of the cottage style homes in the Canemah Historic District. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

6b.

Parker Knoll Subdivision: TP 17-02 Eleven Lot Subdivision at Leland Road and Reddaway Avenue Including Utilization of an Existing Easement in Wesley Lynn Park

Mayor Holladay opened the public hearing.

Ms. Richter said the Commission made a tentative decision to approve this application. Staff had provided findings to that end. She asked if any Commissioner had any ex parte contacts, conflicts of interest, bias, or any other statements to declare since the last hearing. There were none.

There was no public testimony. Mayor Holladay closed the public hearing.

Laura Terway, Community Development Director, said the Commission tentatively approved the proposed subdivision finding that all of the criteria had been met with the proposed conditions of approval and finding that the application did not have to go to a vote of the people.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Shaw, to adopt the findings and approve the Parker Knoll Subdivision: TP 17-02 eleven lot subdivision at Leland Road and Reddaway Avenue Including utilization of an existing easement in Wesley Lynn Park. The motion passed by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Renate Mengelberg

Nay: 1 - Commissioner Frank O'Donnell

6c.

Land Use Board of Appeals (LUBA) Remand of the Historic Nomination for the Community Cannery and Workshop Annex in the Upper Yard of the City's Public Works Operations Center

Mayor Holladay opened the public hearing.

Ms. Richter stated that no new evidence would be allowed and the testimony would be limited to the issues identified in the remand. She asked if any Commissioner had any ex parte contacts, conflicts of interest, bias, or any other statements to declare. There were none. All Commissioners had visited the site.

Ms. Richter presented the staff report. This case related to the Camp Adair buildings on the Public Works operations site. The two buildings were identified as the Community Cannery and the Workshop Annex. The McLoughlin Neighborhood Association filed an application requesting the HRB designate these two buildings as historic. Before the HRB held a hearing on the application, the City Manager issued a letter to the HRB and McLoughlin Neighborhood Association revoking consent to the designation. At that point no further action took place. The matter was appealed to LUBA and LUBA remanded the decision regarding the HRB's failure to take action on the application. The decisions before the Commission were: to confirm that the Commission was the proper decision-maker on the remand, adoption of Municipal Code Chapter 17.40.50 did not waive application of ORS 197.772 with regard to publicly owned property, the City Manager had the authority to revoke consent, and ORS 197.772 did not distinguish between private and public property owners in their ability to revoke consent. She thought the Commission was the appropriate decision-maker as any recommendation made by the HRB was forwarded to the City Commission. The adoption of Municipal Code 17.40.50 did not waive the City's right to object to historic designation. It was a voluntary decision by the City and there was no indication of intent to waive ORS 197.772 and limit consent. If the code implicitly waived the ORS right of public property owners to withdraw consent, it would effectively waive those rights for private property owners as well. The City Manager had authority to revoke consent per the Charter which stated the City Manager had supervision over all City property. The ORS did not distinguish between private and public property owners.

Jesse Buss, resident of Oregon City, was representing the McLoughlin Neighborhood Association. What was included in the packet was the first version of the LUBA record and there were two amendments which should be included in the record as well. Regarding the Lake Oswego Preservation case, the Oregon Supreme Court stated the statute should be narrowly construed. He thought it only addressed private property concerns for revoking consent. He also thought the term property owner and local government were mutually exclusive, especially when local governments were subject to statewide land use planning goal 5, historic preservation. A local government could not waive a private property owner's right to revoke consent. It was an entirely different story when it came to public property. The Association also objected to new evidence not being allowed. The Association's application never made it to a hearing before the HRB. It went to LUBA who said the HRB needed to consider the issue. The record had never been opened, and he thought it should be opened now. LUBA said the HRB needed to address the issue and coming directly to the City Commission was

bypassing the City's ordinances to have the HRB review it first. The criteria for landmark designation was in the Municipal Code and it did not allow the HRB, City Manager, or the City Commission to discretionarily refuse consent. The notice he received did not identify that the City Commission was the proper decision-maker for this remanded matter nor did it say the City Commission was able to decide whether to revoke consent tonight. He thought it needed to be re-noticed so people could testify on why the City should not revoke consent.

Mayor Holladay thought since the City owned this property, it was the property owner and that the City Commission and City Manager had the right to say how the property would be used. Mr. Buss said when the City had adopted a comprehensive historic review code that governed those decisions, they did not have that right.

Mayor Holladay closed the public hearing.

Ms. Richter said the point about adding the amended versions of the LUBA record was a concern she would have to look into. She recommended the Commission make a tentative decision and she could return with the corrected record. With regard to new evidence, an open record, and continuance, this was a remand proceeding and not a quasi-judicial procedure. LUBA had asked the City to answer three questions and they had nothing to do with the Municipal Code 17.40.50 designation criteria assigned to the HRB for initial evaluation. These were jurisdictional questions related to ORS 197.772 and whether or not the City waived a state right. She did not recommend the Commission open the record or grant a continuance. The notice identified the three questions, and the fourth question was implicit in the third question. The question of whether the City Commission was the proper decision-maker was something for the City Commission's interpretation and did not require additional testimony.

Commissioner O'Donnell thought in the documentation that LUBA would have liked interaction with the HRB. He did not think that waived the Commission's right to be the final decision-maker.

Mayor Holladay had no question in his mind that the City Manager had the authority to make these kinds of decisions. The Commission's role was as policy makers. He thought there was no difference between a private property owner and a government or corporate property owner. The title to this property showed it was owned by the City of Oregon City. There was no differentiation between private and public ownership.

Commissioner O'Donnell concurred that there was no legal differentiation between private and public ownership. They both had the right to exercise control over their assets.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Shaw, to tentatively confirm the four points of the LUBA remand as recommended by the City Commission. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

7. General Business

- 7a.** Resolution No.17-27, Calling for a Public Hearing for the Continuation of an Economic Improvement District

Mr. Underwood explained in order to continue the assessment of the EID longer than what was specified initially in the ordinance, the Commission needed to enact a new ordinance to continue the assessment for four more years and granting properties owners the right for remonstrance. The resolution gave notice that a public hearing would be held to renew the EID.

Mr. Stone stated the EID began in 2011. A letter was submitted from Carol Pauli, president of the Downtown Oregon City Association, and he highlighted the themes from her letter. The last time the EID was renewed it did not pass the first time and had to be renegotiated. This time the Association had gotten general support of the EID from the property owners in the District. The changes proposed included an expansion of the District and dividing the District into three zones. The Association had used the funds, which totaled around \$2.43 million, in services. He thought the EID would pass the first time and that they had the general support of those in the District.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Shaw, to approve Resolution No.17-27, calling for a public hearing for the continuation of an Economic Improvement District. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

7b. Purchase and Sale Agreement for 1220 Main Street (Municipal Parking Lot) Due Diligence Extension Request

Mr. Underwood said the purchase and sale agreement for 1220 Main Street was approved in August 2017. Since that time the developer had requested a 20 day due diligence extension to further investigate the feasibility of the parking structure for 90 public parking spaces that was part of the contract. The extension would set the expiration date to December 7, 2017.

A motion was made by Commissioner Shaw, seconded by Commissioner Mengelberg, to approve the purchase and sale agreement for 1220 Main Street (Municipal Parking Lot) due diligence extension request. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

8. Consent Agenda

A motion was made by Commissioner Shaw, seconded by Commissioner Mengelberg, to approve the consent agenda. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

8a. Resolution No. 17-25, Updating the Transportation Projects Eligible for Transportation System Development Charges Funding

8b. Resolution No. 17-28, Authorizing the Sale of Bonds for the Police and Municipal Court Facility

9. Communications**a. City Manager**

Mr. Konkol said the next Work Session would be a joint meeting with the Planning Commission followed by a regular Work Session of the City Commission. The County would be making a presentation on warming shelters.

Maureen Cole, Library Director, announced the Library received an award from Restore Oregon for the integration of the Carnegie building into the addition of the library.

b. Commission

Commissioner Shaw reported on the Chamber of Commerce meeting that morning.

c. Mayor

There were no Mayor communications.

10. Adjournment

Mayor Holladay adjourned the meeting at 9:45 PM.

Respectfully submitted,



Kattie Riggs, City Recorder



City of Oregon City

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

Meeting Minutes - Final

City Commission

Dan Holladay, Mayor
Brian Shaw, Commission President
Nancy Ide, Frank O'Donnell, Renate Mengelberg

Tuesday, May 9, 2017

5:30 PM

Commission Chambers

Work Session

1. Convene Work Session and Roll Call

Mayor Holladay called the meeting to order at 5:33 PM.

Present: 5 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

Staffers: 8 - City Manager Tony Konkol, Community Development Director Laura Terway, Human Resources Director Jim Loeffler, Community Services Director Phil Lewis, Police Chief and Public Safety Director James Band, Economic Development Manager Eric Underwood, City Recorder Kattie Riggs and Public Works Director John Lewis

2. Future Agenda Items

No future agenda items were suggested.

3. Discussion Items

3a. Community Health Improvement Plan Presentation by Clackamas County Public Health Division

Jamie Zentner, Program Planner for Clackamas County Public Health, said the community health assessment was a culmination of a lot of data that started at the regional level and was pared down to the local level. She explained the role of public health in Clackamas County. The program areas they offered were access to care, infectious disease control and prevention, environmental health, and healthy, safe, and clean places. She discussed how the department was accredited which held them to high standards including doing community health assessments and a Community Health Improvement Plan.

Dawn Emerick, Director of Public Health for Clackamas County, said the assessment had to be done every three years. The last time it was done it was an internal analysis, and this time they were presenting the information all around the County and getting feedback. This was a large county that was geographically and demographically diverse. Clackamas County was the second healthiest county in the state. However in looking at the data, every community was different in respect to wealth and those that were urban and rural. In order to take all of those into account, they came up with the concept of health equity zones. She discussed the culture of health, graduation rates per health equity zone, graduation rates by economic status

and health equity zone, and estimates of children living in poverty by health equity zone. She then discussed the health behaviors of youth and adults including alcohol use, drug use, attempted suicide, and physical activity. Clackamas County had the highest rate of prescriptions issued per capita. She explained the illnesses and chronic conditions in youth and adults and top ten leading causes of death. She then asked the Commission what they thought were the top three health priorities in the County.

The Commission participated in a dot exercise where they placed dots on what they thought should be the health priorities. While the Commission was placing their dots, Ms. Emerick explained why she thought opioids were so high in the County. She thought it had a lot to do with prescriptions people were being given.

Ms. Zentner said the priorities chosen by the Commission were increased access to healthcare, increased access to housing, increased number of people who met the physical activity guidelines, and decreased cardiovascular deaths. She asked how their priorities aligned with the work that the Commission did.

There was discussion regarding the City working on affordable housing, being careful not to rely too much on statistics, and the importance of health education.

Ms. Emerick stressed the importance of ethics in making decisions. They had discussed the health equity zones with an ethicist to see if there were any negative impacts or ethical consequences of doing these zones. She then explained the funding for her department and this project.

3b.

Police Facility Bond Measure - Ballot Title and Explanatory Statement Language Discussion

Jim Band, Police Chief, gave a history of how the C-SAF fee came about as partial funding for the new police facility. There was a transparent public process and the feedback was overwhelmingly positive for the \$6.50 per month fee. The fee was passed by the City Commission in January 2016 and since then \$1.7 million had been collected. The City went out for a police facility bond in November 2016, but it was voted down. The feedback for the reason it failed was the language was unclear. It sounded like the City was going to raise people's taxes, which was language that had to be included for the geo bond. Currently they were leasing the building to Marylhurst and staff was working on ways to use the annex building. He was proposing instead of a geo bond to go with a revenue bond which allowed for cleaner language. The ballot language specified that approval would not authorize the City to impose additional taxes and it allowed the City to tie the repayment to the fee. The one downside was it was more expensive. The most they could borrow was \$16 million and there would be \$100,000 to \$200,000 more in interest. The options for the Commission were to do nothing and continue to collect C-SAF for the next 15 years or to move forward with a revenue bond measure. The approximate cost of the project was \$20 million. He thought the difference could be made up with the money collected through C-SAF and the sale of the current police property. If the Commission wanted to move forward with the revenue bond measure, staff would bring it back to the next Commission meeting for approval and to be put on the September 19, 2017 election.

Mayor Holladay suggested Chief Band engage the services of a professional campaign consultant.

Commissioner O'Donnell thought the phrasing of the ballot title needed to be highly effective.

There was discussion regarding adding language stating the City would not impose additional fees in support of this project.

Commissioner Mengelberg thought the ballot title needed to give more specifics. Regarding the explanatory statement, it should start with what they were asking for, give details of the building and bond measure, then what the measure would do, next the Oregon law explanation, and finish with the history.

Mayor Holladay said the more words they had, the less the average voter would read it all. He emphasized putting the most important information first.

Commissioner Ide said on the ballot title, what was the value of using the words "in a principle amount." If those words did not need to be included, it was her preference that they be left out.

Brendan Watkins, Piper Jaffray and Company, did not know if it was required to delineate between principle and interest for the documents submitted to the voters, however some voters might think the \$16 million included both principle and interest.

Commissioner Ide said on the explanatory statement, it stated the measure did not allow the City to raise taxes and she thought it should say "approval of the measure" would not allow the City to raise taxes. She also suggested changing the language to say, "today the population has more than doubled" instead of "nearly doubled". Regarding the title of the resolution, it said "community safety facility" where it should state "police and municipal court facility."

Commissioner Shaw clarified they did not have a choice between a geo bond and a revenue bond as the geo bond had failed because of the language about raising taxes. Chief Band said they could try again with a geo bond, but the benefits of a revenue bond were it presented the cleanest question to the voter and allowed the City to give voters the guarantee that if approved the measure would not allow the City to raise taxes.

Tony Konkol, City Manager, left the Commission meeting to go to the Barclay Hills Neighborhood Association meeting.

3c.

Natural Resources Committee Project Requests

Laura Terway, Community Development Director, said the Natural Resources Committee (NRC) had requested stream signage at major roadways. The Greater Oregon City Watershed Council received a grant from the Oregon Watershed Enhancement Board for the creation of the signs and worked with the NRC to identify the top streams that needed signage. They also worked with Public Works for the matching portion of the grant, and Public Works would pay for the poles and install the signs. There would be 13 signs placed near roadways that would identify streams and provide education and outreach about the City's streams to the public. The NRC also requested to re-evaluate the Natural Resource Overlay District (NROD) Map. She explained the NROD was a district that protected the land adjacent to streams and wetlands and created a vegetative corridor between the natural resource feature and development. The purpose of the NROD was to create great habitat, healthy streams, shade from nearby trees, and protection of animals. This year the City found a wetland in Canemah that was not included on the map and was not connected to the district. The Department of State Lands came in and did a delineation of the wetland. However since it was not in the overlay district, the City could not put a buffer around the wetland. The City was investigating whether they were obligated to protect the wetland, and if they were, what was the timeframe associated with that. If

they were not, the City could set its own timeframe for when it should be regulated. The NRC's final request was to re-do the natural resource inventory which was last done in 1999. The cost for that process was over \$100,000. The code and map was updated in 2009 with LIDAR data, biologists at Metro, and Title 3 and Title 13 maps. Staff did not see a need at this point to do a new study. It would be put on a list for future projects and staff would try to find funding.

There was discussion regarding the new wetland that was found and how the City could not force the current applicant to place a buffer around the wetland at this time. If the buffer was placed after development occurred, it would be effective for future expansion or redevelopment projects.

Commissioner Mengelberg wanted to be careful to balance environmental protection and infringing on property rights.

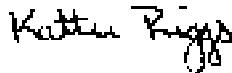
4. City Manager's Report

Phil Lewis, Community Services Director, confirmed that the drywall and paint project for the Ermatinger House had been completed. A final cleaning was being done before the furniture was moved in. He was also working on a signage plan and was in conversation with the Friends of the Ermatinger House. He would come back with an agreement with the Friends group in June. The home would be open for the June 23-24, 2017 Oregon City Heritage Days.

5. Adjournment

Mayor Holladay adjourned the meeting at 7:16 PM.

Respectfully submitted,



Katie Riggs, City Recorder

General Membership Meeting Minutes Canemah Neighborhood Association

November 17, 2016
John Adams Fire Station, 624 7th Street, Oregon City

Call to Order 7:04 by Tori Goodwin, Vice-Chair

Additions to the Agenda None

Community Updates

Oregon City Police Department, Jason Lemons jlemons@orcify.org

City-wide crime stats

Public Comments

Patti Webb said that she would appreciate it if the secretary would not use the meeting minutes to express personal opinions, and that there are a lot of things in [the September minutes] that are not really necessary, including quotes from speakers and “things that he should take up in private with Rob Lorey.”

Reports

CIC Update by Dennis Anderson

CIC met on Nov. 7. Most of the meeting was about John Lewis’s presentation on Public Works projects currently underway. There also was a presentation by the Girl Scouts regarding involvement in the Parks Foundation.

HRB Update by Ken Baysinger

In the September meeting the HRB approved the design for new construction at 625 4th Ave., (HR 16-06) with the condition that the covered breezeway between the house and the detached garage be deleted from the plan. The applicant appealed that condition before the City Commission. The appeal was rejected. That building permit application is now pending the geo-tech study.

In the October meeting the HRB gave design advice to the applicant to build on the downslope side of 4th Ave. just east of Miller St. (HR 16-02) Generally the HRB view was that the concept looks pretty good.

Paul Edgar stated that some neighbors got together and created a “report on the Canemah neighborhood,” which was presented to the HRB at the September meeting in regards to the 625 4th Ave. application. Mr. Edgar stated the opinion that the HRB should have paid more attention to what was stated in that report in the deliberation on HR 16-06.

In answer to Mr. Edgar’s concern, Mr. Baysinger explained that the HRB approval was based in part on the 2013 approval of the same plan, but that the condition regarding the covered breezeway was added to mitigate horizontal massing.

Sheila Decker expressed concern about the HR 16-02 application, regarding rainwater drainage issues. Mr. Baysinger explained that the applicant has addressed that with a

plan to capture all of the runoff from Miller St. and 4th Ave and pipe it to the storm drain system.

Paul Edgar expressed the opinion that there is a major landslide “all along the whole ridge.” Mr. Edgar gave a protracted lecture on the geological hazards and water resource requirements in city code.

Treasurer’s Report by Ken Baysinger:

\$1786 in Savings, \$679.41 in Checking

Meeting Minutes from September 15 meeting were approved by unanimous vote.

Unfinished Business

Land Use Update by Ron Bistline

Mr. Bistline restated the HRB action regarding 625 4th Ave. and the subsequent appeal. The geo-tech report as not yet been submitted, but when it is it will be available for public comment.

Regarding HR 16-02, Mr. Bistline stated that the proposed design will be submitted at the November HRB meeting, but the approval discussion will be at the January meeting. Geo-tech is required and will be available for public comment when submitted.

Regarding the Canemah Cottages (at 5th Ave and Miller St.) it will be presented to the HRB for design advice November 22. State water wetland resource status in under investigation. . Geo-tech is required and will be available for public comment when submitted.

A proposal for construction on the up-slope side of 4th Ave. at Ganong St. is in the works and may be up for design advice at the January HRB meeting.

Paul Edgar then stated that he had received an email from Rob Lorey appointing him to be the permanent Land Use Chair. Mr. Edgar asserted that the Chair has the authority to make that appointment.

Tori Goodwin answered that the Chair does not have that authority. She then read from Bylaws Article V Section 1A: “The Chairman may appoint members to serve on special projects (i.e. The South Fork Water Board Citizen Advisory Committee, the Oregon City Rate Review Committee, Transportation Advisory Committee, and other committees of the City of Oregon City and other jurisdictions such as Tri-met, Metro, etc.” Ms. Goodwin stated that because the Land Use Chair appointment is not on that list, the Chair cannot make that appointment.

Paul Edgar then made a motion to put his appointment as Land Use Chair to a vote of the general membership. He expanded that to include all positions, including appointments made by the Steering Committee, referring specifically to the appointments of Ron Bistline and Dennis Anderson to the Steering Committee.

Ken Baysinger answered that the bylaws will have to be amended to make that possible.

Mr. Edgar continued to challenge Dennis Anderson’s position on the Steering Committee, repeating that there should be a general membership vote. He began

shouting at Dennis Anderson, demanding that there should be a vote on whether or not Mr. Anderson should be on the Steering Committee.

Tori Goodwin read from the Bylaws Article IV Section 4: “When a vacancy occurs, the Steering Committee may make a temporary appointment to serve until the next general election.”

Mr. Edgar continued to demand that Mr. Anderson state whether he believed that the Bylaws should be changed to allow the general membership to vote on filling Steering Committee vacancies.

Monica Spravzoff pointed out that the appointments of Mr. Anderson and Mr. Bistline were done in full compliance with the Bylaws.

Patti Webb asked why the neighborhood has two representatives at CIC meetings. Mr. Anderson explained that all of the neighborhood association have two representatives—a voting member and an alternate. It is at the discretion of the individuals whether the alternate reps attend the meetings, but in any case there is only one vote.

Clint Goodwin returned to the question of Land Use Chair. He asked if he could make a motion to have a vote on appointing Paul Edgar as Land Use Chair until the next general election.

Mr. Baysinger read from Article VI Section 2: “Members of standing committees shall elect their own committee Chairman and Vice Chairman,” and also “Members of the standing committees shall be appointed by the Steering Committee.”

Monica Spravzoff asked for clarification regarding the meeting that Paul Edgar and Ron Bistline (and others) had to discuss the home design for 625 4th Ave. Was that a Land Use Committee?

Mr. Edgar said that it was a group of interested people. They did not represent themselves as spokesmen for the neighborhood association.

Sheila Decker suggested that this topic be put on the agenda for the next steering committee or general membership meeting. Ms. Decker asked for clarification on the appointments of Dennis Anderson and Ron Bistline to the Steering Committee, asserting that they should have been voted on by the general membership.

Tori Goodwin repeated that the Bylaws state that the appointments are to fill the remainder of the terms of those who vacated the positions, not just until the next general meeting.

Several people expressed confusion as to whether the discussion was about the CIC position or the Steering Committee position. The question was raised regarding how CIC reps are appointed.

Ken Baysinger said that the CIC reps were appointed by the Chair at the December Steering Committee meeting—Jessica Smith at Lead, Dennis Anderson as Alternate. When Ms. Smith resigned, the issue came before the Steering Committee in the May meeting. Ken Baysinger, acting chair in the absence of Rob Lorey appointed Dennis Anderson to the Lead position and Linda Baysinger to be alternate.

Sheila Decker asked for clarification on who is on the Steering Committee. It currently consists of the four elected officers, Rob Lorey, Tori Goodwin, Ken Baysinger, and Karen Blaha, plus Past Chair Linda Baysinger and the four at-large members, Sheila Decker, Ron Bistline, Bob Siewert, and Dennis Anderson.

Carolyn Rothschild stated that the wetlands issue regarding the Canemah Cottages site was brought up at the end of the September meeting and documents were handed out, and Rob indicated that it was going to be a topic of discussion for this meeting. So why is it not on the agenda?

Ken Baysinger answered that nobody brought it up at the Steering Committee meeting where the agenda was set. Whatever the discussion was with Rob Lorey, it took place after adjournment. Rob Lorey was not at the Steering Committee meeting and gave no guidance to those who were.

Ms. Rothschild said that everybody heard when Paul Edgar attempted to bring up the topic at the September meeting.

[Secretary's Explanation: That took place after 9:00. Nobody had exercised the option to ask that the item be added to the agenda when given the opportunity at the beginning of the meeting, so it was not. A motion was made for adjournment before any action was taken.]

Paul Edgar stated that this is an example of why we need to have a Land Use Chair, and challenged the legality of Ron Bistline's appointment as Liaison on Land Use.

Sheila Decker asked that we be sure to put the wetlands issue on the agenda for the next general meeting.

Monica Spravzoff pointed out that at the beginning of the meeting, the Chair asked if there were any additions to the agenda, and asked why nobody spoke up. Paul Edgar answered that he had intended to bring it up as part of the HRB Report discussion.

Ms. Spravzoff expressed disappointment that she is labeled as not caring about historical issues simply because she does not live in a historic home. This led to a rambling discussion regarding infill, city code, and what the neighborhood argument is all about.

Presentation by Chris Staggs regarding Cottage development

Chris Staggs spoke in detail about his background and goals for the project, the current status of the project, and on the proposed design.

Points made include:

Staggs' firm has considerable experience, nationwide, in new construction within historic neighborhoods.

He is committed to preserving the wetland area of the property and incorporating it as a feature for livability in the project, with a walkway around the wetland.

Will be at 11/22 HRB meeting for design advice, and hopes to have plans for approval at the January HRB meeting.

Cottage home guidelines allow two cottages on each 5,000 sq.ft. lot. He has 4 lots and wants to build 7 cottages.

Cottages are designed in the vernacular style, within the guidelines for Canemah. Will add additional trees to the property.

Questions and comments:

In answer to Clint Goodwin's question, one cottage, facing 4th Ave, will require excavating the site to near street level in order to make a safe grade for the driveway, and there will be 10-foot retaining walls on the sides.

The alleyway between Goodwin's property and the 4th Ave. part of the development will be retained as a public right of way to the wetland.

Sheila Decker asked how public access to the wetland, which is mostly on private property, will be guaranteed. Staggs indicated that it would be part of the homeowner's association agreement.

Ms. Decker asked if there was precedent for houses as small as 600 sq.ft. Other attendees gave examples of small houses at 3rd Ave. & Jerome St. and Apperson St. & McLoughlin. Staggs explained that other homes in Canemah were originally built very small, and then were remodeled to be larger.

Chris Sweet asked about parking. Staggs said there will be 10 parking spaces for the 7 cottages, as required by code.

Paul Edgar asserted that there are springs on the hillside above the property that have not been mapped and that the impact of those on the Staggs site is unknown. Staggs said that the geo-tech study will answer the questions.

The discussion broke down into an emotional argument about whether or not the clearing of the property by Staggs was done in conformance with city code.

Meeting Adjourned by Tori Goodwin 9:05 p.m.

Items on the agenda not covered will be taken-up at the next meeting.

Minutes by Ken Baysinger, Secretary
Canemah Neighborhood Association
November 22, 2016

NOV 17 2016

Signature	Last Name	First Name	Address
	Anderson	Dennis	804 4th Ave
	Ares	Jon	xxx 4th Ave
<i>KG Baysinger</i>	Baysinger	Ken	516 1st Ave
<i>Linda Baysinger</i>	Baysinger	Linda	516 1st Ave
	Belfay	Mike	507 4th Ave
	Bistline	Debbie	716 4th Ave
<i>Ken Bistline</i>	Bistline	Ron	716 4th Ave
	Blaha	Karen	514 4th Ave
	Blythe	Grant	407 5th Ave
<i>Susan Borger</i>	Borger	Susan	804 4th Ave
	Brainard	Amy	515 S McLoughlin Blvd
	Bronte	Denise	202 5th Ave
	Cacciata	Kerri	405 4th Ave
	Carey	Maureen	416 4th Ave
	Corbett	Vicki	507 3rd Ave
	Crone	Joyce	903 S McLoughlin Blvd
	Dale	Oliver	310 3rd Ave
	Decker	Laine	215 Miller St
<i>Sheila Decker</i>	Decker	Sheila	215 Miller St
	Delameter	James	900 4th Ave
	DeYoung	Matt	421 5th Ave
	Deitch	Ben	316 3rd Ave
	Dimms	Amber	405 4th Ave
	Dobbins	Darren	708 S McLoughlin Blvd
	Dobbins	Jennifer	708 S McLoughlin Blvd

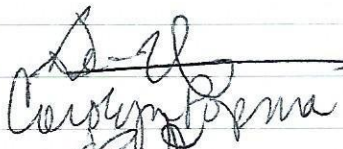
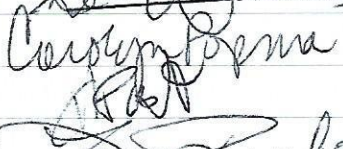
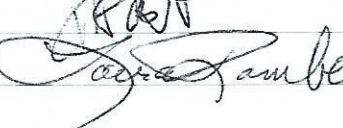
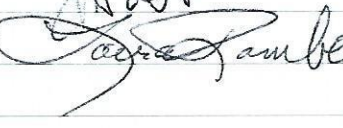

A - D

NOV 17 2016

Signature	Last Name	First Name	Address
Joanne Dutice	Dunlap	Verna	303 S. High St
	Dutra	Joanne	106 Miller St
	Dylla	Donna	701 3rd Ave
Fischer	Economou	Tory	609 3rd Ave
	Edgar	Patricia	211 5th Ave
	Edgar	Paul	211 5th Ave
Caroly	Enstad	Terry	316 S McLoughlin Blvd
	Fischer	Daniel	421 5th Ave
	Flynn	Carolyn	408 4th Ave
Carol	Garcia	Jose Luis	814 4th Ave
	Gomez	Anthony	503 3rd Ave
	Goodwin	Clint	502 4th Ave
Jill	Goodwin	Tori	502 4th Ave
	Hargis	Clint	812 5th Ave
	Hargis	Nicole	812 5th Ave
	Headrick	Judy	705 3rd Ave
	Heinz	Bill	
	Heinz	Johna	
	Heydel	Brent	610 1st Ave
	Heydel	Kathy	608 1st Ave
	Houseman	Andy	210 Hedges St
Cal K	Jabin	Laura	202 5th Ave
	Koontz	Carl	106 Miller St
	Koop	Rosemary	607 S McLoughlin Blvd
	Kramer	Amber	501 4th Ave

D - K

Nov 17 2016

Signature	Last Name	First Name	Address
	Kuhl	Anna	713 4th Ave
	Law	Christine	801 3rd Ave #7
	Lawson	Sandra	349 5th Ave
	Lorey	Robert	702 4th Ave
	McCuen	Dennis	311 Ganong St
	McShannon	Jennifer	702 4th Ave
	Medialdea	Dena	707 5th Pl
	Michaelis	Greta	707 4th Ave
	Michels	Gabe	605 4th Ave
	Michels	Jenny	605 4th Ave
	Mieher	Marc	507 3rd Ave
	Mielnik	Linda	714 5th Pl
	Minton	Scott	405 4th Ave
	Morton	Cyndi	608 S McLoughlin Blvd
	Morton	John	608 S McLoughlin Blvd
	Mulder	Garret	716 3rd Ave
	Onishchenko	Alex	625 4th Ave
	Perreira	Robert	502 S McLoughlin Blvd
	Popma	Brant	510 1st Ave
	Popma	Carolyn	510 1st Ave
	Post	Howard	302 Blanchard St
	Rambo	Laura	203 3rd Ave
	Ramsey	Don	808 5th Pl
	Ramsey	Susan	808 5th Pl
	Riggle	Jim	203 3rd Ave

K-R -

NOV 17 2016

Signature	Last Name	First Name	Address
	Roddy	James	709 5th Pl
	Rosthchild	Reid	408 4th Ave
	Scheehean	Ann Marie	209 Apperson St
	Scheehean	Mike	209 Apperson St
	Shull	Alan	713 5th Pl
	Shull	Jane	713 5th Pl
	Siewert	Bob	349 5th Ave
	Simon	Carolyn	302 Blanchard St
	Smith	Jessica	609 3rd Ave
	Smith	Lindy	602 1st Ave
	Smith	Ryan	602 1st Ave
<i>Monica Spravzoff</i>	Spravzoff	Monica	502 5th Pl
	Springer	Kathleen	615 4th Ave
	Springer	Robert	615 4th Ave
<i>Chris Staggs</i>	Staggs	Chris	4th & MILLER
	Stone	Laura	716 4th Ave
<i>R. Chris Sweet</i>	Sweet	Chris	514 4th Ave
	Sweet	Rick	514 4th Ave
	Tacoma	Susanne	814 4th Ave
	Tester	Sandra	715 3rd Ave
	Tinseth	Ken	903 5th Ave
	Tinseth	Wendy	903 5th Ave
	Tjaden	Nick	515 S McLoughlin Blvd
	Van Der Sluis	Mandi	815 5th Ave
	Van Ommen	John	501 4th Ave

R - V

NOV 17 2016

[illegible]

V - Z



City of Oregon City

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

Meeting Agenda - Final Natural Resources Committee

Wednesday, January 9, 2019

7:00 PM

Commission Chambers

Applicant Interviews

Michael Hamilton (by phone)

1. Call to Order

2. Agenda Analysis

Committee members have the opportunity to move items to New Business/Discussion Items from Communications if they are interested in discussion. The Committee may also add an item to the agenda with the consensus of the Committee.

3. Nominations and Elections of New Officers

Chair, Vice-Chair, Secretary

4. Public Comments

Attendees may fill out a comment form and turn it in to City staff in order to have an opportunity to make comments to the Committee for items not already on the agenda. Comments are generally limited to 3 minutes per person, however, the Chair has the discretion to waive limitations.

5. Old Business

5a. Discussion of City Commission Items

Sponsors: Community Development Director Laura Terway

Attachments: [Staff Report](#)

[2018 Dec 5th presentation to City Commission](#)

5b. Recommendation to Planning Commission: Natural Resources Overlay District - Phase 2 of The Cove Development Plan.

Sponsors: Planner Pete Walter

Attachments: [Staff Report](#)

[NROD Report](#)

[DRAFT NRC Advisory Recommendation RE Cove](#)

6. New Business/Discussion Items

7. Approval of the Minutes

7a. Approval of NRC Minutes for February 14th and March 14th, 2018.

Sponsors: Planner Pete Walter
Attachments: [NRC 02.14.2018 Minutes Draft](#)
[NRC 03.14.2018 Minutes Draft](#)

8. Communications

Staff Updates

Updates from Committee Members

9. Future Agenda Items**10. 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
Oregon City, OR 97045
503-657-0891

Meeting Minutes - Draft

Natural Resources Committee

Wednesday, February 14, 2018

7:00 PM

Commission Chambers

1. Call to Order

Chair Neeley called the meeting to order at 7:00 PM.

Present: 6 - Dorothy Dahlsrud, Trent Warness, Bill Clark, Jerry Herrmann, Matt Kuhl and Doug Neeley

Absent: 1 - Nancy Broshot

Staffers: 2 - Laura Terway and Martin Montalvo

2. Election of Officers

This item was postponed.

3. Agenda Analysis

The agenda was adopted as presented.

4. Public Comments

There were no public comments on non-agenda items.

5. Discussion Items

5a. Project Status Update: Amendments to the Natural Resources Overlay District Map in Canemah

Laura Terway, Community Development Director, gave a background on the wetland that was found in Canemah that was outside of the Natural Resources Overlay District. It was on the list to be included in the Overlay District which would be done by the end of the budget cycle.

Chair Neeley suggested as the City was expanding and other streams delineated to create a holding designation until the area could be evaluated. Ms. Terway stated staff was looking for grants to update the inventory.

Paul Edgar, resident of Oregon City, discussed the history of the wetland that was found in Canemah and displayed it on maps. He would like the wetland to be put on the City's maps as soon as possible to protect the area and that Code Enforcement should enforce the wetland setbacks.

Patty Webb, resident of Oregon City, explained how she had turned in complaints to

Code Enforcement and how they required detailed reasons for why the activities were illegal, especially in regard to tree cutting. She also was not able to make complaints anonymously and it was sometimes a touchy situation between neighbors.

Ms. Terway encouraged her to contact the Planning Department as well as inviting Code Enforcement to a NRC meeting.

5b.

Role of the Natural Resources Committee Reviewing Land Use Applications for the Natural Resources Overlay District and the Geologic Hazards Overlay District

Martin Montalvo, Operations Manager, discussed what he had presented to the Greater Oregon City Watershed Council regarding the Total Maximum Daily Load of pollutants allowed in the City and mitigation measures the City was taking in partnership with the Watershed Council.

Ms. Terway explained the OC Maps program. She then gave a presentation on the NRC's role in the development review process. She discussed the City's review processes, the duties of the NRC per the Municipal Code and Bylaws, and the environmental overlays of the City. She asked if the NRC wanted to change the process for the applications that came to the NRC.

There was discussion regarding the timing for applications to come to the NRC to make comments.

There was consensus to require every Type 2 and Type 3 natural resource overlay district and geological hazard overlay district applications to come to the NRC.

6. Communications

Ms. Terway reviewed the 2017 Community Development Department statistics. She announced that the City was awarded as a Tree City USA for the sixth year and received a grant.

Chair Neeley reported that all of the stream signs had been installed.

Committee Member Herrmann discussed the planting that was done at the Environmental Learning Center.

Committee Member Dahlsrud attended the Barclay Hills Neighborhood Association meeting. She discussed the Oregon City Parks Foundation fundraisers.

7. Future Agenda Items

No future agenda items were suggested.

8. Adjournment

Chair Neeley adjourned the meeting at 8:57 PM.

http://oregon-city.granicus.com/MediaPlayer.php?view_id=2&clip_id=1920

Discussion of addition of wetland to NROD starts at 1:26:22.

Pete Walter

From: Pete Walter
Sent: Friday, February 7, 2020 10:00 AM
To: BROWN Jevra
Cc: HUFFMAN Anita; BUTTERFIELD Melinda; RYAN Peter
Subject: RE: Oregon City Wetland Question (WD#2016-0272)
Attachments: NROD Delineation Report.pdf

Here is the attachment.

Pete Walter, AICP, Senior Planner
Oregon City Community Development Department
(503) 496-1568

From: Pete Walter
Sent: Friday, February 7, 2020 9:59 AM
To: BROWN Jevra <jevra.brown@state.or.us>
Cc: HUFFMAN Anita <anita.huffman@state.or.us>; BUTTERFIELD Melinda <melinda.butterfield@state.or.us>; RYAN Peter <peter.ryan@state.or.us>
Subject: RE: Oregon City Wetland Question (WD#2016-0272)

Hi there,

We located the report that accompanied the wetland delineation. This was submitted with the Site Plan and Design Review application in 2017. You may want this for your records.

Thanks,

Pete Walter

Pete Walter, AICP, Senior Planner
Oregon City Community Development Department
(503) 496-1568

From: BROWN Jevra <jevra.brown@state.or.us>
Sent: Monday, February 3, 2020 6:26 PM
To: Pete Walter <pwalter@orc.org>
Cc: HUFFMAN Anita <anita.huffman@state.or.us>; BUTTERFIELD Melinda <melinda.butterfield@state.or.us>; RYAN Peter <peter.ryan@state.or.us>
Subject: RE: Oregon City Wetland Question (WD#2016-0272)

Hi Pete,

I just spoke with Peter Ryan and Anita Huffman. This wetland was not mapped on the Local Wetlands Inventory (LWI). I believe it was not mapped because of the age of the LWI, 1999 (pre-2001). During this time DSL did not require any mapping of features less than 0.5 acre in size. The size of the portion of the wetland reported in the delineation of ~0.09 acres within the study area indicates this wetland may be less than 0.5 ac in size even now.

Additionally, DSL does not require the Oregon Freshwater Wetland Assessment Method (OFWAM) functional assessment to be completed for any wetlands smaller than 0.5 ac, nor any further analysis. For both of these reasons a Locally Significant Wetland (LSW) Determination would not have been made.

If the commenter feels that this wetland would meet the LSW criteria they are welcome to hire a consultant to map the wetland, complete OFWAM, and run the wetland findings through the LSW criteria.

There is information on our website about how to choose and work with wetland consultants, see screen shot attached. The rules for LSW determination are here, beginning at 141-086-0300: <https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=351>

OFWAM manual is available here: [Oregon Freshwater Wetland Functional Assessment Method \(OFWAM\)](#)

The delineation was created in response to an enforcement action. Other than this we have no other information about this wetland that I was able to find.

Hope this helps,

Jevra Brown, Aquatic Resource Planner

Department of State Lands

Office 503-986-5297 (M, T, W); cell: 503-580-3172 (Th, F); fax 503-378-4844

Have you heard about the Statewide Wetlands Inventory update? [Learn More!](#)

jevra.brown@dsl.state.or.us

<http://www.oregon.gov/DSL/pages/index.aspx>

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From: Pete Walter <pwalter@orccity.org>

Sent: Monday, February 3, 2020 2:25 PM

To: HUFFMAN Anita <anita.huffman@dsl.state.or.us>

Cc: BROWN Jevra <jevra.brown@dsl.state.or.us>; BUTTERFIELD Melinda <melinda.butterfield@dsl.state.or.us>; RYAN Peter <peter.ryan@dsl.state.or.us>

Subject: RE: Oregon City Wetland Question (WD#2016-0272)

Hello Anita,

Thanks again for your last email. We attempting to ascertain whether there are any other documents available publicly with respect to this wetland that we can submit into the record for our upcoming public hearing on October 10.

Was there an accompanying report or any other documents that address the OFWAM criteria?

This is very important to staff's recommendation. Please respond as soon as you are able. Thank you and I appreciate your prompt response.

Pete Walter

Pete Walter, AICP, Senior Planner

Oregon City Community Development Department

(503) 496-1568

From: HUFFMAN Anita <anita.huffman@state.or.us>

Sent: Tuesday, January 28, 2020 3:45 PM

To: Pete Walter <pwalter@orccity.org>

Subject: RE: Oregon City Wetland Question

Hi Pete,

Just based on the rule, I'd say that most of the requirements are not met by this wetland, but that's only based on my limited knowledge of the wetland itself.

(2)Mandatory LSW Criteria. A local government shall identify a wetland as locally significant if it meets one or more of the following criteria:

(a)The wetland performs any of the following functions at the levels indicated below using the Oregon Freshwater Wetland Assessment Methodology:

(A)Diverse wildlife habitat; or **Not likely**

(B) Intact fish habitat; or **No**

(C) Intact water quality function; or **Do not know, but I don't believe that's the case**

(D) Intact hydrologic control function. **Site is listed as being a slope wetland, but I don't know if there are berms or other means of detaining water at the site or other hydrologic controls.**

(b)The wetland or a portion of the wetland occurs within a horizontal distance less than one-fourth mile from a water body listed by the Department of Environmental Quality as a water quality limited water body (303(d) list), and the wetlands water quality function is described as intact or impacted or degraded using OFWAM. The 303(d) list specifies which parameters (e.g., temperature, pH) do not meet state water quality standards for each water body. A local government may determine that a wetland is not significant under this subsection upon documentation that the wetland does not provide water quality improvements for the specified parameter(s). **I do not know the answer to this.**

(c)The wetland contains one or more rare plant communities, as defined in this rule. **Based on the wetland delineation the site contains primarily non-native and invasive species with no notation of any rare plants.**

(d)The wetland is inhabited by any species listed by the federal government as threatened or endangered, or listed by the state as sensitive, threatened or endangered, unless the appropriate state or federal agency indicates that the wetland is not important for the maintenance of the species. **Do not know the status, but given the location, in an urbanized area, it's not likely.**

(A)The use of the site by listed species must be documented, not anecdotal. Acceptable sources of documentation may include but are not limited to: field observations at the wetland sites during the local wetlands inventory and functional assessments, and existing information on rare species occurrences at agencies such as the Oregon Natural Heritage Program, Oregon Department of Fish and Wildlife, Oregon Department of Agriculture and the U.S. Fish and Wildlife Service.

(B)Input originating from other locally knowledgeable sources constitutes documentation if verified by one of the above agencies or a university or college reference collection.

(e)The wetland has a direct surface water connection to a stream segment mapped by the Oregon Department of Fish and Wildlife as habitat for indigenous anadromous salmonids, and the wetland is determined to have intact or impacted or degraded fish habitat function using OFWAM. **I do not believe this is the case with this wetland.**

The determination would need to come from an LWI delineation or other technical review. But given as it's been manipulated in the past for the roads, and the plant community of the wetland being so poor, it's not necessarily a wetland that meets the criteria above. It is near the Canema Bluffs Natural Area but I don't know what criteria establishes or is required for that designation.

So that's just my opinion. I have not conducted any delineation or studies of the site other than to determine if the development that occurred at the site was outside the wetland area.

I'm happy to help out as I can, so feel free to contact me if you have more questions.

Anita Huffman
Aquatic Resource Coordinator
Clackamas and Washington Counties
Department of State Lands

775 Summer ST NE
Salem OR 97301

OFFICE: 503-986-5250
CELL: 503-480-5985

From: Pete Walter <pwalter@orccity.org>
Sent: Tuesday, January 28, 2020 2:56 PM
To: HUFFMAN Anita <anita.huffman@dsl.state.or.us>
Subject: Oregon City Wetland Question

Good afternoon Anita,

I'm just following up on my phone message. The Planning Commission is going to be considering the addition of the Canemah wetland to the City's Natural Resources Overlay District on February 10.

Do you know whether this wetland could meet the criteria for a locally significant wetland or not?

https://oregon.public.law/rules/oar_141-086-0350

Thanks,

Pete

Pete Walter, AICP, Senior Planner
Oregon City Community Development Department
(503) 496-1568



City of Oregon City

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

Staff Report

File Number: PC 20-022

Agenda Date: 2/10/2020

Status: Public Hearing

To: Planning Commission

Agenda #: 3d.

From: Sr. Planner Christina Robertson-Gardiner

File Type: Planning Item

SUBJECT:

LEG 19-00003 - Beaver Creek Road Concept Plan- Code and Zoning Amendments- Planning Commission Recommendation and Discussion of Outstanding Item (Collector Street Width)

RECOMMENDED ACTION (Motion):

Continuance of file LEG 19-00003 to the February 24, 2020 Planning Commission meeting.

BACKGROUND:

The Planning Commission reviewed the zoning and code amendments for the Beaver Creek Road Concept Plan (BRCP) over multiple meetings during fall and winter of 2019/2020. Each meeting was broken into 2-3 topics to allow the Planning Commission, staff, and the public time to focus their energies. Planning Commission comments and direction, as well as public comments, were tracked throughout the hearings, and topics were added to future meetings if new items are identified or issues have not been resolved.

The purpose of this meeting is to review Planning Commission recommendations/direction on all items discussed during the hearings process, discuss one outstanding item: Collector Street Width, and provide a formal recommendation to the City Commission.

Project Schedule

Hearings

August 12, 2019 Background on Project, Open Record

August 26, 2019: Introduce Tracking Matrices, An Overview Of 8.13.19 City Commission Work Session, Identify Future Topics /Calendar

September 9, 2019: Beaver Creek Zones & Maps, Home Occupation

September 23, 2019: Master Planning Requirement, Upland Habitat, Geologic Hazards

October 14, 2019: Parks, Renaming Concept Plan, Home Occupation/Cottage Industry

November 18, 2019 PC Meeting- Parks Home Occupation/Cottage Industry

November 25, 2019: Transportation Roadway Width, Roundabout, Holly Lane, Local Street Speed)

January 13, 2020: Tentative Planning Commission Recommendation (Parks, Upland Habitat, Home Occupation/Cottage Industry)

February 10, 2020: Potential Formal Planning Commission Recommendation

Other Meetings

November 12, 2019 - City Commission Beaver Creek Road Design Work Session-

August 29, 2019 Parks and Recreation Advisory Committee (PRAC)- Initial Presentation

October 9, 2019 Natural Resource Committee Upland Habitat

November 13, 2019 Natural Resource Committee Upland Habitat

January 23, 2020 Parks and Recreation Advisory Committee (PRAC) Recommendation To The Planning Commission

October 2019 Additional Public Outreach on Transportation Questions

BUDGET IMPACT:

Amount:

FY(s):

Funding Source:



To: Planning Commission
From: Christina Robertson-Gardiner, Senior Planner
RE: LEG 19-0003-Beavercreek Road Concept Plan Zoning and Code Amendments – Draft Planning Commission Recommendations
Date: February 3, 2020

Background

The Planning Commission reviewed the zoning and code amendments for the Beavercreek Road Concept Plan (BRCP) over multiple meetings during the fall and winter of 2019/2020. Each meeting was broken into 2-3 topics to allow the Planning Commission, staff, and the public time to focus their energies. Planning Commission comments and direction, as well as public comments, were tracked throughout the hearings, and topics were added to future meetings if new items were identified or issues have not been resolved.

The purpose of this memo is to consolidate and document the Planning Commission recommendations/direction on all items discussed during the hearings process from August 2019 to November 25, 2019 based on the original applicant's submittal attached to the August 12, 2019 Planning Commission Agenda. Outstanding items will be revised as they are deliberated, and further direction is given to staff. A final version of this memo will be forwarded to the City Commission as part of the Legislative package.

More detailed background can be found in the staff memo attached to the referenced Planning Commission Hearing for each item discussed below.

Unresolved Items

Bike Lanes on Collector Streets

At the January 13, 2020 Planning Commission meeting, the Planning Commission directed staff to review the adopted street sections in the Beavercreek Road Concept Plan to see if the proposed bike infrastructure meets the goals of a green bikeable neighborhood.

The three main ways that people will travel through the neighborhood on bikes are:

1. Local Streets: Typical neighborhood streets where bikes share the travel lanes with cars. In the concept plan area, the recommendation is to reduce the speed limit to 20 mph.
2. Shared Use Path: A wide path, separated from traffic, is proposed along the linear park on the east side of Center Parkway. The path would be wide to allow comfortable bike travel.
3. **Collector Streets**: There are a few higher traffic volume streets in the concept plan boundary which include bike lanes.

The adopted bike lane width for collector streets in the Concept Plan (below) area appears to include a 5-foot wide bike lane. This was a standard dimension in 2006 when the plan was designed, but best practices today recommend a wider bike lane for more comfortable and safer experience. This would require the need for additional land to be devoted to the street or a reduction in something else planned within the street (like landscaping or sidewalk) to maintain the adopted street width.

The adopted collector street in the concept plan includes:

- 5-foot sidewalk (both sides of the street)
- 7.5-foot wide planter strip (both sides of the street)
- On-street parking (both sides of the street)
- 5-foot wide bike lane (both sides of the street)
- vehicle travel lane (one in each direction)
- 10 foot wide landscaped center median

The center medium and the planter strip between the sidewalk and the street are the areas which could potentially be reduced in order to allow for more space to be dedicated to safer bike travel. Best practices call for protected or buffered bike lanes. [Protected Bike Lanes](#) are defined as a bike lane with vertical elements that separate the bicyclist from the vehicular travel lane (this could be a planter, a curb or parked car). [Buffered Bikes Lanes](#) provide more of a painted buffer between the bike lane and the travel lane/parked cars. Either option has maintenance and construction considerations and both can be installed over time in the concept plan area. Protected bike lanes generally need a minimum of 8 feet (5-foot travel lane and 3-foot buffer/vertical element) and buffered bike lanes need 9.5 feet (5-foot bike lane and a 3 foot and 1.5-foot buffer area to account for open doors of parked cars). The exact design does not need to be decided now, both approaches can move forward as bike lane options. What does need to be decided now is if the street needs to be wider or if we should fit the solution within the previously adopted street width.

Wider roads can be more expensive to build and maintain, can be more challenging to cross, and can reduce the neighborhood feel of a place. Conversely, tree canopy both in wider planter strips and planted mediums provides shade and cools the streets for stormwater that flow into streams. Bigger trees over time also improve property values and help create a sense of community. A survey was sent out to eblast contact list and shared on Oregon city's social media. The survey closes Monday, February 10, 2020 and the final results will be shared with the Planning Commission Hearing that evening.

Staff recommendation: As the center medium was identified in the concept plan for this street section, staff general supports an approach that keeps the medium, though a combination of reduced planter strip width and increased Right-of-Way.

Planning Commission: Staff is requesting Planning Commission guidance on this topic at the February 10, 2020 Hearing.

Resolved Items

Home Occupation/Cottage Manufacturing

September 9th, September 23rd, November 18th Planning Commission Hearings

As part of the 2016 re-adoption of the plan, the City Commission recommended that as during the process to create implementing code and zoning for the BRCP, staff should further analyze the issue of allowing expanded home occupation uses, also known as cottage manufacturing/industry within the mixed-use and residential areas. This item was discussed during the two open houses at Oregon City High School and through an online survey in the fall of 2019. The Planning Commission provided staff clear direction that they supported expanded opportunities for home-based businesses within the concept plan area. Staff worked with the Planning Commission on options creating new opportunities for home-based business in Oregon City. At the November 18, 2019 Meeting, staff received direction on commercial vehicles and hours of operation for employees and sales and type of sales onsite at the November 18, 2019 Planning Commission Meeting. Those changes are reflected in the revised code attached to the January 13, 2020 agenda packet.

Staff recommendation: As there was no clear direction given during the public outreach meetings this spring and there are existing provisions for many types of home occupation allowed city-wide, staff did not recommend any changes to the Home Occupation code for the Beavercreek Concept Plan area.

Planning Commission: Planning Commission directed staff to create specific cottage industry home occupation business license criteria to implement the Beavercreek Road Concept Plan vision to encourages job creation in this district.

Upland Habitat regulation under OCMC 17.49 Natural Resource Overlay District (NROD).

September 23, 2019 Planning Commission Hearing

Staff has reviewed the 2008 Beavercreek Road Site Inventory Map and has identified some small areas that are not currently regulated under OCMC 17.49- Natural Resources Overlay District or OCMC 17.44 Geologic Hazards. Staff has determined that a sufficient amount of land identified as habitat is being protected through the city's existing code to show substantial compliance with the goals and policies of the Beavercreek Road Concept Plan. Additional regulation could be adopted to address these areas but would not be required.

Staff presented this analysis to the Natural Resource Committee on October 9, 2019 and November 13, 2019. The Natural Resource Committee submitted a letter with a keyed map into the record requesting the Planning Commission create code to regulate and protect upland habitat areas 3 and 4 as they are of specific interest to the committee and are contiguous to large habitat areas. They support additional protection in Area 2 in locations that abut the identified and protected stream. Area 1 merits additional protection if analysis can show enough tree area located outside of the Natural Resource Overlay District exists. Staff is looking for further direction from the Planning Commission on this issue. If the Planning Commission supports additional regulation, staff recommends adding code to either OCMC Chapter 17.49 Natural Resource Overlay District or OCMC 17.41 Tree Protection, Preservation, Removal and Replanting Standards and return at a future meeting with proposed code.

Staff recommendation: Staff does not recommend any revisions to the proposed code amendments unless given further direction from the Planning Commission..

Planning Commission recommendation: Planning Commission did not recommend any revisions to the proposed code amendments at the September 23, 2019 Planning Commission Meeting and discussed the NRC's recommendation at the January 13, 2019 Planning Commission Meeting. After further deliberation, the Planning Commission retained their initial direction to staff to not pursue additional code amendments for Upland Habitat.

Parks Acquisition Code Amendments

October 14, 2019, November 18, 2019, January 13, 2020 Planning Commission Hearings

The BRCP prioritizes an open space network that preserves identified environmental resource areas, parks, trails, and viewpoints, including the South-Central Open Space Network and the Low Impact Conservation Area upslope areas of Thimble Creek on the eastern edge of the district. The proposed code amendments will create the South-Central Open Space Network and Low Impact Conservation Area through required parkland dedication at the time of development and protect trail corridors throughout the district's open space system by also requiring the dedication of easements at the time of development. This code is not for the construction of these elements, only for the dedication of land and potentially some interim surface preparation and use. System Developments Fees would be used for the substantial construction of parkland acquired by this code.

Staff met with the Parks and Rec Advisory Committee (PRAC) on August 29, 2019 and September 26, 2019 to discuss the two park concepts. PRAC was supportive of the approach and requested that staff return at a later date with draft park details for the committee to review and make their formal recommendation to the Planning Commission. Staff is working with Don Robertson, Interim Community Services Manager, to get on the next PRAC agenda. In the interim period, staff worked with previous Community Services Manager Phil Lewis on creating minimum and maximum park dimensions, which will be available for Planning Commission review at the January 213, 2020 Planning Commission Meeting.

Planning staff also reviewed the South-Central Open Space-Neighborhood Park dedication formula for residential development created this summer and found that the formula was not correctly or proportionately allocating dedication based on the number of dwelling units. The original formula was $2.6 \text{ persons per dwelling units} \times (\text{total number of dwelling units proposed in the development}) \times (8 \text{ acres}) / (1,000 \text{ persons})$. This would require a 10.4-acre dedication for a 400 lot/dwelling unit development application. If the goal is a formula that requires all development to contribute proportionally to the proposed impacts of their development, the original calculation would not be considered proportional.

The Beavercreek Road Concept Plan anticipates 1100 new dwelling units. This means that the first large development application would be required to site and dedicate the full South-Central Open Space-Neighborhood Park. Based on the proposed minimum park size of 10 acres and the projected residential zoning for 1100 dwelling units, staff recommends a more proportional formula of $2.6 \text{ persons per dwelling units} \times (\text{total number of dwelling units proposed in the development}) \times (4 \text{ acres}) / (1,000 \text{ persons})$. This would require the same 400 dwelling unit development proposal to dedicate 4.2 acres.

Finally, staff heard from the Planning Commission that nonresidential development should also contribute to the acquisition and interim development of parks spaces above and beyond the required Parks SDCs. Staff recommends that this fee should be set for 1,000 dollars per each new 5,000 square feet of non-residential development. A new 50,000 square foot Industrial building would be required to pay \$10,000.

Planning staff presented these proposed changes to the Parks and Rec Advisory Committee on January 23, 2020. PRAC supported the amendments with three suggested minor revisions 1. Remove the minimum number of park pearls. 2. Require the first platted park pearl to be a minimum of 3 acres 3. Ensure at least one of the viewpoint of the conservation area to be viewable from a vehicle. These changes have been incorporated into the final revised code attached to the February 10, 2020 agenda.

Staff recommendation: Staff recommends that the Planning and City Commission adopt the proposed revised parks acquisition language and recommends that both parks be added to the Parks Master Plan and the proposed Trail System be added to the Transportation System Plan (TSP) and Trails Master Plan as needed.

Planning Commission recommendation: Planning Commission supported the proposed code presented to the PRAC in January and should let staff know if they disagree with the three minor revisions suggested by PRAC.

Setbacks Differentiation Between the Northern Concept Plan Boundary and the Southern Concept Plan Boundary.

September 9, 2019 Planning Commission Hearing

The northern boundary is zoned CI and has buffering requirements for residential properties. The purpose of the zoning language is to provide a visual buffer for residential uses while maximizing the development area for campus industrial properties. The additional buffer requirements found in the Beavercreek CI zone allow for a smaller setback than the residential buffer to the south. The exchange for quality of the buffer over quantity is often applied in non-residential zones as the landscaping installation and maintenance are easier to enforce than with a single-family residence. Moreover, the Campus Industrial Zone is envisioned to attract businesses that contain their uses inside buildings. The off-hour impact would also be substantially less compared to a single-family residence. The southern concept plan boundary along Old Acres Lane is will be zoned R-5 and has the following proposed code language. The purpose of the increased setback of 40 feet is to protect the existing grove of trees at the southern property line. Staff identified two additional revisions for clarification purposes.

Staff Recommendation: Staff recommends revising 17.37.040 -Dimensional standards to account for the following items in the southern buffering requirements.

- Timbersky/Beavercreek intersection. There may be a connection to Beavercreek Road at the Timbersky intersection that could be a right in/right out approach; therefore a road may need to be allowed within the 20 feet of the southern boundary
- The addition of the clarification for the 40-foot setback at the southern boundary to primary structures indicates that accessory structures would be allowed in the 40-foot setback.

Planning Commission recommendation: Planning Commission recommends revising OCMC 17.37.040 - Dimensional standards as proposed by staff. The Planning Commission did not provide any additional code amendment for the northern buffering requirements.

Definition of Warehousing

September 9, 2019 Planning Commission Hearing

Distribution/warehousing is prohibited in the Beavercreek Road Concept Plan CI zone. There was some concern that ancillary warehousing and distribution would not be allowed. Oregon City views the storage and distribution of materials that are constructed or assembled onsite to be part of the permitted use. No changes to the code are recommended.

Staff recommendation: Staff response was informational only.

Planning Commission recommendation: Planning Commission did not recommend any revisions to the proposed code amendments.

Map Change Request

September 9, 2019 Planning Commission Hearing

At the August 12, 2019 Planning Commission Hearing, Paul Edgar requested that the Planning Commission work with Metro to revise the Title 4 Industrial maps to remove a CI zoned parcel owned by Terry Emmert (identified by a red star on the map below) to allow construction of housing for homeless veterans onsite. Portions of the CI area in the BRCP are identified as Title 4 Industrial areas. Any change to the title 4 Map must be adopted by Metro and would need to be completed before the Code amendments are adopted by the City to remain consistent with Title 4.

Staff recommendation: Staff does not recommend amending the proposed zoning map or the Title 4 Map as it is not consistent with the vision of the Beavercreek Road Concept Plan.

Planning Commission recommendation: Planning Commission did not recommend any revisions to the proposed zoning map.

Geologic Hazards

September 23, 2019 Planning Commission Hearing

At the request of the Planning Commission, Josh Wheeler, Assistant City Engineer, provided a presentation on the Geologic Hazards Overlay District. Northwest Clackamas County is more susceptible to landslides than many other locations in the Portland-Metro area. Slides are commonly triggered by heavy rain, rapid snowmelt, earthquakes, grading/removing material from the bottom of the slope or adding loads to the top of the slope, or concentrating water onto a slope (for example, from landscape irrigation, roof downspouts, or broken water/sewer lines). Slides generally occur on moderate to steep slopes, especially in weak soil. The City of Oregon City has a [digital mapping program](#); once there, you can access the City's GIS mapping program, OCWebMaps, which includes Oregon City and outlying areas. Oregon City regulates and limits tree removal, grading, and development in areas with steep slopes or historic landslides; more information can be found in [Chapter 17.44 of the Oregon City Municipal Code](#).

Staff recommendation: Staff response was informational only.

Planning Commission recommendation: Planning Commission did not recommend any revisions to the proposed code amendments.

Master Planning Requirement- Clear and Objective Standards for Housing

September 23, 2019 Planning Commission Hearing

Senate Bill 1051, passed in 2017, requires jurisdictions to provide clear and objective standards for housing. Clear and objective standards are metric based and rely on analysis using measurable standards such as height, setback, material selection, window transparency, and other architectural features that can be measured. The 2008 Beaver Creek Concept Plan looked at implementation through a more subjective Master Plan process that requires applicants to show how their proposed development is consistent with the adopted plan. This would occur through a Type III Master Plan application reviewed by the Planning Commission at a public hearing. The proposed Beaver Creek Road Concept Plan code amendment package was written to be clear and objective to show consistency and compliance with SB 1051. The other way to address compliance with SB 1051 will be to amend the Beaver Creek Road Concept Plan and remove the master planning requirement from the text.

Staff recommendation: Staff recommends amending the Beaver Creek Road Concept Plan text to no longer require implementation through the Master Plan process. Needed text amendments will be added at the time of formal adoption.

Planning Commission recommendation: Planning Commission recommends amending the Beaver Creek Road Concept Plan text to no longer require implementation through the Master Plan process.

Concept Plan Renaming

October 14, 2019 Planning Commission Hearing

One issue that came up over and over again in public outreach conversations and public comments in 2019 was a concern that the name of the concept plan area was geographically confusing and was being confused with the Hamlet of Beaver Creek. One way to lessen this concern is to potentially begin referring to the area with a new name as part of the code amendment project. Ideally, the new name should not be geographically confusing. Additional names provided during the public outreach during the spring of 2019 were: Thimble Creek, East Caulfield, Loder Road, SE Industrial (Oregon City), Two Creeks, and Thayer Greens. Most of the property is on the Andrew Hood Donation Land Claim. Until the golf course was built, the area was mainly farm fields for people who lived at Maple Lane or lived in the city and kept farms nearby. When the golf course was established, the newspaper reported it going in at "Maple Lane." A survey map for "Skypark" which was the airfield was identified west of the golf course. Google maps show it today as Fairways Airfield. None of the references above create a unique geographic name. As Thimble Creek runs through the site, is not very long and empties into Abernethy Creek soon after it leaves the site, staff found it to be the best alternative name option.

Staff recommendation: Staff recommends that if the Planning Commission wishes to rename the Concept Plan as part of this process, Thimble Creek Concept Plan is the best option. Needed text amendments will be added at the time of formal adoption.

Planning Commission Recommendation: The Planning Commission felt that a renaming of the plan name was warranted and directed staff to ensure that the needed text revisions are included in the final Legislative package adopted by the City Commission.

Beaver Creek Road Concept Plan- Transportation Analysis

November 25, 2019 Planning Commission Hearing

The Beaver Creek Road Zone and Code Amendments project will also rezone properties located within the city limits and Concept Plan boundary. An approval criterion for rezoning property is a facilities analysis. For the transportation system, this is usually done by completing a Transportation Analysis (TA). It was reviewed by John Replinger, the city's contract Transportation Engineer. Once properties are rezoned, additional project-specific analysis will occur during any future development review onsite and specific and proportional conditions of approval for transportation system upgrades, such as abutting street improvements or signal installations will be required as part of a development's approval.

The focus of the analysis was to demonstrate that the requirements of [Oregon Administrative Rule \(OAR\) 660-012-0060](#), the [Transportation Planning Rule \(TPR\)](#), are met for the Beaver Creek Road Concept Plan.

Mr. Replinger found that the proposal provides an adequate basis upon which the impacts of the development

can be assessed. The TA provides documentation that the key intersections will meet adopted mobility standards and that the proposed changes comply with the TPR. He also concurs with DKS's findings that all study area intersections meet operational standards regardless of whether Holly Lane was included or excluded in the system and that Beavercreek Road would meet mobility standards with the 3-lane configuration specified in the TSP. Additionally, the mobility standards would also be met if Beavercreek Road were to be widened to five lanes in sections where three lanes had been specified.

Staff Recommendation: Staff concurs with the transportation analysis performed by DKS. No action is needed.

Planning Commission Recommendation: The Planning Commission did not request any additional information on the transportation analysis and concurred with staff's transportation analysis findings.

Speed Zones within the Concept Plan

November 25, 2019 Planning Commission Hearing

At the request of the Planning Commission, staff presented information on new legislation that allows the city to set lower speed limits on local roads. [Senate Bill 558](#)-Allows all cities and counties the authority to establish, by ordinance, a designated speed for a right of ways under their jurisdiction. The measure specifies that the designated speed must be five miles per hour slower than the statutory speed, the road is located in a residential district and not an arterial street, and that the city provides appropriate signage of the designated speed. Senate Bill 558 passed the Legislature and was signed by the Governor on June 27, 2019. It goes into effect on January 1, 2020. If the Planning Commission wishes to pursue 20 miles per hour signage on local residential streets in the Beavercreek Road Concept Plan boundary and the Glen Oak Commercial Main Street, they should include it in the formal recommendation to the City Commission. Implementation would occur at the time of road construction. The City Commission could adopt the support for reduced speeds in the implementing Ordinance or adopt a separate resolution at the time of code adoption.

Staff Recommendation: The Beavercreek Road Concept Plan is an ideal area to test the new option for reduced speed limits. Staff would support a Planning Commission recommendation for speed reduction in this area.

Planning Commission Recommendation: The Planning Commission found that the Concept Plan envisions strong pedestrian and bike connections to adjacent jobs centers and Clackamas Community College/Oregon City High School; and as the area will be built as a brand new neighborhood, this area would benefit as a test case for reduced vehicular speeds limits on local streets.

Beavercreek Road Design

November 25, 2019 Planning Commission Hearing

At the November 12, 2019 City Commission Worksession, staff [presented additional information](#) on [potential design options](#) for Beavercreek Road and looked for broad direction from the City Commission. Staff also shared the results of the [Public Survey](#). The purpose for holding the City Commission work session during the Planning Commission Hearings process is to provide the City Commission the ability to provide their initial direction on the design of Beavercreek Road, which allows the Planning Commission an opportunity to review the recommendation and provide comments to the City Commission on this topic as the full code amendment package moves forward to City Commission Hearings. If the Planning Commission has a different recommendation than the City Commission on the following questions, it can be included in the formal recommendation to the City Commission. The City Commission provided direction on the following questions:

How many lanes should Beavercreek Road be within the Concept Plan corridor? A transitional section extending the existing 5-lane section near Maple Lane and transitioning to a 3-lane section after the Meyers Road intersection.

What type of intersections should Beavercreek Road have within the Concept Plan corridor? Traffic signals
Should the City renegotiate with ODOT to revise the Alternate Mobility Standard by removing Holly Lane connection projects from the Transportation System Plan (TSP)? No

Should Beavercreek Road along the Concept Plan corridor be constructed by developers incrementally as development is built or pursued as a capital improvement project all at once? The city should investigate if a

city-lead capital improvement project is feasible. Staff should return to a future meeting to review funding opportunities.

Staff Recommendation: Staff will be incorporating the City Commission recommended Beaver Creek Road Design into the code amendment package unless a different direction is given from the Planning Commission. Text amendments to the Transportation System Plan (TSP) and Beaver Creek Road Concept Plan describing the revised design to Beaver Creek Road will be added at the time of formal adoption.

Planning Commission Recommendation: The Planning Commission did not have a different recommendation than the City Commission on the design of Beaver Creek.



Oregon City Municipal Code Thimble Creek Concept Plan/Beavercreek Road Concept Plan Implementing Code Revised Draft – February 10, 2020 Planning Commission Meeting

Chapter 16.08, Land Divisions - Process and Standards

16.08.025 - Preliminary plat—Required information.

- A. Site Plan. A detailed site development plan drawn to scale by a licensed professional based on an existing conditions plan drawn by a licensed surveyor. The site plan shall include the location and dimensions of lots, streets, existing and proposed street names, pedestrian ways, transit stops, common areas, parks, trails and open space, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, stormwater and water facilities, total impervious surface created (including streets, sidewalks, etc.), all areas designated as being within an overlay district and an indication of existing and proposed land uses for the site. (...)

16.08.040 – Park and open space requirements.

17.62.059- Additional Public Park and Open Space Requirements in Thimble Creek Concept Plan area-residential development.

1. Each development within the Thimble Creek Concept Plan area that includes residential development must provide for land for neighborhood parks and open space during a development application which meets the requirements of this section.
 - a. The minimum amount of land in acres dedicated for South-Central Open Space-Neighborhood Park shall be calculated according to the following calculation: (2.6 persons per dwelling units) x (total number of dwelling units proposed in the development) x (4 acres) / (1,000 persons).
 - b. The minimum amount of land in acres dedicated for the East Ridge- Thimble Creek Conservation Area shall be 7.5 acres.
 - c. The entire acreage must be dedicated prior to approval or as part of the final plat or site plan development approval for the first phase of development.
 - d. If a larger area for a neighborhood park or open space-is proposed than is required based on the per-unit calculation described in subsection (A), the City must reimburse the applicant for the value of the amount of land that exceeds the required dedication based on the fee-in-lieu formula expressed in subsection (E)(1).

- e. The City may accept a fee-in-lieu as an alternative to this dedication at its discretion or may require a fee-in-lieu if a suitable site meeting the criteria described in subsection (F) of these provisions is not available within the development site. The calculation of the fee-in-lieu or other monetary contribution must meet the following standards.
 - i. The amount of the fee in lieu or other monetary contribution is set in dollars per acre of required dedication and is equivalent to the appraised cost of land within the development, as provided by a certified appraiser chosen by the City and with the assumption that zoning and other land use entitlement are in place.
 - ii. The fee-in-lieu or other monetary contribution must be paid prior to approval of the final plat or development approval for each phase of development.
- f. Neighborhood park and open space sites proposed for dedication must be located within the South Central Open Space Network as shown in Figure 17.62.059-1- or the East Ridge- Thimble Creek Conservation Area 17.62.059-1.and meet the following standards:

Figures (To be provided, will show the South Central Open Space Network & East Ridge- Thimble Creek Conservation Area as mapped on the Development Constraints Map.)

 - a. South Central Open Space-Neighborhood Park
 - i. 30 foot ped/bikeway string along the east side of Center Parkway to be located in a shared use path and will not be considered part of a pearl.
 - ii. Up to 4 pearls of various sizes spread along the open space network
 - iii. Min sizes pearl: 2 acres minimum.
 - iv. Maximum size pearl: none
 - v. Min combined size of all pearls: 10 acres
 - vi. Min average width: 200 feet
 - vii. Min average depth: 200 feet
 - viii. At least 5 acres to be developed with active recreation components
 - ix. The first peal dedicated must be at least 3 acres in size
 - b. East Ridge- Thimble Creek Conservation Area
 - i. ½ of area between the Thimble Creek stream buffer and the 490-foot elevation ridgeline to be open space
 - ii. Two public viewpoints separated by at least 400 feet with a minimum size of .35 acre at less than 10% slope for each viewpoint. One of the view points must be visible from a passing vehicle.
 - iii. 700-foot non-interrupted view corridor along open space from east edge of Ridge Parkway
 - iv. Provide a pedestrian oriented forest trail from one view-point to another along the Ridge Parkway

Chapter 17.05- Definitions

Chapter 17.05.145 Beaver Creek Road Concept Plan

The Beavercreek Road Concept Plan was renamed the Thimble Creek Concept Plan in 2020. Any reference to the Beavercreek Road Concept Plan refers to the Thimble Creek Concept Plan.

Chapter 17.05.1277 Thimble Creek Concept Plan

The Beavercreek Road Concept Plan was renamed the Thimble Creek Concept Plan in 2020. Any reference to the Beavercreek Road Concept Plan refers to the Thimble Creek Concept Plan.

Chapter 17.10, R-5 Medium Density Residential District (East Mixed-Use Neighborhood subdistrict)

17.10.070 – Additional Standards for Thimble Creek Concept Plan Area

- A. Applicability. This section applies to all development in the R-5 district within the Thimble Creek Concept Plan area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the R-5 zone within the Thimble Creek Concept Plan area. In the event of a conflict, the standards of this section control.
- C. Southern Perimeter Transition. Along the southern boundary of the Thimble Creek Concept Plan area between Beavercreek Road and the eastern-most point of Tax Lot 00316, located on Clackamas County Map #32E15A, additional standards apply to create a perimeter transition.
 - 1. For all lots adjacent to the southern boundary and within 20 feet of the southern boundary, uses shall be limited to single-family detached residential and roads, parks, trails and open space.
 - 2. For all lots adjacent to the southern boundary and within 20 feet of the southern boundary, minimum lot size for residential uses shall be 6,000 square feet.
 - 3. All primary structures shall be set back a minimum of 40 feet from the southern boundary for all lots adjacent to the southern boundary and within 20 feet of the southern boundary.
 - 4. Within the 40-foot wide setback, a combination of landscaping and screening shall be provided to buffer the perimeter. The landscaping and screening shall meet one of the two standards:
 - a. Utilize existing vegetation in compliance with OCMC 17.41 resulting in preservation or replanting of a minimum of 12 inches of tree diameter inches per lot with trees spaced an average of one tree for every 30 linear feet along the southern property line. These trees may be located on the residential lots or an abutting tract created for tree preservation consistent with OCMC 17.41.050.B or other similar landscaping or open space purpose.
 - b. Provide a combination of landscaping and screening to include:
 - (i) A minimum of 12 inches of tree diameter inches per lot, or a minimum of an average of one tree with minimum caliper of two inches DBH for every 30 linear feet along the southern property line, whichever is greater; and
 - (ii) A minimum six-foot tall, decorative, sight-obscuring fence or wall running parallel to the southern boundary. The fence or wall shall be constructed of wood, stone, rock, or brick. Other durable materials may be substituted with Planning Director's approval. Chainlink fencing with slats shall be not allowed to satisfy this standard.

5. An alternative southern perimeter transition may be proposed as part of a Master Plan per OCMC 17.65, provided it is consistent with the goals of the adopted Thimble Creek Concept Plan.

Chapter 17.12, R-2 High Density Residential District (West Mixed-Use Neighborhood subdistrict)

17.12.060 – Additional Standards for Thimble Creek Concept Plan Area

- A. Applicability. This section applies to all development in the R-2 district within the Thimble Creek Concept Plan area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the R-2 zone within the Thimble Creek Concept Plan area. In the event of a conflict, the standards of this section control.
- C. Uses.
 1. Live/work dwellings are a permitted use.
 2. As part of a master plan when authorized by and in accordance with the standards contained in OCMC 17.65, up to five thousand square feet of commercial space as a stand-alone building or part of a larger mixed-use building, to be used for:
 - a. Restaurants, eating and drinking establishments without a drive through;
 - b. Services, including personal, professional, educational and financial services; laundry and dry-cleaning; or
 - c. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar.
- D. Sustainability density bonus. The maximum net density allowed in 17.12.050.B may be increased by up to twenty percent, or a maximum net density of 26.2 du/acre, for projects incorporating the following sustainability features. For every feature provided below, net density may be increased by up to five percent, with a maximum twenty percent bonus available.
 1. A vegetated ecoroof for a minimum of thirty percent of the total roof surface.
 2. For a minimum of seventy-five percent of the total roof surface, a white roof with a Solar Reflectance Index (SRI) of 78 or higher if the roof has a 3/12 roof pitch or less, or SRI of 29 or higher if the roof has a roof pitch greater than 3/12.
 3. A system that collects rainwater for reuse on-site (e.g., site irrigation) designed to capture an amount of rainwater equivalent to the amount of stormwater anticipated to be generated by 50% of the total roof surface.
 4. An integrated solar panel system for a minimum of thirty percent of the total roof or building surface.
 5. Orientation of the long axis of the building within thirty degrees of the true east-west axis, with unobstructed solar access to the south wall and roof.
 6. Windows located to take advantage of passive solar collection and include architectural shading devices (such as window overhangs) that reduce summer heat gain while encouraging passive solar heating in the winter.

7. Fifty percent or more of landscaped area covered by native plant species selected from the Oregon City Native Plant List.
8. Provision of pedestal or wall-mounted Level 2, two hundred forty-volt electric vehicle chargers, or similar alternative fueling stations as approved by the planning director, at a minimum ratio of one station per fifty vehicle parking spaces up to a maximum of five such stations.
9. Building energy efficiency measures that will reduce energy consumption by thirty percent based on HERS rating for building, including efficient lighting and appliances, efficient hot water systems, solar orientation or solar water heating, solar photovoltaic panels, geothermal, and offsetting energy consumption with alternative energy.
10. Use of Forest Stewardship Council certified wood Reclaimed Wood for a minimum of thirty percent of wood products used in the site development.
11. Permeable paving, which may include porous concrete, permeable pavers, or other pervious materials as approved by the city engineer, for a minimum of thirty percent of all paved surfaces.
12. Buildings LEED-certified by the U.S. Green Building Council at any level shall be allowed to increase net density by the full twenty percent.

Chapter 17.24, NC Neighborhood Commercial District (Main Street subdistrict)

17.24.050 – Additional Standards for Thimble Creek Concept Plan Area

- A. Applicability. This section applies to all development in the NC district within the Thimble Creek Concept Plan area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the NC zone within the Thimble Creek Concept Plan area. In the event of a conflict, the standards of this section control.
- C. Uses.
 1. All uses permitted per OCMC 17.24.020.A and B, including grocery stores, are limited to a maximum footprint for a stand alone building with a single store or multiple buildings with the same business not to exceed ten thousand square feet, unless otherwise restricted in this chapter.
 2. Residential uses are permitted subject to limitations in OCMC 17.24.050.E, and are not subject to OCMC 17.29.020.M, OCMC 17.29.020.N, and OCMC 17.24.020.D.
 3. Artisan and specialty goods production is permitted, constituting small-scale businesses that manufacture artisan goods or specialty foods and makes them available for purchase and/or consumption onsite, with an emphasis on direct sales rather than the wholesale market. Examples include: candy, fruit and vegetable preserving and specialty foods, bakeries and tortilla manufacturing; artisan leather, glass, cutlery, hand tools, wood, paper, ceramic, textile and yarn products; microbreweries, microdistilleries, and wineries. All uses shall provide either:

- a. A public viewing area that includes windows or glass doors covering at least twenty-five percent of the front of the building face abutting the street or indoor wall, allowing direct views of manufacturing; or
 - b. A customer service space that includes a showroom, tasting room, restaurant, or retail space.
- 4. Drive-throughs are prohibited.
- 5. Gas stations are prohibited.
- D. Dimensional standards.
 - 1. Maximum building height shall be sixty feet or five stories, whichever is less.
 - 2. Minimum building height shall be twenty-five feet or two stories, whichever is less, except for accessory structures or buildings under one thousand square feet.
 - 3. Maximum corner side yard setback abutting a street shall be five feet.
 - 4. Minimum floor area ratio (FAR) shall be 0.5.
 - a. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FAR.
 - b. An individual phase of a project shall be permitted to develop below the required minimum FAR provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required FAR for the project will be achieved at project build out.
 - 5. Minimum required landscaping: Ten percent. Required landscaping areas may include:
 - a. Landscaping within a parking lot.
 - b. Planter boxes.
 - c. Ecoroofs.
 - d. Paved courtyard or plaza with at least twenty-five percent of the area used for landscaping, planter boxes, and/or water features including shade trees planted at the ratio of one tree for every 500 square feet of urban plaza area.
- E. Residential Uses. Residential uses, excluding live/work dwellings, are subject to the following additional standards:
 - 1. All residential uses shall be proposed along with any nonresidential use allowed in the NC district in a single development application.
 - 2. All ground-floor residential uses, with the exception of entrances for upper-story residential uses, shall be set back a minimum of 150 feet from the property line along Glen Oak Road.
 - 3. Ground-floor residential building square footage shall not exceed fifty percent of the ground-floor nonresidential building square footage onsite.
 - 4. Ground-floor residential uses shall achieve a minimum net density of 17.4 units per acre, with no maximum net density.
 - 5. Any new lots proposed for exclusive residential use shall meet the minimum lot size and setbacks for the R-2 zone for the proposed residential use type.
 - 6. Upper-story residential uses are permitted with no limitations.

F. Site design standards.

1. In lieu of complying with OCMC 17.62.050.B.1, parking areas shall be located behind the building façade that is closest to the street or below buildings and shall not be located on the sides of buildings or between the street and the building façade that is closest to the street.

Chapter 17.29, MUC Mixed-Use Corridor District (Mixed Employment Village subdistrict)

17.29.080 – Additional Standards for Thimble Creek Concept Plan Area

A. Applicability. This section applies to all development in the MUC-2 district within the Thimble Creek Concept Plan area.

B. Relationship of Standards. These standards apply in addition to and supersede the standards of the MUC-2 zone within the Thimble Creek Concept Plan area. In the event of a conflict, the standards of this section control.

C. Uses.

1. Light industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials are permitted.
2. The following permitted uses, alone or in combination, shall not exceed twenty percent of the total gross floor area of all of the other permitted and conditional uses within the development site. The total gross floor area of two or more buildings may be used, even if the buildings are not all on the same parcel or owned by the same property owner, as long as they are part of the same development site, as determined by the community development director.
 - a. Restaurants, eating and drinking establishments;
 - b. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
 - c. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store does not exceed twenty thousand square feet; and
 - d. Grocery stores provided the maximum footprint for a stand-alone building does not exceed forty thousand square feet.
3. Drive-throughs are prohibited.
4. Gas stations are prohibited.
5. Bed and breakfast and other lodging facilities for up to ten guests per night are a conditional use.
6. Tax Lot 00800, located on Clackamas County Map #32E10C has a special provision to allow the multifamily residential use permitted as of (Ordinance effective date) as a permitted use. This property may only maintain and expand the current use.

D. Dimensional standards.

1. Minimum floor area ratio (FAR) shall be 0.35.

2. Maximum allowed setback for corner side yard abutting street shall be five feet.
- E. Residential uses. All residential uses, except live/work units, are limited to upper stories only, and may only be proposed as part of a single development application incorporating nonresidential uses allowed in the MUC-2 district on the ground floor.

Chapter 17.37, CI Campus Institutional District (North Employment Campus subdistrict)

17.37.060 – Additional Standards for Thimble Creek Concept Plan Area

- A. Applicability. This section applies to all development in the CI district within the Thimble Creek Concept Plan area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the CI zone within the Thimble Creek Concept Plan area. In the event of a conflict, the standards of this section control.
- C. Uses.
 1. The following permitted use supersedes the use allowed in OCMC 17.37.020.L. Retail sales and services, including but not limited to eating establishments for employees (i.e. a cafe or sandwich shop) or retail sales of marijuana pursuant to OCMC 17.54.110, located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of five thousand square feet in a single outlet or twenty thousand square feet in multiple outlets that are part of the same development project.
 2. The following permitted use supersedes the use allowed in OCMC 17.37.020.M. Retail and professional services including but not limited to financial, insurance, real estate and legal offices limited to a maximum of five thousand square feet in a single outlet or twenty thousand square feet in multiple outlets that are part of the same development project. Financial institutions shall primarily serve the needs of businesses and employees within the development, and drive-throughs are prohibited.
 3. Offices as an accessory to a permitted use are permitted.
 4. Parks, trails, urban agriculture and community garden uses are permitted.
 5. Distribution and warehousing are prohibited.
 6. Tax Lots 00300, 00301, 00302, 00303, 00400 and 00401, located on Clackamas County Map #32E10C have a special provision to allow single-family detached residential use as a permitted use. This property may only maintain and expand the current use.
- D. Buffer zone treatment required in OCMC 17.37.040.D shall include:
 1. Landscaping shall be installed to provide screening of views of parking, loading and vehicle maneuvering areas, refuse/recycling collection areas, outdoor storage, and building façades. Buffer zone treatment may substitute for perimeter parking lot landscaping required per OCMC 17.52.060.C. Landscaping shall include:
 - a Trees a minimum of two caliper inches dbh planted on average 30 feet on center. Existing mature vegetation may be used to meet this standard if it achieves a similar level of screening as determined by the Planning Director.
 - b An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than 4 four feet apart on average.

- c Ground cover plants, which includes grasses covering all landscaping areas. Mulch (as a ground cover) shall only be allowed underneath plants at full growth and within two feet of the base of a tree and is not a substitute for ground cover.
- 2. Buffer shall incorporate a berm no less than three feet in height above the existing grade, constructed with a slope no steeper than 3:1 on all sides. The berm shall be planted with plant materials to prevent erosion.
- 3. A minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chainlink fencing with slats shall be not allowed to satisfy this standard.
- E. Outdoor storage permitted per OCMC 17.37.050.D shall be limited to a maximum of twenty-five percent of the net developable area.
- F. Power line corridors. A distinct feature of this district is the power line corridors north of Loder Road that define open corridors.
 - 1. Within the power line corridors, a minimum 30-foot wide open space and public access easement shall be granted to the City. The easement shall run parallel to the power line corridor and align with easements on abutting properties to create a continuous corridor.
 - 2. The easement may be shown on the final plat or recorded as a separate easement document. In either case, the easement must be recorded prior to issuance of a certificate of occupancy.
 - 3. Open spaces within the power line corridors, including the open space easements, may be counted as landscaping satisfying the requirements of OCMC 17.62.050.A.
 - 4. Additional uses encouraged in the power line corridors include community gardens, urban agriculture, stormwater and water quality features, plant nurseries, and solar farms.
- G. Sustainability features. Each development must incorporate six of the following sustainability features.
 - 1. A vegetated ecoroof for stormwater management. An ecoroof covering twenty to forty percent of the total roof area shall count as one feature, and a roof covering more than forty percent of the total roof area shall count as two features.
 - 2. A white roof with a Solar Reflectance Index (SRI) of 78 or higher if the roof has a 3/12 roof pitch or less, or SRI of 29 or higher if the roof has a roof pitch greater than 3/12 covering a minimum of seventy-five percent of the total roof area.
 - 3. A system that collects rainwater for reuse on-site (e.g., site irrigation) designed to capture an amount of rainwater equivalent to the amount of stormwater anticipated to be generated by 50% of the total roof surface.
 - 4. An integrated solar panel system mounted on the roof or anywhere on site. A solar system with surface area equivalent to a minimum of twenty to forty percent of the total roof area shall count as one feature, and a solar system with surface area equivalent to forty percent or more of the total roof area shall count as two features.
 - 5. Use of native plant species selected from the Oregon City Native Plant List. Native plantings that cover twenty to thirty percent of the total landscaped area shall count as one feature, and plantings that cover thirty percent or more of the total landscaped area shall count as two features.

6. Provision of pedestal or wall-mounted Level 2, two hundred forty-volt electric vehicle chargers, or similar alternative fueling stations as approved by the planning director, at a minimum ratio of one station per fifty vehicle parking spaces up to a maximum of five such stations.
7. Permeable paving, which may include porous concrete, permeable pavers, or other pervious materials as approved by the city engineer. Permeable paving totaling twenty to forty percent of all paved surfaces shall count as one feature, and permeable paving of forty percent or more of all paved surfaces shall count as two features.
8. Buildings LEED-certified by the U.S. Green Building Council at any level shall be counted as three features.

Chapter 17.62 Site Plan and Design Review

17.62.058 - Additional Public Park and Open Space Requirements in Thimble Creek Concept Plan area-non-residential development.

1. New non-residential development creating new commercial or industrial space will contribute to the creation of the parks and open space within the Thimble Creek Concept Plan area during a development application. Each non-residential development creating new commercial or industrial space will provide a fee in lieu to the city to proportionally support the acquisition and interim use of needed park and open space land within the Concept Plan boundary.

a. The fee in lieu will be set by the City Commission and adopted yearly in the city's fee schedule. The fee shall only be used by the city for park, trail and open space acquisition and interim site development. [proposed fee \$1,000 per 5,000 square feet of new commercial space]

b. The fee-in-lieu or other equivalent monetary contribution, approved by the Community Development Director, must be paid prior to approval of the Certificate of Occupancy.

17.62.059- Additional Public Park and Open Space Requirements in Thimble Creek Concept Plan area-residential development.

1. Each development within the Thimble Creek Concept Plan area that includes residential development must provide for land for neighborhood parks and open space during a development application which meets the requirements of this section.

a. The minimum amount of land in acres dedicated for South-Central Open Space-Neighborhood Park shall be calculated according to the following calculation: (2.6 persons per dwelling units) x (total number of dwelling units proposed in the development) x (4 acres) / (1,000 persons).

b. The minimum amount of land in acres dedicated for the East Ridge- Thimble Creek Conservation Area shall be 7.5 acres.

c. The entire acreage must be dedicated prior to approval or as part of the final plat or site plan development approval for the first phase of development.

d. If a larger area for a neighborhood park or open space-is proposed than is required based on the per-unit calculation described in subsection (A), the City must reimburse the applicant for

the value of the amount of land that exceeds the required dedication based on the fee-in-lieu formula expressed in subsection (E)(1).

- e. The City may accept a fee-in-lieu as an alternative to this dedication at its discretion or may require a fee-in-lieu if a suitable site meeting the criteria described in subsection (F) of these provisions is not available within the development site. The calculation of the fee-in-lieu or other monetary contribution must meet the following standards.
 - i. The amount of the fee in lieu or other monetary contribution is set in dollars per acre of required dedication and is equivalent to the appraised cost of land within the development, as provided by a certified appraiser chosen by the City and with the assumption that zoning and other land use entitlement are in place.
 - ii. The fee-in-lieu or other monetary contribution must be paid prior to approval of the final plat or development approval for each phase of development.
- f. Neighborhood park and open space sites proposed for dedication must be located within the South Central Open Space Network as shown in Figure 17.62.059-1- or the East Ridge- Thimble Creek Conservation Area 17.62.059-1.and meet the following standards:

Figures (To be provided, will show the South Central Open Space Network & East Ridge- Thimble Creek Conservation Area as mapped on the Development Constraints Map.)

c. South Central Open Space-Neighborhood Park

- i. 30 foot ped/bikeway string along the east side of Holly Lane extension to be located in a shared use path and will not be considered part of a pearl.
- ii. Up to 4 pearls of various sizes spread along the open space network
- iii. Min sizes pearl: 2 acres minimum.
- iv. Maximum size pearl: none
- v. Min combined size of all pearls: 10 acres
- vi. Min average width: 200 feet
- vii. Min average depth: 200 feet
- viii. At least 5 acres to be developed with active recreation components
- ix. The first pearl dedicated must be at least 3 acres in size

d. East Ridge- Thimble Creek Conservation Area

- v. ½ of area between the Thimble Creek stream buffer and the 490-foot elevation ridgeline to be open space
- vi. Two public viewpoints separated by at least 400 feet with a minimum size of .35 acre at less than 10% slope for each viewpoint. One of the view points must be visible from a passing vehicle.
- vii. 700-foot non-interrupted view corridor along open space from east edge of Ridge Parkway
- viii. Provide a pedestrian oriented forest trail from one view-point to another along the Ridge Parkway

17.54.120 -Home Occupations/Cottage Industry- Thimble Creek Concept Plan Area

Home occupations and Cottage Industries within the Thimble Creek Concept Plan Area are encouraged and allowed an expanded level of uses to support job creation in Oregon City and shall comply with all of the following:

A. Up to 3 offsite employees are allowed to work at the residence. Offsite employees may work onsite Monday-Friday 7:00 am-6:00 pm and Saturday 9:00 am to 5:00 pm;

B. All business conducted on-site shall be conducted within the home or accessory structure;

C. No outdoor storage of materials associated with the business shall occur on-site;

D. Not more than one-half of the square footage of the primary dwelling is devoted to such use;

E. One commercial vehicle associated with the business that has no more than 15 seats and does not require a commercial driver's license and one trailer associated with the business no more than 20 feet in length may be stored onsite outside of an accessory building. No commercial vehicles or trailers associated with the business may be stored in the Right of Way;

F. Any dedicated retail space located within the residence may be no larger than 300 square feet. Retail hours may not exceed Monday-Friday 7:00 am-6:00 pm and Saturday 9:00 am to 5:00 pm; The following retail uses are not allowed in this district: food, beverage, and/or marijuana sales.

List of Recommended Changes to Ancillary Documents the Comprehensive Plan.

The final exhibits will be prepared prior to City Commission adoption.

Beavercreek Road Concept Plan

- Amend text to no longer require implementation through the Master Plan process
- Place a note on the front page of the concept plan to refer to its new name: Thimble Creek Concept Plan
- General support for speed reduction efforts on non-arterial streets in the plan area
- Revise Beavercreek Road cross-section per City Commission direction
- Revise concept plan collector street section per Plan ing commission direction

Parks Master Plan

- Include the South Central Open Space and East Ridge- Thimble Creek Conservation Areas

Trails Master Plan

- Include all trails identified in concept plan

Transportation System Plan

- Provide additional information on the string portion of the South Central Open Space as a shared-use path
- Revise Beavercreek Road cross-section and budget, as needed
- Revise concept plan collector street section cross-section and budget, as needed

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, or surveying purposes. Notification of any errors is appreciated.

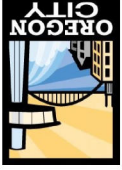


1 inch = 900 feet

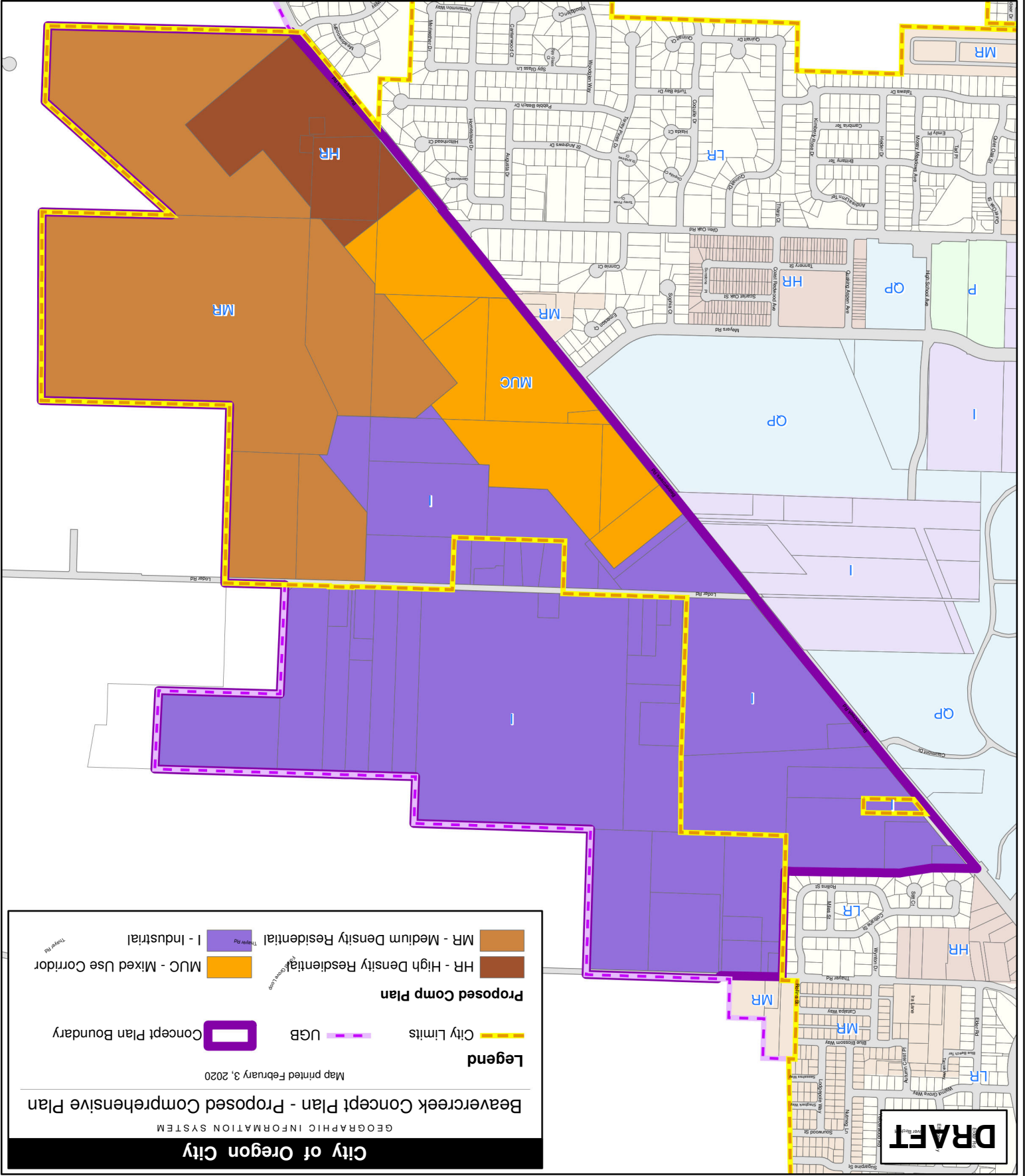
0 450 900 Feet

LEG 19-0003 Beavercreek Road Concept Plan - Zoning and Code Amendments

Plot date: February 3, 2020
Map name: Beavercreek Concept Plan - Proposed Comp Plan - 8x10P - 20200203.pdf



City of Oregon City
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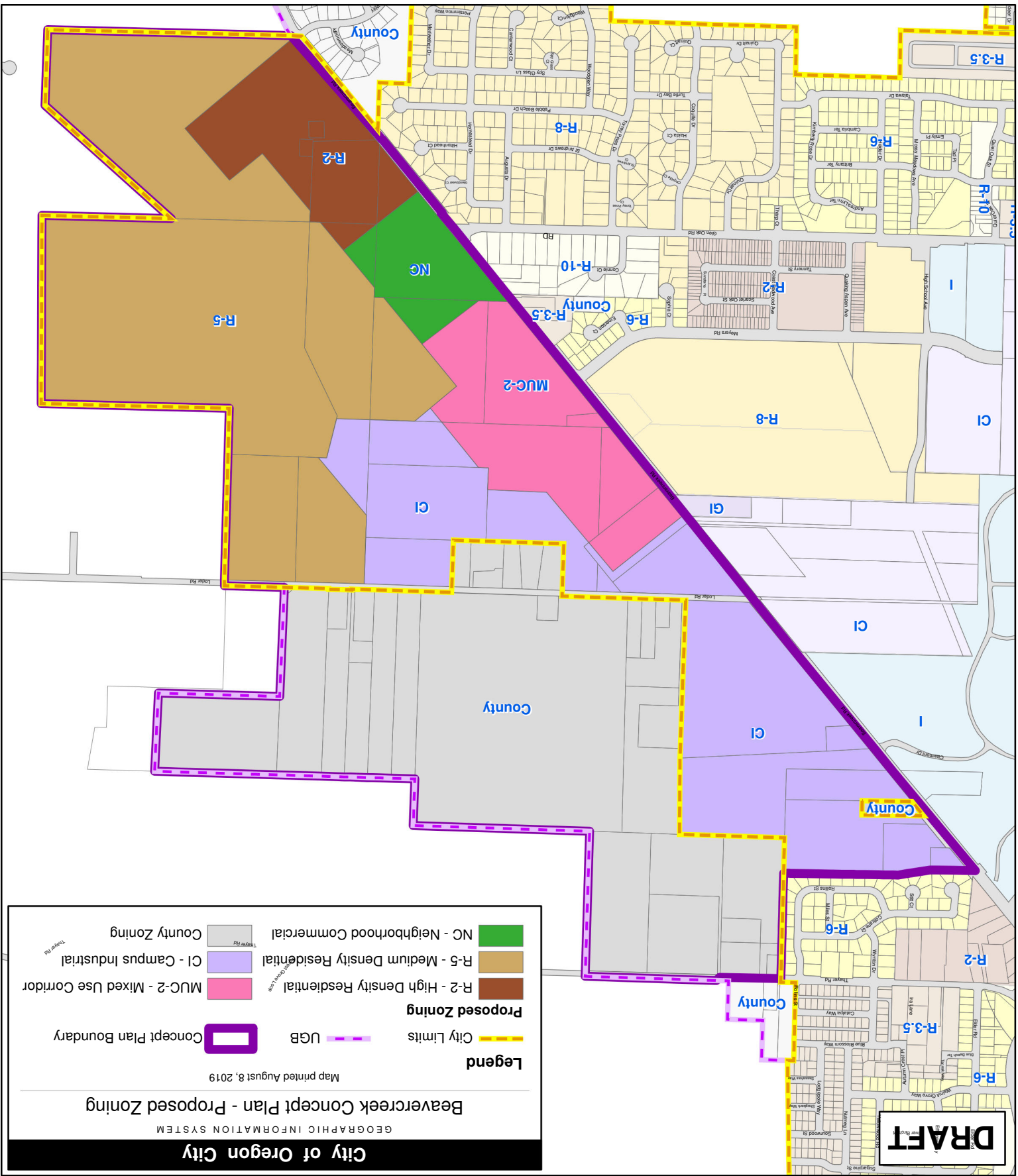
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Beaver Creek Concept Plan - Proposed Zoning

GEOGRAPHIC INFORMATION SYSTEM

Map printed August 8, 2019

- Legend**
- City Limits
 - UGB
 - Concept Plan Boundary
 - Proposed Zoning**
 - R-2 - High Density Residential
 - MUC-2 - Mixed Use Corridor
 - R-5 - Medium Density Residential
 - CI - Campus Industrial
 - NC - Neighborhood Commercial
 - County Zoning



LEG 19-0003

Beaver Creek Road Concept Plan - Zoning and Code Amendments

1 inch = 900 feet

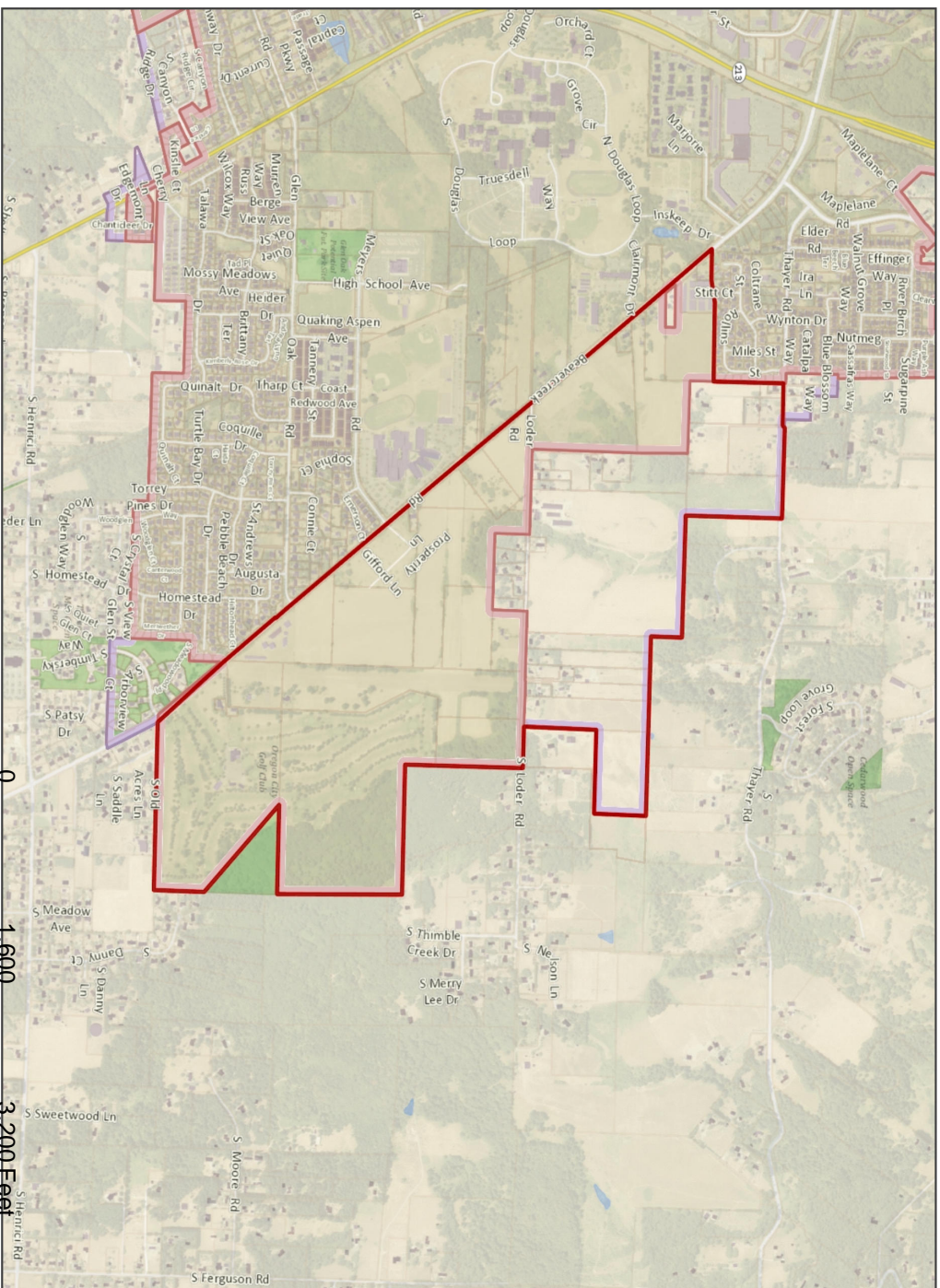
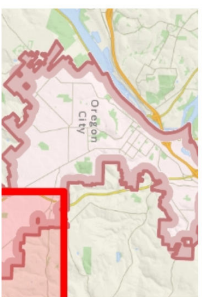
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1: 19,200

0 1,600 3,200 Feet

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Map created 6/21/2019



MEMO

Date: June 26, 2019
To: Laura Terway & Christina Robertson-Gardiner, City of Oregon City
CC: Steve Faust, 3J Consulting
From: Elizabeth Decker, JET Planning
Subject: Beaver Creek Road Concept Plan Map and Code Implementation Project

I. PROJECT DESCRIPTION AND BACKGROUND

I.a. CONCEPT PLAN SUMMARY

The Beaver Creek Road Concept Plan (BRCP) establishes the goal of creating a complete and sustainable community in southeast Oregon City within a 453-acre district along Beaver Creek Road. The district is intended to provide for a mix of uses including an employment campus north of Loder Road, mixed-use districts along Beaver Creek Road, and two mixed-use neighborhoods woven together by open space, trails, a network of green streets, and sustainable development practices. District development will help to provide 1000 to 1,600 diverse housing options and to realize the City's economic development goals, including creation of up to 5,000 family-wage jobs. The five subdistricts that support these development goals include:

- ***North Employment Campus:*** The largest subdistrict, located north of Loder Road and is intended for tech flex and campus industrial uses.
- ***Mixed Employment Village:*** Located along Beaver Creek Road between Meyers Road and Glen Oak Road, and intended for mixed-use, 3-5 story building scale, active street life.
- ***Main Street:*** A node located Beaver Creek Road and Glen Oak Road, intended for mixed-use, local shops and services.
- ***West Mixed-Use Neighborhood:*** Located along Beaver Creek Road south of Glen Oak Road and the Main Street subdistrict, and intended for medium to high density housing and limited community uses.
- ***East Mixed-Use Neighborhood:*** Located in the southeast end of concept plan area, and is intended for low-density residential and green space throughout.

- ***Parks, Open Spaces and Resource Areas:*** Includes a connected system of parks, open spaces and natural areas that link together and link to the environmentally sensitive areas throughout the district, including the undevelopable portion of the powerline overlay.

The Beaver Creek Road Concept Plan was initially adopted in 2008 and re-adopted in 2016, following legal and legislative findings that affirmed the plan's consistency with Metro regional employment goals. (See File No. LE-15-0003.) While approximately half of the district has been annexed to the City, mapping and zoning regulations need to be developed and applied for the annexed areas and the remainder of the district to fully implement the BRCP.

I.b. IMPLEMENTATION PROJECT SUMMARY

Oregon City aims to further implementation of the Beaver Creek Road Concept Plan (BRCP) through comprehensive plan designation and zone mapping, and development code amendments. The specific tasks for this project will be to develop comprehensive plan map and zoning map designations to implement the Beaver Creek Road Concept Plan map, and supporting development code regulations for each implementing zone. The existing Concept Plan map was the guide for mapping implementation. Existing city zoning, bolstered by recent Amendments to the Oregon City Municipal Code (including the Equitable Housing Project recommendations) code amendments, generally lines up with the desired land use concepts within the plan and will facilitate implementation with minor amendments. Additional plan goals beyond land use implementation are outside the scope of this project, including infrastructure, transportation and economic development measures that have already been completed or planned for the concept plan area. Additional items will be pursued separately from this land use implementation project.

I.c. PROJECT PUBLIC ENGAGEMENT

The BRCP implementation project engaged a range of stakeholders in multiple venues and formats over eight months, with each successive round of engagement used to inform project refinements in subsequent phases.

The first round of engagement consisted of four stakeholder interviews with property owners, economic development representatives, and local educational institutions to understand current conditions and priorities for the implementation project. This initial round also included three presentations to the following community groups to update them on the status of the BRCP concept plan and hear their priorities for the implementation process:

- Caulfield Neighborhood Association- January 22, 2019

- The Hamlet of Beavercreek- January 23, 2019
- Beavercreek Blue Ribbon Committee- January 17, 2019

Three public meetings were held at the Oregon City High School, near the concept plan area, and at City Hall during the course of the project to provide information and discussion opportunities on the evolving maps and code amendments:

- Tuesday, January 29, 2019- Oregon City High School Library- 7:00-8:30 PM
- Tuesday, April 9, 2019- Oregon City High School Library- 7:00-8:30 PM
- Monday, June 10, 2019- City Hall Commission Chambers - 5:00-7:00 PM

For all meetings, materials were also available online including comment forms to allow community members to participate virtually if they were not able to attend the meetings in person.

Additional presentations were held at the following City meetings to detail the implementation project elements:

- Citizen Involvement Committee- January 7, 2019
- Transportation Advisory Committee- March 19, 2019

The proposed map and code amendments were discussed at the two work sessions this spring:

- Planning Commission Work Session- May 13, 2019
- City Commission Work Session- June 11, 2019

Throughout the project, ongoing methods used to engage citizens in the process have included:

- Project website with regular updates
(<https://www.orcity.org/Beavercreekconceptplan>)
- Email Updates announcing upcoming meetings and events
- Mailing List
- Public comment tracker, compiling feedback from all engagements with responses from staff, updated throughout the project
- Online comment forms
- Naming survey for renaming the concept plan area
- Notice board posted within the concept plan area

The following meetings are anticipated as of the date of this report as part of the adoption process.

- 1st Planning Commission Hearing: August 12, 2019- 7:00 PM
- City Commission Work Session (Beavercreek Road Street Design): August 13, 2019
- Additional Planning Commission and City Commission public hearings and work sessions to be scheduled.

All meetings will be properly noticed and advertised through the project's mailing list and website.

II. PROPOSED AMENDMENTS

II.a. AMENDMENT SUMMARY

The implementation project includes map and text amendments consistent with BRCP including:

1. *Comprehensive plan text amendments:* Proposed clarification in the Parks Master Plan (ancillary document to the Comprehensive Plan) as well as amendments to the Transportation System Plan (ancillary document to the Comprehensive Plan) as needed.
2. *Comprehensive plan map amendments:* Proposed amendments to the comprehensive plan map implement the five subdistricts identified in the BRCP consistent with the concept plan maps throughout the concept plan area.
3. *Zoning map amendments:* Proposed amendments to the zoning map implement the five subdistricts consistent with the concept plan and comprehensive plan designations for properties within the concept plan area that have been annexed into the city limits. Zoning for properties within the Concept Plan boundary but not annexed into the City will be applied at the time of annexation, consistent with the adopted comprehensive plan map.
4. *Zoning text amendments:* Code amendments to the Oregon City Municipal Code include geographically specific provisions to supplement the base zoning district provisions to fully implement the concept plan goals for each subdistrict. Limited amendments to subdivision and site plan review standards are also proposed to ensure concept plan standards are implemented at the time of development.

The BRCP subdistricts are proposed to be implemented with existing city comprehensive plan designations and zoning districts for proposed maps, with proposed code amendments building on existing district standards.

<i>Subdistrict</i>	<i>Comprehensive plan designation</i>	<i>Zone</i>
North Employment Campus	Industrial (I)	Campus Industrial (CI)
Mixed Employment Village	Mixed-Use Corridor (MUC)	Mixed-Use Corridor (MUC-2)
Main Street	Mixed-Use Corridor (MUC)	Neighborhood Commercial (NC)
West Mixed-Use Neighborhood	High-Density Residential (HDR)	High-Density Residential (R-2)
East Mixed-Use Neighborhood	Medium-Density Residential (MDR)	Medium-Density Residential (R-5)
Environmentally Sensitive Restoration Area		Natural Resources Overlay District (NROD) Geological Hazard Overlay District (GHOD)

II.b. SUMMARY OF ZONING TEXT AMENDMENTS

The proposed code amendments specific to each subdistrict are described below, and supplement rather than supplant the base zone standards.

OCMC 16.08, Land Divisions – Process and Standards

- Proposed code amendments include additional public park requirements or fee-in-lieu option for certain properties to ensure land for the South Central Open Space Network is reserved and dedicated to the city at the time of residential subdivisions. This is expected to largely apply to development in the R-5 district.

OCMC 17.10, R-5 Medium Density Residential District (East Mixed-Use Neighborhood subdistrict)

- No changes are proposed to the mix of uses or dimensional standards in the zone beyond those proposed in the Amendments to the Oregon City Municipal Code (including the Equitable Housing Project recommendations).

- Standards for the Low-Impact Conservation Area implement the plan goals for the area upslope of Thimble Creek, on the eastern edge of the Beavercreek Road district. The proposed standards limit development to two units per acre, require open space preservation and restoration, and require view corridors to preserve views.
- A 40-foot perimeter buffer is proposed along the southern edge of the district including landscaping, setbacks and fencing, to manage the transition to lower-density residential development outside City limits along Old Acres Lane to the south.

OCMC 17.12, R-2 High Density Residential District (West Mixed-Use Neighborhood subdistrict)

- Allows additional uses consistent with the Concept Plan include live/work dwellings and limited commercial/mixed-use spaces.
- Provides up to a 20% density bonus for development incorporating sustainability features.
- Additional changes in Site Plan and Design Review standards to add requirement for additional public park dedication or fee-in-lieu, consistent with requirement for new subdivisions.

OCMC 17.24, MC Neighborhood Commercial District (Main Street subdistrict)

- Limits uses to a 10,000 SF building footprint to encourage pedestrian-scale, main street businesses. Limits residential uses to 50% of the project floor area, and prohibits ground-floor residential uses within 150 feet of Glen Oak Road (which will be the “main street.”) Adds a new use category for artisan and specialty goods production to allow limited manufacturing type uses.
- Increase dimensional standards to match scale proposed in the Concept Plan, including a five-story height limit and 0.5 FAR minimum.
- Improves building presence and interaction along the street by requiring parking to be located behind building facades.

OCMC 17.29, MUC Mixed-Use Corridor District (Mixed Employment Village subdistrict)

- Light industrial uses are permitted to implement the employment aspect of the vision for this subdistrict. Retail and service uses, including food service, are limited to 20% of a site to maintain the focus on employment uses generating family-wage jobs. Residential uses are limited to upper stories only.

- One parcel with an in-progress residential development is permitted outright, to avoid creating a nonconforming use.
- An additional dimensional standard implements a minimum 0.35 FAR for new development to ensure efficient use of land.

OCMC 17.31, CI Campus Industrial District (North Employment Campus subdistrict)

- Retail and professional service uses are limited consistent with Metro Title 4 requirements to preserve land for industrial uses. Offices are permitted consistent with uses outlined in the Concept Plan, whereas distribution and warehouse uses are prohibited because they create relatively few jobs per acre inconsistent with the plan goals.
- Several parcels with existing single-family residential development are permitted outright, to avoid creating nonconforming uses. (These parcels are outside of Title 4 lands, so there is no conflict with employment requirements.)
- Additional standards require landscaping, berms and fences within the required 25-foot transition area between industrial and residential uses.
- Outdoor storage is limited to a maximum of 25% of the developable area to avoid inefficient use of land that does not support employment plan goals.
- A minimum 30-foot open space and trail corridor is required along the powerline corridor. Additional parks, trails, urban agriculture and community garden uses are permitted consistent with the plan goals for uses within the powerline easement.
- Sustainable development features are required for all development to implement the plan's sustainability goals.

OCMC 17.44, US - Geologic Hazards and OCMC 17.49 - Natural Resources Overlay District

- No changes are proposed to the geologic hazard or natural Resources Overlay District standards for this district; resource areas within the concept plan area will be protected consistent with existing standards.

OCMC 17.62, Site Plan and Design Review

- Proposed code amendments include additional public park requirements or fee-in-lieu option to ensure land for the South Central Open Space Network is reserved and dedicated to the city at the time of residential subdivisions.

This is intended to apply to any residential development in the R-2 or the mixed-use districts that does not get developed through subdivision.

III. COMPLIANCE

III.a. CHAPTER 17.68 ZONING 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 by the commission;

B. An official proposal by the planning commission;

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

All requests for amendment or change in this title shall be referred to the planning commission.

Response: This request is for amendments to the zoning map, amendments to the comprehensive plan map, and text amendments to the Oregon City Municipal Code and was initiated by the Planning Division.

17.68.020 Criteria.

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

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

Response: Consistency with the Oregon City Comprehensive Plan (OCCP) Goals and Policies follow starting on page 11.

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 capacity of the respective public facilities and services to support the proposal is addressed below.

Water and Sewer Capacity

Please refer to the attached memorandum from 3J Consulting. The memorandum provides an assessment of the water and sanitary sewer system implications of the map and code amendments proposed with the BRCP implementation project.

Wastewater treatment is provided by the Tri-City Sewer District, which the project contacted for comment.

The 3J memorandum concludes that development of 1,105 dwelling units and 5,734 jobs within the BRCP area have been adequately planned for in infrastructure master plans and sufficient capacity will be available to serve development. The Sanitary Sewer (2014) and Water Distribution (2012) Master Plans were all created subsequent to initial adoption of the Beavercreek Road Concept Plan (2008). Each master plan incorporated the BRCP area into future capital improvement projections and will ensure adequate water and sewer capacity is developed.

South Fork Water Board (SFWB), Oregon City's water provider was contacted for comment.

Schools

The proposal was sent to the Oregon City School District (OCSD) for comment.

Police and Fire Protection

Oregon City Police Department and Clackamas Fire District capacity would not be affected by the proposal, since the proposal does not change existing service areas. They have been contacted for comment.

Wastewater Treatment

Tri-City Sewer District was contacted for comment.

Storm Drainage

This proposal does not change the city's adopted policies and technical documents related to storm water management and erosion control. The Draft 2019 Oregon City Stormwater Master Plan includes the BRCP area, which is part of the Newell Creek Basin, but does not identify any capital improvement projects specifically needed to serve the BRCP district. The Plan states that the eventual layout of the stormwater conveyance systems and management facilities will be crafted through the preliminary and final design process for development projects within the BRCP district.

Transportation

Impacts to the transportation system are addressed under (C) below.

Based on the various analyses provided, public facilities and services are presently capable of supporting the uses allowed by the proposal, or can be made available prior to issuing a certificate of occupancy. **This criterion is met.**

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: The impacts of the proposal on the transportation system were reviewed by a transportation consultant, DKS. Please refer to the DLS analysis and memorandum which is attached to this narrative. The memorandum provides an assessment of the transportation implications of the project proposal. The memorandum assesses whether the proposed amendments trigger a finding of significant effect that would require further analysis to determine transportation impacts under OAR 660-12-0060 (Transportation Planning Rule or “TPR”).

The memo concludes that the proposed map and code amendments do not result in a significant change in the number of trips resulting from the dwelling units and jobs anticipated within the BRCP district compared to the traffic anticipated and planned for in Oregon City’s Transportation System Plan (TSP) adopted in 2013. Therefore, the proposed amendments do not have a significant effect on the transportation system and that the city may adopt findings to that effect when adopting the proposed amendments. **This criterion is met.**

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

Response: The acknowledged Oregon City Comprehensive Plan (OCCP) addresses all of the applicable Statewide Planning goals unless the Statewide Goal is inapplicable. The relevant sections of the OCCP implemented by this proposal, and the applicable Statewide Goals, is indicated below.

Statewide Planning Goal	OCCP Section / Goal(s) Implemented by this Proposal
1: Citizen Involvement	1. Citizen Involvement / Goals 1.2, 1.4
2: Land Use Planning	2. Land Use Planning / Goals 2.1, 2.3, 2.4, 2.5, 2.6, 2.7
3: Agricultural Lands	3. Not applicable within UGB
4: Forest Lands	4. Not applicable within UGB
5: Natural Resources, Scenic and Historic Areas, and Open Spaces	5. Open Spaces, Scenic and Historic Areas, and Natural Resources / Goals 5.1, 5.4
6: Air, Water and Land Resources Quality	6. Quality of Air, Water, and Land Resources / Goals 6.1, 6.2
7: Areas Subject to Natural Hazards	7. Natural Hazards / Goal 7.1
8: Recreation Needs	8. Parks and Recreation / Goal 8.1,

9: Economic Development	9. Economic Development / Goals 9.1, 9.3, 9.5, 9.7, 9.8
10: Housing	10. Housing / Goals 10.1, 10.2
11: Public Facilities and Services.	11. Public Facilities / Goals 11.1, 11.6, 11.7
12: Transportation	12. Transportation / Goal 12.1
13: Energy Conservation	13. Energy Conservation / Goal 13.1
14: Urbanization	14. Urbanization / Goal 14.3
15: Willamette River Greenway	Not affected by this proposal.
16: Estuarine Resources	Not applicable.
17: Coastal Shorelands	Not applicable.
18: Beaches and Dunes	Not applicable.
19: Ocean Resources	Not applicable.

Detailed responses to the OCCP goals and policies are provided in Section III.b below.

III.b. OREGON CITY COMPREHENSIVE PLAN GOALS AND POLICIES

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 1.4 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: The proposal is consistent with these Goals and Policies. The project provided numerous opportunities for citizen involvement, including engagement with the Citizen Involvement Committee, the Caufield Neighborhood Association, property owners, and other stakeholders through multiple avenues throughout the eight-month project planning process with multiple notification and participation options provided. See Section I.c for full summary of citizen involvement efforts.

2.1 Efficient Use of Land

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

Response: The proposal maps and supplements existing zoning district standards for the R-5, R-2, NC, MUC-II, and CI zones that have been found to support efficient and sustainable development. The BRCP envisions the area developed with vibrant, walkable, amenity rich neighborhoods with active community centers, as mapped and implemented by this proposal. The proposed code amendments further support efficient land use by providing residential density bonuses, FAR minimums for mixed-use development, and requiring sustainable design features for industrial development. **The proposal is consistent with this Goal.**

Policy 2.1.1

Create incentives for new development to use land more efficiently, such as by having minimum floor area ratios and maximums for parking and setbacks.

Response: The proposed code amendments create additional incentives for efficient land use in the BRCP district beyond the existing code standards, including higher minimum FARs for development in the two mixed-use zones and reduced setbacks and landscaping area for the NC zone applied to the Main Street subdistrict. The OCMC already includes parking maximums in OCMC 17.52.020. **The proposal is consistent with this Policy.**

Policy 2.1.2

Encourage the vertical and horizontal mixing of different land-use types in selected areas of the city where compatible uses can be designed to reduce the overall need for parking, create vibrant urban areas, reduce reliance on private automobiles, create more business opportunities and achieve better places to live.

Response: The proposed map amendments apply two existing mixed-use zones with the BRCP area, the MUC-II and NC zones. In addition to the mix of office, commercial and residential uses allowed in the base zones, the proposed code amendments expand the mix of uses including allowing light manufacturing uses in the MUC-II zone. The proposed code amendments limit the scale and percentages of different categories of uses, including limiting residential uses to upper stories or ground-floor uses set back a minimum distance from the main roadways, to provide for a greater mix of uses. The proposed code amendments also introduce opportunities for small-scale commercial uses in the R-2 zone for additional opportunities for mixed-use development. **The proposal is consistent with this Policy.**

Goal 2.3 Corridors

Focus transit-oriented, higher intensity, mixed-use development along selected transit corridors.

Response: The proposed map amendments apply two existing mixed-use zones with the BRCP area, the MUC-II and NC zones, along Beaver Creek Road, which has potential to be a future transit corridor as development increases potential ridership numbers. The higher-intensity residential development zoned R-2 is also located along Beaver Creek Road, compared to medium-density residential areas zoned R-5 located further east away from major roads. In addition, the site is near the Clackamas Community College which has a transit center for Tri-Met. **The proposal is consistent with this Goal.**

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.

Response: The essence of the BRCP is to establish a district with interconnected, vibrant neighborhoods. The proposed map amendments support a mix of uses throughout the district, included a district focal point in the Main Street subdistrict zoned NC that will serve as the hub for the district's neighborhoods. The proposed code amendments also support development of smaller-scale activity centers throughout the district, such as permitting small-scale commercial uses with the East Mixed-Use Neighborhood zoned R-2 and supporting creation of the South-Central Open Space Network through required parkland dedications. **The proposal is consistent with this Policy.**

Policy 2.4.3

Promote connectivity between neighborhoods and neighborhood commercial centers through a variety of transportation modes.

Response: The BRCP plans for multimodal transportation networks throughout the district, as supported by the proposed map and code amendments. The proposed code amendments support creation of the South-Central Open Space Network through required parkland dedications, which will form a linear park and multimodal trail connecting multiple subdistricts. **The proposal is consistent with this Policy.**

Goal 2.5 Retail and Neighborhood Commercial

Encourage the provision of appropriately scaled services to neighborhoods.

Response: The map amendments, consistent with the BRCP map, provide for a Main Street subdistrict zoned NC in close proximity to the residential East and West Mixed-Use Neighborhoods. In addition, the proposed code amendments add opportunities to integrate small-scale commercial uses in the West Mixed-Use Neighborhood zoned R-2. **The proposal is consistent with this Goal.**

Policy 2.5.4

Encourage the development of successful commercial areas organized as centers surrounded by higher density housing and office uses, rather than as commercial strips adjacent to low-density housing.

Response: The map amendments, consistent with the BRCP map, provide for a Main Street subdistrict zoned NC in close proximity to the higher-density West Mixed-Use Neighborhood zoned R-2 and the Mixed Employment Village subdistrict zoned MUC-II that will support office uses. There are no commercial strips proposed adjacent to lower-density housing in the East Mixed-Use Neighborhood zoned R-5. **The proposal is consistent with this Policy.**

Policy 2.5.5

Encourage commercial and industrial development that enhances livability of neighborhoods through the design of attractive LEEDTM-certified buildings and environmentally responsible landscaping that uses native vegetation wherever possible, and by ensuring that development is screened and buffered from adjoining residential neighborhoods and access is provided by a variety of transportation modes.

Response: The proposed code amendments include requirements for sustainable design features for industrial development within the North Employment Campus zoned CI; the menu of features includes LEEDTM-certified buildings and use of native vegetation. The proposed code amendments also provide for an enhanced landscaping buffer incorporating berms and fencing between the industrial subdistrict and adjacent residential development in the East Mixed-Use Neighborhood. The BRCP includes plans for a multimodal transportation network that will be built out as development occurs. **The proposal is consistent with this Policy.**

Goal 2.6 Industrial Land Development

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

Response: The map amendments designate 236.1 gross acres, estimated at 132.1 net acres for Industrial designation and Campus Industrial zoning; the North Employment Campus is the largest of all the BRCP subdistricts. All Metro Title 4

land protected for employment use has been designated and zoned CI. The existing CI zone allows a range of uses that support family-wage jobs, such as light manufacturing; the proposed code amendments further protect job generation potential by limiting the amount of site area that can be used for outdoor storage areas and prohibiting distribution and warehouse uses, which typically do not generate significant job opportunities. **The proposal is consistent with this Goal.**

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.

Response: The map amendments ensure that land planned for industrial use is protected for industrial purposes by zoning it CI. The CI zoning code standards limit non-industrial uses, and the proposed code amendments further limit the size of any supporting retail or office to 5,000 SF per establishment or 20,000 per development. Existing residential uses on a handful of parcels within the North Employment Campus are permitted outright, rather than rendered nonconforming uses, but no new residential uses are permitted. **The proposal is consistent with this Policy.**

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.

Response: The CI zoning code standards already prohibit schools and churches; parks, trails and urban agriculture uses are proposed as permitted uses in the code amendments for the North Employment Campus subdistrict, intended to apply within the powerline easement areas that would otherwise be undevelopable for industrial use. The proposed code amendments limit the size of any supporting commercial use to 5,000 SF per establishment or 20,000 per development. **The proposal is consistent with this Policy.**

Policy 2.6.4

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

Response: Much of the North Employment Campus industrial lands are currently undeveloped. The map amendments applying the CI zone will protect these lands from incompatible development through existing CI use standards. The CI zoning

code standards limit non-industrial uses, and the proposed code amendments further limit the size of any supporting retail or office to 5,000 SF per establishment or 20,000 per development. Existing residential uses on a handful parcels within the North Employment Campus are permitted outright, rather than rendered nonconforming uses, but no new residential uses are permitted. The CI zoning code standards also prohibit schools and churches; parks, trails and urban agriculture uses are proposed as permitted uses in the code amendments for the North Employment Campus subdistrict, intended to apply within the powerline easement areas that would otherwise be undevelopable for industrial use. **The proposal is consistent with this Policy.**

Policy 2.6.5

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

Response: A central feature of the BRCP is the integration of residential and employment opportunities to create possibilities to live, work and play in the district. The proposed map amendments will create residential and employment districts in close proximity, including two mixed-use districts with both residential and employment opportunities. **The proposal is consistent with this Policy.**

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.

Response: CCC was identified as a stakeholder in the implementation project, and was engaged in the map and code development. The proximity of the North Employment Campus and the CCC campus create an exciting opportunity for future industrial developments in the BRCP area that partner with CCC as training centers and future employers. The existing CI use standards permit a wide range of industrial uses, including light manufacturing and research and development, that could accommodate future industrial uses within the BRCP district. **The proposal is consistent with this Policy.**

Policy 2.6.7

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

Response: Public facility master planning has been completed for the district, and planned water, sewer, stormwater, and transportation facilities have been shown to support the full 5,734 jobs projected with this implementation project. See response to approval criteria 17.68.020.B and C in Section III.a. All proposed industrial

development will be reviewed through the Site Plan and Design Review process in OCMC 17.62 that includes a criteria for approval for any new development that public facilities are adequate to support the proposal. **The proposal is consistent with this Policy.**

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.

Response: The lands east of CCC have been incorporated into the BRCP and envisioned for industrial development that encourages family-wage jobs. The proposed map amendments, guided by the approved concept plan, designate this area for Industrial designation and Campus Industrial zoning. The existing CI zone allows a range of uses that support family-wage jobs, such as light manufacturing; the proposed code amendments further protect job generation potential by limiting the amount of site area that can be used for outdoor storage areas and prohibiting distribution and warehouse uses, which typically do not generate significant job opportunities. **The proposal is consistent with this Policy.**

Goal 2.7 Oregon City Comprehensive Plan Land-Use Map

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.

Response: The proposal includes amendments to the official Comprehensive Plan Land-Use Map as part of on-going maintenance to update designations for the BRCP area. **The proposal is consistent with this Goal.**

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)*

Response: The proposed comprehensive plan map amendments apply the Medium Density Residential, High Density Residential, Mixed Use Corridor, and Industrial designations to the BRCP area, with zoning classifications that are consistent with these designations. **The proposal is consistent with this Policy.**

Goal 5.1 Open Space

Establish an open space system that conserves fish and wildlife habitat and provides recreational opportunities, scenic vistas, access to nature and other community benefits.

Response: The BRCP prioritizes an open space network that preserves identified environmental resource areas, parks, trails, and viewpoints, including the South-Central Open Space Network and the Low Impact Conservation Area upslope of Thimble Creek on the eastern edge of the district. The map amendments will include mapping and applying the Natural Resources Overlay District (NROD) – OCMC 17.49 and Geologic Hazards – OCMC 17.44 to habitat areas. The proposed code amendments will create the South-Central Open Space Network through required parkland dedication at the time of development, protect trail corridors throughout the district’s open space system by requiring dedication of easements at the time of development, and protect the Low Impact Conservation Area by limiting development to two units per acre and protecting view corridors. **The proposal is consistent with this Goal.**

Policy 5.1.1

Conserve open space along creeks, urban drainage ways, steep hillsides, and throughout Newell Creek Canyon.

Response: The existing Natural Resources Overlay District (NROD) will be applied to all riparian corridors and the Geologic Hazards standards will be applied to all steep hillsides to conserve those areas. **The proposal is consistent with this Policy.**

Goal 5.4 Natural Resources

Identify and seek strategies to conserve and restore Oregon City’s natural resources, including air, surface and subsurface water, geologic features, soils, vegetation, and fish and wildlife, in order to sustain quality of life for current and future citizens and visitors, and the long-term viability of the ecological systems.

Response: The proposed amendments do not include any changes to OCMC 17.44, Natural Resources Overlay District, or to OCMC 17.49 – Geologic Hazards. These acknowledged codes are intended to conserve, protect and restore inventoried natural resources within the City’s Urban Growth Boundary. **The proposal is consistent with this policy.**

Policy 5.4.16

Protect surfacewater quality by:

- *providing a vegetated corridor to separate protected water features from development*
- *maintaining or reducing stream temperatures with vegetative shading*
- *minimizing erosion and nutrient and pollutant loading into water*
- *providing infiltration and natural water purification by percolation through soil and vegetation*

Response: The proposed amendments do not include any changes to OCMC 17.44, Natural Resources Overlay District, which provides for a vegetated corridor and shading along street corridors, or to the City’s recently adopted stormwater and erosion control standards, design manuals or review processes. **The proposal is consistent with this policy.**

Goal 6.1 Air Quality

Promote the conservation, protection and improvement of the quality of the air in Oregon City.

Response: The proposed amendments will not affect any codes or policies that implement Goal 6. The City’s overlay districts, such as the Natural Resource Overlay District, Flood Management Overlay, and Geologic Hazards Overlay will apply regardless of the proposed changes. All engineering standards and building code standards for storm drainage, grading, erosion control, water quality facilities will continue to apply to development. Oregon Dept. of Environmental Quality (DEQ) air and water quality permits are required separately for new development. **The proposal is consistent with this Goal.**

Policy 6.1.2

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

Response: Oregon Dept. of Environmental Quality (DEQ) air and water quality permits are required separately for new development. Oregon City planning and

engineering staff are included in the coordination of these permits prior to issuance by DEQ. **The proposal is consistent with this Policy.**

Goal 6.2 Water Quality

Control erosion and sedimentation associated with construction and development activities to protect water quality.

Response: Oregon Dept. of Environmental Quality (DEQ) air and water quality permits are required separately for new development. Oregon City planning and engineering staff are included in the coordination of these permits prior to issuance by DEQ. **The proposal is consistent with this Policy.**

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.

Response: All engineering standards and building code standards for storm drainage, grading, erosion control, and water quality facilities will continue to apply to development. **The proposal is consistent with this Policy.**

Policy 6.2.2

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

Response: All engineering standards and building code standards for storm drainage, grading, erosion control, and water quality facilities will continue to apply to development. **The proposal is consistent with this policy.**

Goal 7.1

Natural Hazards Protect life and reduce property loss from the destruction associated with natural hazards.

Response: Development within the Natural Resources Overlay District and Geologic Hazards Overlay District (which includes sloped and historic landslide areas) is limited by development standards in the Municipal Code to protect the public.

Policy 7.1.1 Limit loss of life and damage to property from natural hazards by regulating or prohibiting development in areas of known or potential hazards.

Response: Development within the Natural Resources Overlay District and Geologic Hazards Overlay District (which includes sloped and historic landslide areas) is limited by development standards in the Municipal Code to protect the public.

8.1 Developing Oregon City's Park and Recreation System

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

Response: The BRCP prioritizes a network of parks, trails, and open spaces, including the South-Central Open Space Network. The proposed code amendments will support creation of the South-Central Open Space Network through required parkland dedication at the time of development and protect trail corridors throughout the district's open space system by requiring dedication of easements at the time of development. **The proposal is consistent with this Goal.**

Policy 8.1.1

Provide an active neighborhood park-type facility and community park-type facility within a reasonable distance from residences, as defined by the Oregon City Park and Recreation Master Plan, to residents of Oregon City.

Response: The South-Central Open Space Network will create park facilities within proposed neighborhoods; all residences will be within approximately 1/4 mile of the network, which will include multiple elements including features similar to a neighborhood park-type facility and a multipurpose trail. The proposed code amendments will create the South-Central Open Space Network through required parkland dedication at the time of development. **The proposal is consistent with this Policy.**

Policy 8.1.2

When property adjacent to an existing neighborhood or community park becomes available, consider adding property to the park and developing it to meet the current needs of existing neighborhoods.

Response: There are no existing parks in the BRCP area, however, future park facilities in the South-Central Open Space Network will be expanded over time as the properties in the district are developed. The proposed code amendments will create the South-Central Open Space Network through required parkland dedication at the time of development, and include provisions for dedication of land within the mapped South-Central Open Space Network to allow the facility to expand and maintain connectivity throughout the district. **The proposal is consistent with this Policy.**

Policy 8.1.5

Identify and construct a network of off-street trails throughout the city for walking and jogging.

Response: The BRCP identifies a network of off-street trails including regional trails throughout the district. The proposed code amendments will protect identified trail corridors by requiring dedication of easements at the time of development. **The proposal is consistent with this Goal.**

Policy 8.1.9

Emphasize retaining natural conditions and the natural environment in proposed passive recreation areas.

Response: Passive recreation areas will include open space areas and environmental resource areas. The Natural Resources Overlay District (NROD) – OCMC 17.49 and Geologic Hazards – OCMC 17.44 will be applied to habitat areas which promote retention of natural conditions. In addition, the proposed code amendments include provisions for the Low Impact Conservation Area that require environmental restoration as a condition of any adjacent development. **The proposal is consistent with this Policy.**

Policy 8.1.12

Identify and protect land for parks and recreation within the Urban Growth Boundary.

Response: The BRCP identifies and prioritizes a network of parks, trails, and open spaces, including the South-Central Open Space Network. The proposed code amendments will support creation of the South-Central Open Space Network through required parkland dedication at the time of development and protect trail corridors throughout the district's open space system by requiring dedication of easements at the time of development. **The proposal is consistent with this Policy.**

Policy 8.1.14

Require or encourage developers to dedicate park sites as part of the subdivision review process. When possible, require or encourage developers to build parks to City standards and give them to the City to operate and maintain.

Response: The proposed code amendments will require parkland dedication to create the South-Central Open Space Network as part of subdivision review process. **The proposal is consistent with this Policy.**

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: A core aspect of the BRCP is to create economic opportunities, and the proposed map and code amendments implement three distinct subdistricts focused on employment opportunities. The North Employment Campus, proposed for CI zoning, will provide family-wage employment opportunities. The two mixed-use subdistricts in the Mixed Employment Village and Main Street will provide goods and services, and additional jobs in those sectors. In total, the proposal is estimated to support up to 5,734 jobs, exceeding the BRCP goal of 5,000 jobs. The proposed code amendments include provisions such as sustainable design elements for industrial development and the inherent efficiencies of mixing uses within the district and individual subdistricts to reduce distances travelled to live, work, shop and eat, which will support ecologically sound economic growth. **The proposal is consistent with this Goal.**

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.

Response: Three of the BRCP subdistricts, proposed to be implemented through map and code amendments, will support commercial and industrial development. The North Employment Campus, proposed for CI zoning, will support primarily industrial development with family-wage employment opportunities. The Mixed Employment Village subdistrict will provide support high-quality commercial and office employment, with similar opportunities in the Main Street subdistrict. In total, the proposal is estimated to support up to 5,734 jobs, exceeding the BRCP goal of 5,000 jobs. The proposed code amendments include provisions such as sustainable design elements for industrial development and the inherent efficiencies of mixing uses within the district and individual subdistricts to reduce distances travelled to live, work, shop and eat, which will support ecologically sound economic growth. Natural resources will be protected through the Natural Resources Overlay District (NROD) – OCMC 17.49 and Geologic Hazards – OCMC 17.44 to habitat areas to ensure development does not compromise the quality of the environment. As discussed in response to Goals 6.1 and 6.2 above, compliance with existing state and local air and water standards will ensure protection of those resources at the time of future development. **The proposal is consistent with this Policy.**

Policy 9.1.2

Contribute to the health of the regional and state economy by supporting efforts to attract “traded sector industries” such as high technology and production of metals, machinery, and transportation equipment. (Traded sector industries compete in multi-state, national, and international markets and bolster the state’s economy by bringing money in from sales of goods and services outside of the state.)

Response: The BRCP prioritizes recruitment of sustainable industries, which could include traded sector industries. The proposed map and code amendments support this goal by creating development opportunities for such industries within the proposed North Employment Campus and Mixed Employment Village subdistrict. Additional recruitment efforts will be led by the City’s Economic Development Department. **The proposal is consistent with this Policy.**

Goal 9.3 Retention of Existing Employers

Retain existing employers, both public and private, and encourage them to expand their operations within the City.

Response: The proposed map and code amendments will create significant new acreage for industrial and employment growth, which could be acquired and developed by existing employers looking to expand their operations. **The proposal is consistent with this Policy.**

Policy 9.3.1

Protect existing industries from encroachment by incompatible land uses, and ensure that expansion options are available to them wherever possible.

Response: The proposed map amendments will not create any incompatible land uses near existing industries. The proposed map and code amendments will create significant new acreage for industrial and employment growth, which could be acquired and developed by existing employers looking to expand their operations. **The proposal is consistent with this Policy.**

Goal 9.5 Retail Service

Allow a variety of retail outlets and shopping areas to meet the needs of the community and nearby rural areas.

Response: The proposed map and code amendments will support the creation of the Main Street subdistrict along Glen Oak Road providing retail and shopping opportunities for the immediate BRCP district and nearby areas. The code amendments specifically support retail development by limiting residential uses to upper stories and the rear portion of sites, to ensure commercial development remains the priority. Limited retail outlets are also permitted under the proposed

code amendments for the Mixed Employment Village to support those who work and live in the subdistrict. **The proposal is consistent with this Goal.**

Policy 9.5.1

Develop local neighborhood or specific plans, when appropriate, to blend infill development along linear commercial areas into existing neighborhoods.

Response: The BRCP district is undeveloped and as such, does not have existing commercial or existing neighborhoods; the plan as implemented by the proposed map and code amendments proactively creates opportunities to blend commercial development within neighborhoods. The proposed map and code amendments create opportunities for retail and commercial development primarily within the Main Street subdistrict, which is located along Glen Oak Road interior to the district, rather than strung out as a linear commercial development along Beaver Creek Road. The proposed code amendments also allow small-scale retail and commercial development within the West Mixed-Use Neighborhood to the south of the Main Street subdistrict. **The proposal is consistent with this Policy.**

Policy 9.5.2

Develop plans to provide necessary public services to surrounding rural industrial lands for future development.

Response: No changes are proposed to adopted infrastructure master plans for water, sewer and stormwater and the Transportation System Plan (TSP) which will ensure provision of necessary services to industrial lands within and outside of the BRCP district. **The proposal is consistent with this Policy.**

Goal 9.7 Home-Based Businesses

Provide a supportive climate for home-based businesses.

Response: The City has already adopted standards and permitting processes for home occupations, defined by OCMC 17.04.580 and permitted in all residential zones. The City has developed a worksheet to support owners of home occupations to comply with business licensing and zoning requirements. (See https://www.orcity.org/sites/default/files/fileattachments/economic_development/page/4592/2016_home_occupation_worksheet_-_fillable.pdf) Home-based businesses will similarly be allowed and supported within residential areas of the BRCP district. **The proposal is consistent with this Goal.**

Policy 9.7.1

Encourage home-based businesses that are low impact and do not disrupt the residential character of the neighborhoods in which they are located.

Response: No changes are proposed to adopted home occupation standards in OCMC 17.04.580, which limit disruptions to neighborhood residential character by prohibiting non-resident employees, prohibiting retail sales onsite, prohibiting off-site sound impacts, prohibiting outdoor uses, and requiring that uses are secondary to the residential purpose of the dwelling. During the development of the code amendments, a “cottage industry” concept was explored to permit small-scale manufacturing based businesses as home occupations within the BRCP neighborhoods, such as welding or cabinet making. Some small-scale manufacturing could be permitted under the existing home occupations code, provided it was conducted indoors and did not generate off-site sound impacts, however, changes to the home occupation standards to promote such uses or loosen current restrictions are not recommended based on citizen feedback concerning potential disruptions to residential neighborhood character. During the April 9, 2019 public workshop, citizens shared concerns that noise and visual impacts from potential cottage manufacturing uses could be a conflict with residential neighborhoods, as well as concern that the smaller homes and dwelling types proposed in the BRCP neighborhoods would not have sufficient room for such uses or sufficient buffering between residences. Therefore, existing home occupation standards are proposed for BRCP neighborhoods to encourage home-based businesses while limiting disruptions to residential neighborhoods. **The proposal is consistent with this Policy.**

Policy 9.7.2

Encourage the support services that home-based businesses need.

Response: No changes are proposed to adopted home occupation standards in OCMC 17.04.580 or City policies to support business owners. The City will continue to work with business owners to support them in obtaining business licenses. The plan provides nearby mixed use and employment districts to support home based businesses. **The proposal is consistent with this Policy.**

Goal 9.8 Transportation System

Recognize the importance of the land use-transportation link and encourage businesses to locate in areas already served by the type of transportation system they need.

Response: The adopted BRCP transportation strategy includes elements such as planning a mixed-use community that will increase options for internal trip making, developing a framework of collector streets, improving Beaver Creek Road itself to accommodate trips within and through the district, and developing off-site transportation connections guided by the Transportation System Plan; the transportation strategy was developed to serve the intended industrial and

commercial development in each subdistrict. The proposed map and code amendments provide for the intended types of development in each subdistrict, that will be served by existing and planned transportation elements. **The proposal is consistent with this Goal.**

Policy 9.8.1

Through coordination with TriMet and local employers, encourage and promote the use of mass transit to travel between residential areas and employment areas.

Response: The adopted BRCP sets the stage for future transit by providing transit-attractive destinations, such as high-density employment and residential nodes, and a logical network of roadways that would support future transit routes. The proposed map and code amendments support future transit improvements by implementing the plan subdistricts that concentrate job and housing densities near Beaver Creek Road and the transit center at Clackamas Community College. **The proposal is consistent with this Policy.**

Policy 9.8.4

Promote “shared parking” and transportation demand management techniques such as transit vouchers, car or van pooling, and flexible schedules and telecommuting options to reduce peak hour trips.

Response: The adopted parking standards permit shared parking facilities per OCMC 17.52.020.B.2, and will apply to development within the BRCP area. Additional transportation demand management techniques are more appropriate for individual businesses to develop, and can be implemented at the time of development. **The proposal is consistent with this Policy.**

Policy 9.8.6

Encourage the provision of multi-modal transportation to support major existing employers.

Response: There are no existing employers within the BRCP area that will be affected by the proposed map and code amendments. However, the amendments will support development of a multimodal transportation system throughout the BRCP area consistent with adopted transportation strategies, including transit, sidewalks, bike routes, and off-street trail network that will serve future employers in the North Employment Campus and throughout the district. **The proposal is consistent with this Policy.**

Policy 9.8.7

Assess methods to integrate the pedestrian, bicycle and elevator transportation modes into the mass transit system.

Response: The adopted transportation strategies in the BRCP include development of on and off-street pedestrian and bicycle facilities throughout the district; an elevator mode is not proposed because it is not suitable for the district's topography. The proposed map and code amendments support future development of these facilities by requiring facilities to be constructed at the time of site development. **The proposal is consistent with this Policy.**

Goal 10.1 Diverse Housing Opportunities

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

Response: The BRCP prioritizes a variety of housing types for a range of income levels across the different subdistricts. The proposed map and code amendments support these goals by implementing the West and East Mixed Use Neighborhoods, with additional residential opportunities in the mixed-use Main Street and Mixed Employment Village subdistricts. The proposed zoning districts for the West and East Mixed-Use Neighborhoods are R-2 and R-5, respectively; these districts were significantly revised as part of the Amendments to the Oregon City Municipal Code (including the Equitable Housing Project recommendations) earlier in 2019 to better meet this goal. The housing code amendments allow for a broad range of housing options collectively referred to as "missing middle housing," defined as a range of multi-unit or clustered housing types compatible in scale with single-family homes that help meet the growing demand for housing choices at a variety of scales across a variety of neighborhoods, encouraging a more diverse housing stock in residential zones that are currently dominated by single-family residential homes. The proposed map and code changes with this proposal implement these zones and will guide planning and development of a variety of housing types and lot sizes. **The proposal is consistent with this Goal.**

Policy 10.1.1

Maintain the existing residential housing stock in established older neighborhoods by maintaining existing Comprehensive Plan and zoning designations where appropriate.

Response: There are no established older neighborhoods in the BRCP area, however, there are a handful of existing residences. The proposed code amendments will permit existing homes with proposed CI zoning to remain permitted uses rather than making them nonconforming uses. **The proposal is consistent with this Policy.**

Policy 10.1.2

Ensure active enforcement of the City of Oregon City Municipal Code regulations to ensure maintenance of housing stock in good condition and to protect neighborhood character and livability.

Response: No changes are proposed to the code enforcement standards or policies with this proposal. As neighborhoods are developed in the BRCP area, code enforcement will ensure housing and neighborhoods are maintained in good condition. **The proposal is consistent with this Policy.**

Policy 10.1.3

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.

Response: The proposed map amendments designate land for a variety of densities and types of housing as follows: 25.1 gross acres of High Density Residential with R-2 zoning, 136.7 gross acres of Medium Density Residential with R-5 zoning, and 13.5 gross acres of Mixed-Use Corridor with NC zoning for mixed-use residential development. The existing zoning standards for these districts permit a range of densities for different housing types ranging from a minimum of 7.0 units per net acre for single-family detached homes in the R-5 zone to a maximum of 21.8 units per net acre for townhouse and multifamily development in the R-2 zone, or up to 26.2 units per net acre for projects that incorporate sustainability features in the proposed code amendments. **The proposal is consistent with this Policy.**

Policy 10.1.4

Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring that needed affordable housing is provided.

Response: The proposed map and code amendments apply the revised R-5 and R-2 zoning district standards that were developed as part of the Equitable Housing Project specifically to provide greater variety of affordable housing options, both regulated, income-restricted housing options and market-rate housing options that are lower priced and thus affordable to housing with lower household incomes. The variety of housing types allowed in both zones will provide opportunities to integrate affordable housing into the BRCP neighborhoods as they are developed. **The proposal is consistent with this Policy.**

Policy 10.1.5

Allow Accessory Dwelling Units under specified conditions in single-family residential designations with the purpose of adding affordable units to the housing inventory and

providing flexibility for homeowners to supplement income and obtain companionship and security.

Response: Accessory Dwelling Units (ADUs) are permitted in both the R-5 and R-2 zoning districts proposed for the BRCP neighborhoods with this proposal; no further changes to the ADU regulations are included with this proposal. Code revisions adopted with the Amendments to the Oregon City Municipal Code (including the Equitable Housing Project recommendations) included a provision in OCMC 16.08.095 that restricts new subdivisions from applying code, covenants, and restrictions (CC&Rs) that prohibit ADUs, which will ensure that new developments within the BRCP are not restricted by public zoning code or private CC&Rs from developing ADUs. **The proposal is consistent with this Policy.**

Policy 10.1.6

Allow site-built manufactured housing on individual lots in single-family residential zones to meet the requirements of state and federal law. (Pursuant to state law, this policy does not apply to land within designated historic districts or residential land immediately adjacent to a historic landmark.)

Response: The Oregon City Municipal Code does not differentiate between manufactured housing and other housing types on individual lots and the proposed code amendments do not propose to change this; an individual manufactured house is permitted on any lot where a single-family detached, site-built house would be permitted in the BRCP neighborhoods under the proposed R-5 and R-2 zoning. **The proposal is consistent with this Policy.**

Policy 10.1.7

Use a combination of incentives and development standards to promote and encourage well-designed single-family subdivisions and multi-family developments that result in neighborhood livability and stability.

Response: The proposed map amendments apply the R-2 and R-5 zoning districts within the BRCP, which already incorporate numerous incentives and development standards to support livability and stability. The proposed code amendments further support livable neighborhoods by requiring parkland dedication or fee-in-lieu for all new subdivisions and multifamily developments, to create the South-Central Open Space Network with park and trail facilities serving the BRCP neighborhoods. The proposed amendments also include a density bonus option as an incentive for multifamily development to incorporate sustainability features. **The proposal is consistent with this Policy.**

Goal 10.2 Supply of Affordable Housing

Provide and maintain an adequate supply of affordable housing.

Response: The proposed map amendments add significant buildable residential land to the City's inventory, including 12.1 net acres of buildable land zoned R-2 in the West Mixed Use Neighborhood and 64.5 net acres of buildable land plus 15.9 acres of constrained land zoned R-5 in the East Mixed Use Neighborhood and additional opportunities in the two mixed-use subdistricts with a combined estimated potential for 1,105 new housing units. Maintaining an adequate supply of buildable land will help keep housing prices affordable by reducing land scarcity. These areas will be developed under the R-5 and R-2 zoning district standards recently amended with the Amendments to the Oregon City Municipal Code (including the Equitable Housing Project recommendations) project that expand the range of housing types permitted, decrease minimum lot sizes for many types, and increase density for some missing middle housing types. Together, these standards create opportunities to build market-rate housing that is more affordable than traditional single-family detached, large-lot subdivisions. **The proposal is consistent with this Policy.**

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.

Response: The proposed map amendments commit a total of 161.8 gross acres of land for residential use, consistent with the BRCP map; no existing residential land or affordable housing will be lost with this proposal. **The proposal is consistent with this Policy.**

Policy 10.2.2

Allow increases in residential density (density bonuses) for housing development that would be affordable to Oregon City residents earning less than 50 percent of the median income for Oregon City.

Response: The proposed map amendments apply the R-2 zone to the West Mixed Use Neighborhood, and existing R-2 code standards provide up to a 20% density bonus for affordable units at 80% AMI for a minimum term of 30 years for apartment projects. No further changes to the affordable housing density bonus is proposed with this project. **The proposal is therefore consistent with this policy.**

Policy 10.2.3

Support the provision of Metro's Title 7 Voluntary Affordable Housing Production Goals.

Response: (From Comprehensive Plan, P. 77):

In 2001, Metro adopted amendments to Title 7 of the Urban Growth Management Functional Plan to implement the Regional Affordable Housing Strategy (2000), which identifies measures to provide adequate affordable housing in the Metro region. The amendments require local jurisdictions to consider adopting a number of tools and strategies for promoting the creation and retention of affordable housing. Metro defines an affordable housing unit as one that requires no more than 30 percent of household income for people earning 50 percent of the median household income in their jurisdiction. By that definition, an affordable housing unit in Oregon City in 2000 would cost \$570 per month or less. The 2002 housing inventory and analysis showed that the number of lower-cost units in Oregon City was inadequate to meet both the current (2002) and projected housing needs of the city's lower-income residents. Title 7 tools and strategies have been adopted as Goal 10.2 and Policies 10.2.1 through 10.2.4.

The proposed map and code amendments support affordable housing creation consistent with Title 7 through compliance with Goal 10.2 and Policies 10.2.1 through 10.2.4, as demonstrated in this section. **The proposal is consistent with this Policy.**

Policy 10.2.4

Provide incentives that encourage the location of affordable housing developments near public transportation routes. Incentives could include reduction of development-related fees and/or increases in residential density (density bonuses).

Response: As mentioned in Policy 10.1.4, the West Mixed Use Neighborhood will be zoned R-2 under the proposed map amendments and the R-2 standards include a 20% density bonus for affordable units at 80% AMI for a minimum term of 30 years. The West Mixed Use Neighborhood is located along Beavercreek Road and the future Center Parkway which have been identified as potential future public transportation routes. **The proposal is consistent with this Policy.**

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.

Policy 11.1.1

Ensure adequate public funding for the following public facilities and services, if feasible:

- *Transportation infrastructure*
- *Wastewater collection*
- *Stormwater management*
- *Police protection*
- *Fire protection*
- *Parks and recreation*
- *Water distribution*

Response: As demonstrated within this report the aforementioned systems can accommodate the impact anticipated in the Concept Plan.

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

Response: As demonstrated within this report the aforementioned systems can accommodate the impact anticipated in the Concept Plan.

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.

Response: The adopted BRCP includes interconnected land use and transportation elements that ensure appropriately scaled multimodal facilities will serve future development. The plan establishes a variety of interconnected subdistricts with a mix of uses that increase opportunities for local trips while decreasing total trips utilizing the broader transportation network. The proposed map and code amendments implement this vision to balance land use and transportation goals; the proposal is supported by a transportation memo prepared by DKS that concludes that development associated with the proposal can be served by the planned City-wide transportation system. **The proposal is consistent with this Goal.**

Policy 12.1.1

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

Response: The adopted BRCP includes multimodal transportation provisions. As development occurs, on-street and off-street pedestrian and bicycle facilities will be required to be constructed as outlined in the plan. The proposed map and code amendments are consistent with the BRCP and will support expanded multimodal facilities throughout the district serving all the different land uses from industrial to residential. **The proposal is consistent with this Policy.**

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.

Response: The proposed map and code amendments create mixed-use subdistricts including the NC-zoned Main Street and MUC-II-zoned Mixed Employment Village that permit high-density residential development, as well as a mix of uses within the district as a whole across the five subdistricts. The map and code amendments will facilitate a mix of uses at higher residential densities along Beaver Creek Road, including the two aforementioned mixed-use districts and the R-2-zoned West mixed Use Neighborhood. There are no significant existing buildings within the BRCP area affected by this policy. **The proposal is consistent with this Policy.**

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: Walkability is a central goal of all the BRCP neighborhoods, and is supported by the proposed map and code amendments. Neighborhoods will be built around blocks with a maximum block length of 530 feet, except for the industrial areas in the North Employment Campus, consistent with zoning standards in OCMC 16.12.030 for implementing districts that create easily walkable neighborhoods that minimize out-of-direction travel by pedestrians. On-street pedestrian facilities will be required consistent with green street cross-sections which create a desirable walking environment, in addition to an off-street trail network. The proposed code amendments support a compelling, walkable Main Street subdistrict along Glen Oak Road by requiring building presence along a minimum percentage of the site and limiting parking areas to the rear of the site. **The proposal is consistent with this Policy.**

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.

Response: The Concept Plan includes an efficient mix of uses to allow those that leave in or near the site to also obtain amenities and employment nearby.

Goal 14.3 Orderly Provision of Services to Growth Areas

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.

Response: The proposed map and code amendments implement an adopted concept plan for Beaver Creek Road. The Sanitary Sewer Master Plan (2014), Water Distribution Master Plan (2012), Stormwater Master Plan (2019 Draft), and Transportation System Plan (2013) were all created subsequent to initial adoption of the BRCP in 2008 and plan for public services to serve residential and employment growth forecasted for the concept plan area. The proposed map and code amendments are estimated to support 1,105 dwellings and 5,734 jobs, consistent with demand forecasted and planned for in adopted capital improvements plans. **The proposal is consistent with this Goal.**

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 proposed map and code amendments provide for higher densities in the BRCP area to maximize utility of new public facilities developed to serve the area. Residential development will be subject to high and medium-density residential standards in the R-2 and R-5 districts respectively. Both zones have minimum density standards equal to 80% of the maximum allowed density, to ensure higher density development, as well as opportunities for types like cluster housing, duplexes, and 3-4 plexes in the R-5 zone that allow higher densities than would otherwise be permitted for single-family detached residential uses. Employment development in the two mixed-use districts will be subject to FAR minimums under the proposed code amendments to ensure efficient use of land and public facilities. **The proposal is consistent with this Policy.**

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.

Response: The adopted Sanitary Sewer Master Plan (2014), Water Distribution Master Plan (2012), Stormwater Master Plan (2019 Draft), and Transportation System Plan (2013) ensure that public facilities are extended to new areas, including the BRCP area and development anticipated through the proposed map and code amendments, without compromising the ability to provide services to existing areas and residents of the city that meet adopted service standards. **The proposal is consistent with this Policy.**

Policy 14.3.3

Oppose the formation of new urban services districts and oppose the formation of new utility districts that may conflict with efficient delivery of city utilities within the Urban Growth Boundary.

Response: The BRCP area is within the future service area of city utility providers and no new urban service districts or utility districts are proposed. **The proposal is consistent with this Policy.**

Policy 14.3.4

Ensure the cost of providing new public services and improvements to existing public services resulting from new development are borne by the entity responsible for the new development to the maximum extent possible.

Response: All development proposed with the BRCP area under the proposed map and code amendments will be subject to development review, which requires that new development provide for on-site and off-site public services needed to serve the development. The City has also adopted System Development Charges (SDCs) that are assessed at the time of development to pay for the costs of expanding public services. **The proposal is consistent with this Policy.**

III.c. BEAVERCREEK ROAD CONCEPT PLAN GOALS AND POLICIES

Goal 1 Complete and Sustainable Community

Create a complete and sustainable community, in conjunction with the adjacent land uses, that integrates a diverse mix of uses, including housing, services, and public spaces that are necessary to support a thriving employment center.

Response: The proposal implements the plan vision for a mix of uses within the district and within individual subdistricts, notably the Mixed Employment Village and the Main Street subdistricts. Housing is provided for in all subdistricts except the North Employment Campus. Services are permitted through proposed zoning standards in all subdistricts except the East Mixed Use Neighborhood. Public spaces

are provided for consistent with the BRCP, including the South Central Open Space Network, powerline corridor and trail network. Many of the zoning standards, particularly the expanded residential zones, support compact development, coupled with resource protection standards for sensitive environmental areas. Much of the sustainable infrastructure planning, including LID stormwater and green street designs, was done with the BRCP and can be implemented at the time of site development. **The proposal is consistent with this Goal.**

Policy 1.1

Adopt new comprehensive plan and zone designations, and development code, that implement the Beavercreek Concept Plan. Require all development to be consistent with the Concept Plan and implementing code.

Response: The proposal applies comprehensive plan and zone designations to implement the BRCP, with development code amendments that supplement existing zoning district standards for each subdistrict to fully implement the BRCP vision for those subdistricts. Development will be reviewed for conformity with the implementing code through the development review process; discretionary development applications, such as master plans, will be required to comply with the Concept Plan as well. **The proposal is consistent with this Policy.**

Policy 1.2

Establish sub-districts to implement the Concept Plan. The sub-districts are:

North Employment Campus – NEC

The purpose of the North Employment Campus is to provide for the location of family wage employment that strengthens and diversifies the economy. 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 sites for employment by limiting incompatible uses. The sub-district is intended to comply with Metro's Title 4 regulations. Site and building design will create pedestrian-friendly areas and utilize cost effective green development practices. Business and program connections to Clackamas Community College (CCC) are encouraged to help establish a positive identity for the area and support synergistic activity between CCC and NEC properties. Businesses making sustainable products and utilizing sustainable materials and practices are encouraged to reinforce the identity of the area and promote the overall vision for the Beavercreek Road area.

Response: The NEC subdistrict will be implemented with the Industrial comprehensive plan designation and the Campus Industrial (CI) zoning district. The permitted uses in OCMC 17.37.020 include a range of industrial, light manufacturing, research and development, and corporate headquarters uses that support family-wage employment. The proposed additional code standards for the NEC include limitations on retail and service uses to 5,000 SF per use or 20,000 SF total per site to limit incompatible uses. The proposed code standards and subdistrict boundaries have been reviewed against Metro Title 4 maps and code requirements. Site and building design for development in the subdistrict will be required to implement green design features from a menu proposed in OCMC 17.37.060.G. Outside of the code and map implementation projects, supporting efforts to build relationships with CCC and to recruit businesses with sustainable practices will be led by the City's Economic Development department. **The proposal is consistent with this Policy.**

Mixed Employment Village – MEV

The purpose of the Mixed Employment Village is to provide employment opportunities in an urban, pedestrian friendly, and mixed use setting. The MEV is intended to be transit supportive in its use mix, density, and design so that transit remains an attractive and feasible option. The MEV allows a mix of retail, office, civic and residential uses that make up an active urban district and serve the daily needs of adjacent neighborhoods and Beaver Creek Road sub-districts. Site and building design will create pedestrian-friendly areas and utilize cost effective green development practices. Business and program connections to Clackamas Community College and Oregon City High School are encouraged. Businesses making sustainable products and utilizing sustainable materials and practices are encouraged to reinforce the identity of the area and promote the overall vision for the Beaver Creek Road area.

Response: The MEV subdistrict will be implemented with the Mixed Use Corridor comprehensive plan designation and the Mixed Use Corridor-2 (MUC-2) zoning district. The permitted uses in OCMC 17.29.020, with refinements in proposed OCMC 17.29.080.C, include a range of retail, office, civic and residential uses. Proposed use standards also limit the percentage of building area that can be used for retail, service, and residential uses, to ensure that employment uses are also integrated into site development. Minimum FAR standards will support higher intensity development that will support future transit service. Site and building design for development in the subdistrict will be support an urban, pedestrian friendly setting through a height limit of 60 feet to permit multistory construction, maximum setbacks to bring development up to the street, and prohibition on

ground floor residential uses to support active ground floor uses. (See existing OCMC 17.29 and proposed 17.29.080.) Additional building and site development standards in OCMC 17.62.050 will apply at the time of development. Outside of the code and map implementation projects, supporting efforts to build relationships with CCC and to recruit businesses with sustainable practices will be led by the City's Economic Development department. **The proposal is consistent with this Policy.**

Main Street – MS

The purpose of this small mixed-use center is to provide a focal point of pedestrian activity. The MS allows small scale commercial, mixed use and services that serve the daily needs of the surrounding area. "Main Street" design will include buildings oriented to the street, and minimum of 2 story building scale, attractive streetscape, active ground floor uses and other elements that reinforce pedestrian oriented character and vitality of the area.

Response: The MC subdistrict will be implemented with the Mixed Use Corridor comprehensive plan designation and the Neighborhood Commercial (NC) zoning district. The permitted uses in OCMC 17.24.020, with refinements in proposed OCMC 17.24.050.C, include a range of retail, service and residential uses, capped at 10,000 square feet per establishment to create a small-scale character for the subdistrict. Proposed dimensional standards include a minimum height of two stories, maximum five-foot front setbacks to ensure that development engages with the street, minimum FAR of 0.5 to create more intensive development, requirement for parking areas to be located behind buildings, standards for planter boxes and urban plazas as part of required landscaping, and prohibition on ground floor residential uses to support active ground floor uses. (See existing OCMC 17.24 and proposed 17.24.050.) Additional building and site development standards in OCMC 17.62.050 will apply at the time of development. **The proposal is consistent with this Policy.**

West Mixed Use Neighborhood – WMU

The West Mixed Use Neighborhood will be a walkable, transit-oriented neighborhood. This area allows a transit supportive mix of housing, live/ work units, mixed use buildings and limited commercial uses. A variety of housing and building forms is required, with the overall average of residential uses not exceeding 22 dwelling units per acre. The WMU area's uses, density and design will support the multi-modal transportation system and provide good access for pedestrians, bicycles, transit and vehicles. Site and building design will create a walkable area and utilize cost effective green development practices.

Response: The WMU subdistrict will be implemented with the High-Density Residential comprehensive plan designation and the R-2 High-Density Residential (R-2) zoning district. Permitted residential uses, as recently expanded in the Amendments to the Oregon City Municipal Code (including the Equitable Housing Project recommendations), provide for a variety of multifamily residential, single-family attached, cluster housing, duplexes, triplexes and quadplexes. (See OCMC 17.12.020.) The proposed code amendments add live/work units as conditional uses and permit small-scale commercial and mixed-use development as part of a master plan. (See proposed OCMC 17.12.060.C.) The minimum and maximum density permitted in the R-2 district is 17.4 to 21.8 units per acre. (See OCMC 17.12.050) Up to a 20% density bonus can be earned for affordable housing or, in the WMU, for projects incorporating sustainable design features. (See proposed OCMC 17.12.D.) The base density and density bonuses together will not exceed an overall average of 22 units per acre. The density of development will support transit use, and site design will integrate pedestrian and bicycle facilities at the time of development. **The proposal is consistent with this Policy.**

East Mixed Use Neighborhood – EMU

The East Mixed Use Neighborhood will be a walkable and tree-lined neighborhood with a variety of housing types. The EMU allows for a variety of housing types while maintaining a low density residential average not exceeding the densities permitted in the R-5 zone. Limited non-residential uses are permitted to encourage a unique identity, sustainable community, and in-home work options. The neighborhood's design will celebrate open space, trees, and relationships to public open spaces. The central open space, ridge open space scenic viewpoints, and a linked system of open spaces and trails are key features of the EMU. Residential developments will provide housing for a range of income levels, sustainable building design, and green development practices.

Response: The EMU subdistrict will be implemented with the Medium-Density Residential comprehensive plan designation and the R-5 Medium-Density Residential (R-5) zoning district. Streets will be developed with sidewalks and street trees per adopted street standards, and may not exceed a maximum block length of 530 feet to ensure a robust, connected street network supporting walkability. (See OCMC 12.08, Street Trees; OCMC Table 16.12.016 for sidewalk widths; OCMC 16.12.030 for block spacing.) Permitted residential uses, as recently expanded in the Amendments to the Oregon City Municipal Code (including the Equitable Housing Project recommendations), provide for a variety of single-family detached, single-family attached, accessory dwelling units, cluster housing, duplexes, triplexes and quadplexes. (See OCMC 17.10.020.) The R-5 density standards will apply in the

EMU zone. (See OCMC 17.10.050.) The variety of residential uses, including smaller lot sizes for selected types, will support housing for a wider range of income levels. The smaller lot sizes and home sizes will inherently increase the efficiency and sustainability of residential development, for example, reducing heating and cooling needs, and the mix of uses in the BRCP district will support green living by reducing the need for vehicle trips. Home occupations will be permitted to provide in-home work options; see response to OCCP Policy 9.7.1 for further discussion. New development will be required to dedicate parkland for the South-Central Open Space, and view points will be created along the ridgeline through view corridor standards. (See proposed OCMC 16.12.042 and 17.10.070.C, respectively.) Trail corridors will be identified and reserved through the subdivision review process. (See OCMC 16.08.025.E.) **The proposal is consistent with this Policy.**

Policy 1.3

Within the Northern Employment Campus sub-district, support the attraction of family wage jobs and connections with Clackamas Community College.

Response: Under the proposed code amendments, the NEC subdistrict permits a range of industrial, light manufacturing, research and development, and corporate headquarters uses that support family-wage employment. Outside of the code and map implementation projects, supporting efforts to build relationships with CCC and to recruit businesses with family-wage jobs will be led by the City's Economic Development department. **The proposal is consistent with this Policy.**

Policy 1.4

Within the Mixed Employment Village and Main Street sub-districts, promote job creation, mixed use and transit oriented development. Adopt minimum densities, limitations on stand-alone residential developments, and other standards that implement this policy.

Response: Under the proposed code amendments, the MEV and MS subdistricts permit a range of employment opportunities including light manufacturing (MEV only), office, retail and service uses. Proposed code standards require that residential uses be proposed as part of a mixed-use project, rather than stand-alone residential developments, and limit residential uses to upper-stories in both the MS and MEV subdistricts. (See proposed OCMC 17.24.050.E and 17.29.080.E.) In the MS subdistrict, ground-floor residential uses may also be permitted on the rear of sites, set back a minimum of 150 feet from the front property line and not to exceed 50% of the total building site area, with a minimum density of 17.4 units per acre. (See proposed OCMC 17.24.050.E.) **The proposal is consistent with this Policy.**

Policy 1.5

The Main Street sub-district may be located along the extension of Glen Oak Road and not exceed 10 gross acres. The specific configuration of the MS sub-district may be established as part of a master plan.

Response: The proposed map amendments designate the MS subdistrict along Glen Oak Road, totaling 13.5 gross acres or 6.6 net acres. The gross acre numbers that we have include the ROW along Glen Oak and Center/Holly, which may be inflating this figure. **The proposal is consistent with this Policy.**

Policy 1.6

Within the West and East Mixed Use Neighborhoods, require a variety of housing types. Allow lot size averaging and other techniques that help create housing variety while maintaining overall average density.

Response: Permitted residential uses in R-5 and R-2 zoning districts, proposed to implement the EMU and WMU subdistricts, provide for a variety of single-family detached, single-family attached, accessory dwelling units, multifamily, cluster housing, duplexes, triplexes and quadplexes. (See OCMC 17.10.020 and 17.12.020.) Lot size averaging is permitted per OCMC 16.08.065. **The proposal is consistent with this Policy.**

Policy 1.7

Within the MEV, MS, WMU and EMU sub-districts, require master plans to ensure coordinated planning and excellent design for relatively large areas (e.g. 40 acres per master plan). Master plans are optional in the NEC due to the larger lot and campus industrial nature of the area.

Response: Master planning is permitted in all subdistricts as a discretionary review alternative. (OCMC 17.65.) Mandatory master planning is not proposed in light of state standards requiring clear and objective residential development standards and proposed amendments which address concerns generally reserved for Master Plans, such as required park acquisition. Since 2008 when the BRCP was developed, state law has been strengthened to require a clear and objective review option for all residential and mixed-use development to provide greater certainty for housing development. (ORS 197.303, 197.307.) Master planning provisions are generally discretionary, and so should not be made mandatory for residential or mixed-use areas. Many of the concept plan provisions, such as green streets and LID stormwater development, can be implemented by existing or proposed code standards and thereby meet the master planning intent. Master planning can provide an alternative review path, with incentives such as higher densities or modifications to base zone standards like minimum lot sizes. The City could also

require master planning as a condition of annexation or zone change. **The proposal is consistent with this Policy.**

Goal 2 Model of Sustainable Design

Be a model of sustainable design, development practices, planning, and innovative thinking.

Response: The greatest strength of the BRCP, as implemented by the proposed map and code changes, is the mix of uses that will support a vibrant, interconnected district. Much of the sustainable infrastructure planning, including LID stormwater and green street designs, was done with the BRCP and subsequent utility master planning, will can be implemented at the time of site development. Many of the zoning standards, particularly the expanded uses in the residential zones, support compact development, coupled with resource protection standards for sensitive environmental areas. The proposed code amendments include site-specific sustainable design features required in the NEC subdistrict through the implementing CI standards, and incentivized in the WMU subdistrict through the implementing R-2 standards in the form of a density bonus. Future implementation efforts will continue building partnerships with private and institutional stakeholders to further support sustainable development and economic development. **The proposal is consistent with this Goal.**

Policy 2.1

Implement the Sustainable Storm Water plan recommended in the Concept Plan. During site specific design, encourage innovative system design and require low impact development practices that manage water at the site, street and neighborhood scales.

Response: Since the BRCP was initially written in 2008, the City has adopted the Stormwater and Grading Design Standards (2015), emphasize low-impact development (LID) practices, source controls for higher pollutant generating activities, erosion prevention and sediment controls, and operation and maintenance practices designed to properly manage stormwater runoff and protect our water resources. Some of the LID techniques permitted include porous pavement, green roofs, filtration planters, infiltration planters, swales, and rain gardens. (See <https://www.orcity.org/publicworks/stormwater-and-grading-design-standards>) **The proposal is consistent with this Policy.**

Policy 2.2

Storm water facilities will be designed so they are amenities and integrated into the

overall community design.

Response: LID techniques such as green roofs, filtration planters, infiltration planters, swales, and rain gardens, consistent with the 2015 Stormwater and Grading Design Standards, will serve as amenities integrated into the community.

The proposal is consistent with this Policy.

Policy 2.3

Support public and private sector initiatives to promote sustainable design, development practices and programs, including but not limited to:

- Energy efficiency
- Water conservation
- Compact development
- Solar orientation
- Green streets/infrastructure
- Adaptive reuse of existing buildings/infrastructure
- Alternative transportation
- Pedestrian/Cyclist friendly developments
- Natural drainage systems
- Tree preservation and planting to “re-establish” a tree canopy
- Minimizing impervious surfaces
- Sustainability education (builder, residents, businesses and visitors)
- Collaboration with “local” institutional and economic partners, particularly Clackamas Community College and Oregon City High School
- Community based sustainable programs and activities

Response: Many of these initiatives are ongoing and involve multiple stakeholders, which the City will continue to support. The proposed map and code amendments will directly and indirectly support a number of them. The proposed residential standards in particular support compact development by allowing a variety of residential units at higher density than permitted density for single-family detached residential uses. The City has adopted green street standards with the 2013 Transportation System Plan and the low impact development stormwater and grading design standards that will be applied to all new development. Sidewalks and bicycle lanes will be built with new roadways at the time of development to

provide alternative transportation infrastructure, as well as off-street trails. Bicycle parking will be required in new developments per OCMC 17.52.040. Tree protection, preservation, removal and replanting is regulated per OCMC 17.41 to support tree preservation. Impervious surfaces can be minimized through application of the low impact development stormwater standards, and supported by recent reductions to off-street parking required for residential uses in OCMC 17.52 with the Amendments to the Oregon City Municipal Code (including the Equitable Housing Project recommendations). **The proposal is consistent with this Policy.**

Policy 2.4

Work with stakeholders and the community to develop LEED or equivalent green building standards and guidelines to apply in the Concept Plan area.

Response: As part of the proposed code amendments, industrial development in the NEC subdistrict will be required to incorporate sustainable design features; one option is to propose a LEED certified building. (See proposed OCMC 17.37.060.G.8.) Similarly, WMU development may elect to build to LEED standards as one option to qualify for a density bonus. (See proposed OCMC 17.12.060.D.12.) The existing site development standards in OCMC 17.62 that apply to all new development except low-density residential already include green building standards and guidelines that supports sustainability. For example, 15% site landscaping is required along with conservation of natural resource areas which, along with adopted LID stormwater standards, minimizes impervious surface and treats stormwater runoff. Mandatory green building standards for all development, beyond the sustainable features for industrial and high-density residential, are not recommended. Requiring compliance with a third-party set of standards, such as LEED, is inherently problematic because it outsources City decision-making to a third party, with standards that are updated more frequently than City code is updated. **The proposal is consistent with this Policy.**

Goal 3 Green Jobs

Attract “green” jobs that pay a living wage.

Response: The proposed map and code amendments lay the foundation for future “green” job and green industry recruitment by designating 135.1 net acres for industrial development under the CI standards, and permitting a wide range of industrial, research and development, and corporate headquarters uses. Further business recruitment efforts will be led by the City’s Economic Development department and community partners to promote the BRCP area, building off the existing Beaver Creek Employment Area efforts that already include a portion of the

BRCP area. (See <https://www.orcity.org/economicdevelopment/beavercreek-employment-area>) **The proposal is consistent with this Goal.**

Policy 3.1

Coordinate with county, regional and state economic development representatives to recruit green industry to the Concept Plan area.

Response: The proposed map and code amendments will support business recruitment efforts for the BRCP area that will be led by the City's Economic Development department and county, regional and state economic development representatives. The City can expand current partnerships such as the Beavercreek Employment Area Blue Ribbon Committee that include city, county and regional representatives. (See https://www.orcity.org/sites/default/files/fileattachments/economic_development/page/11230/beavercreek_employment_area_-_marketing_and_recruitment_strategy.pdf) The Committee was identified as a stakeholder in this implementation project and provided their input at a meeting held January 17, 2019. **The proposal is consistent with this Policy.**

Policy 3.2

Promote the Concept Plan area as a place for green industry.

Response: The proposed map and code amendments will support business promotion efforts for the BRCP area that will be led by the City's Economic Development department. The City can promote the BRCP area, building off the existing Beavercreek Employment Area efforts that already include a portion of the BRCP area. (See <https://www.orcity.org/economicdevelopment/beavercreek-employment-area>) **The proposal is consistent with this Policy.**

Policy 3.3

Work with Clackamas Community College to establish programs and education that will promote green development within the Concept Plan area.

Response: Clackamas Community College was identified as a stakeholder in this implementation project and interviewed early in the process to incorporate their ideas into the map and code amendments. The College has participated in the Beavercreek Employment Area efforts to date as a member of the Blue Ribbon Committee and the City will continue working with the College. **The proposal is consistent with this Policy.**

Goal 4 Sustainable Industries

Maximize opportunities for sustainable industries that serve markets beyond the

Portland region and are compatible with the site's unique characteristics.

Response: The proposed map and code amendments lay the foundation for sustainable industries by designating 135.1 net acres for industrial development under the CI standards, and permitting a wide range of industrial, research and development, and corporate headquarters uses. Further business recruitment efforts will be led by the City's Economic Development department and community partners to promote the BRCP area, building off the existing Beaver Creek Employment Area efforts that already include a portion of the BRCP area. (See <https://www.orcity.org/economicdevelopment/beavercreek-employment-area>)

The proposal is consistent with this Goal.

Policy 4.1

As master plans are approved, ensure there is no net loss of land designated North Employment Campus.

Response: The proposed map amendments designate 236.1 gross acres with an estimated 135.1 net acres with the Industrial comprehensive plan designation and CI zoning district. Any rezoning proposal will have to show compliance with the BRCP, including this policy, which will prevent any net loss of NEC land. Much of the NEC land is designated Industrial land consistent with Metro Title 4 regulations, and is further protected from conversion to non-industrial uses by Metro standards.

(See https://www.orcity.org/sites/default/files/fileattachments/planning/page/12700/title_4_map_-_employment_and_industrial_land.pdf) **The proposal is consistent with this Policy.**

Policy 4.2

Coordinate with County, regional and state economic development representatives to recruit sustainable industries that serve markets beyond the Portland region.

Response: The proposed map and code amendments will support business recruitment efforts for the BRCP area that will be led by the City's Economic Development department and county, regional and state economic development representatives. The City can expand current partnerships such as the Beaver Creek Employment Area Blue Ribbon Committee that include city, county and regional representatives. (See https://www.orcity.org/sites/default/files/fileattachments/economic_development/page/11230/beavercreek_employment_area_-_marketing_and_recruitment_strategy.pdf) The Committee was identified as a stakeholder in this implementation project and provided their input at a meeting held January 17, 2019. **The proposal is consistent with this Policy.**

Goal 5 Natural Beauty

Incorporate the area's natural beauty into an ecologically compatible built environment.

Response: The proposed map and code amendments will protect natural resources within the future built environment of the district by requiring dedication of parkland to create the South-Central Open Space Network, requiring dedication of trail corridors identified in the BRCP, protecting trees per OCMC 17.41, and protecting riparian habitat and geologic hazard areas from development through application of the Natural Resources Overlay District in OCMC 17.49 and the Geologic Hazards Overlay Zone in OCMC 17.44. **The proposal is consistent with this Goal.**

Policy 5.1

Incorporate significant trees into master plans and site specific designs. Plant new trees to establish an extensive tree canopy as part of the creation of an urban community.

Response: All future development in the areas affected by this proposal will be required to comply with tree protection standards in OCMC 17.41, which include replanting standards with development. **The proposal is consistent with this Policy.**

Policy 5.2

Provide scenic viewpoints and public access along the east ridge.

Response: Under the proposed map and code amendment, the east ridge area will be zoned R-5. Proposed R-5 standards for the BRCP area in proposed OCMC 17.10.070 include view protection standards along the ridgeline requiring view corridors. (See proposed OCMC 17.10.070.C.) An additional viewpoint is incorporated in the South Central Open Space extent; those parklands will be required to be dedicated at the time of residential development. (See proposed OCMC 16.12.042.) The east ridge trail corridor as identified in the Trails Master Plan will be identified and reserved through the subdivision review process, ensuring public access. (See OCMC 16.08.025.E.) **The proposal is consistent with this Policy.**

Policy 5.3

Protect views of Mt Hood and locate trails and public areas so Mt Hood can be viewed within the community.

Response: Under the proposed map and code amendment, trails and public areas identified in the BRCP will be acquired by the City and protected from

development, which will protect views of Mt Hood from those facilities. Parkland within the South Central Open Space Network will be required to be dedicated at the time of residential development. (See proposed OCMC 16.12.042 and 17.62.058.) Trail corridors as identified in the Trails Master Plan will be identified and reserved through the development review process, including a 30-foot corridor through the powerline easement area identified in the BRCP as providing Mt Hood views. (See OCMC 16.08.025.E and proposed 17.37.060.F.) **The proposal is consistent with this Policy.**

Policy 5.4

Establish open space throughout the community consistent with the Open Space Framework Plan. Allow flexibility in site specific design of open space, with no net loss of total open space area.

Response: Under the proposed map and code amendment, open spaces identified in the BRCP will be protected from development and/or acquired by the City. Parkland within the South Central Open Space Network will be required to be dedicated at the time of residential development. (See proposed OCMC 16.12.042 and 17.62.058.) Trail corridors as identified in the Trails Master Plan will be identified and reserved through the development review process. (See OCMC 16.08.025.E.) Additional natural, undeveloped open space will be protected through application of the Natural Resources Overlay District in OCMC 17.49 and the Geologic Hazards Overlay Zone in OCMC 17.44 which restrict development in sensitive areas. **The proposal is consistent with this Policy.**

Policy 5.5

Protect steeply sloped and geologically sensitive areas along the east ridge from development.

Response: Through the proposed code amendments, the steeply sloped areas along the east ridge will be protected through the application of the Geologic Hazards Overlay Zone in OCMC 17.44, which limits development on slopes 25 to 35% and prohibits all development on slopes over 35%. The east ridge will be further protected through application of the proposed Low Impact Conservation Area standards, which limit development density and development area and require mitigation. (See proposed OCMC 17.10.070.C.) **The proposal is consistent with this Policy.**

Goal 6 Multi-modal Transportation

Provide multi-modal transportation links (such as bus routes, trails, bike- ways, etc.)

that are connected within the site as well as to the surrounding areas.

Response: The proposed map and code amendments will support the provision of multi-modal transportation links within the site and to surrounding areas at the time of development. The transportation network of major arterials and collectors within the BRCP area have been adopted in the City's Transportation System Plan (2013); the projects must be complete or completed by the developer at the time of development. Improvement of these major rights-of-way will meet green street standards with multimodal elements. The trails network, as part of the Trails Master Plan, will be required to be built prior to or as a condition of development as well. Bus routes will be planned with Tri-Met as part of ongoing coordination efforts. **The proposal is consistent with this Goal.**

Policy 6.1

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

Response: Bus service will be planned with Tri-Met as part of ongoing coordination efforts outside of the proposed map and code amendments. **The proposal is consistent with this Policy.**

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.

Response: The proposed map and code amendments support development of a mix of uses both across the district and within individual subdistricts that include employment, commercial and residential uses that can support future transit service. Minimum densities will be applied to residential development in the EMU and WMU subdistricts, at 7.0 units per acre and 17.4 units per acre respectively; any ground-floor residential uses in the MS subdistrict will also be required to meet a minimum density of 17.4 units per acre. Minimum FARs are also proposed for the MEV and MS subdistricts to guide intensive design supportive of future transit options. **The proposal is consistent with this Policy.**

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.

Response: The proposed map and code amendments will require local street connectivity and off-street pedestrian routes to be developed with all new development. OCMC 16.12, which applies to new subdivisions and site plan reviews, requires a maximum block length of 530 feet to maintain connectivity except in the CI zone, discourages cul-de-sacs and dead ends, and requires public off-street pedestrian and bicycle accessways when through streets cannot be provided; together these provisions provide for a highly connected pedestrian system. (See OCMC 16.12.025, 16.12.030, 16.12.032.) Additionally, development under the proposed map and code amendments will be required to reserve trail corridors supporting completion of the off-street trails network established in the Trails Master Plan. **The proposal is consistent with this Policy.**

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.

Response: The proposed map and code amendments will require pedestrian connectivity that mirrors the urban form. A maximum block length of 530 feet applies in all proposed zones except the CI-zoned NEC subdistrict, where greater spacing between streets is appropriate for industrial campus development. (See OCMC 16.12.030.) Within the “finer” grained residential and mixed-use subdistricts, code standards to be applied through these proposed map amendments will also require provision of a well-marked, continuous and protected on-site pedestrian circulation system within development sites per OCMC 17.62.050.C. **The proposal is consistent with this Policy.**

Policy 6.5

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

Response: Development under the proposed map and code amendments will be required to reserve trail corridors supporting completion of the off-street trails network established in the Trails Master Plan. **The proposal is consistent with this Policy.**

Policy 6.6

Provide bike lanes on Beaver Creek 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.

Response: Streets, including Beaver Creek Road, will be built prior to or as a condition of development, and will be required to be constructed to the City's adopted green street standards that include bike lanes except on Glen Oak Road which will serve as the Main Street. Off-street multiuse paths may be developed along Center Parkway (Holly) within an expanded right-of-way as part of the South Central Open Space Network. **The proposal is consistent with this Policy.**

Goal 7 Safety Along Beaver Creek Road

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

Response: The proposed map and code amendments will not affect the design of Beaver Creek Road, which will be built as planned in the BRCP and the adopted TSP. **The proposal is consistent with this Goal.**

Policy 7.1

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

Response: The proposed map and code amendments will not affect the design of Beaver Creek Road, which will be built as planned in the BRCP and the adopted TSP as a green street boulevard. **The proposal is consistent with this Policy.**

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.

Response: Future coordination with the County and the State about the posted speeds is outside of the scope of the proposed map and code amendments. **The proposal is consistent with this Policy.**

Policy 7.3

Control access along the east side of Beaver Creek 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.

Response: The proposed map and code amendments will support limited access along the east side of Beaver Creek Road. At the time of development, driveway spacing and access limitations will be applied to individual lots including standards that require a minimum of 175 feet per driveway along an arterial like Beaver Creek Road, that limit access to one driveway per frontage, and that require access to be

provided from the lowest classification street. (See OCMC 16.12.035.) Requirements to develop an alley network in all subdistricts except the NEC will also limit access needs for individual lots. (See OCMC 16.12.025.) The City may adopt additional access limitations specific to Beaver Creek Road. **The proposal is consistent with this Policy.**

Goal 8 Oregon City High School and Clackamas Community College

Promote connections and relationships with Oregon City High School and Clackamas Community College.

Response: Both OCHS and CCC were identified as stakeholders in this implementation project, and engaged through initial interviews and invitations to all public meetings throughout the project; OCHS hosted two public open houses on January 29 and April 9, 2019. Future implementation efforts will continue to engage OCHS and CCC. **The proposal is consistent with this Goal.**

Policy 8.1

Coordinate with OCHS and CCC when recruiting businesses and promoting sustainability. Within one year of adoption of the Concept Plan, the City will convene dialogue with OCHS, CCC and other relevant partners to identify target industries and economic development strategies that are compatible with the vision for the Concept Plan. Encourage curricula that are synergistic with employment and sustainability in the Concept Plan area.

Response: Both OCHS and CCC are members of the Beaver Creek Employment Area Blue Ribbon Committee that includes city, county and regional representatives to discuss economic development strategies for the area incorporating the two institutions and portions of the BRCP area. (See https://www.orcity.org/sites/default/files/fileattachments/economic_development/page/11230/beaver_creek_employment_area_-_marketing_and_recruitment_strategy.pdf) Future implementation efforts will continue to engage OCHS and CCC. **The proposal is consistent with this Policy.**

Policy 8.2

Prior to application submittal, require applicants to contact OCHS and CCC to inform them and obtain early comment for master plans and design review applications.

Response: The City will develop internal policies to ensure that OCHS and CCC are engaged at the time of pre-application conferences required before all subdivision,

master plan, and site plan review applications are submitted, to inform OCHS and CCC and provide opportunity for early comment. **The proposal is consistent with this Policy.**

Policy 8.3

Improving the level-of-service and investing in the Highway 213 corridor improves the freight mobility along Highway 213, which provides access to Beaver Creek Road and the Concept Plan area. Protecting the corridor and intersections for freight furthers the City goal of providing living-wage employment opportunities in the educational, and research opportunities to be created with CCC and OCHS.

Response: Alternative Mobility Targets were adopted for Highway 213 in 2018, including the Highway 213 and Beaver Creek Road intersection, which will support freight mobility along Highway 213 to support employment opportunities in the BRCP area. OCHS and CC are encouraged to continue to implement TDM strategies. **The proposal is consistent with this Policy.**

Goal 9 Unique Sense of Place

Have a unique sense of place created by the mix of uses, human scale design, and commitment to sustainability.

Response: The essence of the BRCP area is the mix of uses both across the district as a whole and within individual subdistricts, which will be fully implemented by the proposed map and code amendments to create the five subdistricts including mixed-use zoning for the MEV and MS subdistricts. Design elements implemented through the proposed code amendments include maximum square footages for individual business establishments, minimum FARs, and maximum setbacks in the MS and MEV subdistricts; pedestrian connectivity within sites, subdistricts, the district and beyond; and building design standards, as discussed elsewhere in this narrative. Sustainability will be integrated into the fabric of the district as discussed in response to Goal 2 and related policies, including sustainable infrastructure, mix of uses, natural resources protection, and sustainable building and site design elements for industrial development and multifamily development in the R-2 zoned WMU zone. **The proposal is consistent with this Goal.**

Policy 9.1

Utilize master plans and design review to ensure detailed and coordinated design. Allow flexibility in development standards and the configuration of land uses when they are consistent with the comprehensive plan, development code, and vision to create a complete and sustainable community.

Response: Under the proposed map and code amendments, new development will be reviewed through site plan design review, subdivision, and/or master plans. Development standards can be modified through minor and major variances if they are consistent with the comprehensive plan including the BRCP vision. (See OCMC 17.60.) The configuration of land uses will be established by the proposed map amendments and can be modified through future map amendments consistent with OCMC 17.68, though the range of uses allowed in each subdistrict through the proposed code amendments is intended to be flexible and potentially reduce the need for map amendments, such as the R-2 standards for small-scale commercial and mixed-use in the primarily residential EMU subdistrict. **The proposal is consistent with this Policy.**

Policy 9.2

Implement human scale design through building orientation, attractive streetscapes, building form/architecture that is matched to the purpose of the sub-district, location of parking, and other techniques. The design qualities of the community should mirror the urban form – the higher the density and larger the buildings, the higher the expectation for urban amenities and architectural details.

Response: Design elements implemented through the proposed code amendments that support human-scale design include maximum square footages for individual business establishments, minimum FARs, and maximum setbacks in the MS and MEV subdistricts; pedestrian connectivity within sites, subdistricts, the district and beyond; and requirements for parking to be located at the rear of sites served by alley access. The proposed code amendments also apply the building design standards in OCMC 17.62.055 for all development, except industrial development, requiring quality building materials, siting of structures along the front property line, buildings oriented towards the street, entryways, façade modulation and articulation, and fenestration. The proposed code amendments will support attractive streetscapes through both design standards for private development along the street, such as maximum setbacks and provisions for pedestrian plazas and outdoor café seating within the setbacks, and the green street standards for the public right-of-way development. **The proposal is consistent with this Policy.**

Policy 9.3

Density should generally transition from highest on the west to lowest in the eastern part of the site.

Response: Generally, the proposed map and code amendments support graduated density across the district from west to east. Density transitions from highest in the west along Beaver Creek Road, with the R-2 zoning for the WMU subdistrict that

allows development up to 21.8 units an acre, transitioning to medium density at a maximum density of 8.7 units per acre for single-family detached homes in the east with the R-5 zoning for the EMU subdistrict. The density transitions to very low density on the eastern edge of the site within the Low Impact Conservation Area, limited to two units per acre. (See proposed OCMC 17.10.070.C.) **The proposal is consistent with this Policy.**

Policy 9.4

Promote compatibility with existing residential areas at the north and south end of the Concept Plan area. Transition to lower densities, setbacks, buffers and other techniques shall be used.

Response: The proposed code amendments support compatibility with existing residential areas to the north and south of the BRCP area by requiring buffers and setbacks. Under the proposed map and code amendments, the northern edge of the district is zoned CI and industrial development within the zone that is adjacent to residential is required to provide a 25-foot-wide buffer including landscaping, trees, berms, and fencing. (See proposed OCMC 17.37.060.D.) At the southern edge of the district, the proposed code requires a perimeter transition requiring larger 6,000 square foot lots restricted to single-family detached uses, a 40-foot setback from the edge of the district, and a combination of landscaping, trees and fencing. (See proposed OCMC 17.10.070.D.) **The proposal is consistent with this Policy.**

Goal 10 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.

Response: The City has adopted the Stormwater and Grading Design Standards (2015) that emphasize low-impact development (LID) practices, which will be applied to new development within the BRCP area under the proposed map and code amendments. The Natural Resources Overlay District (NROD) in OCMC 17.49 will also be applied to stream corridors and riparian habitat through the proposed map and code amendments to protect water resources on site. **The proposal is consistent with this Goal.**

Policy 10.1

Utilize low impact development practices and stormwater system designs that mimic natural hydrologic processes, minimize impacts to natural resources and eliminate pollution to watersheds.

Response: Since the BRCP was initially written in 2008, the City has adopted the Stormwater and Grading Design Standards (2015), emphasize low-impact development (LID) practices, source controls for higher pollutant generating activities, erosion prevention and sediment controls, and operation and maintenance practices designed to properly manage stormwater runoff and protect our water resources. Some of the permitted LID techniques, some of which mimic natural hydrologic processes, include porous pavement, green roofs, filtration planters, infiltration planters, swales, and rain gardens. (See <https://www.orcity.org/publicworks/stormwater-and-grading-design-standards>) **The proposal is consistent with this Policy.**

Policy 10.2

Prepare the Environmentally Sensitive Resource Area overlay to protect, conserve and enhance natural areas identified on the Concept Plan. Apply low-density base zoning that allows property owners to cluster density outside the ESRA and transfer to other sites.

Response: Areas identified within the Environmentally Sensitive Resource Area will be protected by a variety of strategies through the proposed map and code amendments. Most importantly, the Natural Resources Overlay District (NROD) in OCMC 17.49 will be applied to stream corridors and riparian habitat, including Thimble Creek on the eastern edge of the site. The Geologic Hazards Overlay District will be applied to steep slopes per OCMC 17.44, limiting development on slopes 25 to 35% to two units per acre and prohibiting development on slopes above 35%. The key ESRAs identified on page 1 of the BRCP are generally protected through the combination of these two overlays, however, there are minor discrepancies in the extent of individual nodes. In 2008 when the BRCP was being drafted, there was discussion that upland habitat areas could be protected through the NROD as well, however, subsequent development of the NROD standards elected to exclude upland habitat areas because there is no mechanism for such in Metro's Title 13. The exclusion of the upland habitat areas slightly reduces the extent of some of the identified ESRA nodes, but the NROD and geologic hazard overlays together protect the core of each resource area. The NROD includes density transfer provisions in OCMC 17.49.240. **The proposal is consistent with this Policy.**

Date	Topic	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
7.3.19 Written Comment to Planning Commission Wendy Black	Natural Resources	Concerned that the area where home is located was in a protected natural area according to the first map they were sent, but now seems to be included in the industrial area. Concern about project impact to farm use.	Existing farm uses are allowed both inside and outside of the city. Development Review of new construction and new grading will be subject to the City's Natural Resource Overlay District once annexed into the city.	Planning Commission did not recommend any revisions to the proposed code amendments at the September 23, 20149 Planning Commission Meeting and discussed the NRC's recommendation at the January 13, 2019 Planning Commission Meeting. After further deliberation, the Planning Commission retained their initial direction to staff to not pursue additional code amendments for Upland Habitat.

Date	Topic	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Natural Resources Committee (NRC) Letter	Upland Habitat	The NRC believes that there is a need for additional protection to retain high-value habitat directly abutting protected water features. The Natural Resources Committee believes that new code should be created to address these areas as part of the Beavercreek Road Concept Plan Zoning and Code Amendments.	Staff presented this analysis to the Natural Resource Committee on October 9, 2019 and November 13, 2019. The Natural Resource Committee submitted a letter with a keyed map into the record requesting the Planning Commission create code to regulate and protect upland habitat areas 3 and 4 as they are of specific interest to the committee and are contiguous to large habitat areas. They support additional protection in Area 2 in locations that abut the identified and protected stream. Area 1 merits additional protection if analysis can show enough tree area located outside of the Natural Resource Overlay District exists. If the Planning Commission supports additional regulation, staff recommends adding code to either OCMC Chapter 17.49 Natural Resource Overlay District or OCMC 17.41 Tree Protection, Preservation, Removal and Replanting Standards and return at a future meeting with proposed code.	Planning Commission did not recommend any revisions to the proposed code amendments at the September 23, 2019 Planning Commission Meeting and discussed the NRC's recommendation at the January 13, 2019 Planning Commission Meeting. After further deliberation, the Planning Commission retained their initial direction to staff to not pursue additional code amendments for Upland Habitat.
7.12.19 Written Comment to Planning Commission Clackamas River Water (CRW)	Infrastructure	Territory that is annexed to the City must be withdrawn from CRW and served by Oregon City services to the extent practicable. CRW assumes that future development will, in large part, be guided and coordinated consistent with the concepts provided in the Joint Engineering Study, June 11, 2018, by Murraysmith.	This is consistent with Staff's understanding. New development within the concept plan area (except for the previously approved Villages of Beavercreek) will utilize city water.	No response needed for this comment

Date	Topic	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
7.15.19 Written Comment to Planning Commission Wes Rogers Oregon City School District	Infrastructure	Assuming that the BRCP is developed in stages over the next 5-10 years, the District currently believes that it has the current capacity and/or will be able to have time to add capacity to meet the long-term enrollment generated by the Beaver Creek Road Concept Plan development.	The school property to the south of the Concept Plan area will have vehicular access to the Concept Plan and can connect to local streets when it is constructed.	No response needed for this comment
8.12.19 Testimony to Planning Commission Paul Edgar Entered into the record- Title 4 Map	Zoning Map	Request that the Planning Commission work with Metro to revise the Title 4 Industrial maps to remove a parcel owned by Terry Emmert to allow construction of housing for homeless veterans onsite.	https://www.oregonmetro.gov/industrial-and-employment-land Portions of the CI area in the BRCP are identified as Title 4 Industrial areas. Any change to the title 4 Map must be adopted by Metro and would need to be completed before the Code amendments are adopted by the City to remain consistent with Title 4.	This will be addressed at the September 9, 2019 Planning Commission Hearing

Date	Topic	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
8.12.19 Testimony to Planning Commission Christine Kosinski	Geologic Hazards	Concerned about development in the Beavercreek concept Plan areas affecting homes on Holly Lane as Holly lane is in a historic landslide area. Does not support any connection of the concept plan area to Holly Lane-	Geologic Hazard Review within the city is subject to OCMC 17.44 Geologic Hazard Review . Areas near the Thimble Creek Conservation Area are subject to the Geologic Hazard code at time of Development.	This topic will be addressed at the September 23, 2019 Planning Commission Meeting
9.9.19 Jim Nicita	Cottage Industry	2011 City Commission Meeting voted to have additional job opportunities at the south of the concept plan. Encouraged PC to look at a hybrid district rather than a residential district with home occupation uses. Encourage implementing cottage industry.	Planning Commission requested staff to return at a future meeting with additional opportunities for jobs in the southern part of the Concept Plan area above and beyond the existing home occupation license.	This topic will be further addressed at the October 14, 2019 Planning Commission Meeting
9.9.19 Elizabeth Grazer Lindsey	Cottage Industry	This area was brought into the Urban Growth Boundary for jobs. There are many businesses that are currently in the county that would want to be involved in this use. Encourage allowing cottage industry to promote incubator spaces.	Planning Commission requested staff to return at a future meeting with additional opportunities for jobs in the southern part of the Concept Plan area above and beyond the existing home occupation license.	This topic was further addressed at the October 14, 2019, and November 18, 2019 January 13, 2020 Planning Commission Meetings

Date	Topic	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Elizabeth Grazer Lindsey 10.14.19 Submitted 10.14	Cottage Industry/Enhanced Home Occupation	Traffic congestion exists because of everybody leaving the city to work, Cottage Industry allows entrepreneurs to grow their business inside the city. Jobs in rural areas should be in city areas. The City is losing a lot by not allowing people to grow their own business. We should have a neighborhood where industrious people can have an opportunity to thrive. Fences can be used to make outdoor storage more compatible. The residential areas would benefit having a range of lot sizes to allow different cottage industry types. Think of this area as an attraction/brand. The Planning Commission needs to find more people to interview to see what meets their needs.	Planning Commission reviewed possible revisions to the home occupation license for the concept plan areas and choose not to allow outdoor storage.	
Elizabeth Grazer Lindsey 11.18.19	Cottage Industry/Enhanced Home Occupation			

Date	Topic	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Elizabeth Grazer Lindsey 1.13.20	Cottage Industry/Enhanced Home Occupation/Parks	Recommend under allowed uses, hoe occupation should be identified as encouraged. Keep larger park factor in the park acquisition code.	Revised the home occupation code langue which does not change the requirements to does provide additional background on intent. <i>17.54.120 -Home Occupations/Cottage Industry- Thimble Creek Concept Plan Area</i> <i>Home occupations and Cottage Industries within the Thimble Creek Concept Plan Area are encouraged and allowed an expanded level of uses to support job creation in Oregon City and shall comply with all of the following:</i>	The draft Code has been amended to reflect this change. The Planning Commission did not make any additional revisions to the revised park acquisition equation
9.23.19 Christine Kosinki Handouts	Geologic Hazards	Holly Lane Connection is not suitable for road connection to I-205 No insurance coverage is readable available for property owners If near a landslide area you cannot get landslide insurance. The City should provide additional information on landslides and protection people can take to protect their land. State law requires people to educate about landslides. Oregon City has been derelict in educating the public.	Josh Wheeler, Assistant Engineer presented a background on the OCMC 17.44 Geologic Hazard Overlay District. He also recommended people attend the October 8, 2019 City Commission Worksession about Geologic Hazards.	Planning Commission did not provide staff with any direction on amending the existing 17.44 Geologic Hazards Overlay District.
Todd Mobley Letter submitted 11.25.19 PC Meeting	Transportation Collector Roads	Street system classification – Recommends that the city revisit the need for residential collectors in Beavercreek Concept Plan much lower volumes in the south of the Concept Plan area.	While staff does not disagree with Mr. Mobley that some of the proposed collector may very well not support collector level traffic and should be downgraded to a local street, that level of analysis should be down at the time of development review based on a specific proposal and traffic study.	No amendments are needed to address this issue.

<p>Christina Kosinski Letter Submitted prior to 11.25.19 & letter submitted at the 11.25.19 PC Meeting</p>	<p>Transportation Holly Lane</p>	<p>Oregon City is required to account for known hazards, and such is required to remove Holly Lane from the TSP and not allow more trips to utilize Holly Lane. If the City does not do that, the city will lose its FEMA status.</p> <p>Traffic impacts to Holly lane from concept Plan traffic will be huge and Holly Lane should not be sued as an alternative route.</p> <p>The Holly Lane Extension needs to be removed from the TSP.</p>	<p>The request to remove the Holly lane extension was shared with the City Commission at the November 12, 2019 City Commission Worksession and Planning Commission at the November 25, 2019 Planning Commission Hearing.</p> <p>During the Transportation System Plan (TSP) update in 2012, it was determined that the intersection of Hwy 213 & Beaver Creek Road would be too congested in the future and would not meet Oregon Highway Plan mobility standards through the TSP planning horizon year of 2035. The TSP recommended the City move forward with a project to address the need for a refinement plan at the intersections.</p> <p>Over the next 3 years, the City worked with ODOT and a Technical Advisory Group and a Community Advisory Group identified a variety of reasonable improvements to increase the capacity and/or safety of the intersection along with alternative mobility targets for measuring congestion which was adopted by the City and the Oregon Transportation Commission. Holly Lane and its long-term connection to the Concept Plan area through Maple Lane and Thayer Road was identified as an alternate route to the intersection of Beaver Creek and Highway 213. Seth Brumley, Region 1 Planner with the Oregon Department of Transportation (ODOT) submitted a letter identifying that removing Holly Lane extension projects from the TSP would require the City to revise the alternate mobility target and provide an</p>	<p>The Planning and City Commission directed staff to keep the Holly Lane extension projects in the Transportation system Plan as adopted.</p>
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Date	Topic	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
			alternate project that meets or exceeds the benefit of the Holly Lane extension. Staff is currently unable to identify an alternate project which is affordable and has not allocated funding or staff time towards the creation of such an alternative. The city is currently working with Clackamas County on the implementation of the Holly Lane connection and believes that the project is an important alternate route to the system to ease congestion in this area.	
Paul Edgar Email Submitted 11.25.19	Transportation Holly Lane	Mr. Edgars comments were very similar to Ms. Kosinski –	Please refer to above comments	Please refer to above comments

Date	Topic	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Ray Atkinson Email (2) Submitted 11.25.19	Transportation Induced Demand, Transit analysis in Transportation Plan	Induced demand would reduce any long-term congestion reduction from widening Beaver Creek Road. Even though the City Commission supported widening Beaver Creek Road, I am thankful that both memos state that widening Beaver Creek Road will make this road less inviting and safe for pedestrians and cyclists. Since the Beaver Creek Road Concept Plan encourages walking and biking, I hope the City Commission realizes that widening Beaver Creek Road likely will discourage walking and biking and encourage more people to drive. Did either memo analyze whether induced demand or future drivers would likely be the main cause for the widened Beaver Creek Road to become congested?	This issue was discussed with the City Commission at the November 12, 2019 City Commission Worksession and Planning Commission at the November 25, 2019 Planning Commission Hearing.	The Planning and City Commission both recommended a transition from 5 lanes to 3 lanes after Meyers Road.
Diane Maxon Email (11.25.19) and Letter (11.18.19)	Transportation Traffic Congestion	Transportation General Traffic Congestion	This issue was discussed with the City Commission at the November 12, 2019 City Commission Worksession and Planning Commission at the November 25, 2019 Planning Commission Hearing.	The Planning and City Commission both recommended a transition from 5 lanes to 3 lanes after Meyers Road.
Debbie Riggen Email submitted at 11.12.19 CCWS	Transportation Beaver Creek Road Design	Not Supportive of Roundabout	This issue was discussed with the City Commission at the November 12, 2019 City Commission Worksession and Planning Commission at the November 25, 2019 Planning Commission Hearing.	The Planning and City Commission both recommended the use of signals along Beaver Creek.

Date	Topic	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Elizabeth Grazier Lindsey 11.25.19 PC Hearing	Transportation	Stream of traffic on Beavercreek Road throughout the day. Both to and from Oregon City. It is only right to protect the capacity. Arterials should be 5-lane this area was determined a 3 lane as it was supposed be green and everybody was bike or walk. SDCs should be raised to pay for a full 5 lane section. Roundabouts are not optimal for pedestrians.	This issue was discussed with the City Commission at the November 12, 2019 City Commission Worksession and Planning Commission at the November 25, 2019 Planning Commission Hearing.	The Planning and City Commission both recommended the a transition from 5 lanes to 3 lanes after Meyers Road. Discussions about funding strategies will occur outside of the zoning code amendment process.

From: [Lori Bell](#)
To: [Christina Robertson-Gardiner](#)
Subject: Beaver Creek Employment Area
Date: Monday, August 26, 2019 10:09:39 AM
Attachments: [image001.png](#)

Thank you for reaching out Christina. The Blue Ribbon Committee, created in 2016, is a community group working to increase awareness around available sites around Clackamas Community College.

Below are the answers to your questions.

1. Why was it created? – to attract targeted industry to the existing and zoned Industrial sites in the Beaver Creek Employment Area, near and around Clackamas Community College area by leveraging the education and training resources at Clackamas Community College.
2. Steering Committee -Lori Hall, CCC PIO, Lisa Davidson Executive Director of CCC Center for Business and Industry, Lori Bell Economic Development City of Oregon City, Current Executive Director Oregon City Chamber of Commerce Victoria, Jon Legarza – or other representative from Clackamas County Ec Dev Department, Kent Ziegler, OCBA representative.
3. Eric Underwood and Amber Holvek, previous Chamber Director, created the ad hoc committee.
4. It is not a public body and interested parties are welcome to attend. The group meets on an ad-hoc basis. Contact Lori Bell for more information.

Please let me know if you need anything else.

Lori Bell
Economic Development
lbell@orc.org



City of Oregon City
PO Box 3040
625 Center Street
Oregon City, Oregon 97045
503-974-5517 x 1588 Direct
503-657-0891 City Hall

From: [Wendy Black](#)
To: [Christina Robertson-Gardiner](#)
Subject: Beavercreek Road Concept Plan - Loder Rd Residents
Date: Wednesday, July 3, 2019 2:39:07 PM

Hello,

I live on Loder Road in the area that now seems to be planned for a Campus Industrial Zoning. Currently we are Rural Residential Farm/Forest 5 and we have a small farm that does include animals. This is significant source of food for our family. We also live on the ridge above the creek. I am concerned how the rezoning would impact our land use. Are you able to provide me further information? I've read through much of the information on the website. I am very concerned that the area where our home is was in a protected natural area according to the first map we were sent, but now seems to be included in the industrial area. I had trouble telling from all the other maps and information what was happening.

Thank you for your assistance in this matter. Kind regards,
Wendy Black
15060 S Loder Rd, Oregon City, OR 97045

Memorandum



**LANCASTER
ENGINEERING**

To: Oregon City Planning Commission
From: Todd E. Mobley, PE
Date: November 25, 2019
Subject: Beaver Creek Concept Plan Implementation: Street Classification

321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

This memorandum is written to provide comments regarding the planned street system within the Beaver Creek Concept Plan area, specifically, the number of streets slated for designation as collector within the plan area.

Collector Function

In the hierarchy of streets, collectors take people from local streets, “collect” them, and bring them to higher-order streets such as minor and major arterials. In the vicinity of the concept plan area, streets such as Glen Oak Road and Loder Road are collectors. Meyers Road is a minor arterial and Beaver Creek Road is a major arterial. Figure 1 below is an excerpt from the Transportation System Plan (TSP) that shows street functional classifications in and around the plan area.

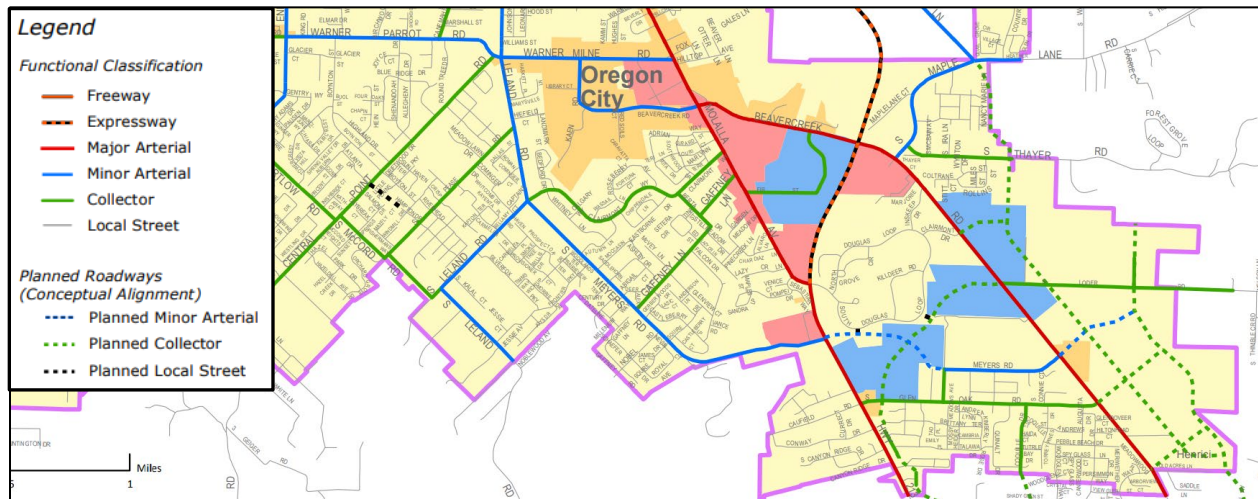


Figure 1 - Excerpt from Figure 8 in the Transportation System Plan

Planned Density

The current proposal for implementation of the Beaver Creek Concept Plan includes a mix of industrial, commercial, mixed-use, and residential zones. The northern end of the plan area is primarily industrial,



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transitioning to mixed use and residential zones to the south. The higher intensity uses such as commercial and high density residential are near Beaver Creek Road and lower density residential to the south and east, away from Beaver Creek Road. In addition, the Oregon City School District has long-term plans to construct a new elementary school south of the plan area, adjacent to the southeast corner of the plan boundary.

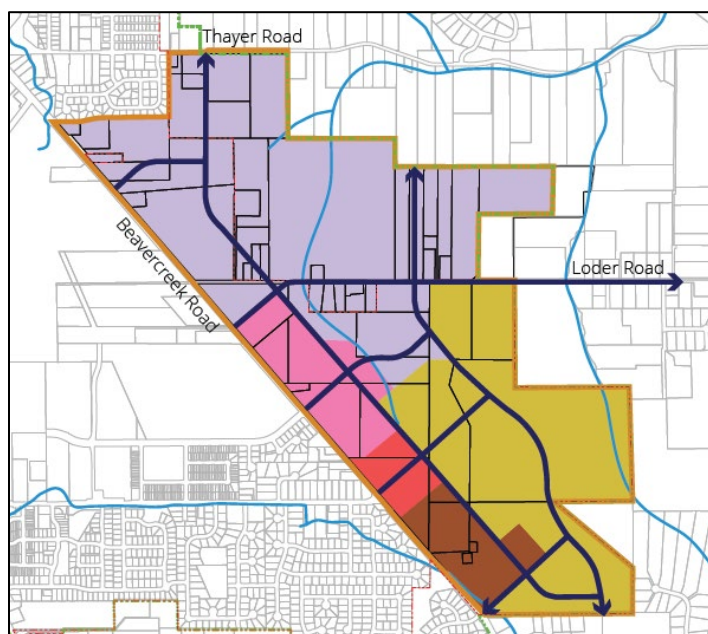


Figure 2 - Proposed Zoning

An exhibit showing the proposed zoning and comprehensive plan designations is attached to this memo, with an excerpt shown in Figure 2 for reference. The blue lines in the Figure 2 are all planned collector-level roadways. On the north end of the plan area, the collectors have a wider spacing. As those same streets extend south, the plan area narrows, and the spacing of collectors becomes much tighter. The street layout is logical, but as explained below, closer examination of residential densities and developable area shows that some of the streets slated for collector status will very likely not carry more traffic than local streets and will not warrant designation as a collector.

With land uses that have the highest trip intensity situated closest to Beaver Creek Road, some of the streets, particularly to the south and east, will naturally carry lower traffic volumes. The proposed R5 zoning designation to the south and east result in lower density and correspondingly low trip intensity. That combined with the closer collector spacing, results in a collector roadway density that is higher than necessary.

Effect of Left Turn Restrictions

The concept plan includes restricting left turn movements along Beaver Creek Road, except at intersections controlled by either a traffic signal or a roundabout. The intersection of Glen Oak Road at Beaver Creek Road is the southernmost intersection along Beaver Creek Road within the Urban Growth Boundary that is planned for either a traffic signal or a roundabout. All new street intersection south of Glen Oak Road will be limited to right turns in and out, including the major arterial/collector intersection of Beaver Creek Road at D56/Timbersky Way. See Figure 3 for a reference to the future street labeled D56.



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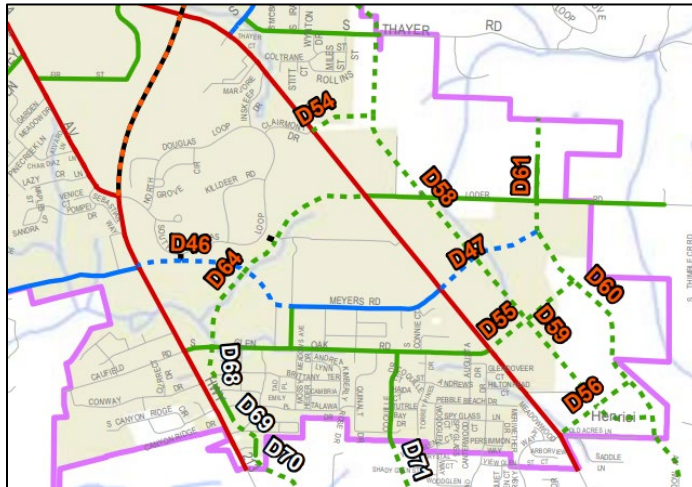


Figure 3 - Excerpt from TSP with New Street Labels

These turn restrictions further diminish the future traffic volumes on some of the streets within the plan area. For example, most trips, particularly in the southern area, are expected to be to and from the north. Exiting trips will have convenient access to Beaver Creek Road to make a right turn and travel north, but incoming trips will need to make a left turn from Beaver Creek Road at Glen Oak Road and use the internal street network. This results in decreased traffic volumes on streets such as D56, which is shown in Figure 3.

Does it Matter?

Sizing and classifying streets appropriately results in the most efficient use of the land available within the plan area. Perhaps more importantly, ensuring that streets are not overbuilt results in increased safety and neighborhood livability. By design, collector streets typically have wider lanes and higher travel speeds than local streets. Keeping street designs slow and safe is critical to ensuring that neighborhoods are comfortable for all users.

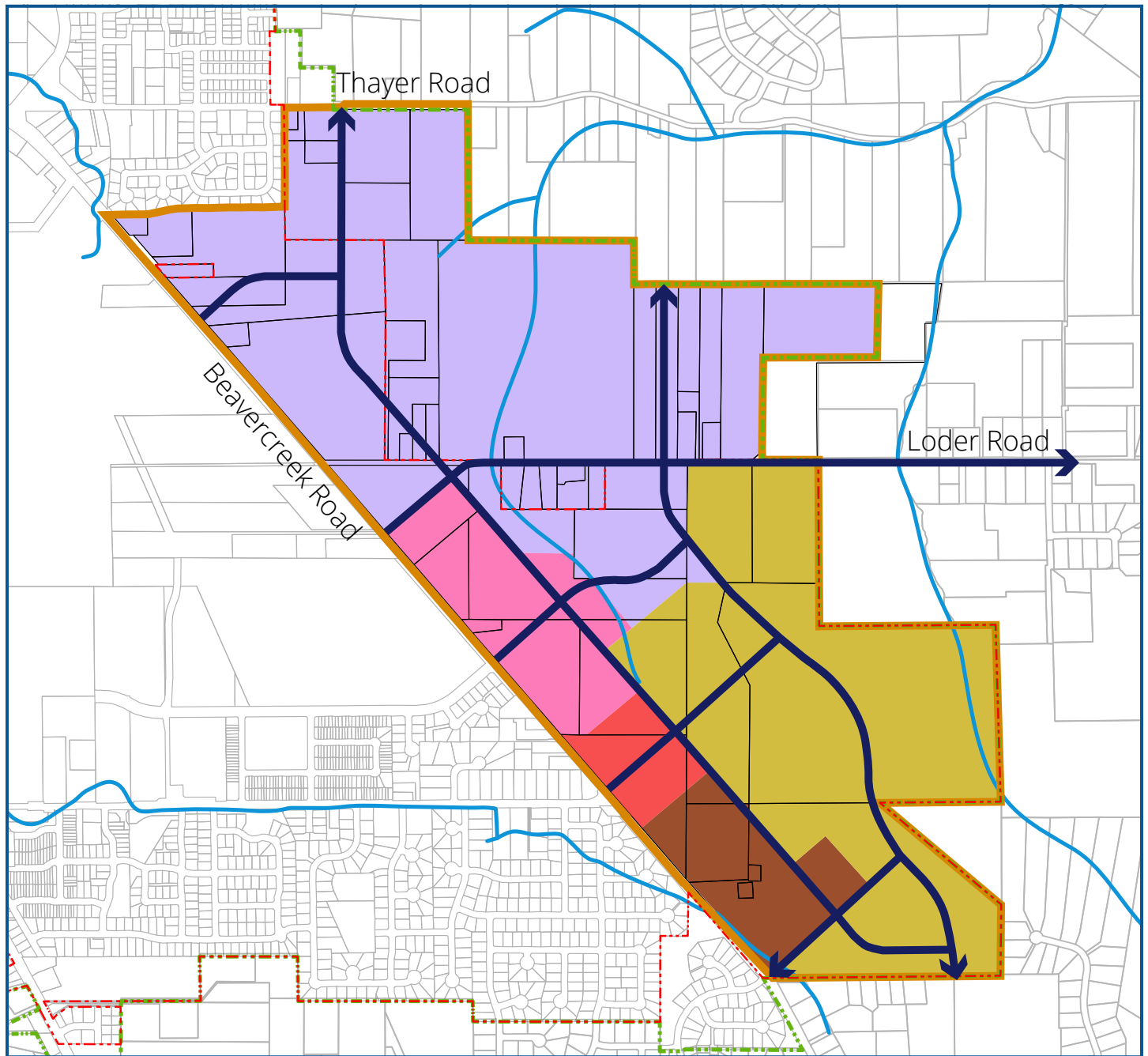
Summary & Conclusions

The streets contained in the current Beaver Creek Concept Plan create a logical network that will serve the diverse range of land uses in the plan area. However, as the plan area narrows to the south and zoning districts get lower in both density and trip intensity, the result is a system of too-closely spaced collector streets.

It is recommended that with the implementation of the concept plan, that flexibility be retained with respect to internal street classifications, particularly in the southern portion of the plan area. This will allow the creation of new, vibrant neighborhoods, where the emphasis is on the people, the neighborhoods, the land uses, and the parks, with lower emphasis on the streets that connect them.

Beavercreek Road Concept Plan

Proposed Zoning and Comprehensive Plan Designations



Legend



BRCP Subdistrict	Comp Plan Designation	Zoning Designation	
West Mixed Use Neighborhood	High Density Residential	High Density Residential	R-2
East Mixed Use Neighborhood	Medium Density Residential	Medium Density Residential	R-5
Main Street	Mixed Use Corridor	Neighborhood Commercial	NC
Mixed Employment Village	Mixed Use Corridor	Mixed Use Corridor	MUC-2
North Employment Campus	Industrial	Campus Industrial	CI
			BRCP Boundary
			Urban Growth Boundary
			City Limits
			Future Road Connections
			Streams



Oregon City School District No. 62

Learning to be our Best

PO Box 2110 (1417 12th St.), Oregon City, Oregon 97045-5010

July 15, 2019

Community Development Department
City of Oregon City
698 Warner Parrott Road
Oregon City, OR 97045

RE: Beaver Creek Road Concept Plan - BRCP

The District has been asked to provide comments concerning the BRCP and the current proposal for zoning designations and code amendments. Comments are to address the ability of Oregon City School District to adequately provide public educational services to the area. Current impacted school enrollment areas are Gaffney Lane and Beaver Creek Elementary Schools, Ogden Middle School and Oregon City High School.

The District has limited short-term capacity available at both Gaffney Lane and Beaver Creek Elementary Schools, capacity available at Ogden Middle School and capacity at our three high schools. Recent residential developments in the District have yielded significantly less than one student per household across all grade levels. The District currently is in design and construction to replace/expand and update middle schools and add safety and security features to all District schools. Current enrollment projections show a gradually increasing elementary enrollment, a middle school enrollment that decreases in the short term and then gradually increases and high school enrollment that slightly decreases. Assuming that the BRCP is developed in stages over the next 5-10 years, the District currently believes that it has the current capacity and/or will be able to have time to add capacity to meet the long-term enrollment generated by the Beaver Creek Road Concept Plan development.

Sincerely,

A handwritten signature in blue ink that reads "Wes Rogers".

Wes Rogers
Bond Program Manager
503-785-8531, wes.rogers@orecity.k12.or.us

RE: Agenda Item 3c – LEG 19-00003 Beavercreek Rd Concept Plan

Testimony of: Christine Kosinski, Unincorporated Clackamas County

At a recent Planning Commission meeting regarding the above BRCP, I believe this was in September, after a presentation by the City and DKS Traffic Consultants, a question came forward from the Commissioners who wanted to know the traffic impacts to Holly Lane from the BRCP. The answer from the City and DKS was that the impacts to Holly Ln would be minimal. I'm here to give you facts that show the traffic impacts to Holly Ln (at full build out) will be huge, in fact, earth shaking.

First you must understand the approved development on the old bus barn. I've given you a map which shows these vehicles will exit onto Maplelane, go up Thayer Rd to a turnaround. When they come back down to Maplelane, the vehicles will only be allowed to make an automatic right hand turn, and then an automatic left onto Holly Ln. This would be for a capped trip count, of I believe, 127 trips per day which can be changed in the future. At this point, the City is beginning to force traffic down Holly Ln, **See Map #1 which illustrates the flow of traffic onto Holly Ln.**

Next you must understand the huge traffic counts that will come up the South end of Holly Ln from the Park Place Concept Plan. Next in your packet, is Page 7 of the Kittleson & Associates Traffic Report, dated May, 2007. The report shows the significant impacts to Holly Ln of 167-200%, and this is just for the Park Place Concept Plan

Next in your packet is Page 16 of the Kittleson & Associates Traffic Report, dated May, 2007, stating that the Park Place Plan will generate about 22,990 new weekday daily trips with almost all of these using Holly Ln since it is the only North/South Connector.

Next, see Map #2, where I have circled a large area where most of these streets will use Holly Ln, in addition to both the BRCP and the Park Place Concept Plan. The City is planning for Holly Ln to take on monumental amounts of traffic due to the traffic counts coming out of both of these Concept Plans, however, this small landslide ridden street will not be able to absorb these large amounts of traffic which do belong only on a Major Arterial.

In the meantime, I hope you will read the letter from Kristina Browning, a homeowner on Thayer Rd. The letter is posted on the City website under the Nov. 12th City Commission Work Session. She speaks to the SAFETY issues that already exist on Maplelane and which are worsening by the day. Then I ask you to read the Oregon City Comprehensive Plan, under Landslides, where it clearly states "Landslides can be triggered by heavy rains, groundshaking from earthquakes and heavy traffic, and undercutting the lower edge of a slope, which can be caused by erosion along stream banks, and by development, such as cuts in road construction." All of these concerns are very real for Holly Ln homeowners who cannot obtain any landslide insurance to cover expensive damages.

I will be back in a week with testimony that I believe will help you to understand why the City will not be able to use Holly Ln. In the meantime, see more numbers below.

Traffic Numbers for Holly Lane

Park Place Plan - 22,990 new weekday daily trips

Growth in travel demand for Holly Ln (from Park Place Plan) from 167-200 %

Beavercreek Road Concept Plan traffic numbers for Holly Lane

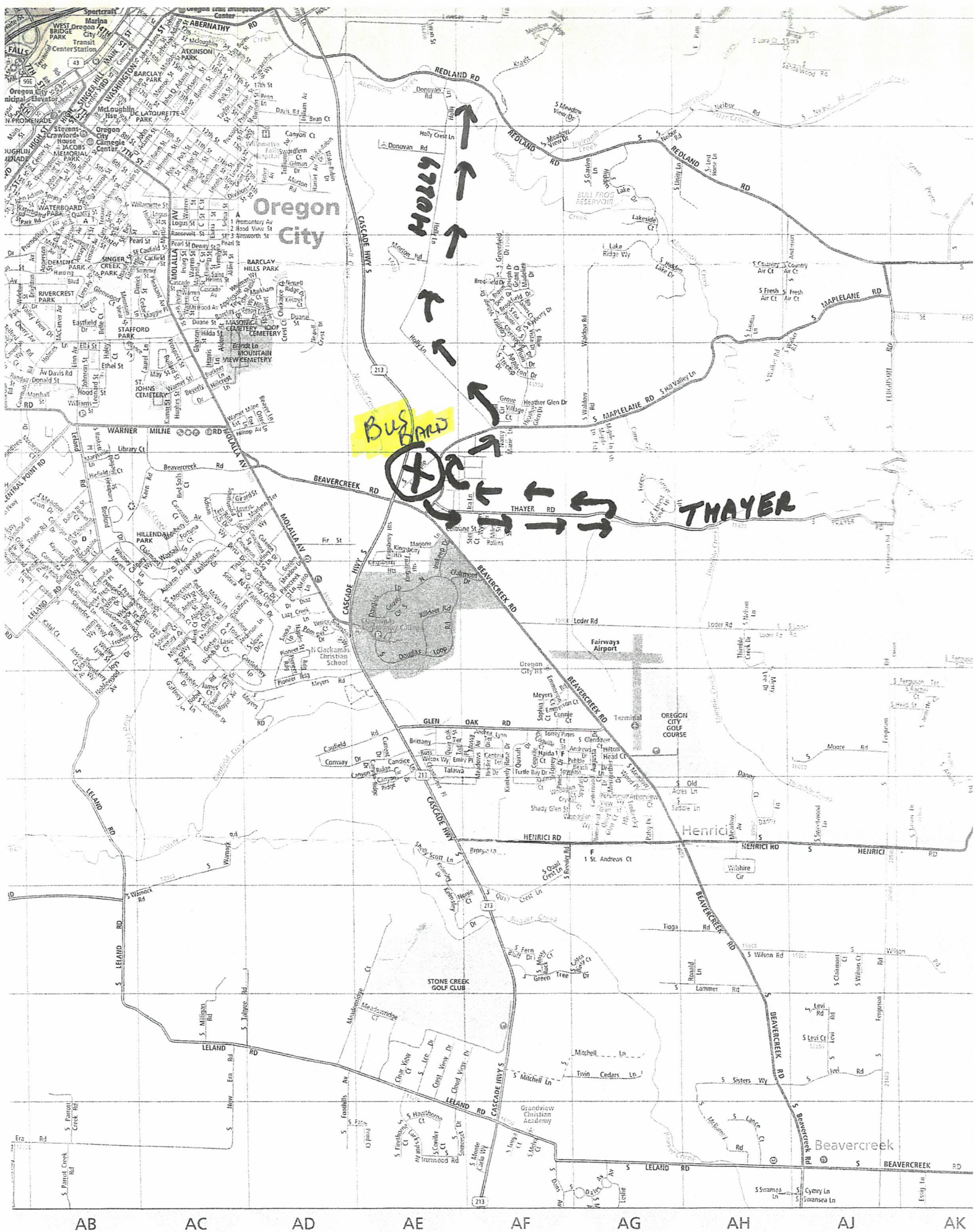
5700 part time employees = Two trips per day equals more than 10,000 trips per day

1100 new residences = Nominal 7 trips per day equals 7700 trips per day

Commercial Center = Add on another 20,000+ trips per day

Total here is about 37,700 trips per day from BRCP, many will affect Holly Ln

These numbers are for full build out, as currently planned.



MAP #1

Growth in Travel Demand

Substantial growth in local and regional travel is anticipated over the next 25 years. The HWY 213 corridor will be hardest hit, with travel demands growing by nearly 50 percent to almost 60,000 vehicle-trips a day. Improvements to this corridor would be very costly and face many difficult challenges to overcome. City and regional planners agree that this vital facility must be protected by enhancing the city's transportation system to better serve local travel.

Redland Road, Holcomb Boulevard, and Holly Lane are also forecast to experience significant increases in travel demands. Each corridor is constrained by narrow rights-of-way, physical features, and/or difficult topography that make improvements difficult. Nonetheless, it is imperative that the local transportation system be improved and expanded to better serve the Oregon City area and protect the regional resources of HWY 213 and I-205.

A comparison of 2027 No-Build forecast traffic volumes to those measured under existing conditions reveals significant growth in demand will occur on several key corridors in the Oregon City area. Table 1 provides examples of existing and forecast volumes on several roadway segments and the percentage of growth that is estimated to occur.

**TABLE 1
GROWTH IN TRAVEL DEMAND ON KEY CORRIDORS**

Roadway	Existing PM Peak Hour Volumes	2027 No-Build PM Peak Hour Volumes	Percent Increase
HWY 213: North of Washington St.	5,500	8,600	56%
HWY 213: Washington St. to Redland Rd.	4,900	6,700	37%
HWY 213: Redland Rd. to Beavercreek Rd.	4,000	5,800	45%
Redland Rd.: HWY 213 to Abernethy Rd-Holcomb Blvd	900	1,500	67%
Redland Rd.: Abernethy Rd.-Holcomb Blvd. to Anchor Way	1,300	1,800	38%
Redland Rd.: Anchor Way to Livesay Rd.	1,100	1,800	64%
Redland Rd.: Livesay Rd to Holly Ln.	1,100	1,800	64%
Holly Ln.: Redland Rd. to Donovan Rd.	300	900	200%
Holly Ln.: Donovan Rd. to Maplelane Rd.	300	800	167%
Holcomb Blvd.: Redland Rd. to Front St.	800	1,300	63%
Holcomb Blvd.: Front St. to Swan Ave.	600	1,100	83%

The projected growth in travel demand on these corridors ranges between 300 vehicles per hour (on Holly Lane) to 3,100 vehicles per hour (on the northernmost segment of HWY 213). The percent increase ranges from 38 percent to 200 percent. These increases are so significant that demands on several roadways will exceed their existing capacity. The next section presents a summary of how well the existing transportation system can accommodate these 2027 No-Build travel demands and what mitigations are likely necessary to meet agency performance standards.

Park Place Concept Plan
May 21, 2007

Project #: 7938.0
Page 16

Table 4 summarizes the estimated site trip generation during a typical weekday, as well as during the weekday PM peak hour (all trip ends shown in Table 4 are rounded to the nearest five trips).

TABLE 4
PARK PLACE CONCEPT PLAN ESTIMATED TRIP GENERATION

Land Use	ITE Land Use Code	Size	Weekday Daily Trips	Weekday PM Peak Hour Trips		
			Total	Total	In	Out
Single Family Residential	110	1,106 HH	10,585	1,120	705	415
Apartments	220	470 HH	3,160	290	190	100
Condo/Townhouse	230	134 HH	785	70	45	25
Specialty Retail	814	122,750 SF	5,440	330	145	185
General Office	710	274,430 SF	3,020	410	70	340
Total New Trips			22,990	2,220	1,155	1,065
Internal Trips (5%)			1,150	110	55	55
Mode Split (5%)			1,150	110	60	50
Total Net New Trips			20,690	2,000	1,040	960

Table 4 shows that the site is expected to generate approximately 22,990 new weekday daily trips; of which 2,220 will be during the weekday PM peak hour. Approximately 110 of the PM peak hour trips will be internal to the site, while another 110 trips will be made by modes other than a single-occupancy vehicle. This means that the site will generate approximately 2,000 net new trips on the surrounding roadway system during the weekday PM peak hour; of which, approximately 1,040 will be into the site and 960 will be leaving the site.

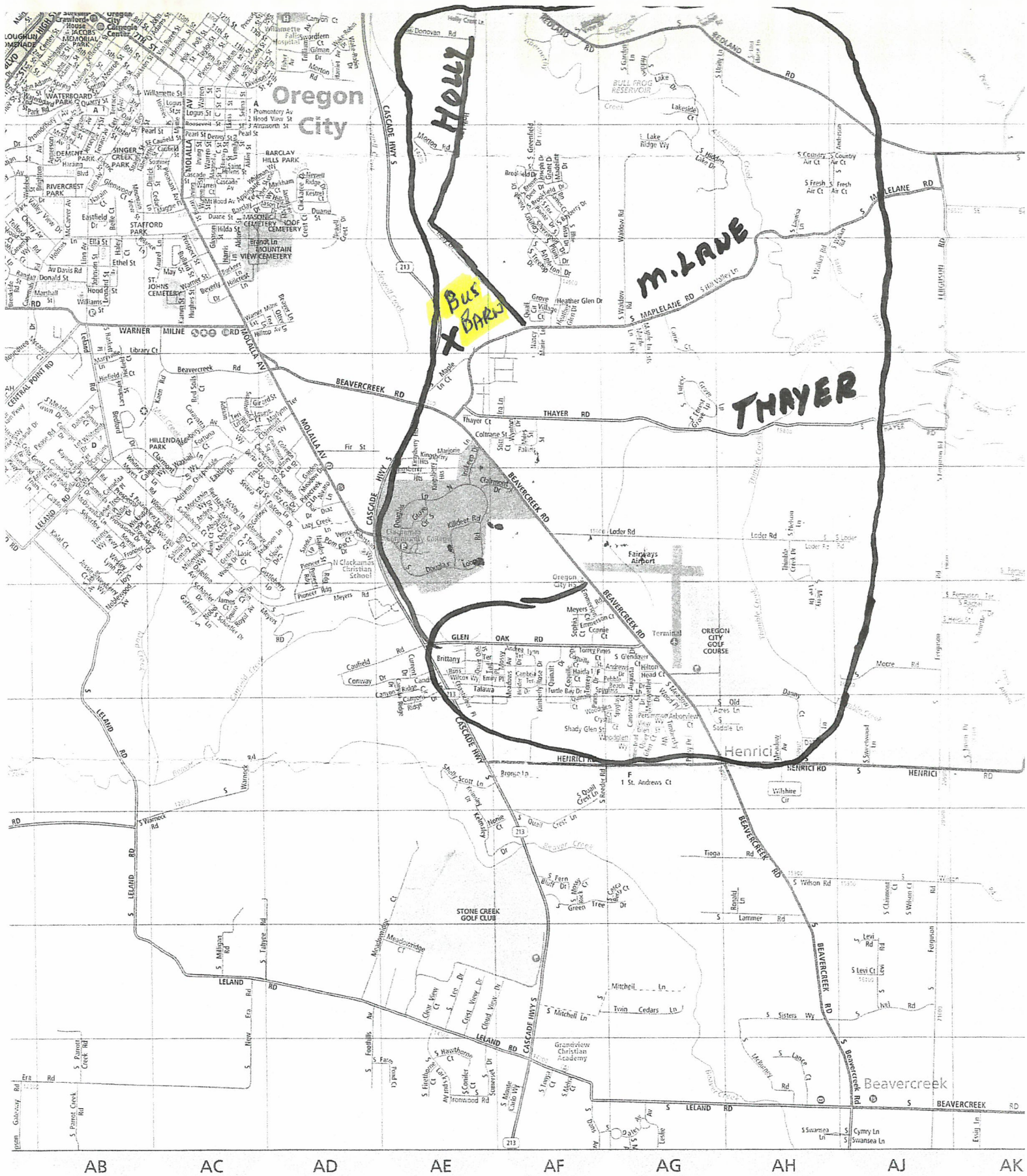
It should be noted that the 2027 No-Build forecast includes growth in households and jobs in TAZs 505, 506, 507, and 508. Because only a fraction of the planning area is in each zone, it is difficult to determine whether some or all of that growth is anticipated within the Park Place concept planning area. No reduction in travel demand was made to try and account for any "overlap" in assumed development. Therefore, it is safe to say the forecasts used in this analysis represent a reasonable worst-case scenario and likely represent greater levels of development than may actually occur. Appendix "E" contains the land use estimates assumed in the Sunrise model for TAZs located within the planning area.

Trip Distribution and Assignment

Trip Distribution

Distribution of the net new site-generated trips onto the study area roadway system is estimated based on a review of select zone analyses produced by the METRO Sunrise model, as well as existing traffic patterns, local knowledge of the area, and professional judgment. Figure 8, displays the estimated trip distribution pattern for the net new trips associated with the Park Place Concept Plan. Appendix "F" contains the select zone analyses results.

Figure 8 shows that approximately one third of all trips are to/from the I-205 corridor, one third are to/from the west, more than one quarter to/from the south, and 13 percent to/from the east.



MAP #2

Oregon City Planning Commission
Hearing of September 23rd, 2019

RE: Testimony of Christine Kosinski, unincorporated Clackamas County

Agenda Item 3b – LEG19-0003 Beaver Creek Rd Concept Plan – Geology

Oregon City is comprised of some of the most difficult and dangerous topography in the State. I continue to be shocked that the City would even consider using Holly Lane as a freeway for motorists to reach the I-205. This is being done to preserve Beaver Creek Road, since it is at capacity, and the City has failed in the past to construct a grade separated intersection at Hwy 213 and Beaver Creek Rd which would have been the solution to its capacity issues at this intersection. Because the City failed, they pulled out Plan B from their pocket and decided to use Holly Lane which is a small 2 lane road that is riddled on both sides with landslides. The homeowners on Holly Lane have suffered previous landslides which demolished two homes and severely damaged four others. There was NO insurance coverage when the slides occurred in 1996 and the homeowners had to pay hundreds of thousands of dollars to fix and re-build their homes.

Case in point, the City has failed to fulfill its obligations to their people in providing adequate transportation infrastructure to support the large build out they are proposing, however using Holly Ln to carry some 70,000 plus vehicles per day is simply ludicrous. To make the people of Holly Lane pay for the errors of the City should never be done, rather the City must now go back to plan their way out of this difficult situation that they themselves have created.

Following are several Exhibits I am entering into the City record for the Beaver Creek Rd Concept Plan. These exhibits show that poor planning on the part of the City has created these traffic problems.

EXHIBIT ONE – One page of a new article where Scott Burns, Professor of Geology, PSU, was being interviewed after the OSO, WA Landslide Disaster. This is the statement he had about the poor people losing everything, **and there's no insurance covering them.**

EXHIBIT TWO – This is the first sheet of an application for Landslide Insurance, NOTE the question "Is the building in a known landslide area or have there been any incidents of landslide within ONE MILE of the property? It doesn't matter if you answer yes or no since the insurance company will look up your address on lidar landslide maps. If there has been a previous landslide within one mile of your property you will not get insured.

EXHIBIT THREE – There are extensive exclusions, in fact so many, that even if you could get landslide insurance, it would virtually never pay out.

EXHIBIT FOUR – Here is a copy of the denial my Husband and I received when we tried to obtain landslide insurance in 2015.

EXHIBIT FIVE – An e-mail from Professor Scott Burns speaking to the concerns of the Thayer Road landslides and that the road will not take large amounts of traffic.

EXHIBIT SIX – Oregon City's Comprehensive Plan for Landslides. If the City approves the use of Holly Lane, as well as the approving both the North and South extensions of Holly, they will be going against their own Comprehensive Plan, as well as the requirements of the State and LCDC.

EXHIBIT SEVEN – Oregon City “Trail News

EXHIBIT EIGHT - DOGAMI's Lidar Landslide Map. The location of the BRCP is highlighted. I want you to note that this map includes an extensive area of Oregon City because NO ONE in this entire area will be able to obtain Landslide Insurance. Many of them will not know this when they are purchasing homes and/or property. They need to be told the truth if they are moving into a landslide area, they need to know there will be no insurance coverage if a landslide hits their property. **This is STATE LAW – Property Disclosure Law.**

The City should not be using the people of Holly Lane to try and fix it's planning problem where the grade separated intersection, which should have been built way back before three very large concept plans were proposed. The City was wrong in doing this, and now must, once again, re-consider the grade separated intersection which is what should have happened years ago. We ask and ask again and again, take Holly Lane out of your TSP. It is a dangerous street with high susceptibility to future landslides. A City should NEVER compromise the SAFETY of the people!

A Call For Landslide Insurance For Homeowners

*Scott
Barnes*

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%20for%20landslide%20insurance%20for%20homeowners>)



(http://mediad.publicbroadcasting.net/p/kuow/files/styles/x_large/public/201403/osomudslide-GovInsleeaerial1.jpg)

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.

#1

Building Information

Foundation Type:	Crawl Space
Dwelling Type:	Owner Occupied Primary Residence
Year Built:	1971
Roof Update:	1998
Construction Type:	Wood Frame
Dwelling Value Declared at 100% Replacement Cost:	\$200,000.00
Total Square Footage:	1,410
Do you own this property?	Yes
Select the option that best describes the building:	Single-Family
Is this a split level home?	No

General Questions

Does the building have additions or extensions supported by posts, piers, or beams?	No
Is there existing cracking of wall or foundation?	No
Is there a garage attached to the building?	Yes
Is the sill plate permanently bolted to the foundation of the building?	No
What year was the roof last updated?	1998

Earthquake Questions

Have any buildings or personal property located on the premises been damaged from an incident of Earthquake Shock?	No
--	----

Landslide Questions

Is the building in a known landslide area or have there been any incidents of landslide within 1 mile of the property?	Yes
Have any buildings or personal property located on the premises been damaged from an incident of landslide, earth movement, or land subsidence?	No

2

H.Premises means the real property at the address shown on the Coverage Declarations.

- I. Sinkhole** collapse means the settlement or systematic weakening of the land supporting the **building(s)**, when such settlement or systematic weakening results from movement or ravelling of soils, sediments, or rock materials into subterranean voids created by the effect of water on a limestone or similar rock formation.

III. Losses Excluded

A. This Policy does not insure against:

1. Loss or damage arising directly or indirectly out of nuclear reaction, nuclear radiation or radioactive contamination, however such nuclear reaction, nuclear radiation or radioactive contamination may have been caused.
2. Loss or damage arising directly or indirectly out of war, invasion, acts of foreign enemies, hostilities (whether war be declared or not) civil war, rebellion, revolution, insurrection, military or usurped power or martial law or confiscation or nationalization or requisition or destruction of or damage to property by or under the order of any government or public or local authority.
3. Loss, damage or increased cost arising directly or indirectly out of enforcement of any ordinance or law regulating the use, reconstruction, repair or demolition of any **building(s)** insured hereunder, nor any loss, damage, cost, expense, fine or penalty which is incurred, or sustained by or imposed on you at the order of any governmental agency, court or other authority arising from any cause whatsoever.
4. Loss or damage arising out of acts or decisions, including the failure to act or decide, of any person, group, organization or governmental body relating to faulty, inadequate or defective:
 - a. Planning, zoning, development, surveying, siting;
 - b. Design, specifications, workmanship, repair, construction, renovation, remodelling, grading, compaction;
 - c. Materials used in repair, construction, renovation or remodelling; or
 - d. Maintenance of all or part of any property on or off the **premises**.
5. Loss or damage arising out of normal settling, shrinking or expansion of land, **buildings**, structures or foundations; or erosion, gradual subsidence or the processes of erosion that take place over time, or any other gradually occurring loss or damage whether caused by **earthquake shock, flood or landslide** or not, or any loss or damage which commenced prior to the inception of this Policy.
6. Loss or damage arising out of fire regardless of any other event which contributes concurrently or in any sequence to the loss or damage.
7. Loss or damage arising out of exposure to weather conditions where any **personal property** is left in the open or not contained in **buildings** which are on permanent foundations and capable of secure storage.
8. Mysterious disappearance or inventory shortage, theft, fraud, or any kind of wrongful conversion or abstraction.
9. The costs for reconstruction of electronic data or other data.
10. Loss or damage arising out of cessation, fluctuation or variation in, or insufficiency of, water, gas or electricity supplies, or other public utility service supplying the **premises**.
11. Reduction in rental value, reduction in market value or the saleability of property insured by this Policy, or any costs or expenses related thereto.

B. Notwithstanding any provision in this Policy to the contrary (or within any Endorsement which forms part of this Policy), this Policy does not insure:

1. Any loss, damage, costs or expense, or
2. Any increase in insured loss, damage, cost or expense, or
3. Any loss, damage, cost, expense, fine or penalty, which is incurred, sustained or imposed by order, direction, instruction or request of, or by any agreement with, any court, government agency or any public, civil or military authority, or threat thereof, (and whether or not as a result of public or private litigation) which arises from "any kind of seepage or any kind of pollution and/or contamination," or threat thereof, whether or not caused by or resulting from a peril insured, or from

SPECIMEN

3

This exclusion applies regardless whether there is (i) any physical loss or damage to insured property; (ii) any insured peril or cause, whether or not contributing concurrently or in any sequence; (iii) any loss of use, occupancy, or functionality; or (iv) any action required, including but not limited to repair, replacement, removal, clean-up, abatement, disposal, relocation, or steps taken to address medical or legal concerns.

This exclusion replaces and supersedes any provision in the Policy that provides insurance, in whole or in part, for these matters.

- I. This Policy does not cover any costs and expenses, whether preventative, remedial or otherwise, arising out of or relating to change, alteration or modification of any computer system, hardware, program or software and/or any microchip, integrated circuit or similar device in computer equipment or non-computer equipment, whether the property of the insured or not.
- J. Notwithstanding any provision to the contrary within this insurance or any endorsement thereto it is agreed that this insurance excludes loss, damage, cost or expense of whatsoever nature directly or indirectly caused by, resulting from or in connection with any act of terrorism regardless of any other cause or event contributing concurrently or in any other sequence to the loss.

For the purpose of this Policy an act of terrorism means an act, including but not limited to the use of force or violence and/or the threat thereof, of any person or group(s) of persons, whether acting alone or on behalf of or in connection with any organization(s) or government(s), committed for political, religious, ideological or similar purposes including the intention to influence any government and/or to put the public, or any section of the public, in fear.


This also excludes loss, damage, cost or expense of whatsoever nature directly or indirectly caused by, resulting from or in connection with any action taken in controlling, preventing, suppressing or in any way relating to any act of terrorism.

If the underwriters allege that by reason of this exclusion, any loss, damage, cost or expense is not covered by this insurance the burden of proving the contrary shall be upon the insured.

In the event any portion of this endorsement is found to be invalid or unenforceable, the remainder shall remain in full force and effect.

IV. Property Excluded

A. This Policy does not cover:

1. Land, land values, soil, water, air, or any interest or right therein.
2. **Building(s)** and other structures used in whole or in part for any commercial, farming or manufacturing purposes, other than residences on the **premises** held for rental.
3. Mobile homes; but this exclusion does not apply to modular or manufactured housing permanently attached to foundations.
4. Paved areas, including but not limited to parking lots, terraces, driveways, walkways, sidewalks, pavements, paths, curbing and swimming pools. 
5. Bridges, steps and stairs; wharves, piers and jetties, unless physically attached to any **building(s)**.
6. Retaining walls whether or not necessary for the continuing stability of any part of the **premises**, and whether or not attached to any **building(s)**.
7. Fences; embankments and earthen structures, tanks, wells, ponds, dams, and dikes.
8. Trees, shrubs, lawns, plants, landscaping costs, animals, birds or fish.
9. Any aircraft or other aerial device, watercraft and their trailers, motorized and non-motorized vehicles other than motorized equipment used to maintain the **premises**.
10. Accounts, bills, currency, money, medals, notes, credit cards, securities, deeds, bullion, books of account, evidences of debt or title, manuscripts, passports, tickets, stamps and valuable papers.
11. Jewellery, watches, precious stones, precious metals, silverware, silver-plated ware, gold-ware, gold-plated ware, and pewter ware, fine art, objects d'art, firearms, sculpture and statuary, furs and garments trimmed with fur.
12. Loss or damage to the basement and/or real property and **personal property** suffering loss or damage within the basement where the basement has not been declared within the Policy Application for this insurance.

SPECIMEN

3

From: Jackie Goodman <jackie@huggins.com>
To: britenshin <britenshin@aol.com>
Subject: RE: Landslide and earthquake quote
Date: Wed, Oct 28, 2015 11:20 am

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

4

Subj: **Re: Thayer Road in Oregon City**
Date: 11/19/2007 6:20:35 A.M. Pacific Standard Time
From:
To:

Christine - great to hear from you!! Keep working at getting the county to change - it takes time! The Thayer Road problem is a big one - that slide keeps creeping. The road will not take large amounts of traffic and they definitely should not build on the site! Thanks for keeping me up on these things! Good luck,

Scott Burns, PSU Geology

Quoting Britenshin@aol.com:

> Dr. Burns: I was speaking with Sha Spady last week regarding the large
> landslide area on Thayer Road which sinks every year. Sha told me that you
> were recently here to inspect this part of the road and that I should
> contact you
> for your thoughts and concerns about this area.
>

#5

areas of concern are shown on other city, county, state and federal maps. These publications are available at the Oregon City Planning Department.

Development and construction in areas with unstable soils require that special development standards be met on a site-specific basis to prevent or minimize damage caused by unstable soils. Maintaining existing vegetation or revegetating may be required for excavation and road slopes in areas designated as landslide-prone.

Landslides. Landslides include rockslides, mudslides, debris flows, earthflows, and slumping. These phenomena are natural geologic processes that occur principally when soils and rock in steep areas become saturated with water, increasing weight and lubricating the mass. Gravity pulls the affected areas downhill. Landslides can be exacerbated by adding fill material to a slope, removing vegetation, altering drainage and runoff patterns, and undercutting a slope. Landslides can be triggered by heavy rains, groundshaking from earthquakes and heavy traffic, and undercutting the lower edge of a slope, which can be caused by erosion along stream banks, and by development, such as cuts in road construction.

Areas most susceptible to landslides in Oregon City are those with slopes of greater than 25 percent. These areas have been mapped by DOGAMI and are shown in the *Oregon City Hazard Mitigation Plan* (1998). The Unstable Soils and Hillside Constraint Overlay District requires geotechnical surveys of other potential hazard areas and provides standards that are used to determine the potential risk of landslides on slopes with various degrees of steepness in relation to the development.

Seismic Activity

Although predicting seismic events is extremely difficult, some prediction is possible by looking at the history of a particular region. Oregon is in a region with a history of intense seismic activity, generated by the subduction of the Juan de Fuca Plate under the North American Plate and by the collision of the Pacific Plate with the North American Plate along the San Andreas Fault and associated faults in California. Known catastrophic subduction-zone seismic events in the Pacific Northwest, which have occurred every 300 to 800 years, have caused a down-drop of land, generated enormous tsunamis along the coast, and triggered major landslides throughout the region. The last such event took place in 1700.

Tectonic uplift of the entire Pacific Northwest region, driven by subduction of the Juan de Fuca Plate far offshore, has spawned many faults throughout the region, including the West Hills Fault along the axis of the toe of Portland's West Hills. An earthquake in March of 1993 near Molalla just south of Oregon City, dubbed the "Spring Break Quake," had a magnitude of 5.6 on the Richter

#6

OREGON CITY TRAIL NEWS

Since April of 1996 until the Fall issue of this year, 2019 – There have been many articles in the Trail News on.....

City Sewers
City Streets
National Night Out
City Heritage Day
Water Safety
Stormwater Master Plan Update
Construction Projects
Many articles on living in the flood plain
Many articles on flood insurance
Many articles on the BRCP
The Pioneer Center

BUT NEVER ONE ARTICLE EVER IN THE PAST 23 YEARS ABOUT LANDSLIDES!!!!!!

Both Land Use Goals 7 and 2, as well as Oregon Statutes Chapter 195 – Local Government Planning Coordination – Section 195.260. All of these State laws call for local governments to educate their people about the risks of Landslides.

The people of Oregon City must know who to call, where to go for help when noticing things like cracks in their foundations, windows that won't go up or down due to shifting, cracks appearing in their ceilings, floors that begin to tilt and become unlevel. The people of Oregon City must be educated in reading the DOGAMI Lidar Landslide Maps, if they have questions, the City must be ready with answers and with help.

This is simply awful that Oregon City, with some of the worst topography in the State, has not reached out to their people through the Trail News, through newspaper articles, through mailers, through classes held within the community on the dangers of Landslides, Earthquakes and they must know about Emergency preparedness and the fact that Landslide Insurance does not exist at this time in the U.S. and that the Homeowner is responsible for all damages.

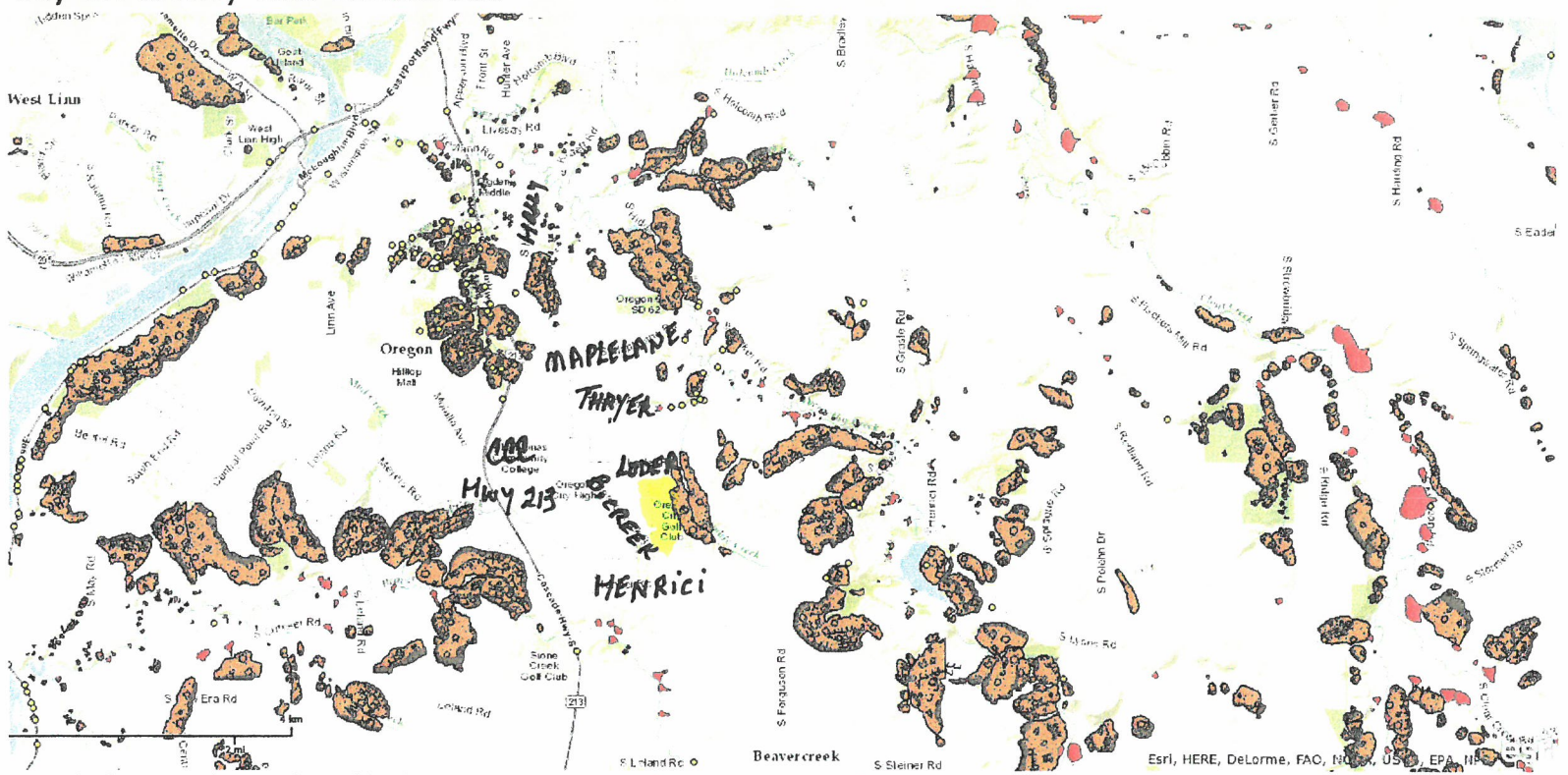
Oregon City has been derelict in it's duties to protect the lives and property of it's people, and must, by State law, begin an intensive plan to educate their people into the dangers and hazards of living in a landslide area, of which Oregon City is highly comprised of – difficult topography.

Christine Kosinski

#7

Map from DOGAMI S SLIDO viewer

olly Ln & Hwy 213 Landslides



general information only; not to be used for planning purposes. <http://www.oregongeology.org/slido> Sat Aug 27 2016 09:53:25 PM.

#8

Planning Commission Meeting of Oct. 14, 2019-10-14

Testimony from Elizabeth Graser-Lindsey

I am grateful the Planning Commission requested further delving into cottage industry as the city commission requested some years ago and I appreciate the research and thought the staff has given the issue.

Oregon City is a middle-sized city, the county seat, the home of Clackamas Community College, a large and growing education center and a bedroom city for the region. Most residents have to commute to cities with more abundant jobs since Oregon City has a particularly-low jobs-to-housing ratio. All this driving by Oregon City commuters and people living further out to get to distant jobs causes traffic congestion. Because, currently the city's home occupation code is very limiting, it leads to potential city entrepreneurs, who are starting urban-connected businesses, to live in the rural area where the conditional use code is more permissive when the city won't let them in. This restrictiveness also leads to business income benefitting other local governments rather than Oregon City. The city should not lack a neighborhood where people can be industrious and start a business from their home. ~~You'd fill a pad of paper with all the home-occupation permits issued outside the city for city-related jobs. In my area~~

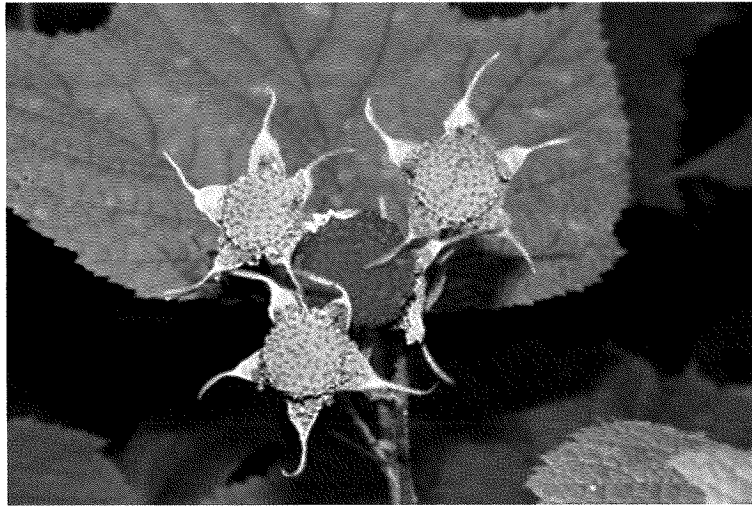
Oregon City needs to give its motivated and talented residents of ordinary means the opportunity to innovate, be productive, generate wealth, and grow a successful business in the spectrum of urban activities that serve cities. Even the proposed changes -- to establish a unique Beavercreek Road Concept Plan area home occupation code -- just cracks the door open a little. It still leaves many occupations for people to pursue somewhere else. This includes the would-be up-and-coming landscapers, the forklift business, the dump truck business, the caterer, the welder, the car repairer, the construction contractor, the gutter installer, the plumber, and so forth.

The Beavercreek Road Concept Plan area was brought into the Urban Growth Boundary for industry, to solve the shortage of family-wage jobs in the city and region; LUBA's remand confirmed that this is true. Oregon City still needs the jobs; it still needs the business revenue; and it needs relief from excess commuting impacts on its roads whether from its own residents or commuters from further out passing through to the good jobs. It's not enough to try to attract successful businesses to Oregon City.

Fully open up Oregon City to the city's own residents being the spark plugs of innovation, productivity and wealth-generation that power the city into the future.

These people need all the opportunities it takes to operate varied businesses – a few employees, a bit of sales and traffic, storage, business vehicles, out-growing invisibility. Instead of seeing industry and its evidences as a problem, embrace industry and see how code needs to be addressed to make industry a good neighbor. Maybe there can be a place for a bit of sound and storage, especially when all the ^{home} buyers are attracted to the opportunity. Why doesn't the city interview its own citizens participating in business to see what is necessary for success for a range of businesses? Maybe the Chamber of Commerce could help.

The Thimble Creek Concept Plan name has the advantages of being unique and connecting with the common thimble berry of our area.



Comments on BREP form Elizabeth Graser-Lindley
1-13-2020

Because the goal of the home
occupation/cottage industry code changes
is to get more jobs - esp. home-grown jobs -
in Oregon City & to reduce commuting
impacts on the crowded roads in the area,
please consider

Instead of

17.54.120 in Home occupation and Cottage Industries
in are allowed in and shall comply with all
of the following in
having

Home occupation and Cottage Industries
in shall be ~~accommodated~~ ^{the development type} in and shall
comply with all of the following.

That is, instead of "are allowed," "shall be the
development type."

Was the original park factor
8 acres with a corresponding
total park area of 20 acres?

Isn't it good to keep a larger
park area of 20 acres ^{& factor of 8} rather
than decreasing to 10 acres with the factor of 4?

To: Planning Commission

From: Natural Resources Committee

RE: Beaver Creek Road Concept Plan Implementation Upland Habitat

Date: November 13, 2019

The Natural Resources Committee reviewed a presentation by Christina Robertson-Gardiner, Senior Planner at the October 9, 2019, NRC meeting, which provided background on upland habitat areas in the adopted Beaver Creek Road Concept Plan.

While a fair amount of the area identified as upland habitat in the adopted plan is already protected by OCMC 17.49 Natural Resources Overlay District, OCMC 17.44 Geologic Hazards and OCMC 17.41 Tree protection, we feel that there is a need for additional protection to retain high-value habitat directly abutting protected water features. The Natural Resources Committee believes that new code should be created to address these areas as part of the Beaver Creek Road Concept Plan Zoning and Code Amendments.



Areas 3 and 4 as identified in the city map below are of specific interest to this committee as they are contiguous to large habitat areas. We support additional protection in Area 2 in locations that abut the identified and protected stream. Area 1 may merit additional protection if analysis shows enough tree area located outside of the Natural Resource Overlay District.

We look forward to working with city staff on any proposed code amendments.



MEMO

To: Laura Terway, Community Development Director, Oregon City
cc: files
From: Joseph D. Eskew, Engineering Manager
Date: 7/12/2019
RE: *Beavercreek Road Concept Plan – CRW Comments*

Thank you for this opportunity to provide comments regarding the Beavercreek Road Concept Plan and how Clackamas River Water (CRW) will be affected.

The area of interest (the Area) is located east of Beavercreek Rd, south of Thayer Rd and north of Henrici Rd. The area lies wholly within the Urban Growth Boundary (UGB) and partially within City limits.

Portions of the Area extend into current CRW jurisdictional territory that is served by CRW. Regarding these portions of the Area, CRW provides the following summary comments:

1. Existing CRW customers within the UGB and/or City limits, will remain customers until such time that the City has infrastructure and can provide water service.
2. CRW owns service mains that traverse through the Area to territory outside the UGB. Water mains must remain in service to provide water to customers outside the UGB. CRW is open to discussions regarding alternatives for maintaining service to customers outside the UGB.
3. Territory that is annexed to the City must be withdrawn from CRW and served by Oregon City services to the extent practicable.
4. An Intergovernmental Agreement between CRW and Oregon City, dated October, 13 2016 provides a mechanism to serve CRW water within Oregon City limits, on a limited basis, through a master meter for water sales to Oregon City. The IGA is focused specifically to provide interim water service for the proposed “Villages at Beavercreek” development. This agreement is in force and will be honored.
5. CRW lacks required storage and infrastructure to increase the amount of water sales for additional development over the flow rate designated in the IGA.
6. CRW assumes that future development will, in large part, be guided and coordinated consistent with the concepts provided in the Joint Engineering Study, June 11, 2018, by Murraysmith.

From: [Paul Edgar](#)
To: [Mike Mitchell](#); [Laura Terway](#); [Christina Robertson-Gardiner](#); [Dayna Webb](#)
Cc: [Christine Kosinski](#); [Bob La Salle](#); [Paul Savas](#) - County Commissioner; [Bezner, Mike](#); [Karen Buehrig](#) - CC Trans Planning Sup; [Rachel Lyles Smith](#); [Frank O'Donnell](#) - OC City Commissioner
Subject: Fwd: RE: Oregon City intersection analysis Highway 213 and Beavercreek Road (Please include this as part of the record with the current Beavercreek Road Concept Plan Updates)
Date: Tuesday, November 19, 2019 11:10:14 AM
Attachments: [qfhjefaknelkamjo.png](#)

FYI, This below email was initially sent out, October 14th 2016 to the owners of the Beavercreek Road, and that is Clackamas County and it was later copied to others like Dayna Webb within Oregon City.

This can has been kicked down the road and in doing so it is a disservice to everyone, for the failure to be honest. This paragraph is in the text of this email from October 14th, 2016.

"It is effectively impossible to use Holly Lane as an alternative route. Holly Lane has some of the highest susceptibility to Landslides and Land Movement as per DOGAMI. To me it is similar to the County "owned" Road section of South End Road, which is a nightmare to the county, with maintenance and how to stop the land movement, where the road is breaking off. Therefore there appears to be little or NO effective ability to mitigate Beavercreek Road congestion, using Holly Lane as it surely cannot be expanded or improved without overcoming heroic contingencies at great cost."

The understanding that were forged with ODOT on "Alternative Mobility Standards", now 3 years later, we now see that they cannot be justified. Virtually within any case and "in particular" the assumption of the use of Holly Lane to provide enough trip diversion generation case, **whereby the Volume over Capacity does not exceed the physical capacity of this Beavercreek Road & Highway 213 intersection**, cannot be made.

The physical improvements proposed to to the Highway 213 & Beavercreek Road intersection are less than Band-Aids, and do great harm, within the failure of getting the needs of this Hwy 213 & Beavercreek Road Intersection into Long-Term Transportation Planning with the only real solution, which is a true Fly-Over Interchange. We need funding and help from JPACT, Metro, Clackamas County and ODOT, and when we tell everyone to not worry, its OK and then we all experience this collapse and it is 10 years out to pull together the coordination of funding and design!! Everyone that needs a free flowing Highway 213 & Beavercreek Road will be trapped and effective screwed.

We cannot go ahead, in my opinion with virtually any development, with job's and housing as is outlined in the Beavercreek Concept Plan, with "Faulty and Unrealistic Assumptions".

From the time of these initial studies and when the understanding with ODOT were being put into place, to where we are today, we are seeing/experiencing exponential growth in incidences of travel (trips) on Beavercreek Road and Highway 213 and these incidents of travel are exceeding all previous estimates, with most all coming and going to places not in Oregon City.

The failure to not take this into consideration with what is being said and done now in November 2019 with this update to the Beavercreek Concept Plan and forward, is a great/significant error in judgement. Holly Lane "Trip Diversion" is just smoke and mirrors and it is unethical in how it is being used in the Oregon City Planning and within the Oregon City Beavercreek Concept Plan. I also wrote this in this in the below forwarded October 14th 2016 email.

"Can anyone tell me what alternative mobility methods off of the top of your heads that can be deployed, that can take a intersection that has had historically a LOS "F" congestion "Failure" ranking, whereby you can mitigate/change those conditions with PED, Bike and Bus, where none of these Alternative Mobility Methods are applicable at this intersection. Even if they were, how can you measure their effect."

Paul Edgar, is a former member of the Clackamas County Transportation Committee that created the Clackamas Country - Transportation Systems Plan (TSP)

----- Forwarded Message -----

From: 18 2016 <>
X-Account-Key: account5
X-UIDL: 129459.R9GilxFIA6+e7BT5yxvOHOO,Nqs=
X-Mozilla-Status: 0011
X-Mozilla-Status2: 00000000
X-Mozilla-Keys:

Return-Path:literway@ci.oregon-city.or.us
Received:from mx05.quartz.synacor.com (LHLO mx.q.com) (10.30.2.125) by
md07.quartz.synacor.com with LMTP; Tue, 18 Oct 2016 12:04:43 -0400 (EDT)
Return-Path:[<literway@ci.oregon-city.or.us>](mailto:literway@ci.oregon-city.or.us)
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by mx.q.com (envelope-from [<literway@ci.oregon-city.or.us>](mailto:literway@ci.oregon-city.or.us)) (ecelerity 2.2.2.40
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Tue, 18 Oct 2016 12:04:36 -0400
Received:from exchange.orcity.org ([10.61.1.27]) by Exchange ([10.61.1.27]) with mapi; Tue, 18
Oct 2016 09:04:29 -0700
From:Laura Terway [<literway@ci.oregon-city.or.us>](mailto:literway@ci.oregon-city.or.us)
To:pauloedgar@q.com [<pauloedgar@q.com>](mailto:pauloedgar@q.com)
CC:Dayna Webb [<dwebb@ci.oregon-city.or.us>](mailto:dwebb@ci.oregon-city.or.us), Kelly Reid [<kreid@orcify.org>](mailto:kreid@orcify.org)
Date:Tue, 18 Oct 2016 09:04:27 -0700
Subject:RE: Oregon City intersection analysis
Thread-Topic:Oregon City intersection analysis
Thread-Index:AdImb0Wre+sZd7scTPebG5Amz7RMkQC6eMQw
Message-ID:<79182DEA2A9EBD459F20AD5CB90FEAA55F9A33EB51@Exchange>
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Paul,

Thank you for your email. I have copied Dayna Webb and Kelly Reid on this reply, as they will be managing the project.



Laura Terway, AICP
Community Development Director
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

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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: Paul Edgar [<mailto:pauloedgar@q.com>]
Sent: Friday, October 14, 2016 4:04 PM
To: Bezner, Mike
Cc: Karen Buehrig - CC Trans Planning Sup; Laura Terway
Subject: Re: Oregon City intersection analysis

Mike, Karen & Laura,

Highway 213 and Beavercreek Road intersection needs to be a full interchange and Beavercreek Road needs to be expanded out to 5-lanes (two in each direction and a turn lane) with a separate bike and PED Path, out to Henrici Road.

With Volume to Capacity determinations as to how to measuring congestion (at this intersection) within "Alternative Mobility Standards" to determine what can mitigate this congestion, we are truly embarking on a case study.

It is effectively impossible to use Holly Lane as an alternative route. Holly Lane has some of the highest susceptibility to Landslides and Land Movement as per DOGAMI. To me it is similar to the County "owned" Road section of South End Road, which is a nightmare to the county, with maintenance and how to stop the land movement, where the road is breaking off. Therefore there appears to be little or NO effect ability to mitigate Beavercreek Road congestion, using Holly Lane as it surely cannot be expanded or improved without overcoming heroic contingencies at great cost.

I would like to be part of this of this TAC group, as someone who is very knowledgeable in most all aspects.

We need quantifiable understandings, that create measurable methods of all Deploy-able - Mitigation within "Alternative Mobility Methods" to come out of this effort.

If a suite is filled, asking for "Concurrency Ruling" to stop all future development within the Beavercreek Road Concept Plan Area, this could be part of this Case Study.

To me, it would sure be nice to come out of this, with positive case law - ruling, that limit wheel spinning and help all of us move forward and get things done that need to be done.

State Highway 213 is listed within the Comprehensive Plan as a Strategic Urban Freight Route and critical to the county for a lot more reasons, than just freight. Just ask the commuters that rely on it to get to work, as well as those who depend on free movement to all important services.

I could say much the same thing about Beavercreek Road.

Can anyone tell me what alternative mobility methods off of the top of your heads that can be deployed, that can take a intersection that has had historically a LOS "F" congestion ranking, whereby you can mitigate/change those conditions with PED, Bike and Bus, where none of these Alternative Mobility Methods are applicable at this intersection. Even if they were,

how can you measure there effect.

Paul Edgar

On 10/10/2016 5:33 PM, Bezner, Mike wrote:

Paul:

I talked with Karen Buehrig about your concerns that you expressed at the BCC meeting a couple of weeks ago about the Oregon City Beavercreek Road Alternate Mobility Standards project. The County will have an employee on the project's Technical Advisory Group (TAG). As a member of the TAG, we intend to be looking out for the interests of freight movement, unintended alternative routes, and maintaining the route access for emergency vehicles.

Yes, the project will be looking at the standards used to evaluate the Beavercreek/213 intersection, and will study alternatives. But it will also hopefully identify some feasible projects that might be affordable that can improve mobility.

Thanks,

Mike Bezner | Assistant Director of Transportation

Clackamas County Department of Transportation and Development | 150 Beavercreek Road | Oregon City, OR 97045 | 📞 : 503-742-4651

My office hours: Monday thru Thursday, 7AM-6PM.

From: [Ray Atkinson](#)
To: [Dayna Webb](#); [John M. Lewis](#); [Christina Robertson-Gardiner](#)
Subject: Widening Beavercreek Road
Date: Sunday, November 24, 2019 1:41:06 PM
Attachments: [DKS Associates Analysis \(August 6 2019\).pdf](#)
[Staff Memo.pdf](#)

Good Afternoon,

I watched [this recording](#) of the November 12 City Commission Work Session and read the attached memos. Even though both memos state that induced demand would reduce (many studies show it will negate) any long-term congestion reduction from widening Beavercreek Road, I heard Mayor Holladay at about 41 minutes into the Work Session respond to Dayna's explanation of induced demand. He did not agree that induced demand would cause the widened Beavercreek Road to become congested. Instead, he believes that future drivers from new development in the Beavercreek Concept Plan Area would cause the widened Beavercreek Road to become congested. While I know induced demand and future drivers will both contribute to congestion if Beavercreek Road is actually widened, it appears Mayor Holladay is saying that induced demand would not happen. Did either memo analyze whether induced demand or future drivers would likely be the main cause for the widened Beavercreek Road to become congested?

Even though the City Commission supported widening Beavercreek Road, I am thankful that both memos state that widening Beavercreek Road will make this road less inviting and safe for pedestrians and cyclists. Since the Beavercreek Road Concept Plan encourages walking and biking, I hope the City Commission realizes that widening Beavercreek Road likely will discourage walking and biking and encourage more people to drive.

Thank you,

Ray Atkinson

Master of Urban and Regional Planning | Class of 2016

Portland State University

Vice-Chair, Clackamas County Pedestrian and Bikeway Advisory Committee

Member, City of Oregon City Transportation Advisory Committee

Member, Transportation Choices Alliance Advisory Council

Phone: (704) 787-5859 | Email: gismap1@gmail.com



From: [Ray Atkinson](#)
To: [Christina Robertson-Gardiner](#)
Subject: Re: Beavercreek Road Concept Plan- Code and Zoning Amendments- (Beavercreek Road Design, Transportation Analysis, Speed Zones within the Concept Plan)
Date: Tuesday, November 19, 2019 2:38:08 PM

Hi Christina,

I see in the transportation analysis for Beavercreek Road that it does not include correct transit data. TriMet and CCC operate transit at the Beavercreek Road and Highway 213 intersection. Is there time to correct the data issues?

Thanks,

Ray Atkinson

From: Christina Robertson-Gardiner <crobertson@orccity.org>
Sent: Tuesday, November 19, 2019, 10:56 AM
To: Ray Atkinson
Subject: Beavercreek Road Concept Plan- Code and Zoning Amendments- (Beavercreek Road Design, Transportation Analysis, Speed Zones within the Concept Plan)

Planning Commission Hearing November 25, 2019

**Planning Files: LEG 19-00003 -
Beavercreek Road Concept Plan-
Code and Zoning Amendments-
(Beavercreek Road Design,
Transportation Analysis, Speed**

Zones within the Concept Plan)

The November 25, 2019 Planning Commission Agenda is now available for review at <https://oregon-city.legistar.com/Calendar.aspx>. Meetings may be attended in person, viewed *Live on Comcast Channel 28* or on the City's website via streaming video.

The Planning Commission is reviewing the zoning and code amendments for the Beavercreek Road Concept Plan (BRCP) over multiple meetings during the late summer and fall of 2019. Each meeting will be broken into 1-3 topics to allow the Planning Commission, staff and the public time to focus their energy. Planning Commission comments and direction as well as public comments will be tracked throughout the hearings and topics may be added to future meetings if new items are identified or issues have not been resolved. Please refer to the updated calendar attached to each Planning Commission packet for meeting topics. **Please note that public comment at any meeting is not limited to the identified topic and may be on any issue related to LEG 19-0003.**

The following topics were identified either by public comment or the Planning Commission for the November 25, 2019 Hearing. Staff will provide background on the following issues and will provide a recommendation if warranted.

1. Beavercreek Road Design
2. Beavercreek Road Concept Plan- Transportation Analysis
3. Speed Zones within the Concept Plan

There will be additional opportunities to comment. A list of all past meetings and future meetings can be found below and are subject to change.

August 12, 2019 Background on Project, Open Record

August 26, 2019: Introduce Tracking Matrices, An Overview Of 8.13.19 City Commission Work Session, Identify Future Topics /Calendar

September 9, 2019: Beavercreek Zones & Maps, Home Occupation

September 23, 2019: Master Planning Requirement, Upland Habitat, Geologic Hazards

October 14, 2019: Parks, Renaming Concept Plan, Home Occupation/Cottage Industry

November 18, 2019 PC Meeting- Parks Home Occupation/Cottage Industry

November 25, 2019: Transportation Roadway Width, Roundabout, Holly Lane, Local Street Speed

December 16, 2019 or January 13, 2019: Parks, Home Occupation/Cottage Industry, Tentative Planning Commission Recommendation

January 27, 2020: Formal Planning Commission Recommendation to City Commission

February/March 2019: 1st City Commission Review of Planning Commission Recommendations

Other Meetings

November 12, 2019 - City Commission Beavercreek Road Design Work Session-

August 29, 2019 Parks and Recreation Advisory Committee (PRAC)- Initial Presentation October 9, 2019 Natural Resource Committee Upland Habitat

November 13, 2019 Natural Resource Committee Upland Habitat

TBD- Parks and Recreation Advisory Committee (PRAC) Recommendation To The Planning Commission



Find Out More



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Oregon City, OR 97045-2253

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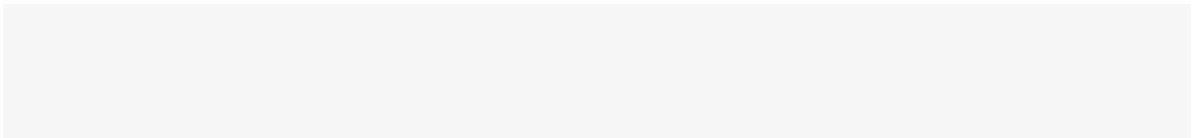
From: [Diane Maxon](#)
To: [Christina Robertson-Gardiner](#)
Subject: Re: ADV: Beaver Creek Road Concept Plan- August 12, 2019 Planning Commission Agenda
Date: Saturday, August 10, 2019 12:11:56 PM

I went to a planning meeting a few months ago & since that time, I've had many thoughts about it, most of them not good. What good is there coming to any planning meetings when the plan is already done. I wasn't in Beaver Creek in 2002 when this started so I couldn't protest then. Planning people seem to think that all growth is for the good, but it isn't. When this started, did anyone think of all the people who live south of the "plan" & will have to go through the additional traffic? The 1600 new residences will bring approximately 3000 new vehicles, let alone those coming to work at all the businesses that have been planned. Have you driven on our roads lately? They are already crowded & yet more & more large housing units are being put all over the place! Most of us came here slowly, one at a time, & we came to live in a country setting, so we will be losing what we came for. Was that given any thought? What about all the wildlife that will be displaced by 584 acres of people? Why would anyone want this to become a big city? I am just horrified by all the changes that planning type people think the rest of us want. We really don't. So, roads are already crowded, schools are already crowded and you can hardly get into the O.C. post office. Is there even an upside to those of us who live here already? I have not seen one, nor have my neighbors.

I see now that there is a meeting to decide which of 3 plans for traffic control is best. NONE! Going through Holly Lane sounds fine, but would you want all that extra traffic coming through your once quiet neighborhood? And roundabouts are just plain confusing & dangerous when crowded.

I'm having trouble not saying awful things, so I think I'll quit. I'm sure you've gotten my thoughts & feelings.
Diane Maxon

On Aug 5, 2019, at 5:56 PM, Christina Robertson-Gardiner <crobertson@orc.org> wrote:



Beaver Creek Road Concept Plan LEG 19-0003 1st Planning Commission Meeting August 12, 2019

The August 12, 2019 Planning Commission Agenda is now available for review at <https://oregon-city.legistar.com/Calendar.aspx> and can be downloaded [here](#).

Any interested party may testify at the hearings or submit written comments at or prior to the public hearings while the record is open. Public comments can be mailed to City of Oregon City| PO Box 3040| Oregon City, OR 97045 or via email to Christina Robertson-Gardiner, AICP, Senior Planner at

crobertson@orcity.org

LEG 19-00003 - Amendments to various Chapters of the Oregon City Municipal Code, Zoning Map and Comprehensive Plan Map and ancillary documents to the Comprehensive Plan to implement the Beaver Creek Road Concept Plan.

How Many Hearings will the Planning and City Commission Hold for this Project?

This is the 1st Planning Commission hearing date for LEG 19-00003. The number of hearings is at the discretion of the Planning and City Commissions- though it is anticipated that each hearings body will hold a couple of hearings each on this matter. The first hearing on this item will consist of a staff presentation of the project, public comments and Planning Commission questions. Staff has requested a continuance to August 26, 2019 when the staff report will be presented and staff will request approval by the Planning Commission.

[Beaver Creek Road Concept Plan Project- Zoning and Code Amendments](#)

The Beaver Creek Road Concept Plan (BRCP) is a guide to the creation of a complete and sustainable neighborhood in southeast Oregon City. The acknowledged BRCP provides a framework for urbanization of 453 acres within the urban growth boundary including a diverse mix of uses (an employment campus north of Loder Road, mixed-use districts along Beaver Creek Road, and two mixed-use neighborhoods), all woven together by open space, trails, a network of green streets, and sustainable development practices. This spring and summer, the City of Oregon City will embark on a process to amend the Comprehensive Plan Map, Zoning Map and Oregon City Municipal Code (OCMC) to allow planned housing, employment and mixed-use development within the Concept Plan Area. www.orcity.org/BeaverCreekRoadConceptPlan



[Find Out More](#)

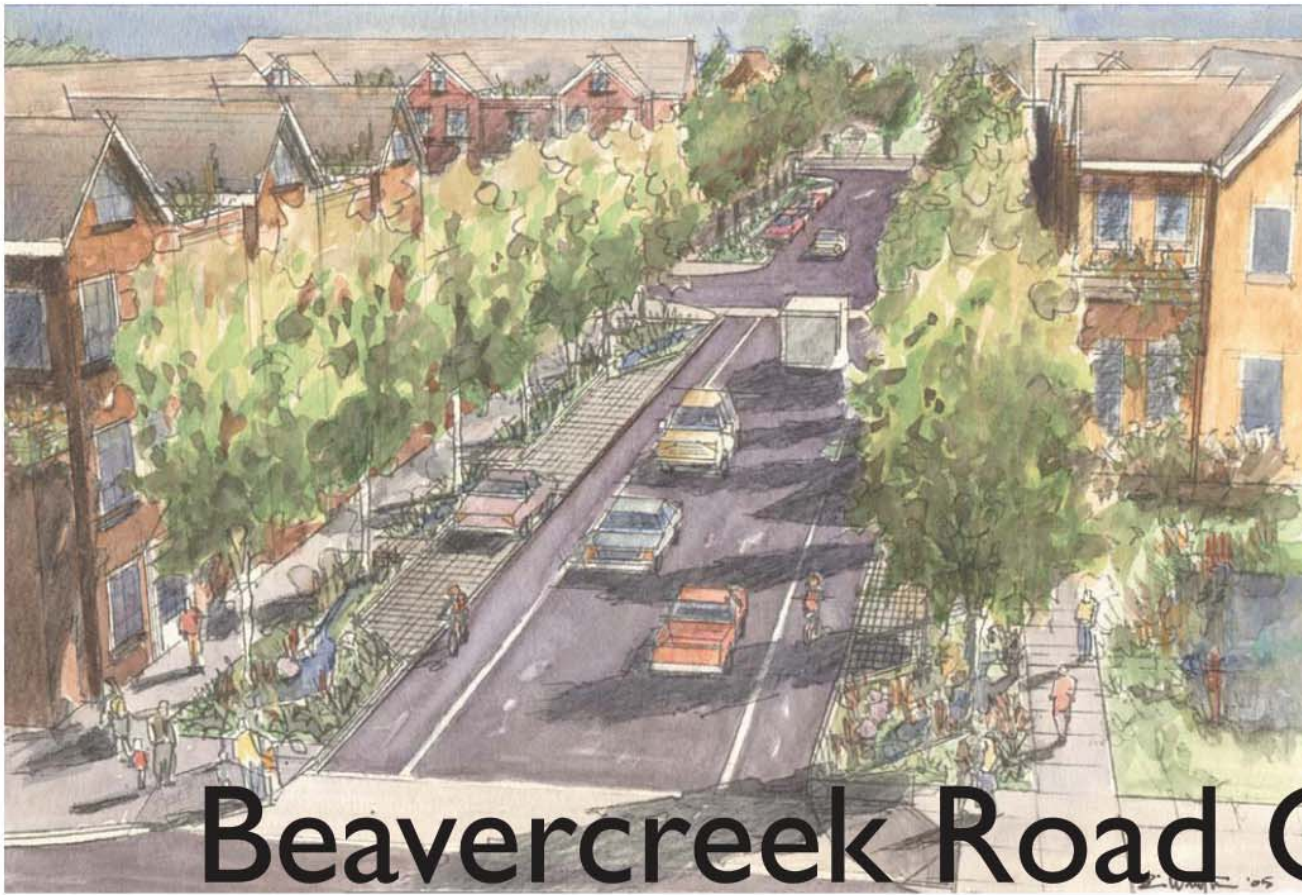


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Beavercreek Road Concept Plan

Envisioning a Complete and Sustainable Community

Concept Plan Report, Summary and Recommendations

Final Plan August 2008



This project is partially funded by a grant from the Transportation and Growth Management (TGM) Program, a joint program of the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development. This TGM grant is financed, in part, by Federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), local government, and State of Oregon funds. The contents of this document do not necessarily reflect views or policies of the State of Oregon.

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Beavercreek Road Concept Plan

Summary and Recommendations

Final Plan - August 2008

Funding provided by:

City of Oregon City

Oregon Department of Transportation -
Transportation and Growth Management Program

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Environmental Sciences Associates, Inc.

Jeanne Lawson Associates

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Otak Project No. 13599

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Appendix

- 1. Project Goals with Objectives, March 13, 2007
- 2. Concept Plan Alternatives
- 3. GIS Analysis Map
- 4. Job and Housing Estimates

Technical Appendix (Under Separate Cover)

- A. Public Involvement Plan
 - B. Goals and Evaluation Criteria
 - C. Existing Conditions, Opportunities and Constraints Reports
 - 1. Land use
 - 2. Transportation
 - 3. Sustainability
 - 4. Market
 - 5. Natural resources
 - 6. Infrastructure
 - D. Focus Group Summaries
 - E. Summaries of Community Events
 - 1. Open House No. 1
 - 2. Design Workshop
 - 3. Open House No. 2
- F. Alternatives Evaluation Report
 - G. Final Transportation Evaluation
 - H. Infrastructure Reports
 - 1. Water
 - 2. Sewer
 - 3. Storm Water/Water Quality
 - I. Fiscal Impact Analysis
 - J. Draft Code

I. Introduction

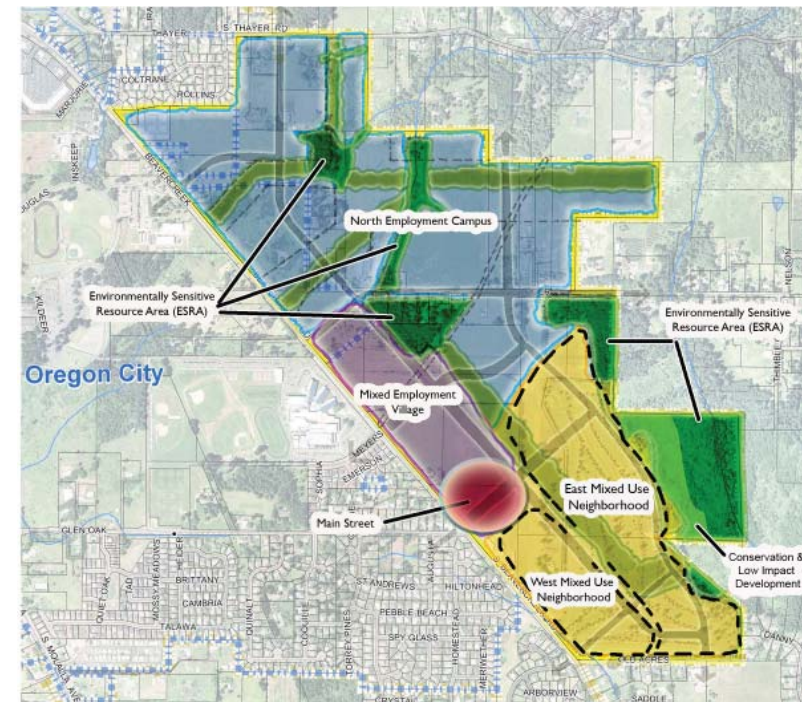
Summary

The Beaver Creek Road Concept Plan is a guide to the creation of a complete and sustainable community in southeast Oregon City. Most of the 453 acre site along Beaver Creek Road was added to the regional urban growth boundary by Metro in 2002 and 2004. The plan envisions a diverse mix of uses (an employment campus north of Loder Road, mixed use districts along Beaver Creek Road, and two mixed use neighborhoods) all woven together by open space, trails, a network of green streets, and sustainable development practices. Transit-oriented land uses have been strategically located to increase the feasibility of transit service in the future. The plan has been carefully crafted to create a multi-use community that has synergistic relationships with Clackamas Community College, Oregon City High School, and adjacent neighborhoods.

Key features of the Concept Plan are:

- *A complete mix of land uses, including:*
 - A North Employment Campus for tech flex and campus industrial uses, consistent with Metro requirements for industrial and employment areas.
 - A Mixed Employment Village along Beaver Creek Road, between Meyers Road and Glen Oak Road, located as a center for transit-oriented densities, mixed use, 3-5 story building scale, and active street life.
 - A 10-acre Main Street area at Beaver Creek Road and Glen Oak Road, located to provide local shops and services adjacent neighborhoods and Beaver Creek sub-districts.

- A West Mixed Use Neighborhood along Beaver Creek Road, intended for medium to high density (R-2) housing and mixed use.
- An East Mixed Use Neighborhood, intended for low density residential (R-5) and appropriate mixed use. The East Neighborhood has strong green edges and the potential for a fine grain of open space and walking routes throughout.



Proposed Land Use Sub-districts

- *Policy support for employment and program connections with Clackamas Community College.*
- *Sustainability strategies, including:*
 - Mixed and transit supportive land uses.
 - A sustainable stormwater management plan that supports low impact development, open conveyance systems, regional detention, and adequate sizing to avoid downstream flooding.
 - Green street design for all streets, including the three lane boulevard design for Beaver Creek Road.
 - A preliminary recommendation supporting LEED certification or equivalent for all commercial and multi-family buildings, with Earth Advantage or equivalent certification for single family buildings. This recommendation includes establishment of a Green Building Work Group to work collaboratively with the private sector to establish standards.
 - Open spaces and natural areas throughout the plan. North of Loder Road, these include the power line corridors, the tributary to Thimble Creek, and a mature tree grove. South of Loder Road, these include an 18-acre Central Park, the east ridge area, and two scenic view points along the east ridge.
- *A trail framework that traverses all sub-districts and connects to city and regional trails.*
- *A street framework that provides for a logical and connected street pattern, parallel routes to Beaver Creek Road, and connections at Clairmont, Meyers, Glen Oak, and the southern entrance to the site.*
- *A draft Beaver Creek Road Zone development code to implement the plan.*

Purpose of this Report and Location of Additional Information

This report is a summary of the Plan, with emphasis on describing key elements and recommendations. Many of the recommendations are based on technical reports and other information that is available in the Technical Appendix to this report.



Beaver Creek Road Concept Plan Area - Existing Conditions

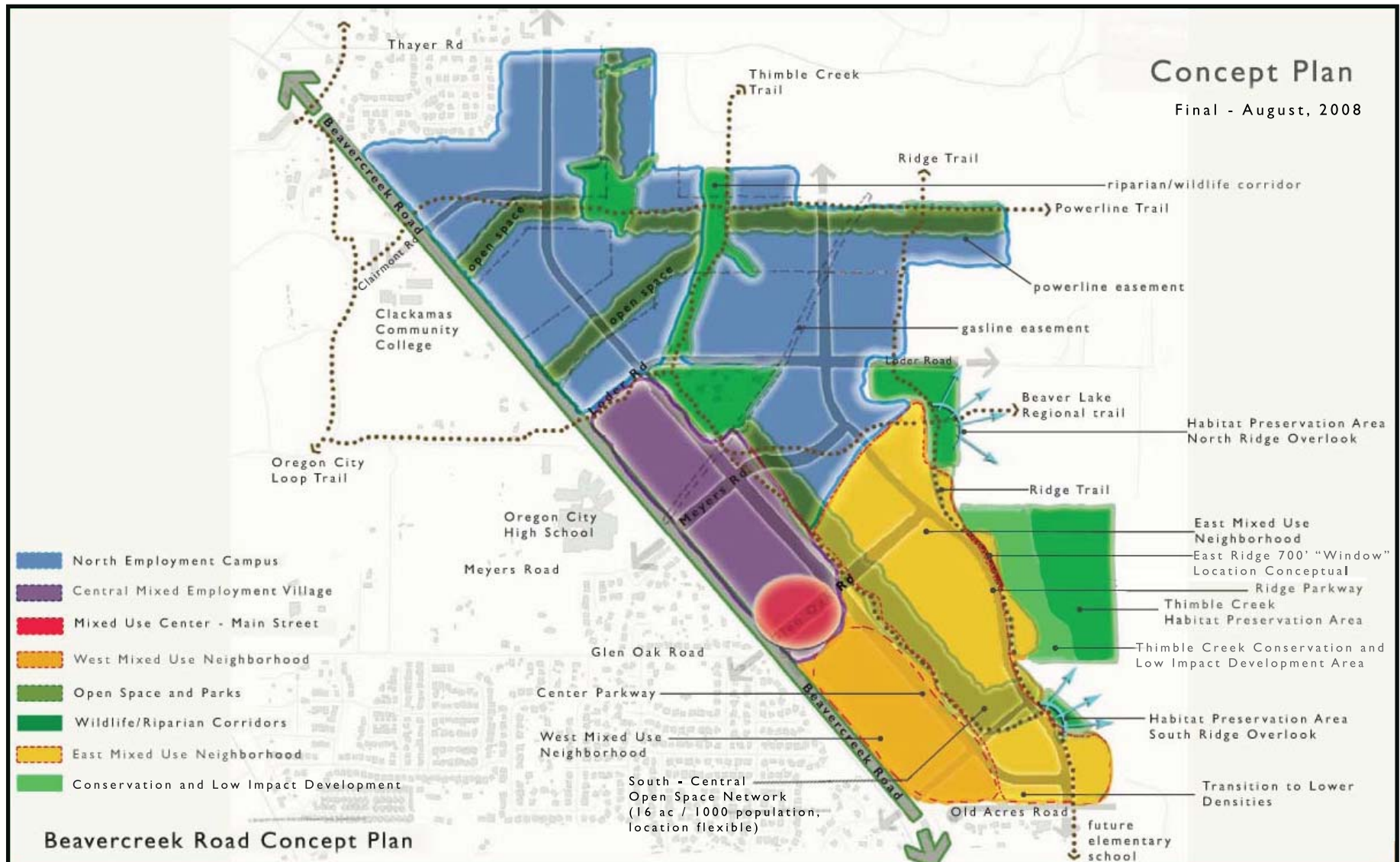


Figure 1 - Composite Concept Plan

II. Purpose and Process

The purpose of the Beavercreek Road Concept Plan is to provide a conceptual master plan to be adopted as an ancillary document to the City of Oregon City's Comprehensive Plan. As such, it provides a comprehensive and cohesive guide to future development, in three parts:

- Framework plan maps, goals and policies – These elements will be adopted as part of the Oregon City Comprehensive Plan. Compliance will be required for all land use permits and development.
- Ancillary report materials – The descriptive text, graphics and technical appendix of this report will be 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.
- Draft development code – A working draft development code was prepared as part of the Concept Plan. Once final, it will be adopted as part of the Oregon City Code. Compliance will be required for all land use permits and development. The Beavercreek Zone code relies on master planning to implement the concepts in the Plan.

The Concept Plan was developed by a 15-member Citizen Advisory Committee (CAC) and 9-member Technical Advisory Committee (TAC) (see Project Participants list at the beginning of this report). The committees met twelve times between June 2006 and July 2007.



Design Workshop Participants

In addition to the Committee meetings, additional process steps and community involvement included:

- 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
- Website
- Project posters, site sign, email notice, and extensive mailing prior to each public event

The major steps in the process were:

- Inventory of base conditions, opportunities, constraints for land use, transportation, natural resources, market conditions, infrastructure and sustainability.
- Establishment of project goals.
- Extensive discussion of employment lands questions: how much, what type and where?
- Following the community workshop, preparation of three alternative concept plans (sketch level), addition of a fourth plan, prepared by a CAC member, and narrowing of the alternatives to two for further analysis.
- Evaluation of the alternatives (including transportation modeling) and preparation of a hybrid Concept Plan (framework level).
- Preparation of detailed plans for water, sewer, storm water, and transportation facilities.
- Preparation of a draft development code.
- Committee action to forward the Concept Plan package to the Planning Commission and City Commission.

For additional information please see Technical Appendix, Sections A, D, E, and F.



Design Workshop Plan

III. Vision, Goals and Principles

The overall vision for the Beavercreek Concept Plan is to create “A Complete and Sustainable Community”. The images shown on this page were displayed throughout the process to convey the project’s intent for this vision statement.

Regarding the meaning of sustainability, the vision statement is based in part on the definition of sustainability originally developed by the United Nations Brandtland Commission: “A sustainable society meets the needs of the present without sacrificing the ability of future generations to meet their own needs”.

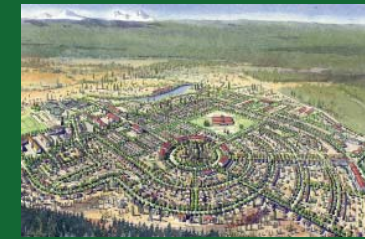
The following project goals were developed by the Citizen Advisory Committee. The Committee also added objectives to each of the goals – please see Appendix 1 for the objectives.

The Beavercreek Road Concept Plan Area will:

- Create a complete and sustainable community, in conjunction with the adjacent land uses, that integrates a diverse mix of uses, including housing, services, and public spaces that are necessary to support a thriving employment center;
- Be a model of sustainable design, development practices, planning, and innovative thinking;
- Attract “green” jobs that pay a living wage;
- Maximize opportunities for sustainable industries that serve markets beyond the Portland region and are compatible with the site’s unique characteristics;
- Incorporate the area’s natural beauty into an ecologically compatible built environment;
- Provide multi-modal transportation links (such as bus routes, trails, bike-ways, etc.) that are connected within the site as well as to the surrounding areas;

Complete Means

- Live
- Work
- Shop
- Play
- Garden
- Lifelong Learning
- (What does “complete” mean to you?)

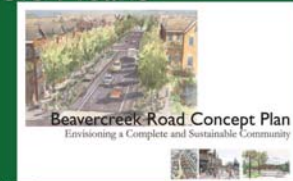


Northwest Crossing, Bend, Oregon

BEAVERCREEK ROAD
CONCEPT PLAN

Sustainable Means

- Walkable
- Green
- Energy Efficient
- Water Efficient
- Non-Resource Depleting
- Clean Employment
- Non-Polluting
- (What does “sustainable” mean to you?)

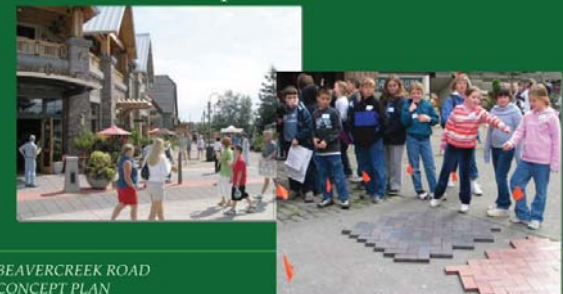


Beavercreek Road Concept Plan
Envisioning a Complete and Sustainable Community

BEAVERCREEK ROAD
CONCEPT PLAN

Community Means

- A Place for People



BEAVERCREEK ROAD
CONCEPT PLAN

- Implement design solutions along Beavercreek Road that promote pedestrian safety, control traffic speeds and access, and accommodate projected vehicular demand;
- Promote connections and relationships with Oregon City High School and Clackamas Community College;
- Have a unique sense of place created by the mix of uses, human scale design, and commitment to sustainability; and
- 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.

The following 10 Principles of Sustainable Community Design were submitted by a CAC member, supported by the committee, and used throughout the development of the Concept Plan:

1. Mix Land Uses - Promote a mix of land uses that support living wage jobs and a variety of services.
2. Housing Types - Create a range of housing choices for all ages and incomes.
3. Walk-ability - Make the Neighborhood “walkable” and make services “walk-to-able.”
4. Transportation - Provide a range of transportation options using a connected network of streets and paths.
5. Open Space - Protect and maintain a functioning green space network for a variety of uses.
6. Integrate Systems - Integrate ecological and man-made systems to maximize function, efficiency and health.
7. Watershed Health - Manage water resources on site to eliminate pollution to watershed and lesson impact on municipal infrastructures.

8. Reuse, Recycle, Regenerate - Reuse existing resources, regenerate existing development areas
9. Green Buildings - Build compact, innovative structures that use less energy and materials
10. Work Together - Work with community members and neighbors to design and develop.



Thimble Creek Tributary

There are relatively limited employment centers within this area of

There are relatively limited employment centers within this area of Oregon City and Clackamas County. This imbalance of jobs and housing contributes to Clackamas County's pattern of approximately 60% of the work force traveling outside of the County to work.

The site is surrounded by residential and undeveloped properties within the city limits, including the Hamlet of Beavercreek, and rural Clackamas County. The nearest commercial area is the Berry Hill Shopping Center at the intersection of Beavercreek Road and Highway 213. Clackamas Community College (CCC) and Oregon City High School are across Beavercreek Highway adjacent to the site. These institutional uses offer a unique opportunity to plan synergistic land uses that connect the properties, reinforce an identity for the area, and help localize trips. A Tri-Met transit hub is located on the CCC property.

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Figure 2 - Regional C

Like all additions to the Portland Metropolitan Area Urban Growth Boundary, the Beaver Creek Road area is inextricably tied to its place in the region and its place within Oregon City. The Concept Plan responds to this context in multiple ways.

From a regional perspective, the Beaver Creek Road area is currently a transition point from urban to rural use. Whether this “hard line” of transition will remain in the future cannot be established with certainty. The CAC openly acknowledged this issue in its discussions and sought to balance the needs of creating a great urban addition to Oregon City with sensitivity to adjacent areas. Examples of this balance include:

- The plan has land use and transportation connections that support future transit. This will link the Beaver Creek Road area, via alternative transportations, to Clackamas Community College (CCC), the Oregon City Regional Center (downtown and adjacent areas) and the rest of the region.
- Trails and green spaces have been crafted to link into the broader regional network.
- The plan recommends lower densities and buffer treatments along Old Acres Road.
- The north south collector roads are coalesced to one route that could (if needed) be extended south of Old Acres Road.
- The recommended street framework provides for a street that parallels Beaver Creek Road, connecting Thayer Road to Old Acres Road, and potentially north and south in the future. This keeps options open: if the UGB extends south, the beginning of a street network is in place. If it does not, the connection is available for rural to urban connectivity if desired.
- As with the street network described above, the East Ridge trail is extended all the way to Old Acres Road, and therefore, potentially beyond.

This will provide a connection from rural areas to the open spaces and trail network of Beaver Creek Road area and the rest of the region.

From a City and local neighborhood perspective, the Beaver Creek Road area offers an opportunity to establish a new complete and sustainable community within Oregon City. Specific linkages include the following:

- Oregon City needs employment land. The Beaver Creek Concept Plan provides 156 net acres of it in two forms: 127 net acres of tech flex campus industrial land, 29 acres of more vertical mixed use village and main street. Additional employment will be available on the Main Street and as mixed use in the two southern neighborhoods.
- The street framework connects to all of the logical adjacent streets. This includes Thayer, Clairmont, Meyers, Glen Oak, and Old Acres Roads. This connectivity will disperse traffic to many routes, but equally important, make Beaver Creek Road connected to, rather than isolated from, adjacent neighborhoods, districts and corridors.
- The plan provides for a complete community: jobs, varied housing, open space, trails, mixed use, focal points of activity, trails, and access to nature.
- The plan provides for a sustainable community, in line with the City’s

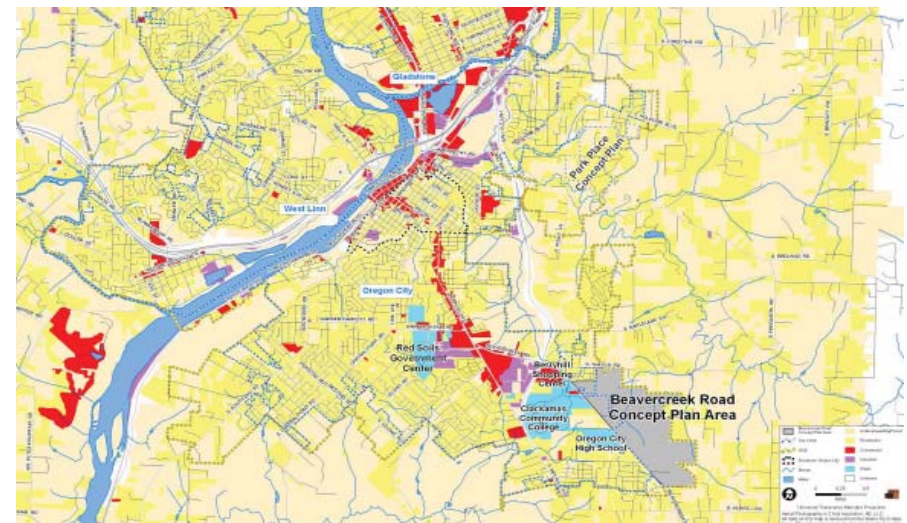


Figure 3 - Oregon City Context

Comprehensive Plan support for sustainability. This takes the form of mixed land uses, transportation options, green streets, sustainable storm water systems, and LEED or equivalent certification for buildings. Much more can certainly be done – the Concept Plan offers an initial platform to work from.

- Physical linkages have been provided to Oregon City High School and Clackamas Community College. These take the form of the planned 3-lane green street design for Beaver Creek Road and the intersections and trails at Clairmont, Loder and Meyers Roads. The physical linkages are only the beginning – the City, School District and College need to work together to promote land uses on the east side of Beaver Creek Road that truly create an institutional connection.

For additional information, see Existing Conditions, Opportunities and Constraints Reports, Technical Appendix C.



Figure 4 - Existing Conditions

Site Conditions and Buildable Lands

A portion of the study area (approximately 50 acres) is currently within the existing city limits and zoned Campus Industrial (CI). The study area's northern boundary is Thayer Road and the southern boundary is Old Acres Lane. Loder Road is the only existing road that runs through the project area.

Currently, the project area is largely undeveloped, which has allowed the site to retain its natural beauty. There are 448 gross acres in the project area, not including the right-of-way for Loder Road (approximately five acres). The existing land uses are primarily large-lot residential with agricultural and undeveloped rural lands occupying approximately 226 acres of the project area. The Oregon City Golf Club (OCGC) and private airport occupy the remaining 222 acres.

There are several large power line and natural gas utility easements within the project boundaries. These major utility easements crisscross the northern and central areas of the site. The utility easements comprise approximately 97 acres or 20% of the project area.

There are 51 total properties ranging in size from 0.25 acres to 63.2 acres. Many of these properties are under single ownership, resulting in only 42 unique property owner names (Source: Clackamas County Assessor). There are several existing homes and many of the properties have outbuildings such as, sheds, greenhouses, barns, etc., which result in 127 existing structures on the site (Source: Clackamas County Assessor).

A key step in the concept planning process is the development of a Buildable Lands Map. The Buildable Lands Map was the base map from which the concept plan alternatives and the final recommended plan were. "Buildable" lands, for the purpose of the Beaver Creek Road Concept Plan, are defined as the gross site area minus wetlands, steep slopes, other Goal 5 resources, public utility easements, road rights-of-way, and committed properties (developed properties with an assessed improvement value

greater than \$350,000). Properties with an assessed improvement value of less than \$350,000 (based on County assessment data) are considered redevelopable over the long-term as the existing structures are converted to higher value uses. The OCGC has an improvement value over \$350,000, but has been included as buildable lands (minus the clubhouse) because the owners may wish to redevelop the property in coordination with the recommended concept plan over time. The private airport has also been included as buildable over the long-term, recognizing that the owners may choose to continue the airport's use for many years.

When land for power lines, the natural gas line, natural resources, and committed structures are removed the net draft buildable acreage is approximately 292 acres. The CAC reviewed the Preliminary Buildable Lands map and approved a three-tier system to define the buildable lands. Tier A or "Unconstrained" has approximately 292 acres, Tier B or "Low Impact Development Allowed with Review" has approximately 28 acres, and Tier C "Constrained" has approximately 131 acres. The "Low Impact" area was later further evaluated and recommended for conservation under a Environmentally Sensitive and Resource Area designation on the plan.

The Buildable Lands Map was reviewed at the July 20th and August 17th Citizen and Technical Advisory Committee (CAC/TAC) meetings, as well as at the August 24th, 2006 Open House. The draft buildable land boundaries and acreages shown in Figure 6 reflect the input received from the advisory committee members, property owners, and citizen input.

For additional information, see Existing Conditions, Opportunities and Constraints Reports, Technical Appendix C.

Figure 6 - Natural Resource Inventory

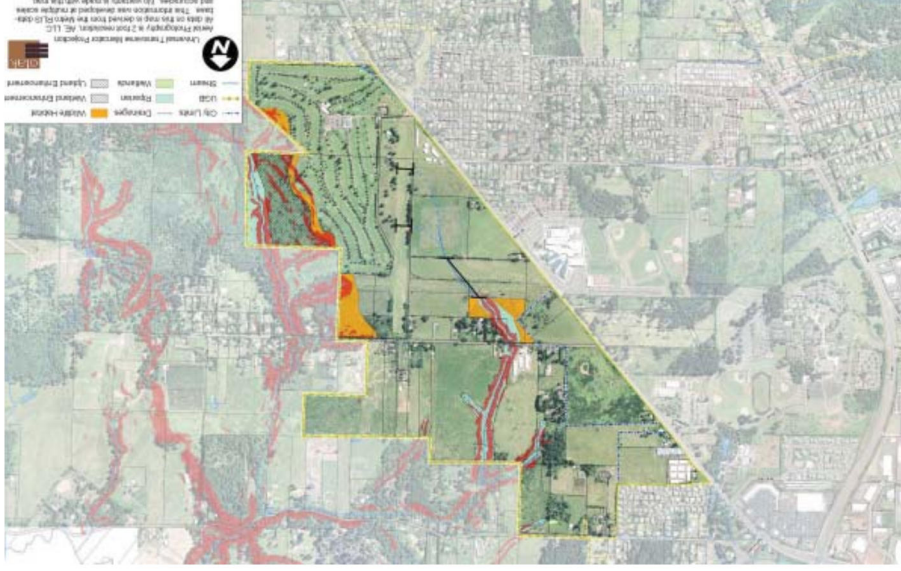
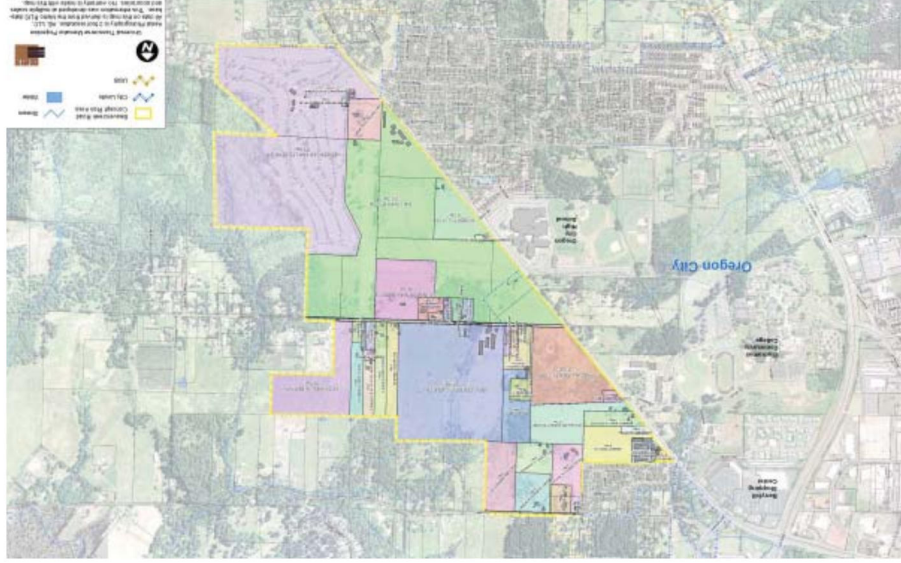


Figure 5 - Ownerships



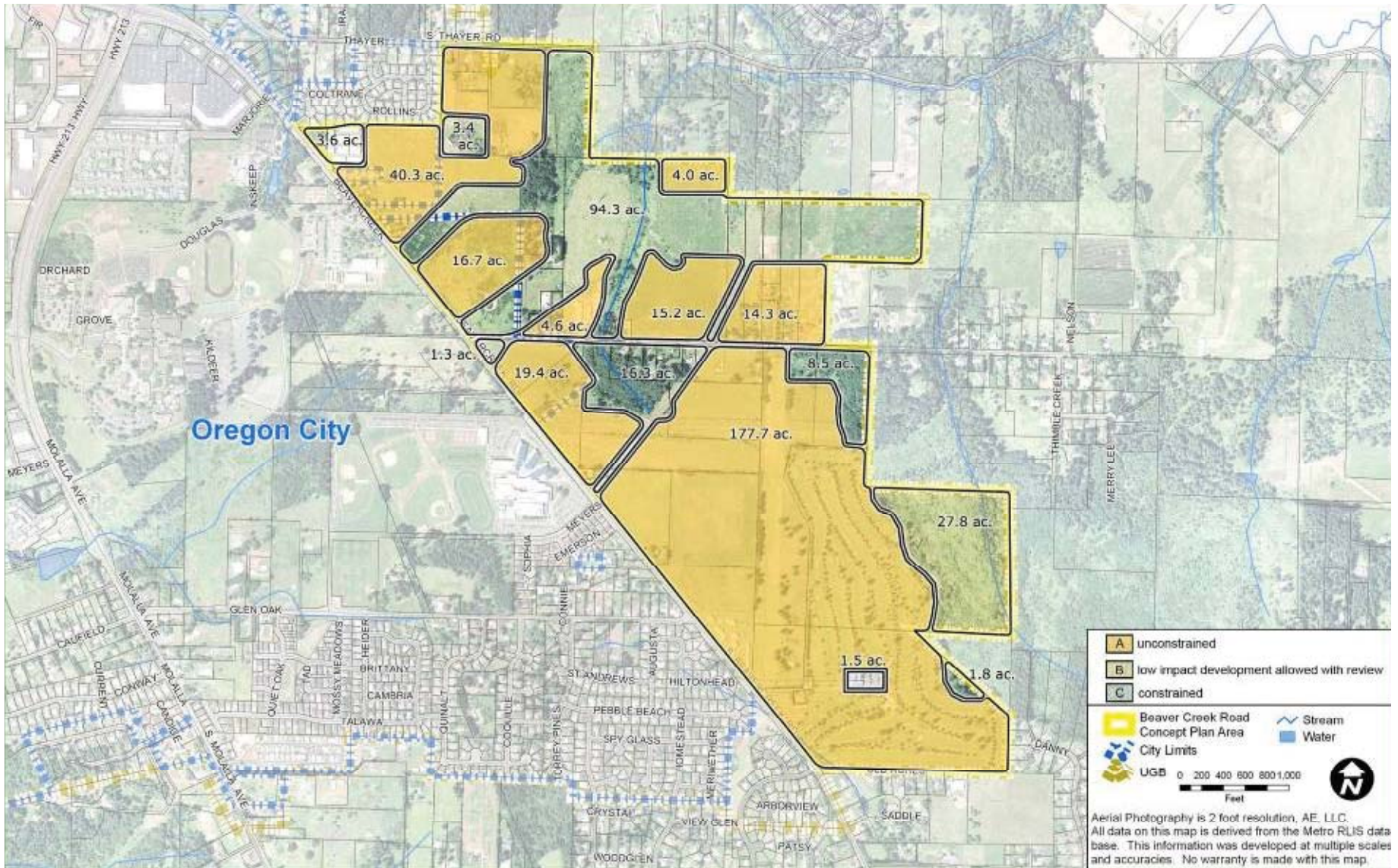


Figure 7 - Buildable Lands

Employment – A Key Issue

How much employment? What type? And where? These questions were extensively discussed during the development of the Concept Plan. Three perspectives emerged as part of the discussion:

Oregon City Perspective

Prior to initiating the Concept Plan process, the City adopted a comprehensive plan policy which emphasizes family wage employment on the site. The policy reads: “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, [and will] 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.” Oregon City Comprehensive Plan, Policy 2.6.8.

Metro Perspective

Metro brought the majority of the concept plan area (245 gross acres) into the UGB in 2002 and 2004 to fulfill regional industrial employment needs. These areas (308 gross acres) are designated as the Industrial Design Type on Metro’s 2040 Growth Concept Map. As part of its land need metrics reported to the region and state, Metro estimated 120 net acres of the Beavercreek Road Concept Plan’s land would be used for employment uses. Metro representatives met with the Concept Plan CAC and emphasized: (1) it was important to Metro for the Concept Plan to fulfill their original intent for providing Industrial land; and, (2) that there was flexibility, from Metro’s perspective, for the local process to evaluate creative ways to meet that intent.

Citizen Advisory Committee Perspective

The CAC discussed extensively the issues and options for employment lands. Many sources of information were consulted: a market analysis by ECONorthwest (See Appendix __), a developer focus group, land inventory and expert testimony submitted by property owners, the Metro perspective cited above, and concerns of neighbors. The advice ranged from qualified optimism about long term employment growth to strong opposition based on shorter term market factors and location considerations. Some members of the CAC advocated for a jobs target (as opposed to an acreage target) to be the basis for employment planning.

At its meeting on September 14th, 2006, the CAC developed a set of “bookends” for the project team to use while creating the plan alternatives.

- a. At least one plan alternative will be consistent with the Metro Regional Growth Concept.
- b. At least one plan alternative (may be the same as above) would be designed consistent with Policy 2.6.8.
- c. Other alternatives would have the freedom to vary from “a” and “b” above, but would also include employment.
- d. No alternative would have heavy industrial, regional warehousing or similar employment uses”.

After evaluating alternatives, the CAC ultimately chose a hybrid employment strategy. The recommended Concept Plan includes: (1) about 127 net acres of land as North Employment Campus, which is consistent with Metro’s intent and similar to Oregon City’s Campus Industrial designation; (2) about 29 acres as Mixed Employment Village and Main Street, which allows a variety of uses in a village-oriented transit hub; and, (3) mixed use neighborhoods to the south that also provide for jobs tailored to their neighborhood setting.

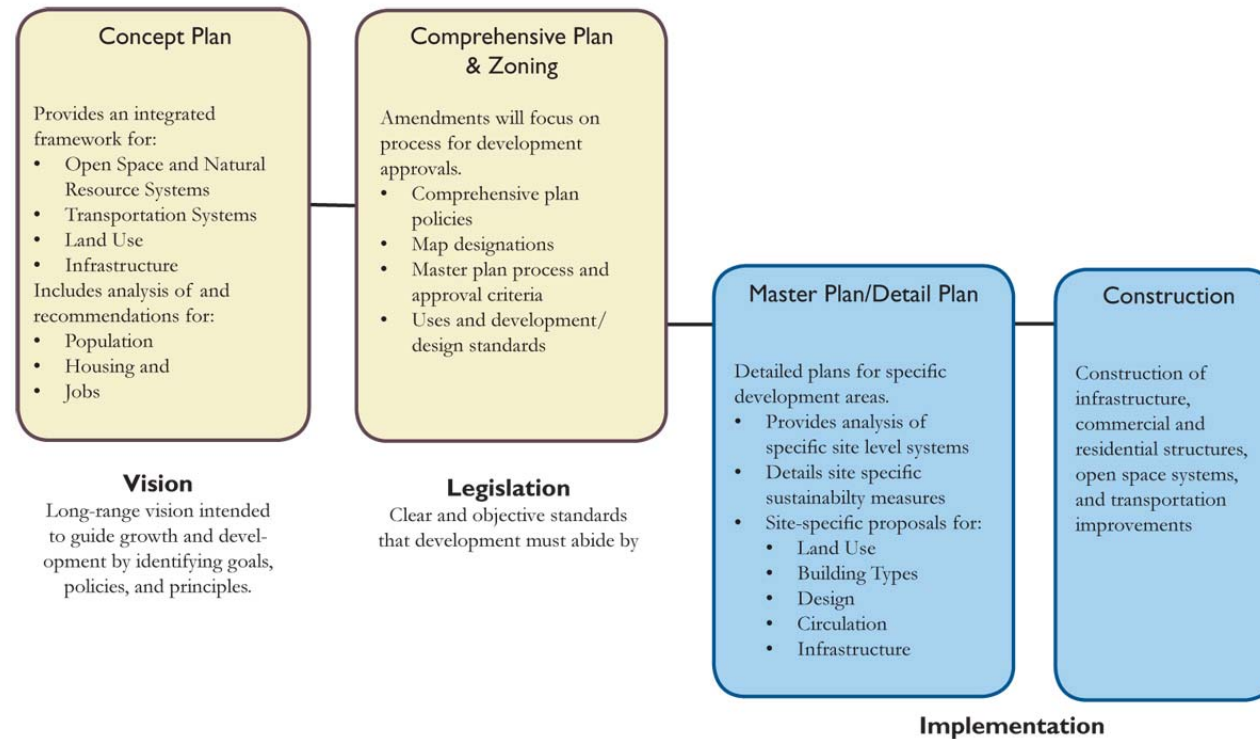
V. Concept Plan Summary

The Framework Plan Approach

The Beaver Creek Road Concept Plan is a framework for a new, urban community. The 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. The approach here is to set the broad framework and intent on the figures and text in this Plan. Detailed development plans demonstrating compliance with the Concept Plan are required in the implementing code.

The framework plan approach is intended to:

- Ensure the vision, goals and standards are requirements in all land use decisions
- Provide for flexibility in site specific design and implementation of the Plan and code
- Allow for phased development over a long period of time (20+ years)



The code describes many detailed requirements such as street connectivity, block configuration, pocket parks, building scale, pedestrian connections, low impact development features, tree preservation, and sustainable buildings. These design elements will be essential to the success of the area as a walkable, mixed use community. The expectation of this Plan is that the flexibility is coupled with a high standard for sustainable and pedestrian-oriented design.

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.

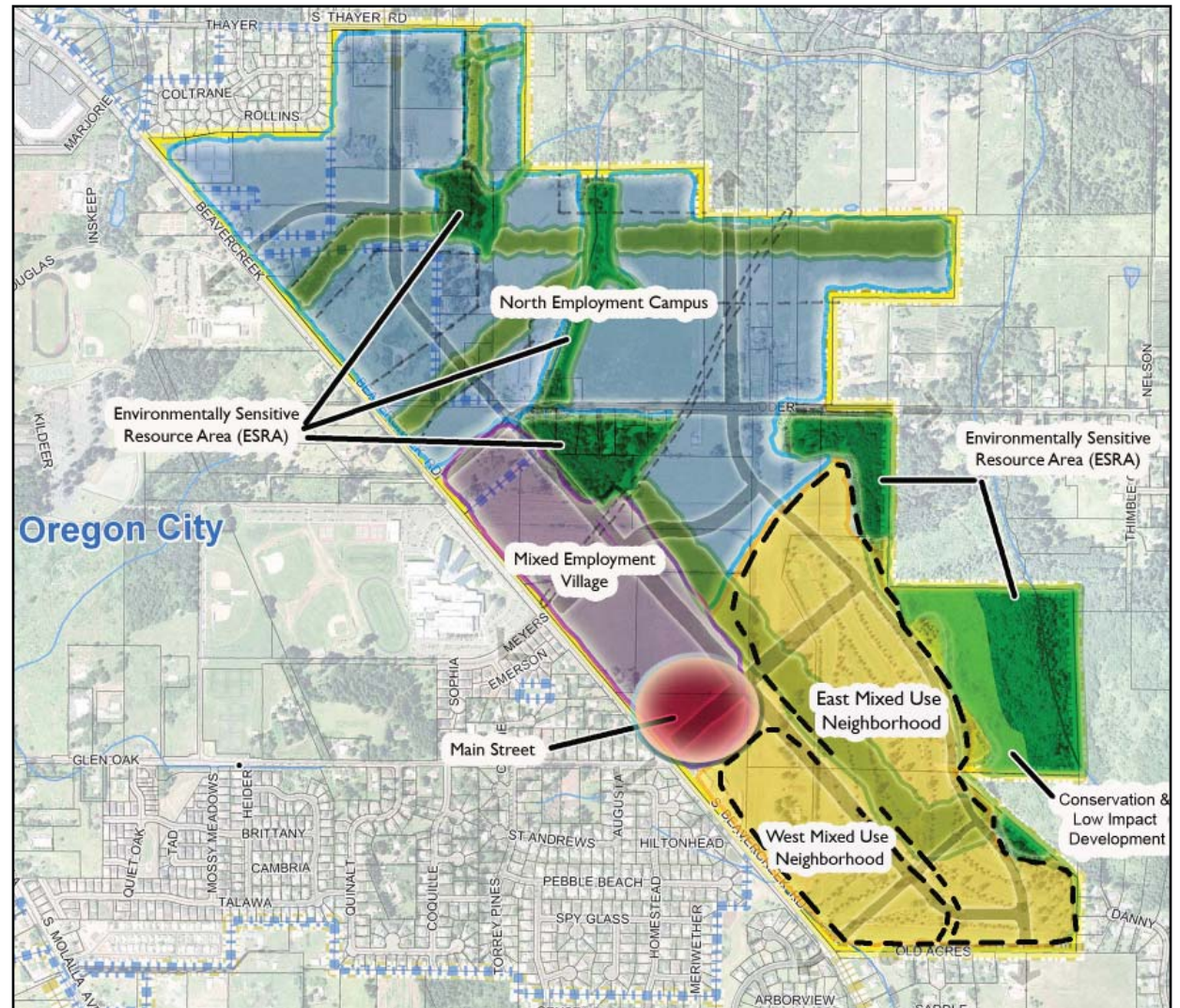


Figure 8 - Land Use Sub-districts

North Employment Campus – NEC

The purpose of the North Employment Campus is to provide for the location of family wage employment that strengthens and diversifies the economy. 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 sites for employment by limiting incompatible uses. The sub-district is intended to comply with Metro's

Title 4 regulations. Site and building design will create pedestrian-friendly areas and utilize cost effective green development practices. Business and program connections to Clackamas Community College (CCC) are encouraged to help establish a positive identity for the area and support synergistic activity between CCC and NEC properties. Businesses making sustainable products and utilizing sustainable materials and practices are encouraged to reinforce the identity of the area and promote the overall vision for the Beavercreek Road area.

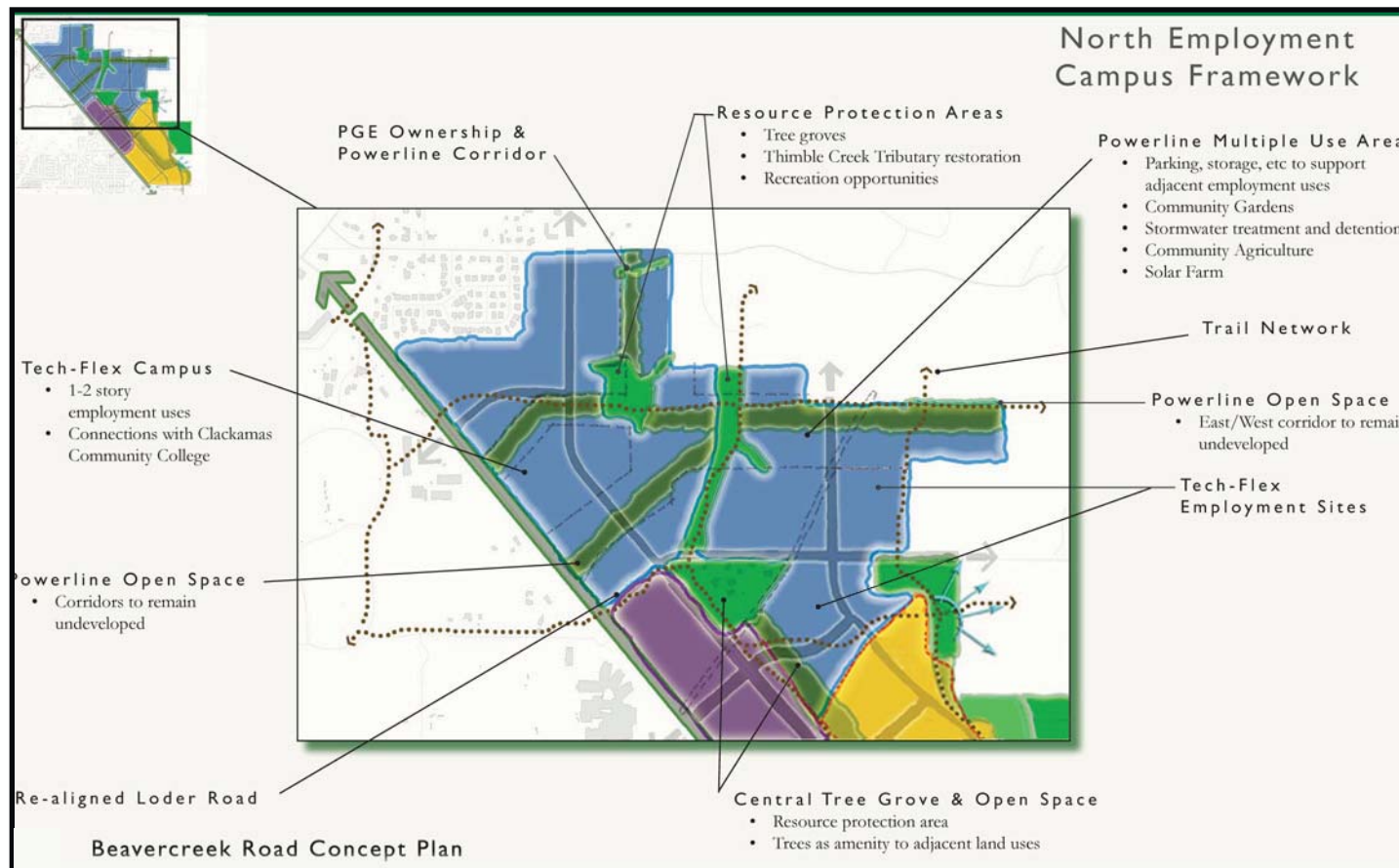


Figure 9 - North Employment Campus Framework

Mixed Employment Village – MEV

The purpose of the Mixed Employment Village is to provide employment opportunities in an urban, pedestrian friendly, and mixed use setting. The MEV is intended to be transit supportive in its use mix, density, and design so that transit remains an attractive and feasible option. The MEV allows a mix of retail, office, civic and residential uses that make up an active urban district and serve the daily needs of adjacent neighborhoods and Beaver Creek Road sub-districts. Site and building design will create

pedestrian-friendly areas and utilize cost effective green development practices. Business and program connections to Clackamas Community College and Oregon City High School are encouraged. Businesses making sustainable products and utilizing sustainable materials and practices are encouraged to reinforce the identity of the area and promote the overall vision for the Beaver Creek Road area.

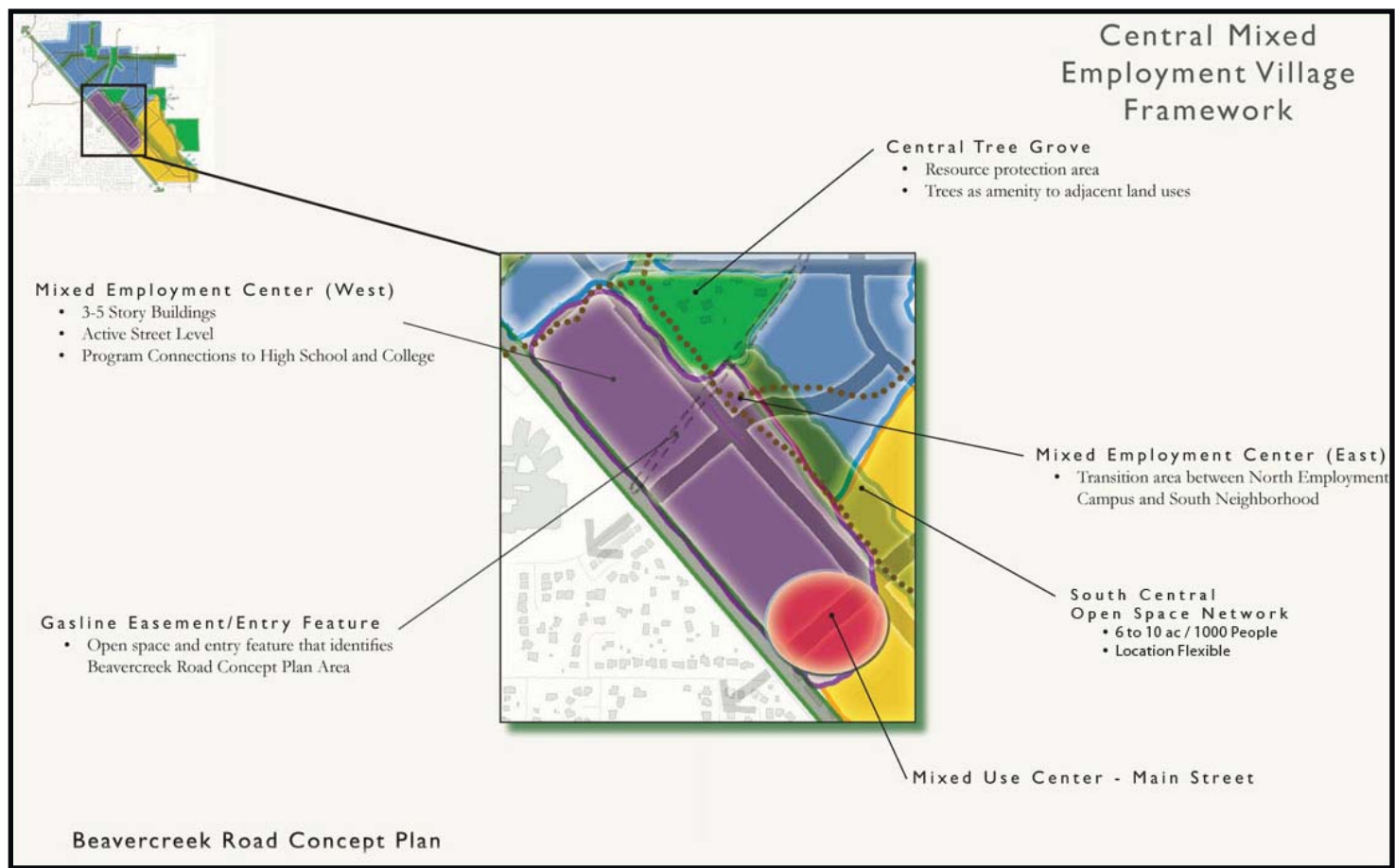


Figure 10 - Central Mixed Employment Village Framework

Main Street – MS

The purpose of this small mixed-use center is to provide a focal point of pedestrian activity. The MS allows small scale commercial, mixed use and services that serve the daily needs of the surrounding area. “Main Street” design will include buildings oriented to the street, an minimum of 2 story building scale, attractive streetscape, active ground floor uses and other elements that reinforce pedestrian oriented character and vitality of the area.



Figure 11 - Main Street Framework

West Mixed Use Neighborhood – WMU

The West Mixed Use Neighborhood will be a walkable, transit-oriented neighborhood. This area allows a transit supportive mix of housing, live/work units, mixed use buildings and limited commercial uses. A variety of housing and building forms is required, with the overall average of residential uses not exceeding 22 dwelling units per acre. The WMU area's uses, density and design will support the multi-modal transportation system and provide good access for pedestrians, bicycles, transit and vehicles. Site and building design will create a walkable area and utilize cost effective green development practices.

East Mixed Use Neighborhood – EMU

The East Mixed Use Neighborhood will be a walkable and tree-lined neighborhood with a variety of housing types. The EMU allows for a variety of housing types while maintaining a low density residential average not exceeding densities permitted in the R-5 zone. Limited non-residential uses are permitted to encourage a unique identity, sustainable community, and in-home work options. The neighborhood's design will celebrate open space, trees, and relationships to public open spaces. The central open space, ridge open space scenic viewpoints, and a linked system of open spaces and trails are key features of the EMU. Residential developments will provide housing for a range of income levels, sustainable building design, and green development practices.

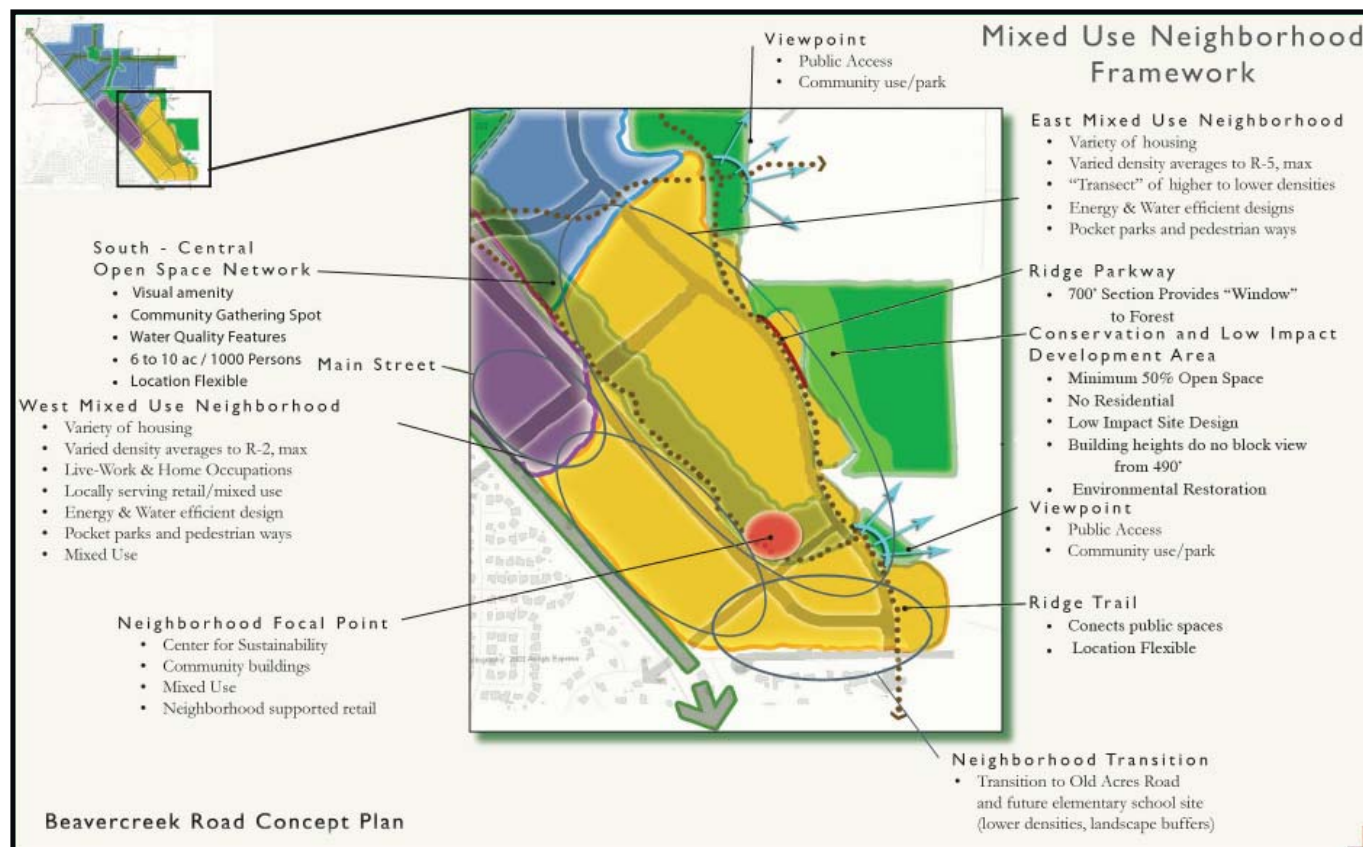


Figure 12 - West and East Mixed Use Neighborhoods

Open Space

The Open Space Framework illustrated on Figure 13 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

Power Line Open Spaces

The power line corridors and gas line corridor comprise 97 acres of land. The power line corridors north of Loder Road are a dominant feature. They are a dominant feature because they define open corridors and have a significant visual impact related to the towers. They also have an influence on the pattern of land use and transportation connections. In response to these conditions, the Concept Plan includes four main strategies for the use of the power line corridors:

- Provide publicly accessible open spaces. The implementing code includes a minimum 100 foot-wide open space and public access easement would be required at the time of development reviews, or, obtained through cooperative agreements with the utilities and property owners.
- Provide trails. A new east-west trail is shown on Figure 13 that follows the main east-west corridor. This corridor has outstanding views of Mt. Hood.

- Allow a broad array of uses. Ideas generated by the CAC, and permitted by the code, include: community gardens, urban agriculture, environmental science uses by CCC, storage and other “non-building” uses by adjacent industries, storm water and water quality features, plant nurseries, and solar farms.
- Link to the broader open space network. The power line corridors are linked to the open spaces and trail network in the central and southern areas of the plan.

South-Central Open Space Network

Park spaces in the central and southern areas of the plan will be important to the livability and sustainability goals for the plan. The basic concept is to assure parks are provided, provide certainty for the total park acreage, guide park planning to integrate with other elements, and provide flexibility for the design and distribution of parks.

The following provisions will apply during master planning and other land use reviews:

- 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. The code provides for flexibility in its width and shape, provided there remains a clearly identifiable and continuous open space. It may be designed as a series of smaller spaces that are clearly connected by open space. It may be designed

as a series of smaller spaces that are clearly connected by open space. If buildings are incorporated as part of the central park, they must include primary uses which are open to the public. Civic buildings are encouraged adjacent to the central park. Streets may cross the park as needed. The park is an opportunity to locate and design low impact storm water facilities as an amenity for adjacent urban uses.

East Ridge

The East Ridge is a beautiful edge to the site that should be planned as a publicly accessible amenity and protected resource area. The natural resource inventory identified important resources and opportunities for habitat restoration in the riparian areas of Thimble Creek. In addition, Lidar mapping and slope analysis identified steeper slopes (greater than 15%) that are more difficult to develop than adjacent flat areas of the concept plan. The sanitary sewer analysis noted that lower areas on the east

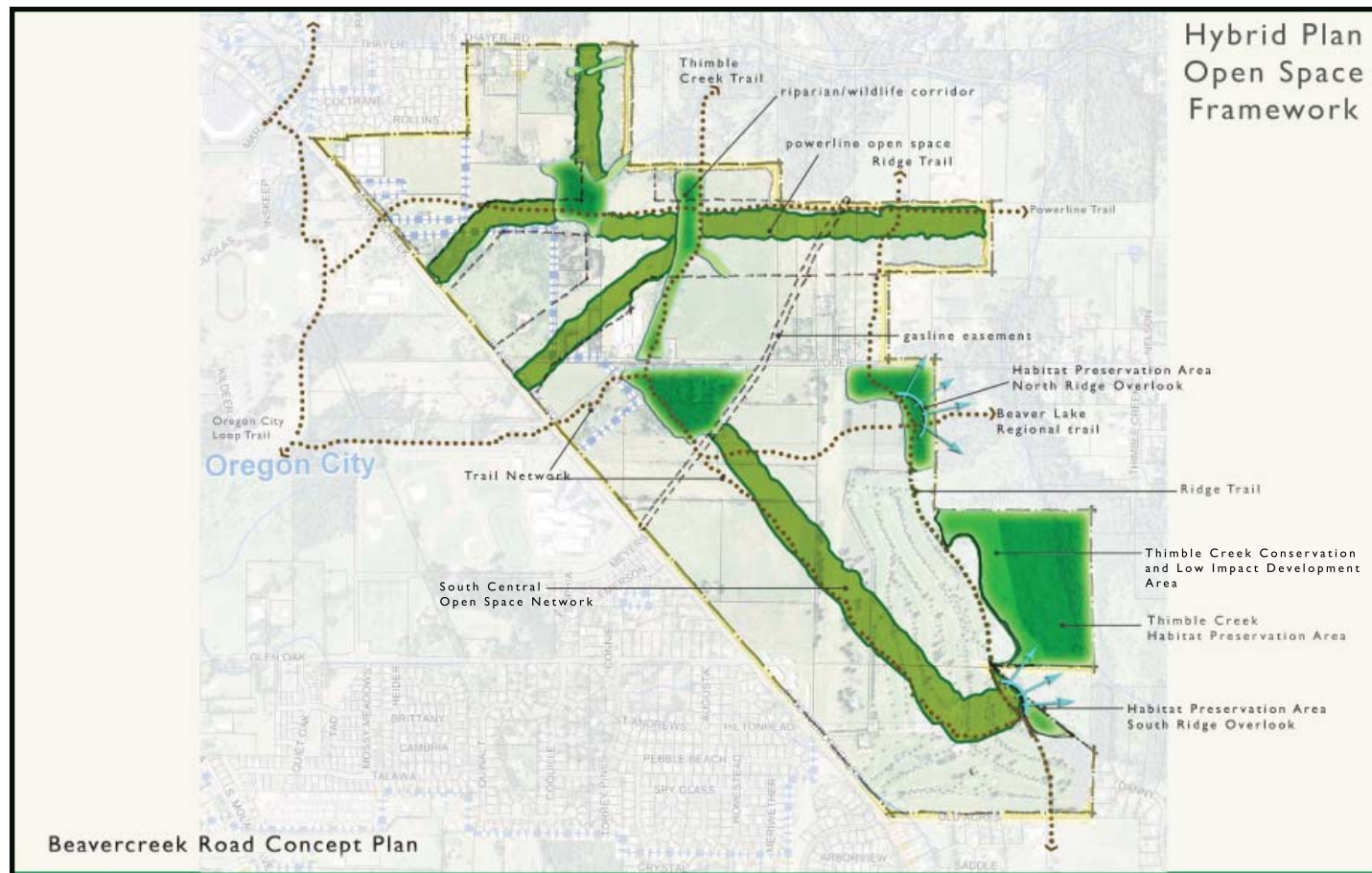


Figure 13 - Open Space Framework

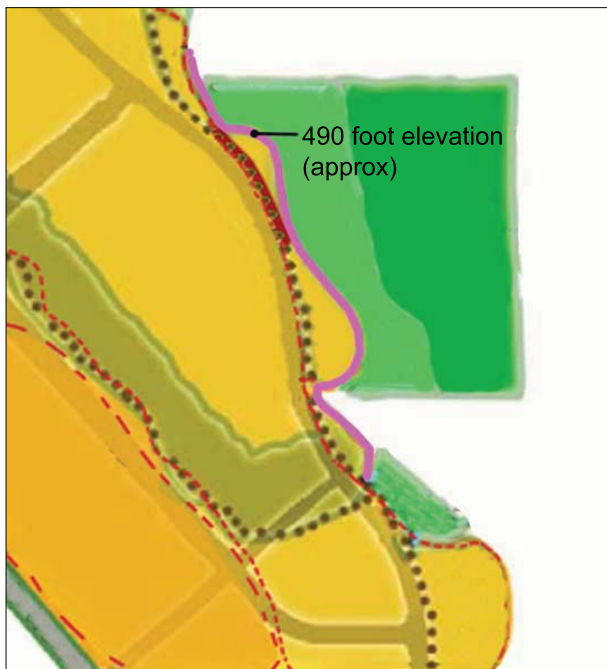
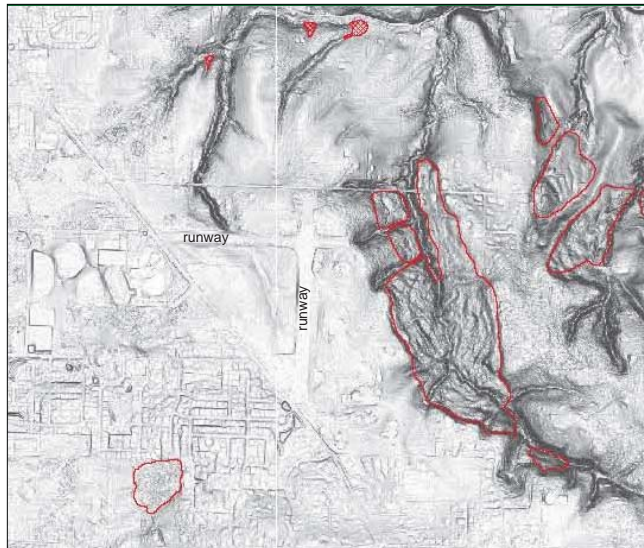


Figure 13A - East Ridge Lidar and 490 foot elevation

ridge could not be readily served with gravity systems - they would require private pump facilities. For all of these reasons, it is recommended here that an East Ridge open space and conservation area be designated.

The plan and code call for:

- Establishing the Class I and II Riparian area (per Metro mapping) plus 200 feet as a protected open space area. No development is permitted, except for very limited uses such as trails.
- Between the west edge of the above referenced protected open space area and the 490 foot elevation (MSL), establish a conservation area within which the following provisions apply:
 - a. A minimum of 50% of the conservation area must be open space. No residential uses are permitted.
 - b. All development must be low impact with respect to grading, site design, storm water management, energy management, and habitat.
 - c. Building heights must not obscure views from the 490 foot elevation of the ridge.
 - d. Open space areas must be environmentally improved and restored.
- Establishing a limit of development that demarks the clear edge of urban uses and a “window” to adjacent natural areas. In the central area of the est ridge, the “window” must be a minimum of 700 feet of continuous area and publicly accessible. The specific location of the “window” is flexible and will be establishing as part of a master plan.
- Creating two scenic view points that are small public parks, located north and south of the central area.
- Creating an East Ridge Trail - the location of the trail is flexible and will be established during master planning. It will be located so as to be safe, visible, and connect the public areas along the ridge. Along the “window” area described above, it will be coordinated with the location of the adjacent East Ridge Parkway.

Transportation

In summary, the key elements of the Concept Plan transportation strategy are to:

- Plan 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.
- Improve Beavercreek Road as a green street boulevard.
- Create a framework of collector streets that serve the Beavercreek Road Concept Plan area.
- Require local street and pedestrian way connectivity.
- Require a multimodal network of facilities that connect the Beavercreek Road Concept Plan area with adjacent areas and surrounding transportation facilities.
- Provide an interconnected street system of trails and bikeways.
- Provide transit-attractive destinations.
- Provide a logical network of roadways that support the extension of transit services into the Beavercreek Road Concept Plan area.
- Use green street designs throughout the plan.
- Update the Oregon City Transportation System Plan to include the projects identified in the Beavercreek Road Concept Plan, provide necessary off-site improvements, and, assure continued compliance with Oregon's Transportation Planning Rule.
- *Center Parkway as a parallel route to Beavercreek Road.* This new north-south route provides the opportunity to completely avoid use of Beavercreek Road for trips between Old Acres and Thayer Road. This provides a much-needed separation of local and through trips, as well as an attractive east-side walking and biking route. Major cross-street intersections, such as Loder, Meyers and Glen Oak may be treated with roundabouts or other treatments to help manage average speeds on this street. Minor intersections are likely to be stop-controlled on the side street approaches. The alignment of Center Parkway along the central open space is intended to provide an open edge to the park. The cross-section for Center Parkway includes a multi-use path on the east side and green street swale. Center Parkway is illustrated as a three-lane facility. Depending on land uses and block configurations, it may be able to function well with a two lane section and left turn pockets at selected locations.
- *Ridge Parkway as a parallel route to Center Parkway and Beavercreek Road.* The section of Ridge Parkway south of the Glen Oak extension is intended as the green edge of the neighborhood. This will provide a community "window" and public walkway adjacent to the undeveloped natural areas east of the parkway. Ridge Parkway should be two lanes except where left turn pockets are needed. Major intersections south of Loder are likely to only require stop control of the side street, if configured as "tee" intersections. Mini roundabouts could serve as a suitable option, particularly if a fourth leg is added.
- *Ridge Parkway.* Ridge Parkway was chosen to extend as the through-connection south of the planning area to Henrici Road. Center Parkway and Ridge Parkway are both recommended for extension to the north as long-term consideration for Oregon City and Clackamas County during the update of respective Transportation System Plans. It is beyond the scope of this study to identify and determine each route and the feasibility of such extensions. Fatal flaws to one or both may be discovered during subsequent planning. Nonetheless, it is prudent at this level of study, in this area of the community, to identify opportunities to efficiently and systematically expand the transportation system to meet existing and future needs.

Streets

Figure 14 illustrates the street plan. Highlights of the plan include:

- *Beavercreek as a green boulevard.* The cross-section will be a 5 lane arterial to Clairmont, then a 3 lane arterial (green street boulevard) from Clairmont to UGB. The signalization of key intersections is illustrated on the Street Plan.

- *Extensions of Clairmont, Meyers, Glen Oak Roads and the south entrance through to the Ridge Parkway.* These connections help complete the network and tie all parts of the community to adjacent streets and neighborhoods.
- *Realignment of Loder Road at its west end. Loder is recommended for re-configuration to create a safer “T” intersection.* The specific location of the intersection is conceptual and subject to more site specific planning.

The streets of the Concept Plan area are recommended to be green streets. This is an integral part of the storm water plan and overall identity and vision planned for the area. The green street cross-sections utilize a combination of designs: vegetated swales, planter islands, curb extensions, and porous pavement. Figures 15 – 19 illustrate the recommended green street cross-sections. These are intended as a starting point for more detailed design.

Trails

Figure 14 also illustrates the trail network. The City’s existing Thimble Creek Trail and Metro’s Beaver Lake Regional Trail have been incorporated into the plan. New trails include the Powerline Corridor Trail, multi-use path along Center Parkway, and the Ridge Trail.

Transit

The Concept Plan sets the stage for future transit, recognizing that how that service is delivered will play out over time. Specifics of transit service will depend on the actual rate and type of development built, Tri-Met resources and policies, and, consideration of local options. Three options have been identified:

1. A route modification is made to existing bus service to Clackamas Community College (CCC) that extends the route through CCC to Beaver Creek Road via Clairmont, then south to Meyers or Glen Oak, back to HWY 213, and back onto Molalla to complete the normal route down to the Oregon City Transit Center. To date, CCC has identified Meyers Road as a future transit connection to the college.
2. A new local loop route that connects to the CCC transit center and serves the Beaver Creek Road Concept Planning area, the High School, the residential areas between Beaver Creek and HWY 213, and the residential areas west of HWY 213 (south of Warner Milne).
3. A new “express” route is created from the Oregon City Transit Center, up/down HWY 213 to major destinations (CCC, the Beaver Creek Road Employment area, Red Soils, Hilltop Shopping Center, etc.).

It is the recommendation of this Plan that the transit-oriented (and Use mix), density, and design of the Beaver Creek Road area be implemented so that transit remains a viable option over the long term. The City should work with Tri-Met, CCC, Oregon City High School, and developers within the Concept Plan area to facilitate transit.

Connectivity

The street network described above will be supplemented by a connected local street network. Consistent with the framework plan approach, connectivity is required by policy and by the standards in the code. The specific design for the local street system is flexible and subject to master plan and design review. Figure 20 illustrates different ways to organize the street and pedestrian systems. These are just three examples, and are not intended to suggest additional access to Beaver Creek Road beyond what is recommended in Figure 14. The Plan supports innovative ways to configure the streets that are consistent with the goals and vision for the Beaver Creek Concept Plan area.

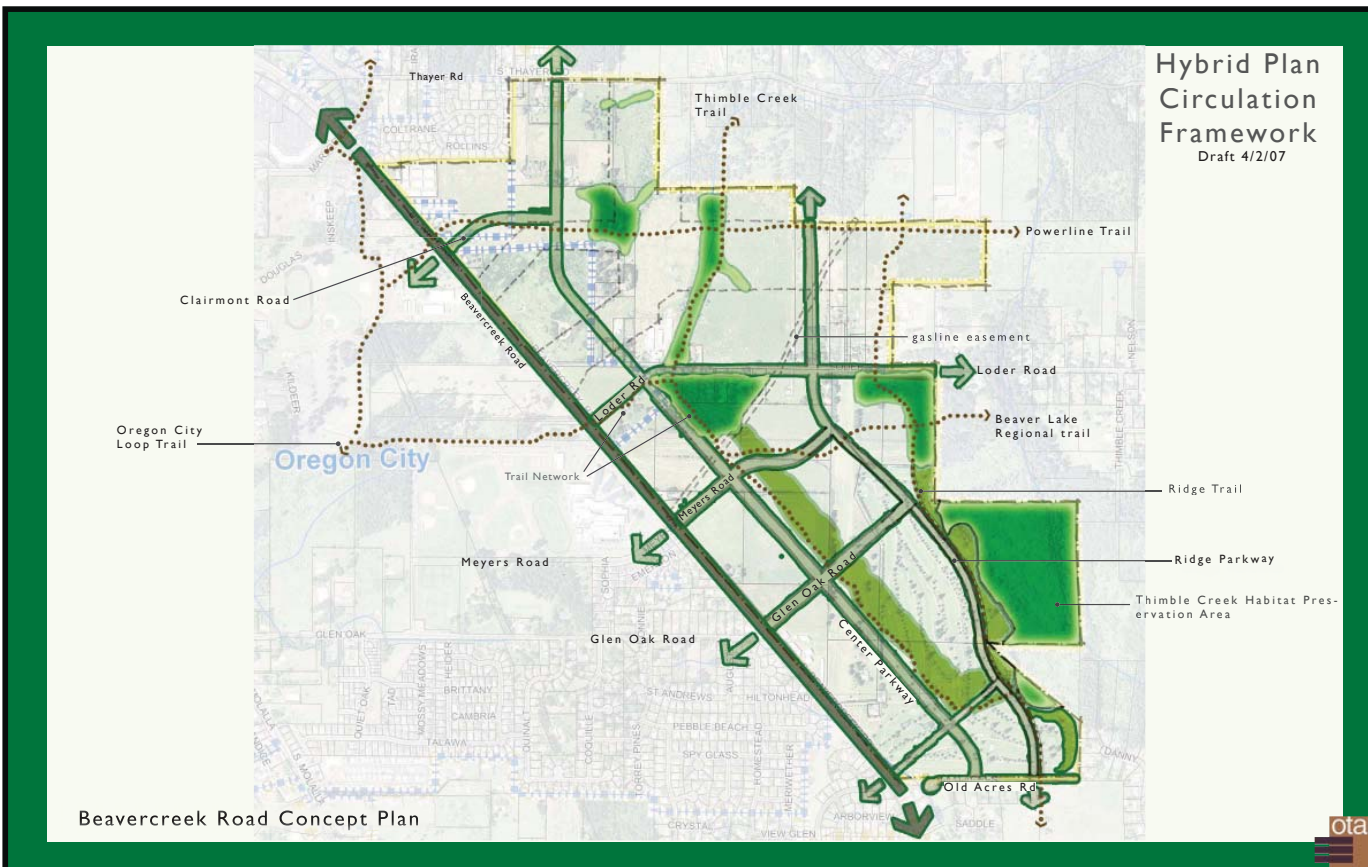


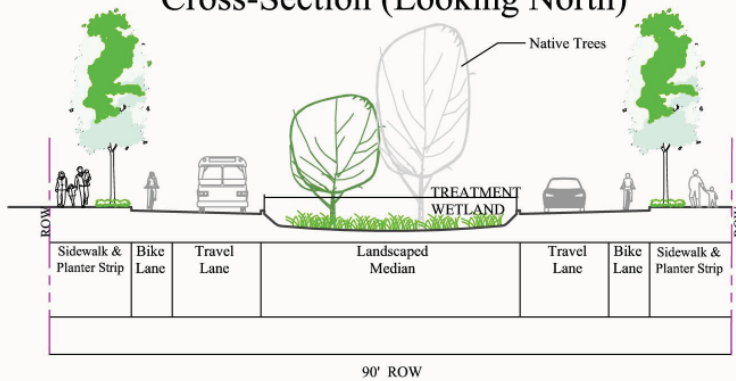
Figure 14 - Circulation Framework



Figure 20 - Connectivity Diagrams

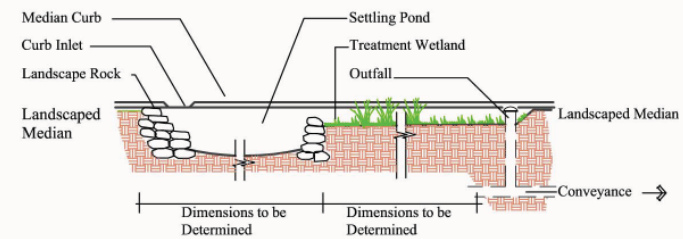
Conceptual only - See Figure 14 for recommended access points to Beaver Creek Road.

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



Beavercreek Road Concept Plan

Median Treatment Wetland Conceptual Detail



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

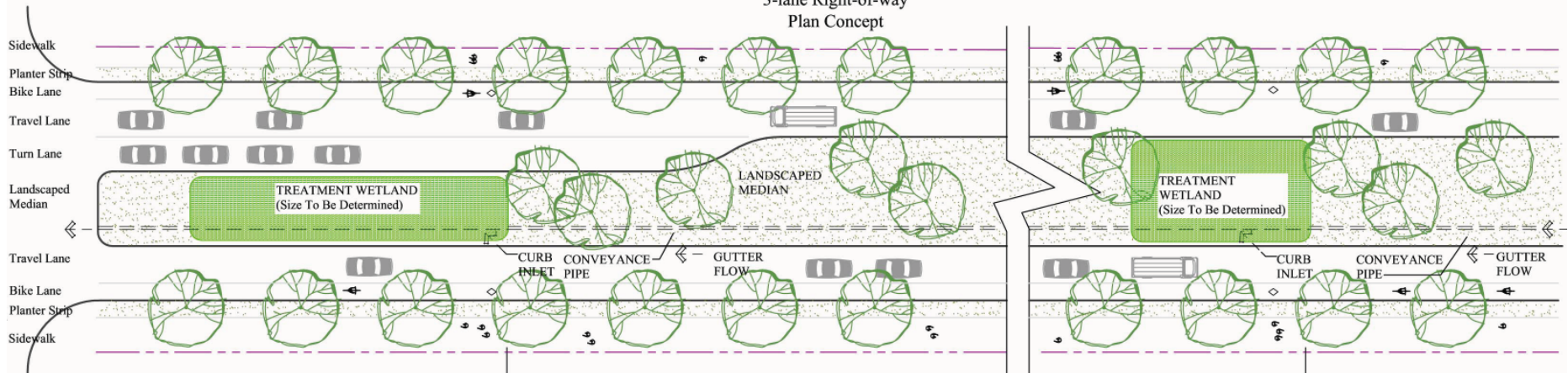


Figure 15 - Beavercreek Road Green Street

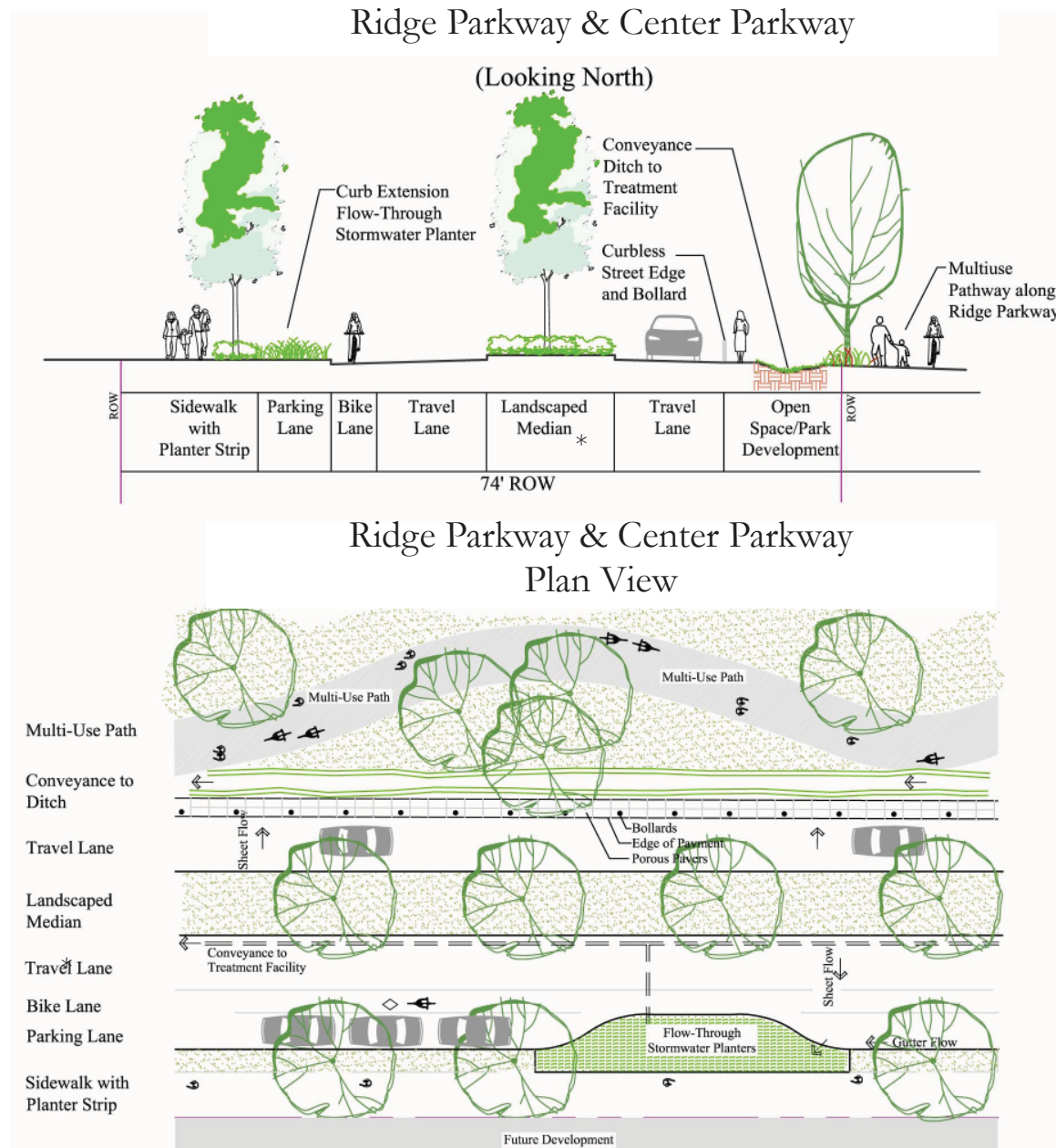
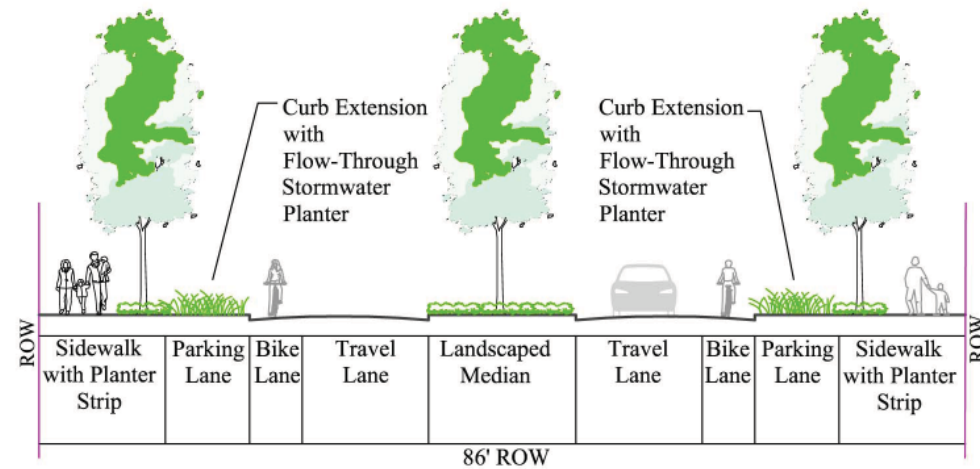


Figure 16 - Ridge Parkway and Central Parkway Green Streets

*Center median is optional for Ridge Parkway.

Collector Greenstreet (Looking North)



Collector Greenstreet Plan View

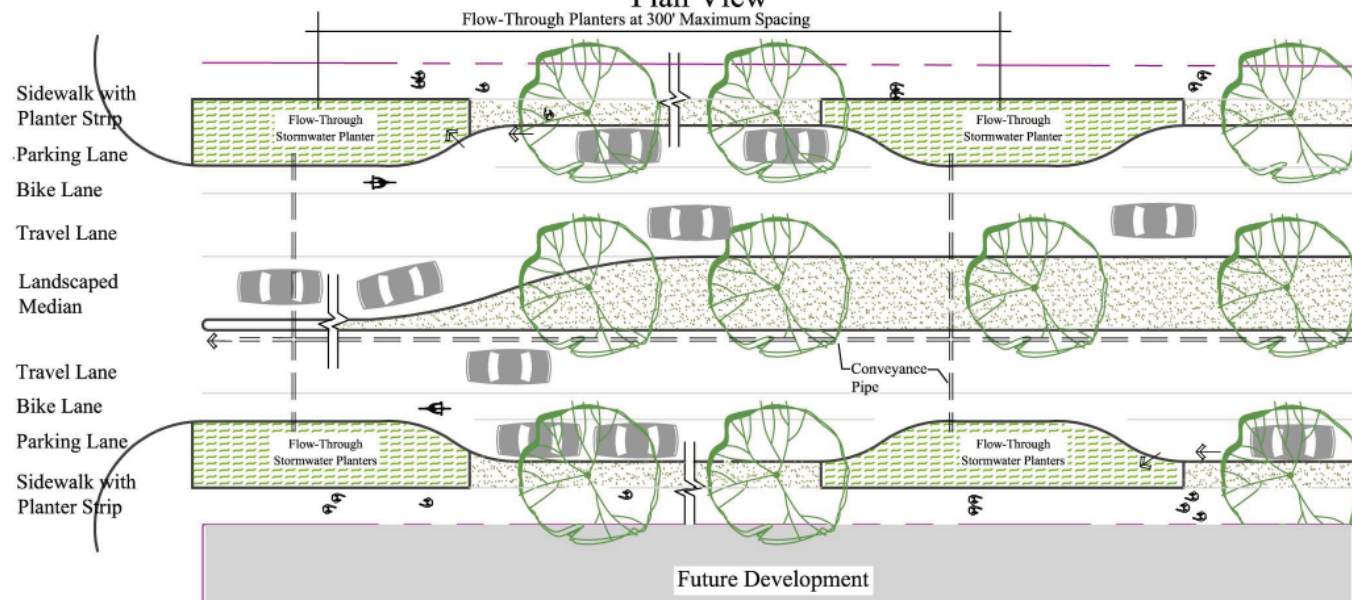
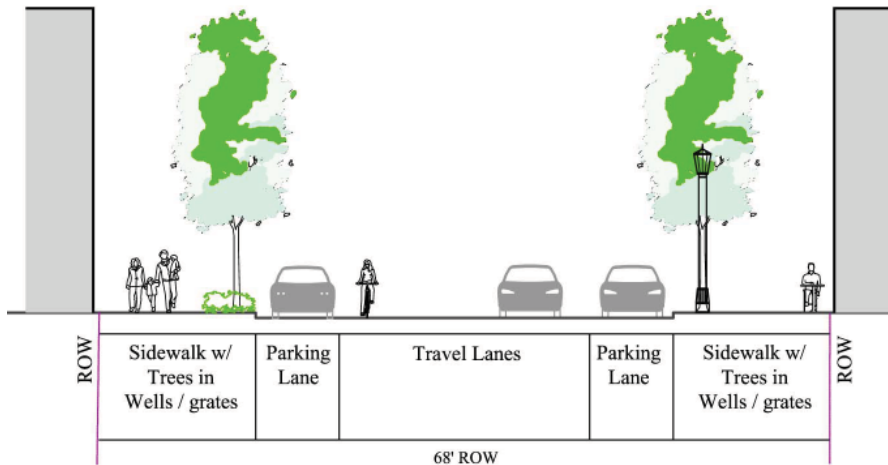


Figure 17 - Collector Green Street

Main Street Collector

Potential Building
Frontage with Future
Development



Main Street Collector Plan View

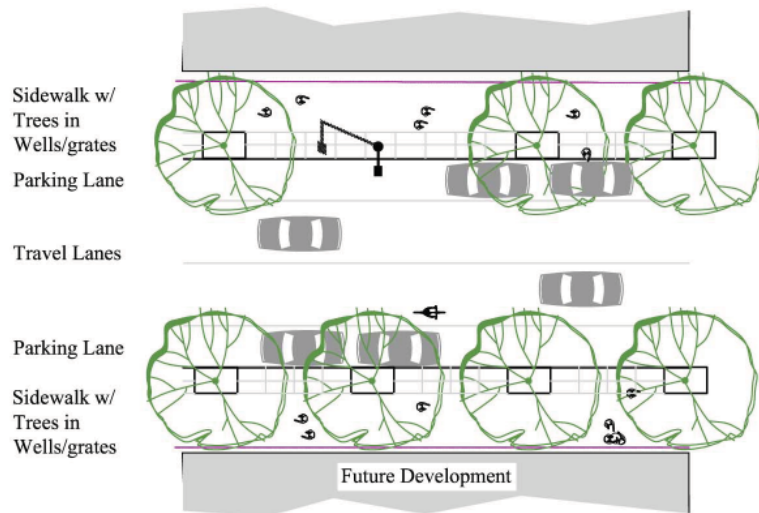
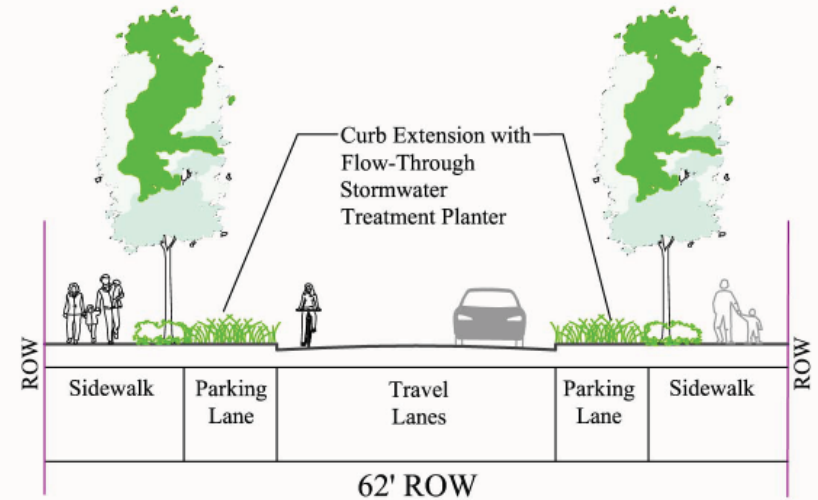


Figure 18 - Main Street Green Street

Neighborhood Greenstreet



Neighborhood Greenstreet Plan View

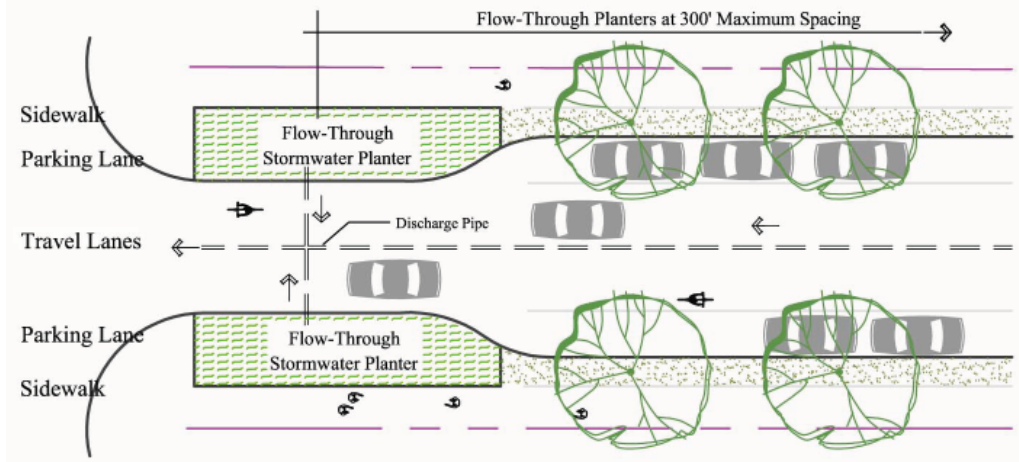


Figure 19 - Neighborhood Green Street

Cost Estimate

A planning-level cost estimate analysis was conducted in order to approximate the amount of funding that will be needed to construct the needed improvements to the local roadway system, with the build-out of the Beaver Creek Road Concept Plan. The table below lists these improvements and their estimated costs. These generalized cost estimates include assumptions for right-of-way, design, and construction.

For additional information, please see Technical Appendix, Sections C2 and G.

Roadway Improvements	Improvement	Estimated Cost
Beaver Creek Road: Marjorie Lane to Clairmont Drive	Construct 5-lane cross-section to City standards	\$6,300,000
Beaver Creek Road: Clairmont Drive to Henrici Road	Construct 3-lane cross-section to City standards	\$12,300,000
Clairmont Drive: Beaver Creek Road – Center Parkway	Construct new 3-lane collector to City standards and modify signal at Beaver Creek Road	\$2,400,000
Loder Road: Beaver Creek Road to Center Parkway	Construct 3-lane cross-section to City standards and signalize Beaver Creek Road intersection	\$1,400,000
Loder Road: Center Parkway – East Site Boundary	Construct 3-lane cross-section to City standards	\$4,200,000
Meyers Road: Beaver Creek Road – Ridge Parkway	Construct new 3-lane collector to City standards and modify signal at Beaver Creek Road	\$3,500,000
Glean Oak Road: Beaver Creek Road – Ridge Parkway	Construct new 3-lane collector to City standards and modify signal at Beaver Creek Road	\$3,400,000
Center Parkway	Construct new 3-lane collector with 12' multi-use path	\$17,700,000
Ridge Parkway	Construct new 3-lane collector	\$9,800,000
Total Roadway Improvements		\$61,000,000
Intersection Only Improvements	Improvement	Estimated Cost
Beaver Creek Road/Maple Lane	Road Construct new WB right-turn lane	\$250,000
Beaver Creek Road/ Meyers Road	Construct new NB and SB through lanes	\$5,000,000
Total Intersection Improvements		\$5,250,000
TOTAL IMPROVEMENTS		\$66,250,000

Transportation Cost Estimate



Figure 21 - Sustainable Stormwater Plan

Storm Water and Water Quality

This Beavercreek Road stormwater infrastructure plan embraces the application of low-impact development practices that mimic natural hydrologic processes and minimize impacts to existing natural resources. It outlines and describes a stormwater hierarchy focused on managing stormwater in a naturalistic manner at three separate scales: site, street, and neighborhood.

Tier 1 – Site Specific Stormwater Management Facilities (Site)

All property within the study area will have to utilize on-site best management practices (BMPs) to reduce the transport of pollutants from their site. Non-structural BMPs, such as source control (e.g. using less water) are the best at eliminating pollution. Low-impact structural BMPs such as rain gardens, vegetated swales, pervious surface treatments, etc. can be designed to treat stormwater runoff and reduce the quantity (flow and volume) by encouraging retention/infiltration. They can also provide beneficial habitat for wildlife and aesthetic enhancements to a neighborhood. These low-impact BMP's are preferred over other structural solutions such as underground tanks and filtration systems. Most of these facilities will be privately maintained.

Tier 2 – Green Street Stormwater Management Facilities (Street)

Green Streets are recommended for the entire Beavercreek Concept Plan area. The recommended green street design in Figures 15 - 19 use a combination of vegetated swales or bioretention facilities adjacent to the street with curb cuts that allow runoff to enter. Bioretention facilities confined within a container are recommended in higher density locations where space is limited or is needed for other urban design features, such as on-street parking or wide sidewalks. The majority of the site is underlain with silt loam and silty clay loam. Both soils are categorized as Hydrologic Soil Group C and have relatively slow infiltration rates.

The recommended green streets will operate as a collection and conveyance system to transport stormwater from both private property and streets to regional stormwater facilities. The conveyance facilities need to be capable of managing large storm events that exceed the capacity of the swales. For this reason, the storm water plan's conveyance system is a combination of open channels, pipes, and culverts. Open channels should be used wherever feasible to increase the opportunity for stormwater to infiltrate and reduce the need for piped conveyance.

Tier 3 – Regional Stormwater Management Facilities (Neighborhood)

Regional stormwater management facilities are recommended to manage stormwater from larger storms that pass through the Tier 1 and Tier 2 facilities. Figure 21 illustrates seven regional detention pond locations. Coordinating the use of these for multiple properties will require land owner cooperation during development reviews, and/or, City initiative in advance of development.

The regional facilities should be incorporated into the open space areas wherever possible to reduce land costs, and reduce impacts to the buildable land area. Regional stormwater facilities should be designed to blend with the other uses of the open space area, and can be designed as a water feature that offers educational or recreational opportunities. Stormwater runoff should be considered as a resource, rather than a waste stream. The collection and conveyance of stormwater runoff to regional facilities can offer an opportunity to collect the water for re-use.

Large Locations

development stormwater runoff rates from the Beaver Creek Road Plan Area will need to match pre-development rates at the existing large locations, per City Stormwater Design Standards. Since there are small discharge locations to Thimble Creek, flow control facilities that be feasible at all discharge locations. In this situation, over- is needed at some discharge locations to compensate for the und areas so that flows in Thimble Creek at the downstream point of ance meet City Stormwater Design Standards for flow control.

stormwater
structure for the
Creek Road
Plan Area
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4 million for
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nstruction
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quisition, the
st is estimated
to \$23 million.

Water

The proposed water infrastructure plan creates a network of water pipelines as the “backbone” system. In addition, as individual parcels developed, a local service network of water mains will be needed at individual lots.

Since there are two pressure zones in the concept plan area, there to be a network of pipes for each of the two zones. These systems illustrated on Figure 22. The Fairway Downs Pressure Zone will south one-third of the concept plan area. This zone receives water from the system

But, because the zone is at a higher elevation in the water system from the rest of the system is in place to maintain the pressure to this part of the system. The pressure is maintained by using a lift pump station at the intersection of Glen Oak Road and Beaver Creek Road.

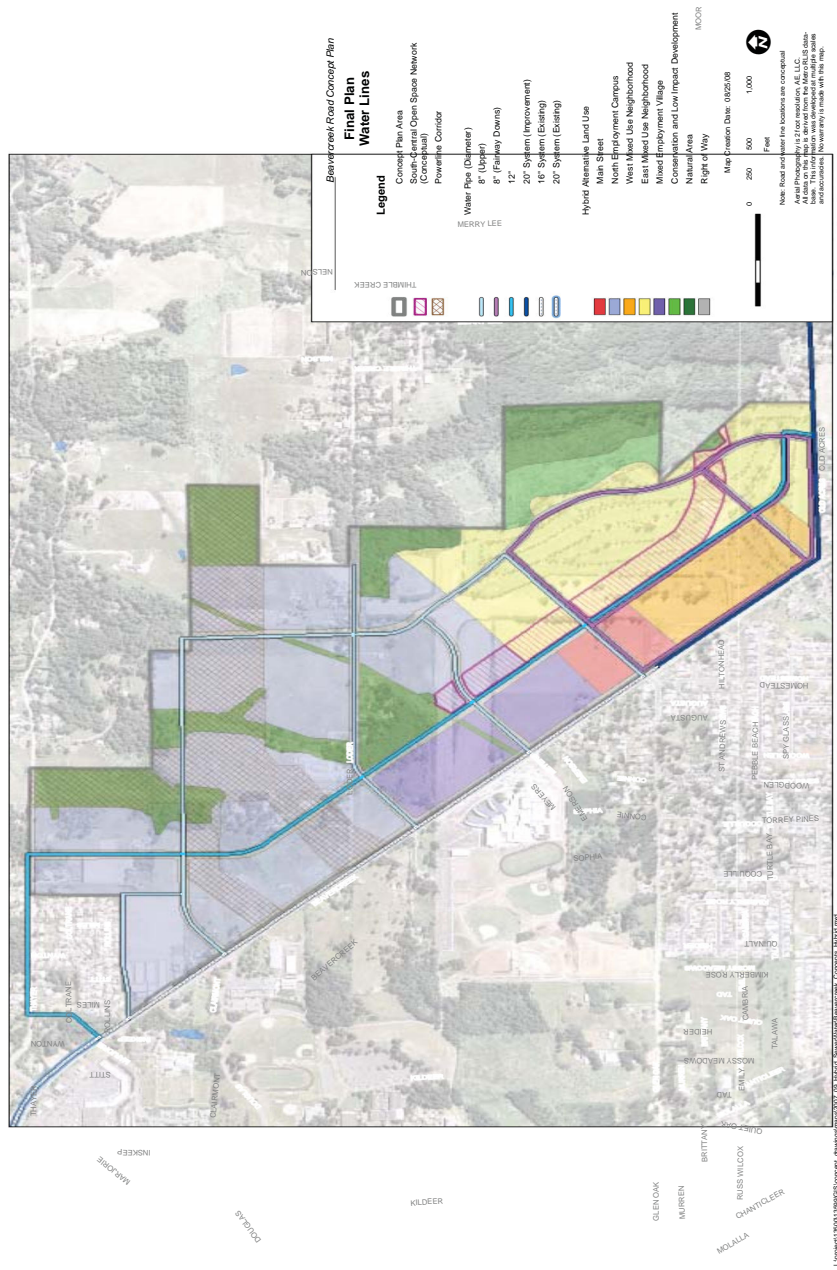


Figure 22 - Water Plan

In the Fairway Downs Pressure Zone, the majority of the water mains will be installed in the proposed public rights-of-way. However, a small portion of the system may need to be in strip easements along the perimeter of the zone at the far southeast corner of the concept plan area. The system layout shown is preliminary and largely dependent on future development and the final system of internal (local) streets. Additional mains may be needed or some of the water mains shown may need to be removed. For instance, if the development of the residential area located at the southeast end of the site, adjacent to Old Acres Road, includes internal streets, the water mains shown along the perimeter of the site may be deleted because service will be provided from pipes that will be installed in the internal street system.

Some of the planned streets in the Fairway Downs Pressure Zone will contain two water mains. One water main will provide direct water service to the area from the booster pump system. The other water main will carry water to the lower elevation areas in the Upper Pressure Zone.

The Upper Pressure Zone will serve the north two-thirds of the concept plan area. The “backbone” network for the Upper Pressure Zone will have water mains that are pressured from the Henrici and Boynton reservoirs. A single 12-inch water main will run parallel with Beaver Creek Road through the middle of concept plan area. This water conduit will serve as the “spine” for the Upper Pressure Zone. A network of 8-inch water pipes will be located in the public rights-of-way and will provide water to the parcels that are identified for development. The system can be extended easterly on Loder Road, if needed.

The preliminary design ensures that the system is looped so that there are no dead-end pipes in the system. Along a portion of the north perimeter, approximately 1,600 feet of water pipe will be needed to complete a system loop and provide water service to adjacent lots. This pipe will share

a utility easement with a gravity sanitary sewer and a pressure sewer. There may also be stormwater facilities in this same alignment.

In the Water Master Plan, under pipeline project P-201, there is a system connection in a strip easement between Thayer Road and Beaver Creek Road at the intersection with Marjorie Lane. Consideration should be given to routing this connection along Thayer Road to Maple Lane Road and then onto Beaver Creek Road. This will keep this proposed 12-inch main in the public street area where it can be better accessed.

The estimated total capital cost for the “backbone” network within the concept plan area will be in the area of \$5,400,000. This estimate is based on the one derived for Alternative D, which for concept planning purposes, is representative of the plan and costs for the final Concept Plan. This is in addition to the \$6.9 million of programmed capital improvement projects that will extend the water system to the concept plan area. All estimates are based on year 2003 dollars. Before the SDC can be established, the estimates will need to be adjusted for the actual programmed year of construction.

For additional information, please see Technical Appendix, Sections C6 and H3.



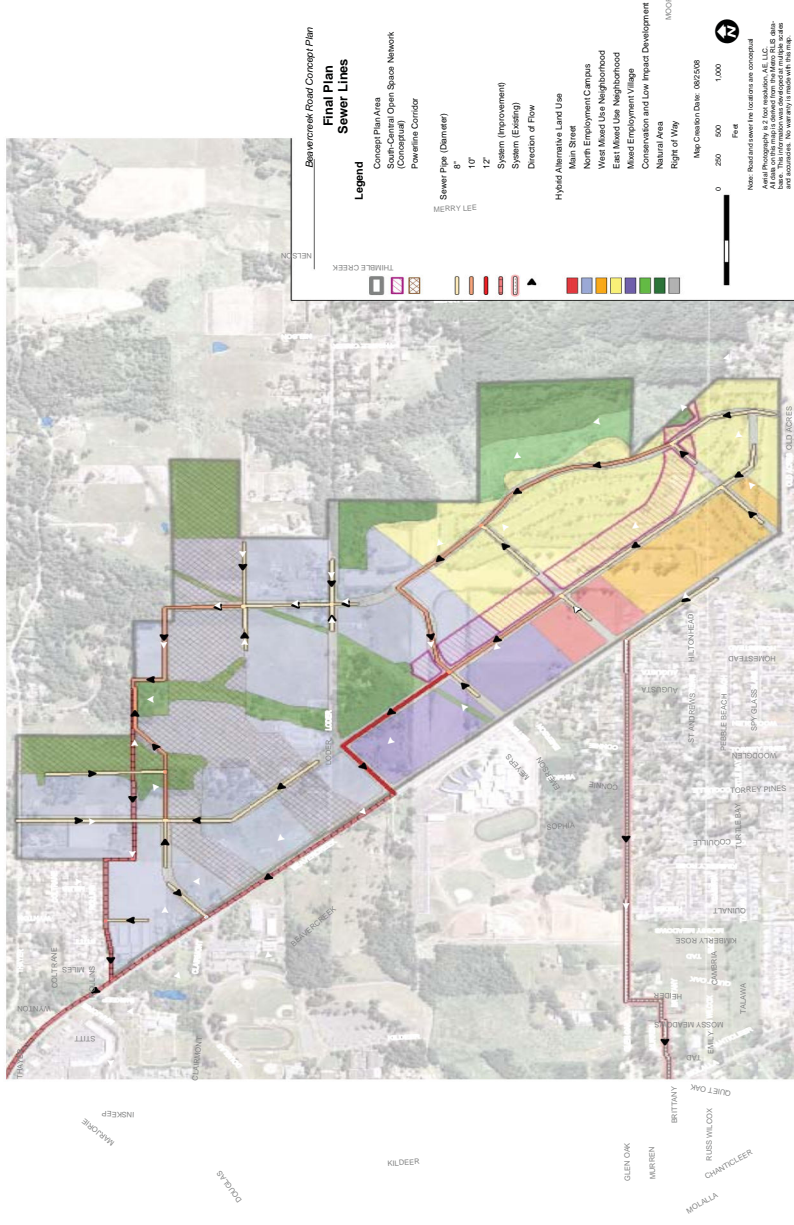
Sanitary Sewer

The northern half of the concept area drains generally to the north and is the natural land contours formed by the uppermost portion of Timber Creek. The proposed sanitary sewer system in the vicinity of Beaver Creek Road will follow the north-south street rights-of-way. This part of the system will terminate at the low point of the concept plan area in a sanitary lift station over the wetwell will pump the wastewater in a westerly direction to a point that it can be discharged into a sewer that will flow west to the trunk sewer in Beaver Creek Road. The lift station and pressure sewer project has been identified in the City Sewer Master Plan as projects BC-COL-5 and 6. A utility bridge will carry the pressure pipe and gravity sewer pipe over Thimble Creek is anticipated.

The road access to the pump station that runs parallel to Thimble Creek will also be improved.

The majority of the southern half of the concept area will have a sanitary sewer system that will convey waste water to the existing foot long trunk sewer in Beaver Creek Road, which currently extends Highway 213 to approximately 800 feet south of Marjorie Lane. The portion of the system can be built in the planned roadways and in existing Beaver Creek Road right-of-way. This portion of the system will be built in the planned roadways. A portion of the system, approximately 1,000 feet long, will need to be built in the current alignment of Loder Road that the gravity sewer can be connected to the trunk sewer in Beaver Creek Road. The circulation plan includes a realignment of Loder Road. Therefore, a sewer easement will need to be retained across the full parcel that now includes the current Loder Road alignment.

The approximate elevation of 490 feet (MSL) is important for the southern half of the concept plan relative to gravity service. Roadways and developed areas constructed above 490 ft will most likely allow for gravity service. If land requiring sanitary service (or roadways with sewer underpasses) are located lower than 490 ft, individual lift stations and pressure services may be required.



The estimated total capital cost will be in the vicinity of \$4,400,000. This estimate is based on the cost analysis for Alternative D, which is comparable. This is in addition to the \$2.3 million in sanitary sewer master plan capital costs that needed to bring the sanitary sewers to the concept plan area. These estimates are based on year 2003 dollars. The estimates will need to be adjusted for the programmed year of construction.

For additional information, please see Technical Appendix, Sections C6 and H2.

Funding strategies

For water, sewer, storm water and parks, there are five primary funding sources and strategies that can be used:

- *System development charges (SDCs)*– Oregon City requires developers to pay SDCs for new development. Developers pay these charges up front based on the predicted impact of the new development on the existing infrastructure and the requirements it creates for new improvements. Although the charges are paid by the developer, the developer may pass on some of these costs to buyers of newly developed property. Thus, SDCs allocate costs of development to the developer and buyers of the new homes or new commercial or industrial buildings.
- *Urban renewal/tax increment financing* - Tax increment financing is the primary funding vehicle used within urban renewal areas (URA). The tax increment revenue is generated within a URA when a designated area is established and the normal property taxes within that area are ‘frozen’ (often called the frozen base). Any new taxes generated within that area through either property appreciation or new investment becomes the increment. Taxing jurisdictions continue to collect income from the frozen base but agree to release assessed value above the base to the URA. The URA then can issue bonds to pay for identified public improvements. The tax increment is used to pay off the bonds.

Oregon City has the authority to establish an URA. The Beavercreek Road Concept Plan Area would have to meet the definition of ‘blight’ as defined in ORS 457. It is likely to meet ‘blight’ standards because its existing ratios of improvement-to-land values are likely low enough to meet that standard.

- *Local Improvement Districts* - Local Improvement Districts (LIDs) are formed for the purpose of assessing local property owners an amount sufficient to pay for a project deemed to be of local benefit. LIDs are a specific type of special assessment district, which more broadly includes any district that is formed within an existing taxing district to assess specific property owners for some service that is not available throughout the larger district. The revenues from the LID assessments are used to pay the debt payments on a special assessment bond or a note payable issued for the capital improvements.

LID assessments increase costs for property owners. Under a LID the improvements must increase the value of the taxed properties by more than the properties are taxed. LIDs are typically used to fund improvements that primarily benefit residents and property owners within the LID.

- *Bonds* - Bonds provide a financing mechanism for local governments to raise millions of dollars for parks and other capital projects. The City could back a bond with revenue from a LID, the Urban Renewal Districts, or property taxes citywide. General obligation (GO) bonds issued by local governments are secured by a pledge of the issuer’s power to levy real and personal property taxes. Property taxes necessary to repay GO bonds are not subject to limitation imposed by recent property tax initiatives. Oregon law requires GO bonds to be authorized by popular vote.

Bond levies are used to pay principal and interest for voter-approved bonded debt for capital improvements. Bond levies typically are approved in terms of dollars, and the tax rate is calculated as the total levy divided by the assessed value in the district.

- *Developer funded infrastructure* – The City conditions land use approvals and permits to include required infrastructure. Beyond

the sources cited above, developers cover the remaining costs for the infrastructure required for their development.

Additional funding tools that could be investigated and implemented within the Concept Plan area include a Road District, a County Service District, Intergovernmental Agreements, an Advance Finance District, a Certificate of Participation, and a Utility Fee. There are benefits and limitations associated with each of the funding options that should be reviewed carefully before implementing.

For transportation infrastructure, the same sources as cited above are available. For larger facilities, such as Beavercreek Road, additional funds may be available. They include Metro-administered federal STP and CMAQ funding, and, regional Metro Transportation Improvement Plan funding. These sources are limited and extremely competitive. County funding via County SCSs should also be considered a potential source for Beavercreek Road. Facilities like Beavercreek Road are often funded with a combination of sources, where one source leverages the availability of another.

Sustainability

One of the adopted goals is: The Beavercreek Road Concept Plan Area will be a model of sustainable design, development practices, planning, and innovative thinking.

Throughout the development of the concept plan, sustainability has been paramount in guiding the CAC, the City, and the consultant team. The final plan assumes that sustainable practices will be a combination of private initiatives (such as LEED certified buildings), public requirements (green streets and low impact development policies), and public-private partnerships. It is recommended that City use incentives, education and policy support as much as possible for promoting sustainability at Beavercreek Road. Some initiatives will require regulation and City mandates, but caution and balance should be used. At the end of the

day, it is up to the private sector to invest in sustainable development. The Beavercreek Road's site's legacy as a model of sustainable design will depend, in large part on the built projects that are successful in the marketplace and help generate the type of reputation that the community desires and deserves.

The key to fulfilling the above-listed goal will be in the implementation. For the City's part, implementation strategies that support sustainable design will be included within the Oregon City Comprehensive Plan policies and Code provisions. They will be applied during master plan and design review permitting. Some of these strategies will be "required" while other are appropriate to "encourage." These sustainability strategies include:

- Energy efficiency
- Water conservation
- Compact development
- Solar orientation
- Green streets/infrastructure
- Adaptive reuse of existing buildings/infrastructure
- Alternative transportation
- Pedestrian/Cyclist friendly developments
- Natural drainage systems
- Tree preservation and planting to "re-establish" a tree canopy
- Minimizing impervious surfaces
- Sustainability education (builder, residents, businesses and visitors)
- Collaboration with "local" institutional and economic partners, particularly Clackamas Community College and Oregon City High School
- Community-based sustainable programs and activities

Principles for Sustainable Community Design

The CAC discussed Principles for Sustainable Community Design that were offered by one of the members. These provide a good framework for how the Concept Plan is addressing sustainability.

Mix Land Uses - Promote a mix of land uses that support living wage jobs and a variety of services.

All of the sub-districts are, to some degree, mixed use districts. The Mixed Use Village, Main Street and West Mixed Use Neighborhood allow a rich mix of employment, housing, and services. Taken together, the entire 453 acre area will be a complete community.

Housing Types - Create a range of housing choices for all ages and incomes.

The concept plan includes housing in many forms: mixed use formats in the 3-5 story buildings, high density apartments and condominiums, live-work units, townhomes, small cottage lots, and low density single family homes.

Walk-ability - Make the Neighborhood “walkable” and make services “walk-to-able.”

The plan provides a street and trail framework. The code will require a high level of connectivity and maximum block sizes for most sub-districts. Services are provided throughout the plan as part of mixed use areas and a broad range of permitted uses.

Transportation - Provide a range of transportation options using a connected network of streets and paths.

The plan provides for all modes: walking, biking, driving and transit. Transit-supportive land use is specifically required in the Mixed Employment Village, Main Street and West Mixed Use Neighborhoods. The framework of connected streets and paths will be supplemented by a

further-connected system of local streets and walking routes.

Open Space - Protect and maintain a functioning green space network for a variety of uses.

Open space is distributed throughout the plan. New green spaces are connected with existing higher-value natural areas.

Integrate Systems - Integrate ecological and man-made systems to maximize function, efficiency and health.

Infrastructure systems (green storm water, multi-modal transportation) are highly integrated with the open space network and array of land uses. It will be important for the implementation of the plan to further integrate heating, cooling, irrigation and other man-made systems with the Concept Plan framework.

Ecological Health - Manage natural resources to eliminate pollution to watersheds and lessen impact on habitat and green infrastructure.

Methods to achieve this principle are identified in the Stormwater Infrastructure Report. Additionally, the code requires measures to preserve natural resources and eliminate pollution to watersheds necessary to achieve this principle.

Reuse, Recycle, Regenerate - Reuse existing resources, regenerate existing development areas.

The principle will be applied primarily at time of development and beyond.

Green Buildings - Build compact, innovative structures that use less energy and materials.

The draft code includes provisions for green buildings. This is a new area for the City to regulate, so a public-private Green Building Work Group is recommend to explore issues, build consensus, and develop specific code recommendations.

Work Together - Work with community members and neighbors to design and develop.

The development of the alternatives and the recommended plan has been a collaborative process with all project partners. The concept plan process through implementation and subsequent project area developments will continue to be a collaborative process where all stakeholders are invited to participate.

For additional information, please see Technical Appendix, Sections C3, D, and F.

Metrics

Land Use

The following table summarizes the acreages for major land uses on the Concept Plan.

Land Use Category (acres)	Hybrid
North Employment Campus (adjusted gross acreage)*	149
Mixed Employment Village	26
Main Street	10
West Mixed Use Neighborhood	22
East Mixed Use Neighborhood	77
Total Acres of "built" land use	284
Other Land Uses (not "built")	
Parks/Open Space/Natural Areas (Total)**	113
Major ROW+	56
Existing Uses (unbuildable)	0
Total Project Area Gross Acres	453

*Adjusted gross acreage is the sum of 50% of the employment land use shown under the powerline easement plus all other unconstrained employment land use areas. Calculations shown below:

Land Use Category (acres)	Hybrid
Total North Employment Campus	175
Unconstrained NEC	123
Employment with powerline overlay	52
Useable portion of powerline overlay (50%)	26
North Employment Campus (adjusted gross acreage)*	149

Housing and Employment Estimates

The Concept Plan has an estimated capacity for approximately 5000 jobs and 1000 dwellings. The following table displays the estimates and assumptions used to estimate jobs and housing. On a net acreage, these averages are 33 jobs/ net developable acre and 10.3 dwellings/ net developable acre.

Land Use Category	Hybrid Gross Acres	Hybrid Net Acres*	FAR/Acre**	SF/Job**	# of Jobs***	Avg. Units/Acre	# of Units+
North Employment Campus (adjusted gross acreage)	149	127	0.3	450	3,678		
Mixed Employment Village	26	21	0.44	350	1,139		
Main Street****	10	8	0.44	350	219	25	100
West Mixed Use Neighborhood	22	18			15	22	387
East Mixed Use Neighborhood	77	62			21	8.7	536
Total # of Jobs					5,073		
Total # of Housing Units							1,023
Total Acres of Developed Land++	284	235					

*For Hybrid - Net acres equals gross acres minus 15% for local roads and easements in Employment. Mixed Employment, Mixed Use, and residential areas assume 20% for local roads and easements

*Based on Metro 2002-2022 Urban Growth Report: An Employment Land Need Analysis. Includes total on site employment (full and part time). Mixed Employment FAR and job density reflects a mix of office, tech/flex, and ground floor retail.

***Number of Jobs in Employment, Mixed Employment, Mixed Use calculated by multiplying total acres by the FAR; Converting to square feet; and dividing by number of jobs/square foot. Jobs in residential areas (Work at Home Jobs) estimated at 4% (potential could be as high as 15%).

**** Mixed Use land use assumes 50% of acreage devoted to commercial uses and the remaining 50% devoted to vertical mixed use.

+Number of units calculated by multiplying total net acres of residential land use by average units per acre

++Includes 50% of useable power line corridor (26 acres total) as part of developed land (included in Employment land area)

+++Does not include powerline corridor acreage as part of developed land

VI. Goals and Policies

The following goals and policies are recommended for adoption into the Oregon City Comprehensive Plan. The goal statements are those developed by the Citizen Advisory Committee as goals for the plan.

Goal 1 Complete and Sustainable Community

Create a complete and sustainable community, in conjunction with the adjacent land uses, that integrates a diverse mix of uses, including housing, services, and public spaces that are necessary to support a thriving employment center.

Policy 1.1

Adopt new comprehensive plan and zone designations, and development code, that implement the Beavercreek Concept Plan. Require all development to be consistent with the Concept Plan and implementing code.

Policy 1.2

Establish sub-districts to implement the Concept Plan. The sub-districts are:

North Employment Campus – NEC

The purpose of the North Employment Campus is to provide for the location of family wage employment that strengthens and diversifies the economy. 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 sites for employment by limiting

incompatible uses. The sub-district is intended to comply with Metro's Title 4 regulations. Site and building design will create pedestrian-friendly areas and utilize cost effective green development practices. Business and program connections to Clackamas Community College (CCC) are encouraged to help establish a positive identity for the area and support synergistic activity between CCC and NEC properties. Businesses making sustainable products and utilizing sustainable materials and practices are encouraged to reinforce the identity of the area and promote the overall vision for the Beavercreek Road area.

Mixed Employment Village – MEV

The purpose of the Mixed Employment Village is to provide employment opportunities in an urban, pedestrian friendly, and mixed use setting. The MEV is intended to be transit supportive in its use mix, density, and design so that transit remains an attractive and feasible option. The MEV allows a mix of retail, office, civic and residential uses that make up an active urban district and serve the daily needs of adjacent neighborhoods and Beavercreek Road sub-districts. Site and building design will create pedestrian-friendly areas and utilize cost effective green development practices. Business and program connections to Clackamas Community College and Oregon City High School are encouraged. Businesses making sustainable products and utilizing sustainable materials and practices are encouraged to reinforce the identity of the area and promote the overall vision for the Beavercreek Road area.

Main Street – MS

The purpose of this small mixed-use center is to provide a focal point of pedestrian activity. The MS allows small scale commercial, mixed use and services that serve the daily needs of the surrounding area. "Main Street" design will include buildings oriented to the street, and minimum of 2 story building scale, attractive streetscape, active ground floor uses and other elements that reinforce pedestrian oriented character and vitality of the area.

West Mixed Use Neighborhood – WMU

The West Mixed Use Neighborhood will be a walkable, transit-oriented neighborhood. This area allows a transit supportive mix of housing, live/work units, mixed use buildings and limited commercial uses. A variety of housing and building forms is required, with the overall average of residential uses not exceeding 22 dwelling units per acre. The WMU area's uses, density and design will support the multi-modal transportation system and provide good access for pedestrians, bicycles, transit and vehicles. Site and building design will create a walkable area and utilize cost effective green development practices.

East Mixed Use Neighborhood – EMU

The East Mixed Use Neighborhood will be a walkable and tree-lined neighborhood with a variety of housing types. The EMU allows for a variety of housing types while maintaining a low density residential average not exceeding the densities permitted in the R-5 zone. Limited non-residential uses are permitted to encourage a unique identity, sustainable community, and in-home work options. The neighborhood's design will celebrate open space, trees, and relationships to public open spaces. The central open space, ridge open space scenic viewpoints, and a linked system of open spaces and trails are key features of the EMU. Residential developments will provide housing for a range of income levels, sustainable building design, and green development practices.

Policy 1.3

Within the Northern Employment Campus sub-district, support the attraction of family wage jobs and connections with Clackamas Community College.

Policy 1.4

Within the Mixed Employment Village and Main Street sub-districts, promote job creation, mixed use and transit oriented development. Adopt minimum densities, limitations on stand-alone residential developments, and other standards that implement this policy.

Policy 1.5

The Main Street sub-district may be located along the extension of Glen Oak Road and not exceed 10 gross acres. The specific configuration of the MS sub-district may be established as part of a master plan.

Policy 1.6

Within the West and East Mixed Use Neighborhoods, require a variety of housing types. Allow lot size averaging and other techniques that help create housing variety while maintaining overall average density.

Policy 1.7

Within the MEV, MS, WMU and EMU sub-districts, require master plans to ensure coordinated planning and excellent design for relatively large areas (e.g. 40 acres per master plan). Master plans are optional in the NEC due to the larger lot and campus industrial nature of the area.

Goal 2 Model of Sustainable Design

Be a model of sustainable design, development practices, planning, and innovative thinking.

Policy 2.1

Implement the Sustainable Storm Water plan recommended in the Concept Plan. During site specific design, encourage innovative system design and require low impact development practices that manage water at the site, street and neighborhood scales.

Policy 2.2

Storm water facilities will be designed so they are amenities and integrated into the overall community design.

Policy 2.3

Support public and private sector initiatives to promote sustainable design, development practices and programs, including but not limited to:

- Energy efficiency
- Water conservation
- Compact development
- Solar orientation
- Green streets/infrastructure
- Adaptive reuse of existing buildings/infrastructure
- Alternative transportation
- Pedestrian/Cyclist friendly developments
- Natural drainage systems
- Tree preservation and planting to “re-establish” a tree canopy
- Minimizing impervious surfaces

- Sustainability education (builder, residents, businesses and visitors)
- Collaboration with “local” institutional and economic partners, particularly Clackamas Community College and Oregon City High School
- Community based sustainable programs and activities

Policy 2.4

Work with stakeholders and the community to develop LEED or equivalent green building standards and guidelines to apply in the Concept Plan area.

Goal 3 Green Jobs

Attract “green” jobs that pay a living wage.

Policy 3.1

Coordinate with county, regional and state economic development representatives to recruit green industry to the Concept Plan area.

Policy 3.2

Promote the Concept Plan area as a place for green industry.

Policy 3.3

Work with Clackamas Community College to establish programs and education that will promote green development within the Concept Plan area.

Goal 4 Sustainable Industries

Maximize opportunities for sustainable industries that serve markets beyond the Portland region and are compatible with the site's unique characteristics.

Policy 4.1

As master plans are approved, ensure there is no net loss of land designated North Employment Campus.

Policy 4.2

Coordinate with County, regional and state economic development representatives to recruit sustainable industries that serve markets beyond the Portland region.

Goal 5 Natural Beauty

Incorporate the area's natural beauty into an ecologically compatible built environment.

Policy 5.1

Incorporate significant trees into master plans and site specific designs. Plant new trees to establish an extensive tree canopy as part of the creation of an urban community.

Policy 5.2

Provide scenic viewpoints and public access along the east ridge.

Policy 5.3

Protect views of Mt Hood and locate trails and public areas so Mt Hood can be viewed within the community

Policy 5.4

Establish open space throughout the community consistent with the Open Space Framework Plan. Allow flexibility in site specific design of open space, with no net loss of total open space area.

Policy 5.5

Protect steeply sloped and geologically sensitive areas along the east ridge from development.

Goal 6 Multi-modal Transportation

Provide multi-modal transportation links (such as bus routes, trails, bike-ways, 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.

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.

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.

Goal 8 Oregon City High School and Clackamas Community College

Promote connections and relationships with Oregon City High School and Clackamas Community College.

Policy 8.1

Coordinate with OCHS and CCC when recruiting businesses and promoting sustainability. Within one year of adoption of the Concept Plan, the City will convene dialogue with OCHS, CCC and other relevant partners to identify target industries and economic development strategies that are compatible with the vision for the Concept Plan. Encourage curricula that are synergistic with employment and sustainability in the Concept Plan area.

Policy 8.2

Prior to application submittal, require applicants to contact OCHS and CCC to inform them and obtain early comment for master plans and design review applications.

Policy 8.3

Improving the level-of-service and investing in the Highway 213 corridor improves the freight mobility along Highway 213, which provides access to Beavercreek Road and the Concept Plan area. Protecting the corridor and intersections for freight furthers the City goal of providing living-wage employment opportunities in the educational, and research opportunities to be created with CCC and OCHS.

Goal 9 Unique Sense of Place

Have a unique sense of place created by the mix of uses, human scale design, and commitment to sustainability.

Policy 9.1

Utilize master plans and design review to ensure detailed and coordinated design. Allow flexibility in development standards and the configuration of land uses when they are consistent with the comprehensive plan, development code, and vision to create a complete and sustainable community.

Policy 9.2

Implement human scale design through building orientation, attractive streetscapes, building form/architecture that is matched to the purpose of the sub-district, location of parking, and other techniques. The design qualities of the community should mirror the urban form – the higher the density and larger the buildings, the higher the expectation for urban amenities and architectural details.

Policy 9.3

Density should generally transition from highest on the west to lowest in the eastern part of the site.

Policy 9.4

Promote compatibility with existing residential areas at the north and south end of the Concept Plan area. Transition to lower densities, setbacks, buffers and other techniques shall be used.

Goal 10 Ecological Health

Manage water resources on site to eliminate pollution to watersheds and lessen impact on municipal infrastructure by integrating ecological and man-made systems to maximize function, efficiency and health.

Policy 10.1


Utilize low impact development practices and stormwater system designs that mimic natural hydrologic processes, minimize impacts to natural resources and eliminate pollution to watersheds.

Policy 10.2

Prepare the Environmentally Sensitive Resource Area overlay to protect, conserve and enhance natural areas identified on the Concept Plan. Apply low-density base zoning that allows property owners to cluster density outside the ESRA and transfer to other sites.

Appendix

1. Project Goals
2. Concept Plan Alternatives
3. GIS Analysis Map
4. Job and Housing Estimates

	<p>To: Beaver Creek Road Concept Plan Citizens and Technical Advisory Committees</p> <p>From: Tony Konkol</p> <p>Date: March 13, 2007</p> <p>Subject: Project Goals with Objectives</p>
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The following project goals and supplemental objectives were prepared using the *Ideas we Like*, *Principles of Sustainable Development*, and the Advisory Committees' long-term vision for the project area. This update reflects input by the Citizens and Technical Advisory Committees at their March 8th, 2007 meeting.

The Beaver Creek Road Concept Plan Area will:

Goal

1. Create a **complete community**, in conjunction with the adjacent land uses, that integrates a diverse mix of uses, including housing, services, and public spaces that are necessary to support a thriving employment center;

Objective 1.1

Allow a variety of employment uses that may integrate and utilize the surrounding city and rural economies.

Objective 1.2

Develop plans that consider the existing rural lands and uses around the Urban Growth Boundary.

Objective 1.3

Continue to coordinate with the Oregon City School District and Clackamas Community College to identify partnerships, land needs and programs that would be beneficial to all parties and contribute to the community.

Objective 1.4

Encourage neighborhood-oriented and scaled mixed-use centers that provide goods, services, and housing for local workers and residents of all ages and incomes.

Objective 1.5

Become a model of sustainability that may be implemented throughout the City.

Objective 1.6

Allow the integration of housing and employment uses where practicable.

Objective 1.7

Work with Metro to ensure that there is enough land available within the Beaver Creek Road Study Area to meet the need for employment/industrial development and reduce the jobs to housing imbalance in the sub-region.

2. Be a **model of sustainable design**, development practices, planning, and innovative thinking;

Objective 2.1

Allow a variety of employment uses that may integrate and utilize the surrounding city and rural economies.

Objective 2.2

Develop plans that consider the existing rural lands and uses around the Urban Growth Boundary.

Objective 2.3

Encourage neighborhood-oriented and scaled mixed-use centers that provide goods, services and housing for local workers and residents of all ages and incomes.

Objective 2.4

Encourage environmentally responsible developments that are economically feasible, enhance livability of neighborhoods and enhance the natural environment.

Objective 2.5

Investigate development standards that offer incentives for developments that exceed energy efficiency standards and meets green development requirements and goals.

3. Attract **“green” jobs** that pay a living wage;

Objective 3.1

Allow a variety of employment uses that may integrate and utilize the surrounding city and rural economies.

Objective 3.2

Develop plans that consider the existing rural lands and uses around the Urban Growth Boundary.

Objective 3.3

Encourage neighborhood-oriented and scaled mixed-use centers that provide goods, services and housing for local workers and residents of all ages and incomes.

Objective 3.4

Allow the integration of housing and employment uses where practicable.

Objective 3.5

Work with Metro to ensure that there is enough land available within the Beavercreek Road Study Area to meet the need for employment/industrial development and reduce the jobs to housing imbalance in the sub-region.

Objective 3.6

Create a “brand” for the area that reflects the desire for sustainable development that will serve as the theme to attract and recruit businesses and developers as well as guide the design standards and build-out of the area.

4. Maximize opportunities for **sustainable industries that serve markets beyond the Portland region** and are compatible with the site’s unique characteristics;

Objective 4.1

Create a “brand” for the area that reflects the desire for sustainable development that will serve as the theme to attract and recruit businesses and developers as well as guide the design standards and build-out of the area.

Objective 4.2

Work with Metro to ensure that there is enough land available within the Beavercreek Road Study Area to meet the need for employment/industrial development and reduce the jobs to housing imbalance in the sub-region.

Objective 4.3

Support locally based and founded employers that provide living wages jobs.

Objective 4.4

Support the development of sustainable industries that utilize green design standards and development practices.

5. Incorporate the area’s **natural beauty** into an ecologically compatible built environment;

Objective 5.1

Design the adjacent land-uses to Beavercreek Road in such a manner to ensure that the pedestrian experience is not diminished through the development of fences, parking lots, backs of buildings, or other impediments to pedestrian access and circulation.

Objective 5.2

Allow a variety of employment uses that may integrate and utilize the surrounding city and rural economies.

Objective 5.3

Develop plans that consider the existing rural lands and uses around the Urban Growth Boundary.

Objective 5.4

Work with Metro to ensure that there is enough land available within the Beavercreek Road Study Area to meet the need for employment/industrial development and reduce the jobs to housing imbalance in the sub-region.

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

Objective 6.1

Provide public connectivity routes for bicycles and pedestrians that encourage non-vehicular trips to employment, retail and recreational areas within the study area and to the communities beyond.

Objective 6.2

Provide an integrated street system that is designed as practicable to minimize the impacts to the environment through the use of green streets, swales and other natural stormwater systems that provide water quality and quantity control and contribute to the natural beauty of the area.

Objective 6.3

Explore local and regional transit opportunities that will increase non-single occupancy vehicle travel.

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

Objective 7.1

Develop and maintain a multi-modal transportation system that is safe for all users and will minimize conflict points between different modes of travel, especially across Beavercreek Road to the existing neighborhoods, Clackamas Community College, Oregon City High School and the Berry Hill Shopping Center.

Objective 7.2

Design the adjacent land-uses to Beavercreek Road in such a manner to ensure that the pedestrian experience is not diminished through the development of fences, parking lots, backs of buildings, or other impediments to pedestrian access and circulation.

8. Promote connections and relationships with **Oregon City High School and Clackamas Community College;**

Objective 8.1

Allow a variety of employment uses that may integrate and utilize the surrounding city and rural economies.

Objective 8.2

Develop plans that consider the existing rural lands and uses around the Urban Growth Boundary.

Objective 8.3

Continue to coordinate with the Oregon City School District and Clackamas Community College to identify partnerships, land needs and programs that would be beneficial to all parties and contribute to the community.

9. Have a **unique sense of place** created by the mix of uses, human scale design, and commitment to sustainability.

Objective 9.1

Provide public connectivity routes for bicycles and pedestrians that encourage non-vehicular trips to employment, retail and recreational areas within the study area and to the communities beyond.

Objective 9.2

Provide an integrated street system that is designed as practicable to minimize the impacts to the environment through the use of green streets, swales and other natural stormwater systems that provide water quality and quantity control and contribute to the natural beauty of the area.

Objective 9.3

Allow a variety of employment uses that may integrate and utilize the surrounding city and rural economies.

Objective 9.4

Develop plans that consider the existing rural lands and uses around the Urban Growth Boundary.

Objective 9.5

Encourage neighborhood-oriented and scaled mixed-use centers that provide goods, services and housing for local workers and residents of all ages and incomes.

Objective 9.6

Allow the integration of housing and employment uses where practicable.

Objective 9.7

Work with Metro to ensure that there is enough land available within the Beavercreek Road Study Area to meet the need for employment/industrial development and reduce the jobs to housing imbalance in the sub-region.

Objective 9.8

Create a “brand” for the area that reflects the desire for sustainable development that will serve as the theme to attract and recruit businesses and developers as well as guide the design standards and build-out of the area.

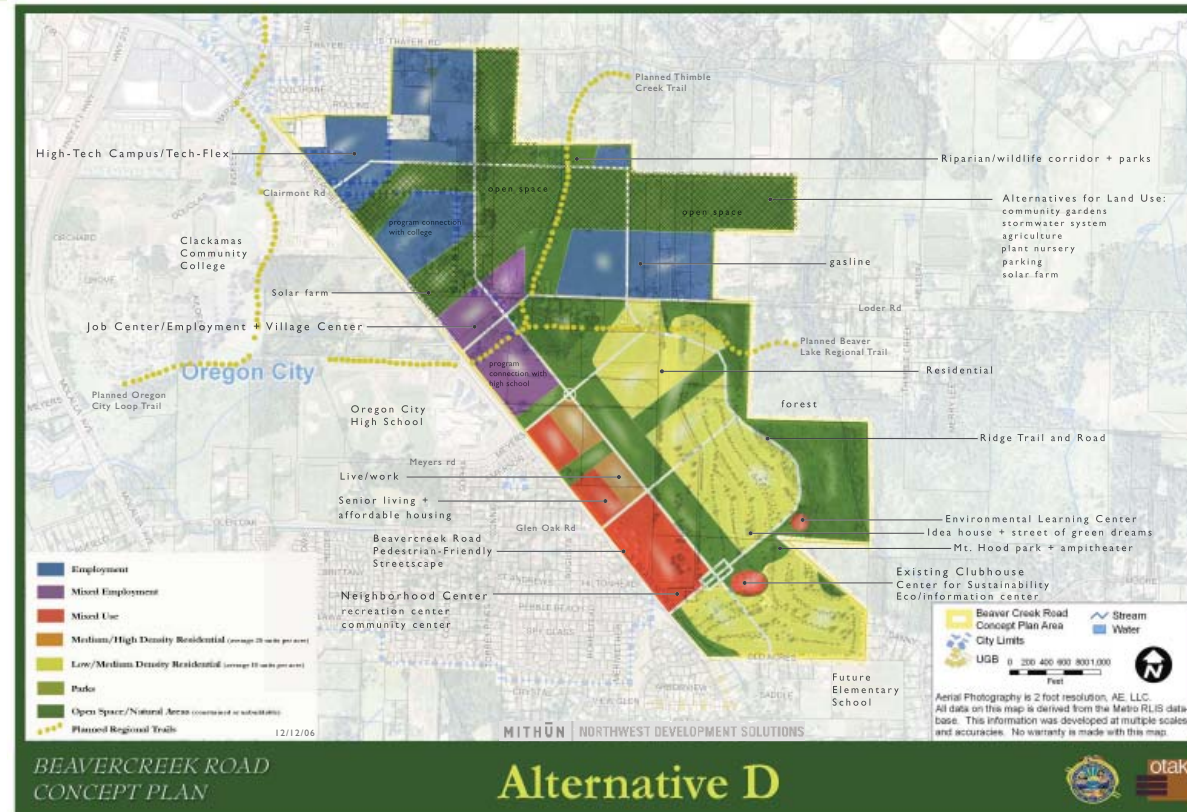
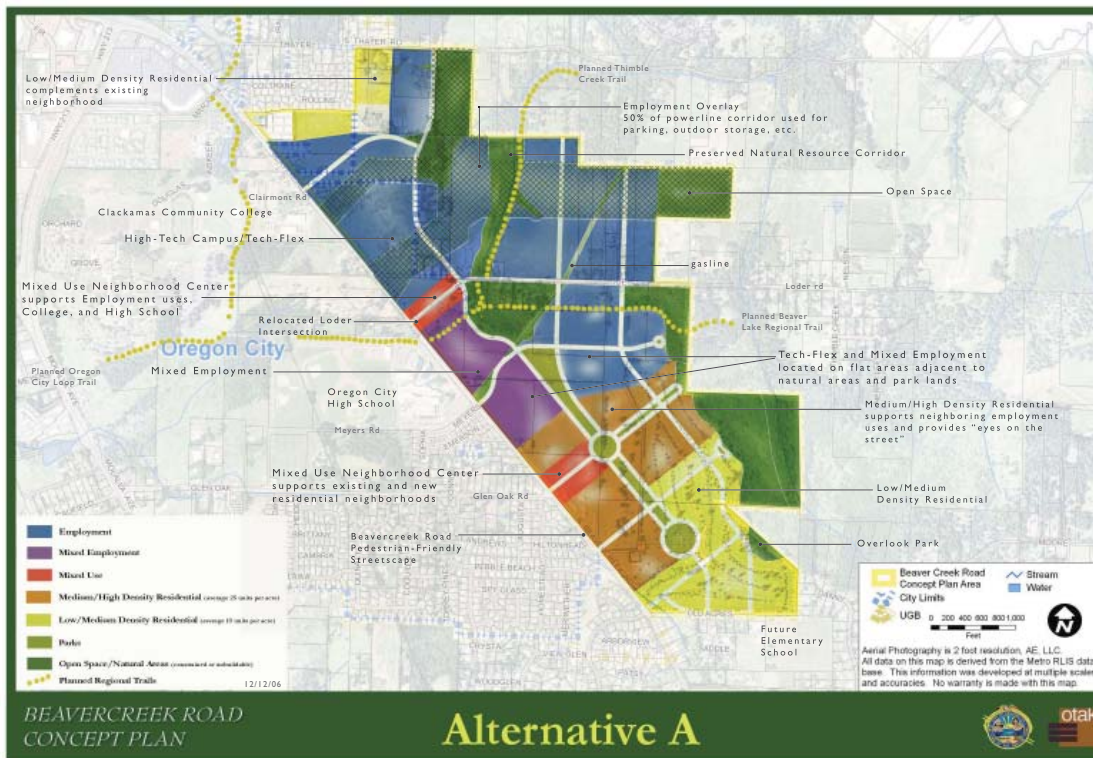
Objective 9.9

Design the adjacent land-uses to Beavercreek Road in such a manner to ensure that the pedestrian experience is not diminished through the development of fences, parking lots, backs of buildings, or other impediments to pedestrian access and circulation.

10. Ecological Health – Manage water resources on site to **eliminate pollution to watersheds** and lessen impact on municipal infrastructure by integrating ecological and man-made systems to maximize function, efficiency and health.

Objective 10.1

Provide an integrated street system that is designed as practicable to minimize the impacts to the environment through the use of green streets, swales and other natural stormwater systems that provide water quality and quantity control and contribute to the natural beauty of the area.



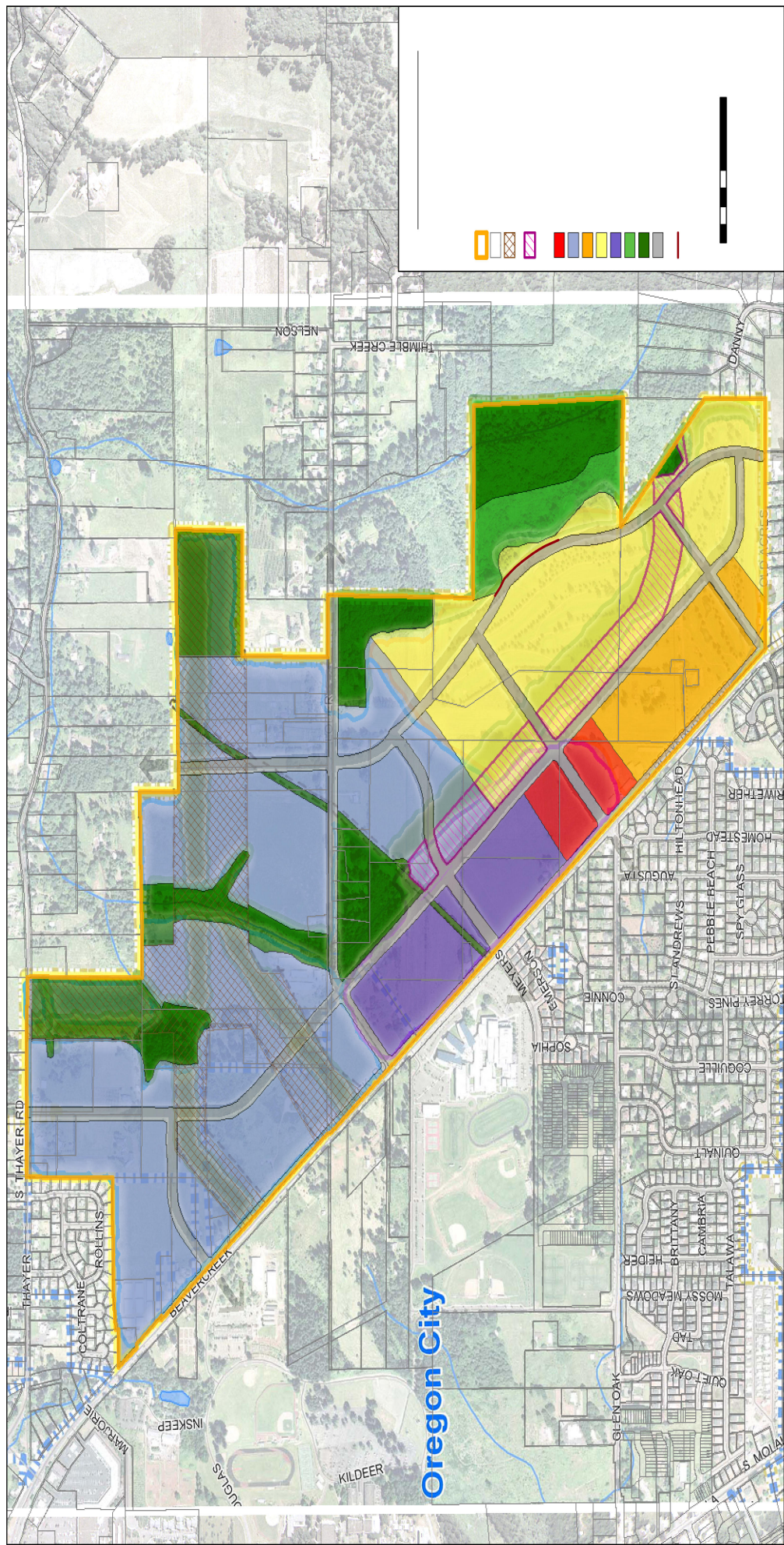


Table 2
Beavercreek Concept Plan Job & Housing Density Assumptions
Revised - 7/10/07

Land Use Category	Hybrid Gross Acres	Hybrid Net Acres*	FAR/Acre**	SF/Job**	# of Jobs***	Avg. Units/Acre	# of Units+
North Employment Campus (adjusted gross acreage)	149	127	0.3	450	3,678		
Mixed Employment Village	26	21	0.44	350	1,139		
Main Street****	10	8	0.44	350	219	25	100
West Mixed Use Neighborhood	22	18			15	22	387
East Mixed Use Neighborhood	77	62			21	8.7	536
Total # of Jobs					5,073		
Total # of Housing Units							1,023
Total Acres of Developed Land++	284	235					
Land Use Category	Plan A Gross Acres	Plan A Net Acres*	FAR/Acre**	SF/Job**	# of Jobs***	Avg. Units/Acre	# of Units+
Employment (adjusted gross acreage)	139	118	0.3	450	3,431		
Mixed Employment	24	20	0.44	350	1,117		
Mixed Use****	10	9	0.44	350	233	25	106
Medium/High Density Residential	50	43			43	25	1,063
Low/Medium Density Residential	53	45			18	10	451
Total # of Jobs					4,841		
Total # of Housing Units							1,619
Total Acres of Developed Land++	276	235					
Land Use Category	Plan D Gross Acres	Plan D Net Acres*	FAR/Acre**	SF/Job**	# of Jobs***	Avg. Units/Acre	# of Units+
Employment (adjusted gross acreage)	84	71	0.3	450	2,073		
Mixed Employment	25	21	0.44	350	1,164		
Mixed Use****	29	25	0.44	350	675	25	308
Medium/High Density Residential	9	8			8	25	191
Low/Medium Density Residential	99	84			34	10	842
Total # of Jobs					3,953		
Total # of Housing Units							1,341
Total Acres of Developed Land+++	246	209					

*For Hybrid - Net acres equals gross acres minus 15% for local roads and easements in Employment. Mixed Employment, Mixed Use, and residential areas assume 20% for local roads and easements

* *Based on Metro 2002-2022 Urban Growth Report: An Employment Land Need Analysis. Includes total on site employment (full and part time). Mixed Employment FAR and job density reflects a mix of office, tech/flex, and ground floor retail.

***Number of Jobs in Employment, Mixed Employment, Mixed Use calculated by multiplying total acres by the FAR; Converting to square feet; and dividing by number of jobs/square foot. Jobs in residential areas (Work at Home Jobs) estimated at 4% (potential could be as high as 15%).

**** Mixed Use land use assumes 50% of acreage devoted to commercial uses and the remaining 50% devoted to vertical mixed use.

+Number of units calculated by multiplying total net acres of residential land use by average units per acre

++Includes 50% of useable power line corridor (26 acres total) as part of developed land (included in Employment land area)

+++Does not include powerline corridor acreage as part of developed land

Table 3
Land Use Metrics/Assumptions - HYBRID
Revised - 7/10/07

Land Use Category (acres)	Hybrid	Alt. A	Alt. D
North Employment Campus (adjusted gross acreage)*	149	139	84
Mixed Employment Village	26	24	25
Main Street	10	10	29
West Mixed Use Neighborhood	22	50	9
East Mixed Use Neighborhood	77	53	99
Total Acres of "built" land use	284	276	246
Other Land Uses (not "built")			
Parks/Open Space/Natural Areas (Total)**	113	132	166
Major ROW+	56	36	30
Existing Uses (unbuildable)	0	7	7
Total Project Area Gross Acres	453	~450	~450

***Adjusted gross acreage** is the sum of 50% of the employment land use shown under the powerline easement plus all other unconstrained employment land use areas. Calculations shown below:

<u>Land Use Category (acres)</u>	<u>Hybrid</u>	<u>Alt. A</u>	<u>Alt. D</u>
Total North Employment Campus	175	166	84
Unconstrained NEC	123	111	84
Employment with powerline overlay	52	55	0
Useable portion of powerline overlay (50%)	26	28	na
North Employment Campus (adjusted gross acreage)*	149	139	84

** Open Space/Natural areas is the sum of all "unbuildable lands" as shown on the *Buildable Lands Map* plus two areas under the powerlines. Calculations shown below.

<u>Open Space/Natural Areas Break-Out</u>	<u>Hybrid</u>	<u>Alt. A</u>	<u>Alt. D</u>
Open Space -Gas Overlay	3	4	4
Open Space - Unbuildable Powerlines***	48	49	0
Environmental Resources/ <i>Buildable Lands Map</i>	61	61	61
Parks	na	12	na
Other Open Space Areas	18	6	101
Open Space/Natural Areas (Total)	130	132	166

*****For Hybrid** - Unbuildable Powerlines area includes 12 acres on east edge of site under powerlines plus 50% of employment area under powerlines (~26 acres) and the PGE parcel (10 acres). **For Alt. A** - Unbuildable Powerlines area includes 12 acres on east edge of site under powerlines and 10 acres of the PGE Parcel and 50% of powerline area (27 acres).

+Major ROW are approximate location & acreage (may be shown as crossing natural resource areas. Actual location and size of ROW will be addressed during development review/master planning). Includes 2 acre adjustment for GIS polygon alignment.



Oregon City Municipal Code Beavercreek Road Concept Plan Implementing Code June 7, 2019 Draft

Chapter 16.08, Land Divisions - Process and Standards

16.08.025 - Preliminary plat—Required information.

- A. Site Plan. A detailed site development plan drawn to scale by a licensed professional based on an existing conditions plan drawn by a licensed surveyor. The site plan shall include the location and dimensions of lots, streets, existing and proposed street names, pedestrian ways, transit stops, common areas, parks, trails and open space, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, stormwater and water facilities, total impervious surface created (including streets, sidewalks, etc.), all areas designated as being within an overlay district and an indication of existing and proposed land uses for the site. (...)

16.08.040 – Park and open space requirements.

Where a proposed park, open space, playground, public facility, or other public use shown in a plan adopted by the city is located in whole or in part in a land division, the City may require the dedication or reservation of this area on the final plat for the partition or subdivision.

16.08.042 - Additional Public Park Requirements in Beavercreek Road Concept Plan area.

- A. Each development within the Beavercreek Road Concept Plan area that includes residential development must provide for land for neighborhood parks which meets the requirements of this section.
- B. The minimum amount of land in acres dedicated for a park shall be calculated according to the following calculation: (2.6 persons per dwelling units) x (total number of dwelling units proposed in the development) x (8.0 acres) / (1,000 persons).
- C. The entire acreage must be dedicated prior to approval or as part of the final plat or site plan development approval for the first phase of development.
- D. If a larger area for a neighborhood park is proposed than is required based on the per-unit calculation described in subsection (A), the City must reimburse the applicant for the value of the amount of land that exceeds the required dedication based on the fee-in-lieu formula expressed in subsection (E)(1).

- E. The City may accept a fee-in-lieu as an alternative to this dedication at its discretion or may require a fee-in-lieu if a suitable site meeting the criteria described in subsection (F) of these provisions is not available with the development site. The calculation of the fee-in-lieu or other monetary contribution must meet the following standards.
 - 1. The amount of the fee in lieu or other monetary contribution is set in dollars per acre of required dedication and is equivalent to the appraised cost of land within the development, as provided by a certified appraiser chosen by the City and with the assumption that zoning and other land use entitlement are in place.
 - 2. The fee-in-lieu or other monetary contribution must be paid prior to approval of the final plat or development approval for each phase of development.
- F. Neighborhood park sites proposed for dedication must meet the following criteria.
 - 1. Located within the South Central Open Space Network as shown in Figure 16.08.042-1. *Figure 16.08.042-1 (To be provided, will show the South Central Open Space Network as mapped on the Development Constraints Map.)*
 - 2. Met either of the following standards:
 - a. Pearl standard. *(To be developed with Parks input.)*
 - b. String standard. *(To be developed with Parks input.)*

Chapter 17.10, R-5 Medium Density Residential District (East Mixed-Use Neighborhood subdistrict)

17.10.070 – Additional Standards for Beaver Creek Road Concept Plan Area

- A. Applicability. This section applies to all development in the R-5 district within the Beaver Creek Road Concept Plan area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the R-5 zone within the Beaver Creek Road Concept Plan area. In the event of a conflict, the standards of this section control.
- C. Low-Impact Conservation Area. Between the west edge of the designated Natural Resources Overlay District extent required along Thimble Creek extending east to the 490-foot elevation (MSL), additional standards apply to create a low-impact conservation area as depicted in Figure 17.10.070-1 and preserve views to adjacent natural areas.

Figure 17.10.070-1 Extent of Low-Impact Conservation Area (To be provided based on Concept Plan.)

- 1. The standards of this section apply in addition to the requirements of OCMC 17.44, US—Geologic Hazards, if applicable. In the event of a conflict, the more restrictive shall apply.
- 2. Development intensity shall be limited as follows:
 - a. The maximum residential density shall be limited to two dwelling units per acre;

- 3

1. For all lots adjacent to the southern boundary and within 20 feet of the southern boundary, uses shall be limited to single-family detached residential and parks, trails and open space.
2. For all lots adjacent to the southern boundary and within 20 feet of the southern boundary, minimum lot size for residential uses shall be 6,000 square feet.
3. All structures shall be set back a minimum of 40 feet from the southern boundary for all lots adjacent to the southern boundary and within 20 feet of the southern boundary.
4. Within the 40-foot wide setback, a combination of landscaping and screening shall be provided to buffer the perimeter. The landscaping and screening shall meet one of the two standards:
 - a. Utilize existing vegetation in compliance with OCMC 17.41 resulting in preservation or replanting of a minimum of 12 inches of tree diameter inches per lot with trees spaced an average of one tree for every 30 linear feet along the southern property line. These trees may be located on the residential lots or an abutting tract created for tree preservation consistent with OCMC 17.41.050.B or other similar landscaping or open space purpose.
 - b. Provide a combination of landscaping and screening to include:
 - (i) A minimum of 12 inches of tree diameter inches per lot, or a minimum of an average of one tree with minimum caliper of two inches DBH for every 30 linear feet along the southern property line, whichever is greater; and
 - (ii) A minimum six-foot tall, decorative, sight-obscuring fence or wall running parallel to the southern boundary. The fence or wall shall be constructed of wood, stone, rock, or brick. Other durable materials may be substituted with Planning Director's approval. Chainlink fencing with slats shall be not allowed to satisfy this standard.
5. An alternative southern perimeter transition may be proposed as part of a Master Plan per OCMC 17.65, provided it is consistent with the goals of the adopted Beaver Creek Road Concept Plan.

Chapter 17.12, R-2 High Density Residential District (West Mixed-Use Neighborhood subdistrict)

17.12.060 – Additional Standards for Beaver Creek Road Concept Plan Area

- A. Applicability. This section applies to all development in the R-2 district within the Beaver Creek Road Concept Plan area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the R-2 zone within the Beaver Creek Road Concept Plan area. In the event of a conflict, the standards of this section control.
- C. Uses.
 1. Live/work dwellings are a permitted use.
 2. As part of a master plan when authorized by and in accordance with the standards contained in OCMC 17.65, up to five thousand square feet of commercial space as a stand-alone building or part of a larger mixed-use building, to be used for:
 - a. Restaurants, eating and drinking establishments without a drive through;

- b. Services, including personal, professional, educational and financial services; laundry and dry-cleaning; or
 - c. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar.
- D. Sustainability density bonus. The maximum net density allowed in 17.12.050.B may be increased by up to twenty percent, or a maximum net density of 26.2 du/acre, for projects incorporating the following sustainability features. For every feature provided below, net density may be increased by up to five percent, with a maximum twenty percent bonus available.
 - 1. A vegetated ecoroof for a minimum of thirty percent of the total roof surface.
 - 2. For a minimum of seventy-five percent of the total roof surface, a white roof with a Solar Reflectance Index (SRI) of 78 or higher if the roof has a 3/12 roof pitch or less, or SRI of 29 or higher if the roof has a roof pitch greater than 3/12.
 - 3. A system that collects rainwater for reuse on-site (e.g., site irrigation) designed to capture an amount of rainwater equivalent to the amount of stormwater anticipated to be generated by 50% of the total roof surface.
 - 4. An integrated solar panel system for a minimum of thirty percent of the total roof or building surface.
 - 5. Orientation of the long axis of the building within thirty degrees of the true east-west axis, with unobstructed solar access to the south wall and roof.
 - 6. Windows located to take advantage of passive solar collection and include architectural shading devices (such as window overhangs) that reduce summer heat gain while encouraging passive solar heating in the winter.
 - 7. Fifty percent or more of landscaped area covered by native plant species selected from the Oregon City Native Plant List.
 - 8. Provision of pedestal or wall-mounted Level 2, two hundred forty-volt electric vehicle chargers, or similar alternative fueling stations as approved by the planning director, at a minimum ratio of one station per fifty vehicle parking spaces up to a maximum of five such stations.
 - 9. Building energy efficiency measures that will reduce energy consumption by thirty percent based on HERS rating for building, including efficient lighting and appliances, efficient hot water systems, solar orientation or solar water heating, solar photovoltaic panels, geothermal, and offsetting energy consumption with alternative energy.
 - 10. Use of Forest Stewardship Council certified wood Reclaimed Wood for a minimum of thirty percent of wood products used in the site development.
 - 11. Permeable paving, which may include porous concrete, permeable pavers, or other pervious materials as approved by the city engineer, for a minimum of thirty percent of all paved surfaces.
 - 12. Buildings LEED-certified by the U.S. Green Building Council at any level shall be allowed to increase net density by the full twenty percent.
 - 13. Or an alternative the meets or exceeds the intent of the above code as approved by the Community Development Director through a Type II review.

Chapter 17.24, NC Neighborhood Commercial District (Main Street subdistrict)

17.24.050 – Additional Standards for Beaver Creek Road Concept Plan Area

- A. Applicability. This section applies to all development in the NC district within the Beaver Creek Road Concept Plan area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the NC zone within the Beaver Creek Road Concept Plan area. In the event of a conflict, the standards of this section control.
- C. Uses.
 - 1. All uses permitted per OCMC 17.24.020.A and B, including grocery stores, are limited to a maximum footprint for a stand alone building with a single store or multiple buildings with the same business not to exceed ten thousand square feet, unless otherwise restricted in this chapter.
 - 2. Residential uses are permitted subject to limitations in OCMC 17.24.050.E, and are not subject to OCMC 17.29.020.M, OCMC 17.29.020.N, and OCMC 17.24.020.D.
 - 3. Artisan and specialty goods production is permitted, constituting small-scale businesses that manufacture artisan goods or specialty foods and makes them available for purchase and/or consumption onsite, with an emphasis on direct sales rather than the wholesale market. Examples include: candy, fruit and vegetable preserving and specialty foods, bakeries and tortilla manufacturing; artisan leather, glass, cutlery, hand tools, wood, paper, ceramic, textile and yarn products; microbreweries, microdistilleries, and wineries. All uses shall provide either:
 - a. A public viewing area that includes windows or glass doors covering at least twenty-five percent of the front of the building face abutting the street or indoor wall, allowing direct views of manufacturing; or
 - b. A customer service space that includes a showroom, tasting room, restaurant, or retail space.
 - 4. Drive-throughs are prohibited.
 - 5. Gas stations are prohibited.
- D. Dimensional standards.
 - 1. Maximum building height shall be sixty feet or five stories, whichever is less.
 - 2. Minimum building height shall be twenty-five feet or two stories, whichever is less, except for accessory structures or buildings under one thousand square feet.
 - 3. Maximum corner side yard setback abutting a street shall be five feet.
 - 4. Minimum floor area ratio (FAR) shall be 0.5.
 - a. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FAR.

- b. An individual phase of a project shall be permitted to develop below the required minimum FAR provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required FAR for the project will be achieved at project build out.
 - 5. Minimum required landscaping: Ten percent. Required landscaping areas may include:
 - a. Landscaping within a parking lot.
 - b. Planter boxes.
 - c. Ecoroofs.
 - d. Paved courtyard or plaza with at least twenty-five percent of the area used for landscaping, planter boxes, and/or water features including shade trees planted at the ratio of one tree for every 500 square feet of urban plaza area.
- E. Residential Uses. Residential uses, excluding live/work dwellings, are subject to the following additional standards:
 - 1. All residential uses shall be proposed along with any nonresidential use allowed in the NC district in a single development application.
 - 2. All ground-floor residential uses, with the exception of entrances for upper-story residential uses, shall be set back a minimum of 150 feet from the property line along Glen Oak Road.
 - 3. Ground-floor residential building square footage shall not exceed fifty percent of the ground-floor nonresidential building square footage onsite.
 - 4. Ground-floor residential uses shall achieve a minimum net density of 17.4 units per acre, with no maximum net density.
 - 5. Any new lots proposed for exclusive residential use shall meet the minimum lot size and setbacks for the R-2 zone for the proposed residential use type.
 - 6. Upper-story residential uses are permitted with no limitations.
- F. Site design standards.
 - 1. In lieu of complying with OCMC 17.62.050.B.1, parking areas shall be located behind the building façade that is closest to the street or below buildings and shall not be located on the sides of buildings or between the street and the building façade that is closest to the street.

Chapter 17.29, MUC Mixed-Use Corridor District (Mixed Employment Village subdistrict)

17.29.080 – Additional Standards for Beaver Creek Road Concept Plan Area

- A. Applicability. This section applies to all development in the MUC-2 district within the Beaver Creek Road Concept Plan area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the MUC-2 zone within the Beaver Creek Road Concept Plan area. In the event of a conflict, the standards of this section control.
- C. Uses.

1. Light industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials are permitted.
 2. The following permitted uses, alone or in combination, shall not exceed twenty percent of the total gross floor area of all of the other permitted and conditional uses within the development site. The total gross floor area of two or more buildings may be used, even if the buildings are not all on the same parcel or owned by the same property owner, as long as they are part of the same development site, as determined by the community development director.
 - a. Restaurants, eating and drinking establishments;
 - b. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
 - c. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store does not exceed twenty thousand square feet; and
 - d. Grocery stores provided the maximum footprint for a stand-alone building does not exceed forty thousand square feet.
 3. Drive-throughs are prohibited.
 4. Gas stations are prohibited.
 5. Bed and breakfast and other lodging facilities for up to ten guests per night are a conditional use.
 6. Tax Lot 00800, located on Clackamas County Map #32E10C has a special provision to allow the multifamily residential use permitted as of (Ordinance effective date) as a permitted use. This property may only maintain and expand the current use.
- D. Dimensional standards.
1. Minimum floor area ratio (FAR) shall be 0.35.
 2. Maximum allowed setback for corner side yard abutting street shall be five feet.
- E. Residential uses. All residential uses, except live/work units, are limited to upper stories only, and may only be proposed as part of a single development application incorporating nonresidential uses allowed in the MUC-2 district on the ground floor.

Chapter 17.37, CI Campus Institutional District (North Employment Campus subdistrict)

17.37.060 – Additional Standards for Beaver Creek Road Concept Plan Area

- A. Applicability. This section applies to all development in the CI district within the Beaver Creek Road Concept Plan area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the CI zone within the Beaver Creek Road Concept Plan area. In the event of a conflict, the standards of this section control.

C. Uses.

1. The following permitted use supersedes the use allowed in OCMC 17.37.020.L. Retail sales and services, including but not limited to eating establishments for employees (i.e. a cafe or sandwich shop) or retail sales of marijuana pursuant to OCMC 17.54.110, located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of five thousand square feet in a single outlet or twenty thousand square feet in multiple outlets that are part of the same development project.
2. The following permitted use supersedes the use allowed in OCMC 17.37.020.M. Retail and professional services including but not limited to financial, insurance, real estate and legal offices limited to a maximum of five thousand square feet in a single outlet or twenty thousand square feet in multiple outlets that are part of the same development project. Financial institutions shall primarily serve the needs of businesses and employees within the development, and drive-throughs are prohibited.
3. Offices as an accessory to a permitted use are permitted.
4. Parks, trails, urban agriculture and community garden uses are permitted.
5. Distribution and warehousing are prohibited.
6. Tax Lots 00300, 00301, 00302, 00303, 00400 and 00401, located on Clackamas County Map #32E10C have a special provision to allow single-family detached residential use as a permitted use. This property may only maintain and expand the current use.

D. Buffer zone treatment required in OCMC 17.37.040.D shall include:

1. Landscaping shall be installed to provide screening of views of parking, loading and vehicle maneuvering areas, refuse/recycling collection areas, outdoor storage, and building façades. Buffer zone treatment may substitute for perimeter parking lot landscaping required per OCMC 17.52.060.C. Landscaping shall include:
 - a Trees a minimum of two caliper inches dbh planted on average 30 feet on center. Existing mature vegetation may be used to meet this standard if it achieves a similar level of screening as determined by the Planning Director.
 - b An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than 4 four feet apart on average.
 - c Ground cover plants, which includes grasses covering all landscaping areas. Mulch (as a ground cover) shall only be allowed underneath plants at full growth and within two feet of the base of a tree and is not a substitute for ground cover.
2. Buffer shall incorporate a berm no less than three feet in height above the existing grade, constructed with a slope no steeper than 3:1 on all sides. The berm shall be planted with plant materials to prevent erosion.
3. A minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chainlink fencing with slats shall be not allowed to satisfy this standard.

E. Outdoor storage permitted per OCMC 17.37.050.D shall be limited to a maximum of twenty-five percent of the net developable area.

F. Power line corridors. A distinct feature of this district is the power line corridors north of Loder Road that define open corridors.

1. Within the power line corridors, a minimum 30-foot wide open space and public access easement shall be granted to the City. The easement shall run parallel to the power line corridor and align with easements on abutting properties to create a continuous corridor.
 2. The easement may be shown on the final plat or recorded as a separate easement document. In either case, the easement must be recorded prior to issuance of a certificate of occupancy.
 3. Open spaces within the power line corridors, including the open space easements, may be counted as landscaping satisfying the requirements of OCMC 17.62.050.A.
 4. Additional uses encouraged in the power line corridors include community gardens, urban agriculture, stormwater and water quality features, plant nurseries, and solar farms.
- G. Sustainability features. Each development must incorporate six of the following sustainability features.
1. A vegetated ecoroof for stormwater management. An ecoroof covering twenty to forty percent of the total roof area shall count as one feature, and a roof covering more than forty percent of the total roof area shall count as two features.
 2. A white roof with a Solar Reflectance Index (SRI) of 78 or higher if the roof has a 3/12 roof pitch or less, or SRI of 29 or higher if the roof has a roof pitch greater than 3/12 covering a minimum of seventy-five percent of the total roof area.
 3. A system that collects rainwater for reuse on-site (e.g., site irrigation) designed to capture an amount of rainwater equivalent to the amount of stormwater anticipated to be generated by 50% of the total roof surface.
 4. An integrated solar panel system mounted on the roof or anywhere on site. A solar system with surface area equivalent to a minimum of twenty to forty percent of the total roof area shall count as one feature, and a solar system with surface area equivalent to forty percent or more of the total roof area shall count as two features.
 5. Use of native plant species selected from the Oregon City Native Plant List. Native plantings that cover twenty to thirty percent of the total landscaped area shall count as one feature, and plantings that cover thirty percent or more of the total landscaped area shall count as two features.
 6. Provision of pedestal or wall-mounted Level 2, two hundred forty-volt electric vehicle chargers, or similar alternative fueling stations as approved by the planning director, at a minimum ratio of one station per fifty vehicle parking spaces up to a maximum of five such stations.
 7. Permeable paving, which may include porous concrete, permeable pavers, or other pervious materials as approved by the city engineer. Permeable paving totaling twenty to forty percent of all paved surfaces shall count as one feature, and permeable paving of forty percent or more of all paved surfaces shall count as two features.
 8. Buildings LEED-certified by the U.S. Green Building Council at any level shall be counted as three features.
 9. Or an alternative the meets or exceeds the intent of the above code as approved by the Community Development Director through a Type II review.

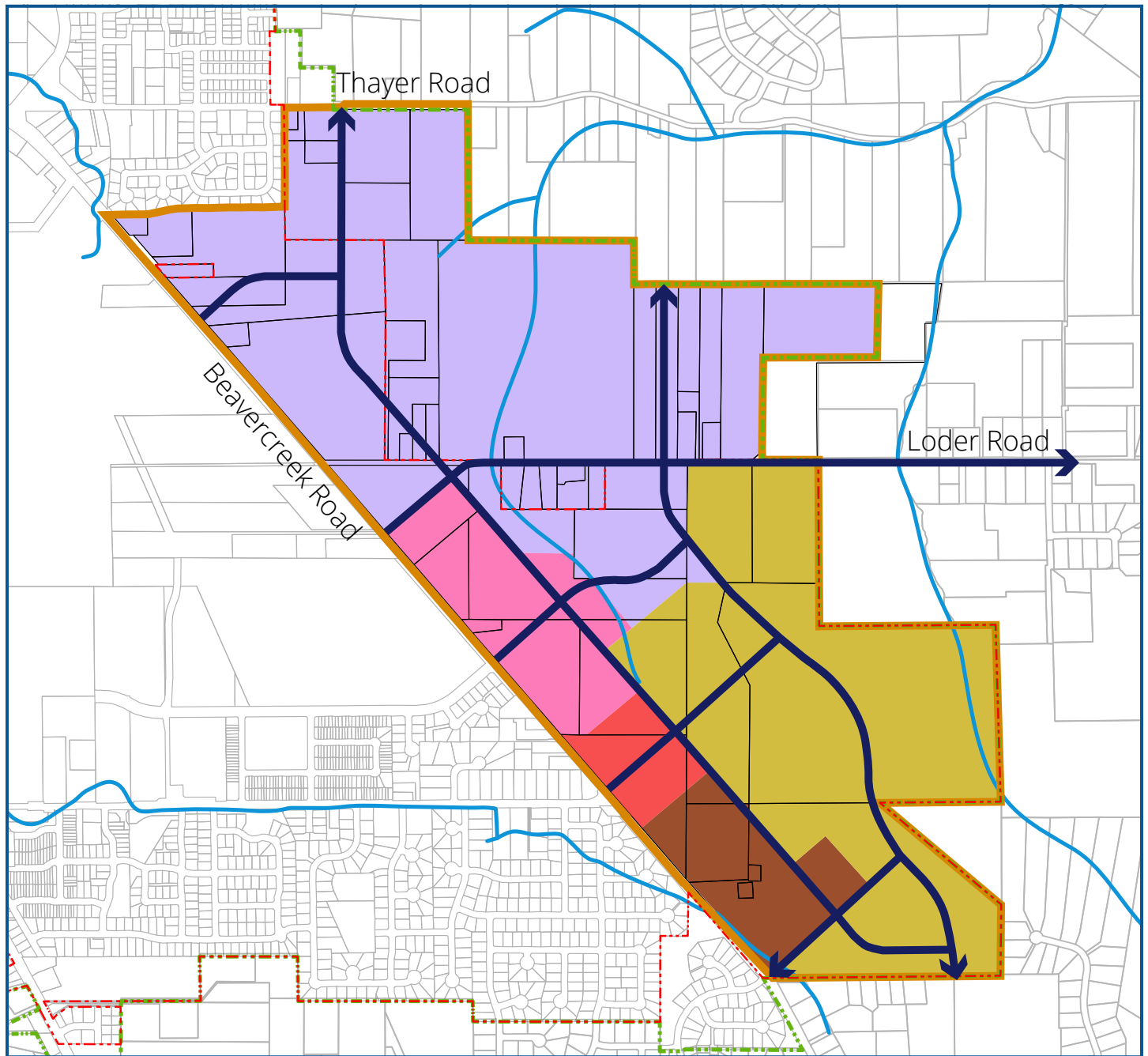
Chapter 17.62 Site Plan and Design Review

17.62.058 - Additional Public Park Requirements in Beavercreek Road Concept Plan area.

- A. Each development within the Beavercreek Road Concept Plan area that includes residential development must provide for land for neighborhood parks which meets the requirements of this section.
- B. The amount of land in acres dedicated for a park shall equal at least the following calculation: (2.6 persons per dwelling units) x (total number of dwelling units proposed in the development) x (8.0 acres) / (1,000 persons).
- C. The entire acreage must be dedicated prior to approval or as part of the site plan development approval for the first phase of development.
- D. If a larger area for a neighborhood park is proposed than is required based on the per-unit calculation described in subsection (A), the City must reimburse the applicant for the value of the amount of land that exceeds the required dedication based on the fee-in-lieu formula expressed in subsection (E)(1).
- E. The Planning Director may accept a fee-in-lieu as an alternative to this dedication at its discretion or may require a fee-in-lieu if a suitable site meeting the criteria described in subsection (F) of these provisions is not available with the development site. The calculation of the fee-in-lieu or other monetary contribution must meet the following standards.
 - 1. The amount of the fee in lieu or other monetary contribution is set in dollars per acre of required dedication and is equivalent to the appraised cost of land within the development site, as provided by a certified appraiser chosen by the City and with the assumption that zoning and other land use entitlement are in place.
 - 2. The fee-in-lieu or other monetary contribution must be paid prior to approval of the final development approval for each phase of development.
- F. Neighborhood park sites proposed for dedication must meet the following criteria.
 - 1. Located within the South Central Open Space Network as shown in Figure 16.08.042-1. Figure 17.62.058-1 (Same as proposed in OCMC 16.08.042.)
 - 2. Met either of the following standards:
 - a. Pearl standard. (To be developed.)
 - b. String standard. (To be developed.)

Beavercreek Road Concept Plan

Proposed Zoning and Comprehensive Plan Designations



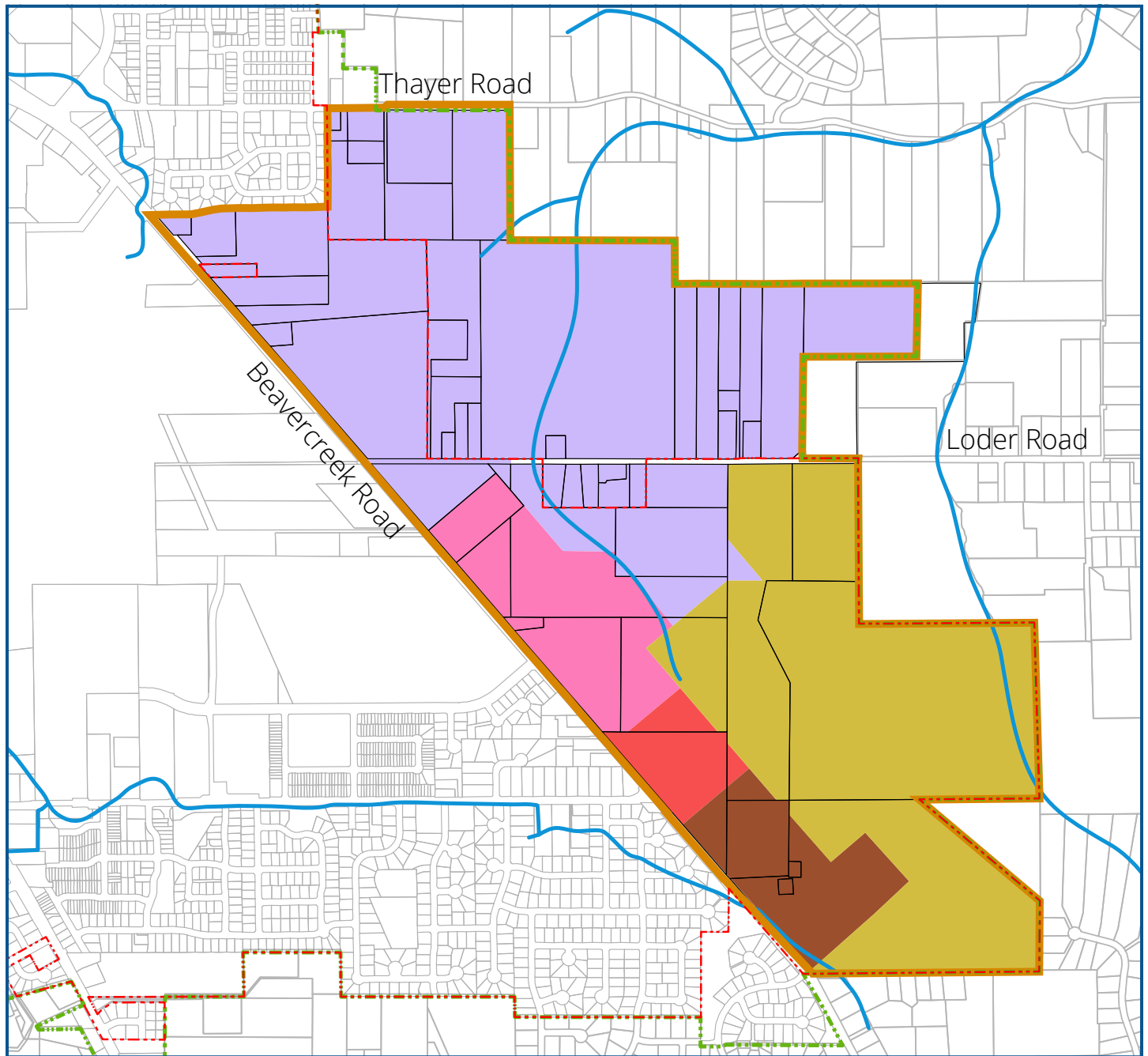
Legend



BRCP Subdistrict	Comp Plan Designation	Zoning Designation	
West Mixed Use Neighborhood	High Density Residential	High Density Residential	R-2
East Mixed Use Neighborhood	Medium Density Residential	Medium Density Residential	R-5
Main Street	Mixed Use Corridor	Neighborhood Commercial	NC
Mixed Employment Village	Mixed Use Corridor	Mixed Use Corridor	MUC-2
North Employment Campus	Industrial	Campus Industrial	CI
		BRCP Boundary	
		Urban Growth Boundary	
		City Limits	
		Future Road Connections	
		Streams	

Beavercreek Road Concept Plan

Proposed Zoning and Comprehensive Plan Designations



Legend



BRCP Subdistrict	Comp Plan Designation	Zoning Designation	
West Mixed Use Neighborhood	High Density Residential	High Density Residential	R-2
East Mixed Use Neighborhood	Medium Density Residential	Medium Density Residential	R-5
Main Street	Mixed Use Corridor	Neighborhood Commercial	NC
Mixed Employment Village	Mixed Use Corridor	Mixed Use Corridor	MUC-2
North Employment Campus	Industrial	Campus Industrial	CI
			BRCP Boundary
			Urban Growth Boundary
			City Limits
			Future Road Connections
			Streams



MEMO

Date: June 7, 2019
To: Laura Terway & Christina Robertson-Gardiner, City of Oregon City
From: Elizabeth Decker, JET Planning
Subject: Beaver Creek Road Concept Plan Implementing Zoning Code

Overview: Oregon City aims to further implementation of the Beaver Creek Road Concept Plan (BRCP) through comprehensive plan designation and zone mapping, and development code amendments, to complement the public vision, infrastructure, and economic development measures that have already been completed or planned east of Beaver Creek Road generally between Thayer Road and Old Acres Lane. Development of the 453-acre BRCP area is intended to create around 1,000 housing units and up to 5,000 family-wage jobs as part of a complete and sustainable community.

The overall strategy for implementing code is to use existing zones, rather than create a Beaver Creek Road area-specific overlay. The practice has been used to implement the City's other two concept plans. Several of the implementing zones proposed here were developed for concept plan areas, including the Neighborhood Commercial and the Residential Medium Density R-5 zone. Proposed zoning districts for each concept plan subdistrict include:

<i>Concept Plan Subdistrict</i>	<i>Zone</i>
North Employment Campus	Campus Institutional (CI)
Mixed Employment Village	Mixed-Use Corridor (MUC-2)
Main Street	Neighborhood Commercial (NC)
West Mixed-Use Neighborhood	High-Density Residential (R-2)
East Mixed-Use Neighborhood	Medium-Density Residential (R-5)
Environmentally Sensitive Restoration Area	Natural Resources Overlay District (NROD) Geological Hazard Overlay District (GHOD)

This memo provides a short introduction to the draft code amendments to implement the Concept Plan provisions. All of the base zone standards apply, in addition to the proposed code standards specific to each subdistrict described

below. Note that the proposed amendments incorporate the most recent code language from the Equitable Housing and other development code amendments currently under review by the City Commission.

OCMC 16.08, Land Divisions – Process and Standards

- Proposed code amendments include additional public park requirements or fee-in-lieu option to ensure land for the South Central Open Space Network is reserved and dedicated to the city at the time of residential subdivisions. This is expected to largely apply to development in the R-5 district.

OCMC 17.10, R-5 Medium Density Residential District (East Mixed-Use Neighborhood subdistrict)

- No changes are proposed to the mix of uses or dimensional standards in the zone beyond those proposed in the Equitable Housing code amendments.
- Standards for the Low-Impact Conservation Area implement the plan goals for the area upslope of Thimble Creek, on the eastern edge of the Beavercreek Road district. The proposed standards limit development to two units per acre, require open space preservation and restoration, and require view corridors to preserve views.
- A 40-foot perimeter buffer is proposed along the southern edge of the district including landscaping, setbacks and fencing, to manage the transition to lower-density residential development outside City limits along Old Acres Lane to the south.

OCMC 17.12, R-2 High Density Residential District (West Mixed-Use Neighborhood subdistrict)

- Allows additional uses consistent with the Concept Plan include live/work dwellings and limited commercial/mixed-use spaces.
- Provides up to a 20% density bonus for development incorporating sustainability features.
- Additional changes in 17.62 add requirement for additional public park dedication or fee-in-lieu, consistent with requirement for new subdivisions.

OCMC 17.24, MC Neighborhood Commercial District (Main Street subdistrict)

- Limits uses to a 10,000 SF building footprint to encourage pedestrian-scale, main street businesses. Limits residential uses to 50% of the project floor area, and prohibits ground-floor residential uses within 150 feet of Glen Oak Road (which will be the “main street.”) Adds a new use category for artisan and specialty goods production to allow limited manufacturing type uses.

- Increase dimensional standards to match scale proposed in the Concept Plan, including a five-story height limit and 0.5 FAR minimum.
- Improves building presence and interaction along the street by requiring parking to be located behind building facades.

OCMC 17.29, MUC Mixed-Use Corridor District (Mixed Employment Village subdistrict)

- Light industrial uses are permitted to implement the employment aspect of the vision for this subdistrict. Retail and service uses, including food service, are limited to 20% of a site to maintain the focus on employment uses generating family-wage jobs. Residential uses are limited to upper stories only.
- One parcel with an in-progress residential development is permitted outright, to avoid creating a nonconforming use.
- An additional dimensional standard implements a minimum 0.35 FAR for new development to ensure efficient use of land.

OCMC 17.31, CI Campus Institutional District (North Employment Campus subdistrict)

- Retail and professional service uses are limited consistent with Metro Title 4 requirements to preserve land for industrial uses. Offices are permitted consistent with uses outlined in the Concept Plan, whereas distribution and warehouse uses are prohibited because they create relatively few jobs per acre inconsistent with the plan goals.
- Several parcels with existing single-family residential development are permitted outright, to avoid creating nonconforming uses. (These parcels are outside of Title 4 lands, so there is no conflict with employment requirements.)
- Additional standards require landscaping, berms and fences within the required 25-foot transition area between industrial and residential uses.
- Outdoor storage is limited to a maximum of 25% of the developable area to avoid inefficient use of land that does not support employment plan goals.
- A minimum 30-foot open space and trail corridor is required along the powerline corridor. Additional parks, trails, urban agriculture and community garden uses are permitted consistent with the plan goals for uses within the powerline easement.
- Sustainable development features are required for all development to implement the plan's sustainability goals.

**OCMC 17.44, US – Geologic Hazards and OCMC 17.49 – Natural Resources
Overlay District**

- No changes are proposed to the geologic hazard or NROD standards for this district; resource areas within the concept plan area will be protected consistent with existing standards.

OCMC 17.62, Site Plan and Design Review

- Proposed code amendments include additional public park requirements or fee-in-lieu option to ensure land for the South Central Open Space Network is reserved and dedicated to the city at the time of residential subdivisions. This is intended to apply to any residential development in the R-2 or the mixed-use districts that does not get developed through subdivision.

MEMORANDUM

To: Christina Robertson Gardiner, AICP
Planner
City of Oregon City
698 Warner Parrott Rd
Oregon City, Oregon 97045

From: Steve Faust, AICP
Project Manager

Date: June 7, 2019

Project Name: Beaver Creek Road Concept Plan Implementation

Project No: 18510

RE: BRCP Land Use Map Changes

The City of Oregon City (City) has initiated a project to update the Oregon City Comprehensive Plan Map, Zoning Map and Municipal Code to allow planned housing and mixed-use development to occur in the 2008 Beaver Creek Road Concept Plan (BRCP) area. Updates will apply zoning and map designations for properties within the BRCP area. The City, through a grant from the Oregon Department of Land Conservation and Development, has contracted with 3J Consulting to assist with this effort.

As part of the BRCP Implementation project, 3J Consulting has been tasked with applying and mapping zoning districts to implement the land use categories in the Concept Plan Map found on page 3 of the Beaver Creek Road Concept Plan (Attachment A).

An initial Land Use Map approximating the lines on the 2008 Concept Plan Map was prepared on April 9, 2019 (Attachment B). This map was used as a starting point for making employment and dwelling unit projections for the BRCP area. Several modifications have been made to the June 7, 2019 Land Use Map to reflect taxlot and development realities while maintaining substantial compliance with the Concept Plan Map and the public comments heard to date. The following is a summary and justification of the changes made to the June 7, 2019 Land Use Map (Attachment C).

Legend

BRCP Subdistrict	Comp Plan Designation	Zoning Designation	
 West Mixed Use Neighborhood	High Density Residential	High Density Residential	R-2
 East Mixed Use Neighborhood	Medium Density Residential	Medium Density Residential	R-5
 Main Street	Mixed Use Corridor	Neighborhood Commercial	NC
 Mixed Employment Village	Mixed Use Corridor	Mixed Use Corridor	MUC-2
 North Employment Campus	Industrial	Campus Industrial	CI
			 BRCP Boundary
			 Urban Growth Boundary
			 City Limits
			 Future Road Connections
			 Streams

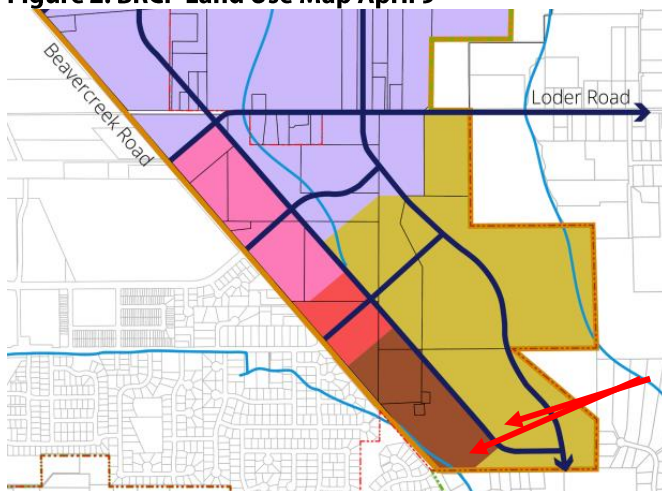


1. North of Old Acres Road – In response to concern from property owners about high-density residential development adjacent to Old Acres Road, the map is adjusted such that R-5 single family development is adjacent to that road. Additionally, some lands on the east edge of the R-2 district is extended across the street to allow for a "Neighborhood Focal Point" as identified in the plan.

Figure 1. BRCP Land Use Map Changes between April 9 and June 7, 2019



Figure 2. BRCP Land Use Map April 9

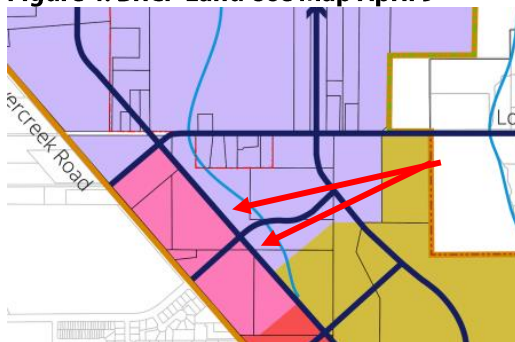


2. South of the Natural Resource Overlay District (NROD) in the South Central Open Space – the area north of the road parallel to Beaver Creek Road was originally zoned North Employment Campus (CI), but with the NROD and South Central Open Space overlays, there were two remnants that would be too small for industrial uses. The plan identifies this area as part of the Mixed-Employment district (MUC-2), so the boundaries are adjusted to make these remnants part of the MUC-2 district to better conform with the plan and avoid creating unusable lot remnants. Adjusted lines also conform with Title 4 identified lands to avoid conflict.

Figure 3. BRCP Land Use Map Changes between April 9 and June 7, 2019



Figure 4. BRCP Land Use Map April 9



3. South of Loder towards the eastern edge of the BRCP area – In response to concern from the public about the prevalence and location of industrial lands near residential areas, lands zoned CI south of Loder Road and northeast of the easternmost north-south connector are adjusted to R-5. There is a small area that is Title 4 identified lands and is not adjusted.

Figure 5. BRCP Land Use Map Changes between April 9 and June 7, 2019

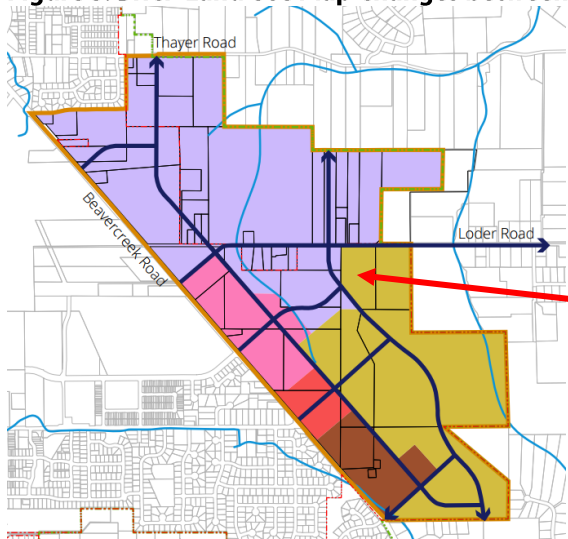
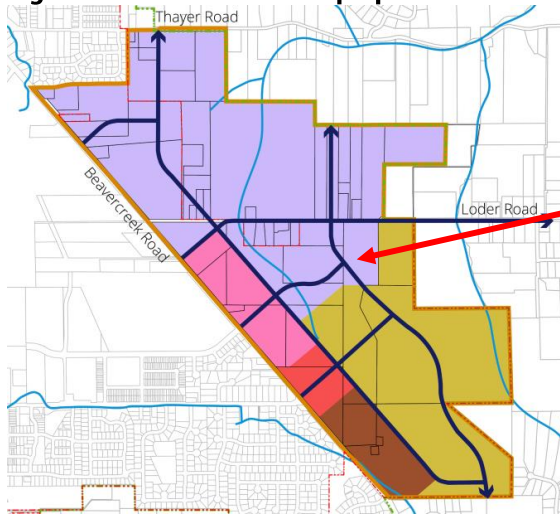


Figure 6. BRCP Land Use Map April 9



At the request of land owners with property north of Loder Road, 3J examined the possibility of changing zoning designations from employment to residential. Lands in the BRCP area north of Loder Road are designated as Metro Title 4 Industrial Lands (<https://www.oregonmetro.gov/industrial-and-employment-land>) which prohibit residential uses and thus this request could not be considered.

- - - END OF DOCUMENT - - -

DATE: June 21, 2019
TO: Christina Robertson-Gardner, City of Oregon City; Steve Faust, 3J Consulting
FROM: Bob Parker and Matt Craigie, ECONorthwest
SUBJECT: Beavercreek Road Concept Plan - Zoned Capacity Analysis - REVISED

The City of Oregon City contracted ECONorthwest to review and verify previous analyses conducted for the Beavercreek Road Concept Plan. The purpose of the project is to determine if the Beavercreek Road Planning Area—as planned—will have the future zoned capacity to accommodate the Plan’s projected number of jobs. In its simplest terms, this analysis is about fit and capacity. The key question is whether the zoning regulations that are being put in place over the Planning Area will actually allow for the 5,000 estimated jobs to occupy future buildings in the area. This analysis does not account for current or projected future market trends; it is exclusively focused on the examination of land use regulations and their implications for job capacity.

Findings

Our analysis shows that the Beavercreek Road Planning Area will have sufficient zoned capacity to accommodate estimated future employment growth. Under current zoning standards, the Planning Area at full build-out will be able to accommodate between 5,700 and 11,700 jobs (Exhibit 1, Rounded). These capacity levels are 15% to 131% more than the targeted 5,000 jobs for the Planning Area. Economic conditions will determine how the area is eventually built out, but zoned capacity is adequate to allow for a range of future job numbers that are at or above desired employment levels as described in the Beavercreek Road Concept Plan.

Exhibit 1. Beavercreek Planning Area, Zoned Capacity.

Sub-District	Maximum Zoned Job Capacity	Zoned Job Capacity with Market Considerations
Main Street	727	352
Mixed Employment Village	2,827	1,399
North Employment Campus	8,169	3,983
Total	11,723	5,734

Source: ECONorthwest

Our zoned capacity model was built using Oregon City’s current zoning standards. Here we present two capacity estimates:

- First, **the maximum job capacity** for the area shows the total number of jobs that could fit in the area under current regulations.
- Second, the lower estimate—**Job Capacity with Market Considerations**—illustrates another interpretation of Oregon City’s zoning regulations. In this second scenario, we have further restricted the scale of allowable development by: (1) modeling an underbuilt of total development as a result of insufficient parking areas, and (2) dedicating a higher percentage of area on individual parcels to internal rights of way,

ingress/egress space, and private streets. This is intended to reflect potential market conditions that would reduce the amount of built space, and as a result, the number of employees.

The maximum zoned capacity scenario is a true maximum; meaning that this estimate is modeling the highest density of employment permissible by zoning regulations and standards, without any consideration for how employment areas generally get developed. For example, the maximum scenario assumes over 8,000 jobs in the North Employment Campus area. To accomplish this scale of development would require the development of acres upon acres of four-story office buildings that have relatively little parking area. Although permissible, this scenario is unlikely to occur and therefore is a poor estimate of the actual zoned capacity of the Planning Area.

The more restrictive scenario presents a situation where development scale is linked to our observations of the density of other similar industrial areas across the Portland region and therefore better reflects what one could expect to happen in the Beavercreek Planning Area. For this scenario, we have adapted parking ratios to those generally demanded in the marketplace and deducted some internal area of parcels for circulation space and other rights of way. The large size of some parcels, especially inside the North Employment Campus (NEC), would warrant these internal spaces dedicated to transportation flow and parking.

For example, many flex-industrial buildings—a desired development type for the NEC—are two story buildings with multiple tenants. These “flex” buildings are built to flexibly adapt to the needs of different tenants. They are built with adaptable internal build-outs (e.g. varying amounts of office and warehouse space) and feature enough parking for employees as well as truck loading/unloading, circulation, and outdoor storage. Therefore, it is common to see flex buildings with not just enough parking and circulation space for employees that are coming and going from work, but to accommodate a wider variety of truck space, outdoor storage space, and general circulation space. In our model, we reflect these common observations by both increasing the parking ratio and reducing the number of stories for buildings in the NEC. These changes bring the potential development scale for the NEC in line with the maximum build-out observed in other industrial areas of the region.

With these changes, the restrictive—and more realistic—scenario shows a zoned capacity of the Planning Area to be reduced from the maximum scenario (11,723 down to 5,734). Despite the reduction, there still is adequate space to accommodate the 5,000 projected jobs.

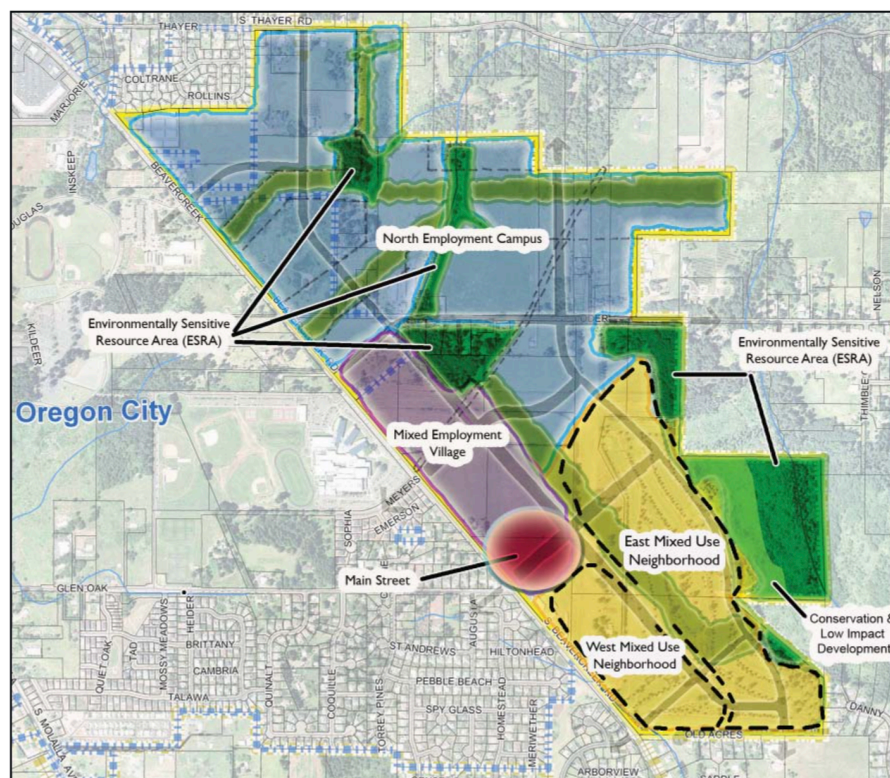
Economic and market trends will inform the type, scale, and demands of future development of the Beavercreek Planning Area. Whatever development does eventually get built in the area, our analysis shows that zoning regulations and standards will allow for enough developable space for the desired amount of employment.

Background

In 2008, Oregon City contracted the consulting firm Otak, in collaboration with several consultants (including ECONorthwest), to develop a concept plan¹ for a 453-acre site in the southeast area Oregon City. The Plan envisioned a diverse mix of uses, organized by five sub-districts (see Exhibit 2).

Exhibit 2. Land Use Sub-Districts for Beavercreek Road Concept Plan

Source: Beavercreek Road Concept Plan, Envision a Complete and Sustainable Community, 2008.



The five subareas are summarized as follows:

1. **North Employment Campus (NEC)** allows clean industries, offices servicing industrial needs, light industrial uses, research and development, and large corporate headquarters.
2. **Mixed Employment Village (MEV)** allows retail and offices (including civic and residential uses).
3. **Main Street (MS)** allows small scale commercial and mixed-use services.
4. **West Mixed-Use Neighborhood (WMU)** allows live/work units, mixed use buildings, limited commercial uses, and—to a larger extent—housing.

¹ Beavercreek Road Concept Plan, Envision a Complete and Sustainable Community, 2008.

5. East Mixed-Use Neighborhood (EMU) primarily allows housing.

At present, Oregon City is revisiting the concept plan as a step toward the Plan's implementation. The City has asked several consultants to review and analyze select parts of the concept plan to verify the veracity of its underlying analyses. A key aspect of this effort is to understand whether the Planning Area will have the zoned capacity to accommodate the Plan's stated number of future jobs. ECONorthwest was assigned this task. To answer this key question of zoned capacity, we reviewed the findings of the 2008 work and conducted additional analyses. Our approach and a description of our analysis is outlined in the next section.

Approach

Our approach to this analysis had a few steps. These included:

- **Collecting and verifying data.** The first step involved gathering applicable data from the Plan, from the City, and other sources. Employment projections come directly from The Plan. The Plan identified an estimated capacity for approximately 5,000 jobs (for reference, the output table from the Plan is presented in Appendix A).

We also compiled an organized list of Oregon City's development codes, standards, and regulations from the City's current municipal code. These regulatory standards were used to create our zoned capacity model.

- **Developing a zoned capacity model.** Using Oregon City's development code and standards, we generated a catalogue of zoning requirements and limitations for each zoning designation that comprises the five sub-districts of the Planning Area. With this information, we developed a model that calculates the maximum job capacity for each sub-district. To calibrate the model to likely future outcomes, we relied on planning and development assumptions taken from our observations of similar fully built-out areas around the Portland Metropolitan region.²
- **Reconciling zoned capacity model output with future employment projections.** This step formed the central part of our analysis. In this step, we used the output of the zoned capacity model—the job capacity for each subarea of the Planning Area—and matched those outputs to future employment projections.

A more detailed description of our analysis is presented in the next section.

² Key assumptions for this analysis, include: actual parking ratios, percent of parcels that achieve full build-out, common building to land ratios, among others.

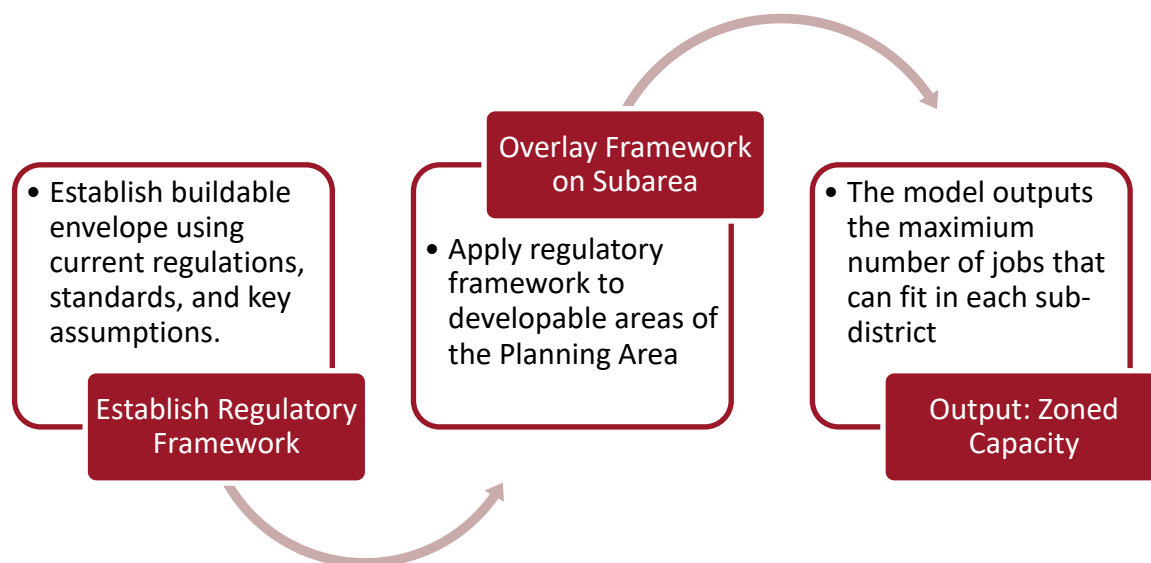
Description of Zoned Capacity Analysis

The Model

To understand the future capacity of jobs in the Beavercreek Road Planning Area, we built a model that mimics zoning regulations and standards for the expected land use zones to be applied to the Planning Area sub-districts. The model works by taking key inputs and assumptions about the regulatory framework that will govern land uses in the Planning Area and overlaying them across the developable land of the area. The output of the model is the maximum zoned capacity for jobs within the Planning Area (See Exhibit 3).

Exhibit 3: Zoned Capacity Model Process

Source: ECONorthwest.



Key Model Inputs and Assumptions

To arrive at an accurate understanding of the zoned capacity for jobs of any to-be-developed area requires a large set of inputs and assumptions. For this type of analysis, the type of inputs and assumptions are related to regulations and standards that will guide the development of new buildings and their supportive elements (e.g. parking). Some inputs are rigid and unlikely to change, such as maximum building heights or setbacks. Assumptions are more qualitative and require specialized knowledge about aspects of how real estate gets developed. Inputs and assumptions also have a varied impact on the output of the model. Some, like parking ratios, have a strong influence on the model's output. Others have less of an impact. Below we describe inputs and assumptions that have a major impact on the model's output.

-
- **Dimensional standards.** Dimensional standards define the maximum “box” that a building can fill on a parcel. These standards are determined through setbacks, maximum building heights, landscaping requirements, and other restrictions.

Source: City of Oregon City Development Code.

- **Employment density.** This assumption describes the relationship between build-area (area inside buildings) and the number of jobs that fill those spaces. This assumption is typically described as jobs per square feet of building area. This is a key metric for this analysis. The smaller the number, the higher the job density. Larger numbers mean fewer jobs per building area, and therefore fewer jobs overall.

Source: Metro Employment Density Study, ECONorthwest.

- **Parking ratios.** The amount of automobile parking that is available for a new development is a key factor in determining its viability. Whether capped by regulations or demanded by the market, new developments need a certain amount of parking to attract funding and become economically successful land uses. Most cities, Oregon City included, provide regulations about the minimum and maximum amount of parking for new developments. Sometimes these regulations are perceived to be out of sync with what the real estate market demands. This can happen when urban, transit served developments are required to have “too much” parking. Or when suburban areas with little accessibility do not have sufficient land for necessary parking to support new development.

In our observations of real estate development, one of the primary reasons that development projects get “under-built”, or do not achieve the building height or scale otherwise permissible by development regulations, is too little provision of on-site parking. For this analysis, we have used Oregon City’s parking regulations as a general guide for the amount of parking that will be required to accompany new developments in the Planning Area.

Source: City of Oregon City, ECONorthwest.

- **Parcel size and building to land ratios.** The Beavercreek Planning Area of tomorrow is expected to look remarkably different than it does today. As it develops, property owners will sell to developers who, in many cases, will aggregate several parcels of land to create a “developable parcel” for their specific desired land use. To understand what size these future parcels may be and to what extent they will be covered with a building footprint, we observed several areas of the Portland region that contain similar land uses to those proposed for the Planning Area. These observations, combined with our knowledge of specific types of development elsewhere, formed our assumptions for future parcels sizes and building to land ratios.

Source: ECONorthwest.

- **Maximum build-out and “under-build”.** Each developable piece of land has an invisible envelope or “box” that forms the vertical area in space that a building can

occupy. This box is determined by the zoning regulations and standards that govern the land use of that property. Building to full capacity would mean that this box is entirely filled with building area. Many times, developers “under-build” or chose to not fully take advantage of all of the vertical buildable space available to them. In an economic sense, it would be advantageous for a developer to build as much building area as she could lease or sell. If some of this building area does not contribute economically to her pro forma or if it is hard to lease or sell, she may choose to build a smaller building. As stated in the parking ratios description, we commonly observe that developers chose to under-build their properties when they are unable to secure access to a sufficient level of parking.

For this analysis, we have assumed that many of the future developable parcels will under-build for lack of parking or other reasons. This is in-line with our observations of developed areas that are similar to the Planning Area in other parts of the Portland region.

- **Source:** ECONorthwest

Key Data

This analysis is focused on one key question: Will the future regulatory environment of the Beavercreek Planning Area allow enough buildable area to accommodate the projected number of future jobs for this area. To answer this question, we relied upon data from the several sources. Key data to this analysis are as follows:

- **Projected Jobs for the Planning Area.** We have relied on the projected number of jobs for the Beavercreek Planning Area as stated in The Plan. The Plan identified an estimated capacity for approximately 5,000 jobs (for reference, the output table from the Plan is presented in Appendix A).

This number of jobs—5,000—is a key data point for this work. It is the number of jobs that we are trying to fit into the Beavercreek Planning Area.

- **Planning Area Size and Developable Acres.** The Planning Area is approximately 449 acres in total size (gross size). Per the Plan, of this 449, there are 241 net developable acres. The difference between 449 and 241 includes roads, easements, wetlands, and other undevelopable lands.

Together the (1) projected job numbers, and (2) the developable area within the Planning Area form the two key data points for this analysis. These data can be further divided by sub-district of the Planning Area (See Exhibit 4). This is an important point; each sub-district has its own employment projections and will have its own zoning regulations.

Exhibit 4. Beavercreek Planning Area Sub-Districts: Estimated Jobs and Net Areas (Acres)³⁴

Source: City of Oregon City, ECONorthwest.

Planning Area Sub-District	Estimated Jobs	Net Developable Acres
North Employment Campus (NEC)	3,678	132
Mixed Employment Village (MEV)	1,139	26
Main Street	219	7
West Mixed-Use Neighborhood	15	12
East Mixed-use Neighborhood	21	65
Totals	5,073	241

Findings

See the first page of this report for a discussion of our findings.

³ Rounding of numbers may result in approximate totals. *Note: The acreage estimates do not exactly align with those in Exhibit 6. Acreages in Exhibit 6 have been reevaluated since the time of The Plan. In our analysis, we are using the latest size estimates provided by the City of Oregon City.*

⁴ We concentrated our analyses on the three sub-districts with significant employment projections. The mixed-use neighborhoods have been excluded from our analyses.

Appendix A. Employment Estimates, 2008

The Beavercreek Road Concept plan estimated employment capacity at approximately 5,000 jobs (33 jobs per net acre).

Exhibit 5. Employment Estimates, Beavercreek Road Planning Area

Source: Beavercreek Road Concept Plan, Envision a Complete and Sustainable Community (pg. 42), 2008.

Land Use Category	Hybrid Gross Acres	Hybrid Net Acres*	FAR/Acre**	SF/Job**	# of Jobs***	Avg. Units/Acre	# of Units+
North Employment Campus (adjusted gross acreage)	149	127	0.3	450	3,678		
Mixed Employment Village	26	21	0.44	350	1,139		
Main Street****	10	8	0.44	350	219	25	100
West Mixed Use Neighborhood	22	18			15	22	387
East Mixed Use Neighborhood	77	62			21	8.7	536
Total # of Jobs					5,073		
Total # of Housing Units							1,023
Total Acres of Developed Land++	284	235					

*For Hybrid - Net acres equals gross acres minus 15% for local roads and easements in Employment. Mixed Employment, Mixed Use, and residential areas assume 20% for local roads and easements

**Based on Metro 2002-2022 Urban Growth Report: An Employment Land Need Analysis. Includes total on site employment (full and part time). Mixed Employment FAR and job density reflects a mix of office, tech/flex, and ground floor retail.

***Number of Jobs in Employment, Mixed Employment, Mixed Use calculated by multiplying total acres by the FAR; Converting to square feet; and dividing by number of jobs/square foot. Jobs in residential areas (Work at Home Jobs) estimated at 4% (potential could be as high as 15%).

**** Mixed Use land use assumes 50% of acreage devoted to commercial uses and the remaining 50% devoted to vertical mixed use.

+Number of units calculated by multiplying total net acres of residential land use by average units per acre

++Includes 50% of useable power line corridor (26 acres total) as part of developed land (included in Employment land area)

+++Does not include powerline corridor acreage as part of developed land



TECHNICAL MEMORANDUM

To: Christina Robertson-Gardiner, AICP
Oregon City Senior Planner

John M. Lewis
Oregon City Public Works Director

From: Aaron Murphy, P.E.
Steve Faust, AICP

Date: June 19, 2019

Project Name: Beaver Creek Road Concept Plan Implementation –
Zoning and Code Amendments
Project No: 18510.70
RE: Infrastructure Memo

The City of Oregon City (City) has initiated a project to update the Oregon City Comprehensive Plan Map, Zoning Map and Municipal Code to allow planned housing and mixed-use development to occur in the Beaver Creek Road Concept Plan (BRCP) area. Updates will apply zoning and map designations for properties within the BRCP area.

As part of the BRCP Implementation project, 3J Consulting has been tasked to review the City's water distribution, sanitary sewer and stormwater master plans and comment on the adequacy of current and planned infrastructure to support the number of new dwelling units and employees that are projected in the BRCP and will be formalized through the zone change.

Beaver Creek Road Master Plan

The Beaver Creek Road Concept Plan (BRCP) is a guide to the creation of a complete and sustainable neighborhood in southeast Oregon City. The plan, adopted in 2008 and again in 2016, provides a framework for urbanization of 453 acres within the urban growth boundary including a diverse mix of uses (an employment campus north of Loder Road, mixed use districts along Beaver Creek Road, and two mixed use neighborhoods), all woven together by open space, trails, a network of green streets, and sustainable development practices. The plan has been carefully crafted to create a multi-use community linking Clackamas Community College, Oregon City High School, and adjacent neighborhoods together.

The BRCP includes Housing and Employment Estimates for the various land use categories:

Land Use Category	Number of Jobs	Number of Dwelling Units
North Employment Campus	3,678	-----
Mixed Employment Village	1,139	-----
Main Street	219	100
West Mixed Use Neighborhood	15	387
East Mixed Use Neighborhood	21	536
Total	5,073	1,023

Updated projections based on land use maps developed for this project to implement the BRCP estimate the number of dwelling units at 1,105 and jobs at 5,734. We do not consider the change reflected in the revisions to be significant and therefore do not impact the findings of this memorandum.

Zone Change Criteria

The relevant criteria (17.68.020) for a zone change are set forth as follows:

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.

This memorandum reflects a first look at the adequacy of current and planned infrastructure to meet the needs of future development. A more detailed look at existing conditions will be needed at the time of development to identify capital improvements needed to show consistency with the Master Plan.

Major Findings

The Sanitary Sewer (2014), Stormwater (2019 Draft) and Water Distribution (2012) Master Plans were all created subsequent to initial adoption of the Beavercreek Road Concept Plan (2008). Each master plan incorporates the BRCP area into future capital improvement projections, but methodologies vary among plans. This conclusion was confirmed through a conversation with Oregon City Public Works Director, John Lewis.

Sanitary Sewer Master Plan (SSMP)

Figure 5-8 on page 5-11 of the 2014 Sanitary Sewer Master Plan refers specifically to the projected Housing and Employment Estimates on page 42 of the BRCP.

Stormwater Master Plan (SWMP)

The Draft 2019 Oregon City Stormwater Master Plan includes the BRCP area, which is part of the Newell Creek Basin, but does not identify any capital improvement projects specifically related to the BRCP. The Plan states that the eventual layout of the stormwater conveyance systems and management facilities will be crafted through the preliminary and final design process for the BRCP area.

Water Distribution Master Plan (WDMP)

The 2019 Technical Memorandum - Oregon City Water Distribution System Capital Improvement Program Update was prepared to provide an update to the 2012 WDMP, including a list of capital improvements. Page 21 of the memo specifically discusses Beavercreek Road development and defines the City's pressure zones that encompass the BRCP.

Economic, Social, Environmental and Energy (ESEE) Analysis

The ESEE consequences that can occur within the proposed MUC, NC, CI, R-5 and R-2 zoning will not result in a greater conflict to the Goal 5 resource mapped on the site over the current FU-10 zoning. The change in zoning from FU-10 to MUC, NC, CI, R-5 and R-2 may result in lesser amounts of environmental and energy consequences; however, MUC, NC, CI, R-5 and R-2 has opportunity to provide increased economic and social benefits. Mixed use centers allow City residents to live near their work, which tends to reduce vehicle use, which minimizes potential air, water and energy quality impacts.

The Goal 5 resources mapped on the site is protected under Chapter 17.49 Natural Resource Overlay District of the City's code of ordinances, regardless of site zoning. Chapter 17.49 of Oregon City code is compliant with Metro's Title 3 and 13 lands and the Statewide Planning Goal 5. Therefore, the potential for increased levels of impervious surfaces and vegetation loss associated with MUC, NC, CI, R-5 and R-2 development activities will be protected and if necessary mitigated through local permitting compliant with Chapter 17.49.



Master Plan Summaries

Sanitary Sewer Master Plan

A Sanitary Sewer Master Plan (SSMP) was prepared by Brown & Caldwell in November 2014. Section 5.2.3.4 of the SSMP focuses on the BRCP area. Table 5-8 of the SSMP references land use designations and the associated gross areas of the BRCP area to calculate sanitary flows to ultimately size pipe diameters and slopes.

Table 5-9 of the SSMP identifies the BRCP area Estimated Improvement Costs for Capital Improvement Plan (CIP) projects is \$15,580,000. This amount includes a 50% allowance for construction contingencies.

The CIP list specifically related to the BRCP area includes:

- Gravity Sewer Extensions (8"-15")
- Two (2) pump stations and associated force mains (BR-1 & BR-2)

Since the SSMP was published, improvements have been completed according to an email provided by Bob Balgos from the City dated March 25, 2019. These improvements include:

- 12" sanitary sewer extension south along Beavercreek Road near the north-end of the Oregon City High School property boundary.

Also identified in the email, City staff have identified construction proposed in 2019-2020:

- 12" sanitary sewer extension in conjunction with the Villages at Beavercreek Development located opposite Meyers Road on the east side of Beavercreek Road. The extension will be completed from the north-end of the Oregon City High School through the entire frontage of Villages at Beavercreek.

Further assessment of the CIP project amount will be necessary to include:

- Completed infrastructure upgrades such as Capital Improvement Projects (CIP), development etc.
- Anticipated infrastructure upgrades such as CIP projects or development such as Villages at Beavercreek
- Inflation and construction cost increases to current dollars.

Stormwater Master Plan

Five (5) Stormwater Master Plans (SWMP) were reviewed:

- Drainage Master Plan, OTAK 1988
- South End Basin Master Plan, Kampe Associates, Inc. 1997
- Caulfield Basin Master Plan, Kampe Associates, Inc. 1997
- Park Place Basin Master Plan, Kampe Associates, Inc. 1997
- Draft Oregon City Stormwater Master Plan. Brown and Caldwell, 2019

The BRCP area largely falls within the Newell Creek Basin. The Draft 2019 SWMP does not specifically reference the BRCP area, but the overall assessment does include recommendations for improvements for the Newell Creek Basin. The City's stormwater treatment and detention methods apply for all current and future development of the BRCP area.

Page 2-7 references the Beaver Creek Road Concept Plan and states that the concept plan "outlines basic assumptions for the type and quantities of stormwater infrastructure that may be required to develop the planning area. These assumptions are useful for fiscal planning, but the eventual layout of the stormwater conveyance systems and management facilities will be crafted through the preliminary and final design process for [the BRCP] area."



Low Impact Development (LID) Green Streets are identified for the Beavercreek Road Concept Plan area. The City is currently working on creating green street standards that will be applicable for both the South End and Beavercreek Concept Plan areas. These standards will be based on the identified street sections found in the Concept Plans and are being designed to meet the standards of the draft Storm water Manual. Adoption of these standards will occur in Fall 2019.

Water Distribution Master Plan

A Water Distribution Master Plan (WDMP) was prepared by West Yost Associates in January 2012. Although the WDMP does not specifically reference the BRCP area, the overall assessment does include recommendations for improvements that includes the UGB boundary that encompasses BRCP.

A Technical Memorandum - Oregon City Water Distribution System Capital Improvement Program Update (TM) was prepared by Murraysmith in March 2019. The TM was prepared to provide an update to the WMP produced in 2012, including a list of capital improvements and updated costs from 2009 to 2018 dollars. Page 21 of the memo specifically discusses BRCP area development and defines the City's pressure zones that encompass this area as Upper Zone and Fairway Downs Zone.

Table 17 of the TM identifies the updated CIP list and cost estimate including the improvements required for the City's Upper and Fairway Downs Zones for the BRCP area. The total estimated cost for CIP projects specific to BRCP area total \$14,018,000.

The CIP project list includes:

- New Upper Zone distribution
- New Fairway Downs distribution
- New PRV between Fairway Downs and Upper Zone
- New Fairway Downs Reservoir
- New Fairway Downs Pump Station
- New Fairway Downs Transmission
- Transfer existing Henrici transmission to Fairway Downs transmission

The City and Clackamas River Water (CRW) share the need to serve current and future customers at adjoining service area boundaries within the BRCP area.

A Technical Memorandum – Clackamas River Water / City of Oregon City Joint Engineering Analysis Water Service Dual Interest Area Technical Analysis (TM2) was prepared by Murraysmith in June 2018. TM2 identifies opportunities for shared infrastructure partnerships which could ultimately provide a more cost-effective solution to both the City and CRW, see Table 3 of TM2.

The City is preparing a concurrent study to ensure the City can serve the BRCP area in the case that the City and CRW are not able to agree on a partnership to serve the area.

Economic, Social, Environmental and Energy (ESEE) Analysis

As part of a Zone Change analysis, the city requires substantial evidence that the possibility of land use development activities allowed under the new zoning (MUC, NC, CI, R-5 and R-2) will not result in a greater impact on the Goal 5 resources mapped on the site over the existing Future Urban (FU-10) land use development activities.

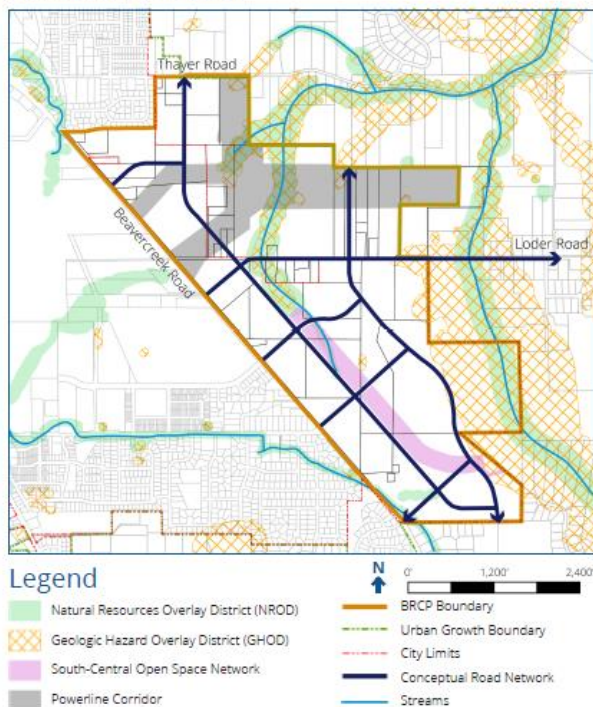
The ESEE analysis involves evaluating the potential tradeoffs associated with different levels of natural resource protection that could be established by the City. As required by the Goal 5 rule (OAR 660-015-0000(5)), the evaluation process involves identifying the consequences of allowing, limiting or prohibiting conflicting uses in areas containing significant natural resources. The rule requires that this analysis be completed before actions are taken to protect or not protect natural resources that are identified in inventory and determined to be significant. Specifically, the rule requires the following steps:



1. Identify conflicting uses – A conflicting use is a land use or activity that may negatively impact natural resources.
2. Determine impact area – The impact area represents the extent to which land uses or activities in areas adjacent to natural resources could negatively impact those resources. The impact area identifies the geographic limits within which to conduct the ESEE analysis.
3. Analyze the ESEE consequences – The ESEE analysis considers the consequences of a decision to either fully protect natural resources; fully allow conflicting uses; or limit the conflicting uses. The analysis looks at the consequences of these options for both development and natural resources.
4. Develop a program – The results of the ESEE analysis are used to generate recommendations or an “ESEE decision.” The ESEE decision sets the direction for how and under what circumstances the local program will protect significant natural resources.

Beavercreek Road Concept Plan

Development Constraints



Based on information provided in Exhibit 3 Economic, Social, Environmental and Energy (ESEE) Phase 1 Analysis of Metro's April 2005 UGB Growth Management Functional Plan ordinance, the section below describes the potential conflicting uses associated with the proposed zone designations could have the greater potential to have an adverse effect on the functions and values of the Goal 5 resource mapped on properties located within the Beavercreek Road Concept Plan area which include Thimble Creek and an unnamed tributary to Thimble Creek. Note the zoning themselves are not conflicting uses.

It is the development activities and other disturbances permitted under the zoning that potentially conflicts with the functions and values associated with the Goal 5 resource. The City of Oregon City developed their Chapter 17.49 Title 13 regulations based on Metro's UGB Management Function Plan. Therefore, the ESEE analysis provided below is consistent with Oregon City's Goal 5 ordinance.

Economic Consequences

FU-10 – May provide increased adjacent property value. Large Lots associated with FU 10 zoning will retain more vegetation and tree cover than the new zones associated with the Beavercreek Road Concept Plan activities; however, does not provide an overall economic value to the community.

R-5 & R-2- These medium density and high density zones can provide a response to the known regional problem of limited housing supply and skyrocketing housing prices affecting the Portland Metro Area and Oregon City. There is a mismatch between supply and demand of housing that is leading to limited availability and affordability challenges for many households. Looking at the latest census data, in Oregon City, 71% of residential units are single-family detached homes, dominating the housing market. All other housing types make up 29% of the housing options, combined, ranging from manufactured homes and floating homes to 20-unit apartment complexes.

Housing prices are increasingly unaffordable, which is typically defined as spending more than 35% of household income on housing. Almost 24% of homeowners with a mortgage have unaffordable costs, and over 40% of renters can't afford housing costs. Overall, one in four households are struggling to pay for housing. Single-family detached homes, a traditional free-standing house with a yard and space for 3.2 children, dominate the supply but comes at a high cost that is increasingly out of reach, leading to homelessness in some cases. With smaller households more and more common, the city's needs don't match the homes available. Additional housing choices that include duplexes, tri-plexes, townhomes, apartments and cluster housing can provide alternatives to the predominate single family housing model found in Oregon City.

MUC, NC and CI – Enhances the potential for local economic development. The zone change supports Metro's Growth Concept Plan underlying goals to provide employment, income, and related tax benefits to local community.

Summary: While FU-10 may result in less vegetation removal, the MUC, ND, CI, R-2 and R-5 land uses provides a greater economic benefit to the community through increased housing options, employment and educational opportunities and reduced transportation facilities and utilities. These zones promote more efficient use of land, minimizing urban sprawl.

Therefore, the conflicting uses associated with MUC, NC, CI, R-5 and R-2 development activities provides a greater economic benefit, outweighing the FU-10 conflicting uses.

Social Consequences

FU-10 —Goal 5 resource provides natural stress relief to employment occupants. The R-2, R-5, ND, CI and MUC-2 land uses may also provide potential public educational and recreational benefit though passive open space viewing and the ability to dedicate future park space as development occurs within the BRCP area; however, there is a potential to reduce the scenic value.

Summary- Change in conflicting use zoning from FU-10 may provide an increased social benefit to Oregon City.

Environmental Consequences

FU-10—Impacts to Goal 5 resources and associated Impact Area (buffer) for FU-10 development may require: removal of native vegetation; non-native landscaping; pesticide and fertilizer use; and pets which tend to degrade habitat and water quality.

MUC, NC, CI, R-5 and R-2 can create larger building footprints than FU-10 which may result in increased vegetation removal; however, MUC, NC and CI offer decreased VMT (vehicle miles traveled) which reduces overall water quality impacts in the local watershed. Minimal light and glare into Goal 5 resource and buffer. Provides overall moderate to high imperviousness, low infrastructure requirements, and low to moderate overall natural landcover.

Summary: Due to smaller development footprints, disturbance activities associated with FU-10 conflicting uses may provide a lesser degree of impact to the Goal 5 resource and associated buffer than MUC, NC, CI, R-5 and R-2 conflicting use development activities. However, MUC, NC, CI, R-5 and R-2 stricter water quality standards, providing potential for overall lesser amounts of impact to the local watershed.

Energy Consequences

FU-10- Tends to retain more trees than other zoning, reducing air quality and temperature impacts. However, tends to create more infrastructure (utilities and roads) and greater travel distances which can have a negative energy consequence.

MUC, NC, CI, R-5 and R-2 - Energy efficient zoning because it decreases VMT (vehicle miles traveled) and overall infrastructure requirements. Potential to reduces the amount of overall development through shared



parking. Shared parking areas have vegetated islands reducing imperviousness and negative energy consequences associated with temperature regulation.

Summary: MUC, NC, CI, R-5 and R-2 conflicting use development activities for energy consequences may result in lesser impact on the Goal 5 resource and associated buffer over FU-10 development activities.

- - - E N D O F D O C U M E N T - - -





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DRAFT MEMORANDUM

DATE: June 21, 2019

TO: Christina Robertson-Gardiner, City of Oregon City

FROM: Kevin Chewuk, DKS Associates
Amanda Deering, DKS Associates

SUBJECT: Oregon City Beaver Creek Land Use Review

P19082-001

This memorandum summarizes how the requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), are met for the Beaver Creek Concept Plan area in Oregon City, Oregon. The study area comprises the adopted 2008 Beaver Creek Concept Plan area which established land use designations, design guidelines and future transportation infrastructure needs. The Beaver Creek Concept Plan area is roughly bounded by the Urban Growth Boundary to the east, Beaver Creek Road to the west, Old Acres Road to the south and Thayer Road to the north. The following sections describe the consistency of the Beaver Creek Concept Plan with the current Oregon City Transportation System Plan (TSP).

Land Use Assumptions

The Beaver Creek Concept Plan area includes about 5,700 new jobs and 1,100 new housing units. Table 1 describes the assumptions that were used. For the Oregon City TSP, vehicle trips within the Beaver Creek Concept Plan area were estimated based on around 1,639 new jobs and 355 new households. The Beaver Creek Concept Plan was held up in the Oregon Land Use Board of Appeals (LUBA) during the recent update to the Oregon City TSP, thus the zoning in the Beaver Creek Concept Plan area did not reflect the rezoned land resulting from the plan.

Land Use and Motor Vehicle Trip Generation Assumptions

The impact of the increased vehicle trip generation on the surrounding transportation system, as a result of the Beaver Creek Concept Plan, will be evaluated through the year 2035 (consistent with the horizon year of the current TSP).

For the current Oregon City TSP, vehicle trips were estimated based on the existing land use assumptions (see Table 1). These trips are included in the 2035 TSP Baseline scenario. For the TPR analysis, the Beaver Creek Concept Plan was estimated to accommodate 750 more housing units and 4,095 more employees than the current TSP.

Vehicle trips that would be generated by the increased housing units and employees were estimated by applying the Metro Regional Travel Forecast model trip generation rates by land use type. Overall, the Beavercreek Concept Plan is expected to generate about 2,584 motor vehicle trips during the p.m. peak hour, or 925 more than what was assumed in the current TSP.

Table 1: Land Use Assumptions			
Scenario	New Housing Units	New Employees	Forecasted Weekday PM Peak Hour Vehicle Trip End Growth
TSP Baseline (without Beavercreek Concept Plan)	355	1,639	1,659
Beavercreek Concept Plan	1,105	5,734	2,584
Change (With Beavercreek Concept Plan – Without Beavercreek Concept Plan)	+750	+4,095	+925

2035 Motor Vehicle Operations

Future p.m. peak hour traffic forecasts were prepared for two land use scenarios, including:

- **TSP Baseline (without Beavercreek Concept Plan)** – This scenario assumes the land use within the Beavercreek Concept Plan will be built out consistent with the prior TSP analysis. It includes the improvement projects listed in the “Baseline Transportation System Improvements” section.
- **Beavercreek Concept Plan** – This scenario assumes full buildout of Beavercreek Concept Plan area. It includes the improvement projects listed in the “Baseline Transportation System Improvements” section.

With each of these two land use scenarios, a sensitivity option was tested that assumed the planned segment of Holly Lane between Maple Lane Road and Thayer Road would not be completed. The forecast will include 2035 volumes to match the TSP horizon year.

Baseline Transportation System Improvements

The starting point for the future operations analysis relied on a list of street system improvement projects contained in the Oregon City TSP. These projects represent only those that are expected to be reasonably funded, and therefore can be included in the Baseline scenario. Many of the projects in the Beavercreek Concept Plan area will be constructed as private development occurs. Others will be

constructed as part of public infrastructure improvements or concurrent with adjacent private developments. The improvements assumed include:

- Roundabout installation at the **Beavercreek Road/Glen Oak Road** intersection (TSP Project D39)
- Roundabout installation at the **Beavercreek Road/Loder Road** intersection (TSP Project D44)
- **Meyers Road** extension from OR 213 to High School Avenue (TSP Project D46)
- **Meyers Road** extension from Beavercreek Road to the Meadow Lane Extension (TSP Project D47)
- **Clairmont Drive** extension from Beavercreek Road to the Holly Lane South Extension (TSP Project D54)
- **Glen Oak Road** extension from Beavercreek Road to the Meadow Lane Extension (TSP Project D55)
- **Timbersky Way** extension from Beavercreek Road to the Meadow Lane Extension (TSP Project D56)
- **Holly Lane** extension from Thayer Road to the Meadow Lane Extension (TSP Projects D58 and D59)
- **Meadow Lane** extension to the Urban Growth Boundary, north of Loder Road (TSP Projects D60 and D61)
- **Loder Road** extension from Beavercreek Road to Glen Oak Road (TSP Project D64)
- **Beavercreek Road** improvements from Clairmont Drive to the Urban Growth Boundary, south of Old Acres Lane (TSP Projects D81 and D82)
- **Loder Road** improvements from Beavercreek Road to the Urban Growth Boundary (TSP Project D85)

Intersection Operations

During the evening peak hour, all study intersections operate within adopted mobility targets under all scenarios after assuming the baseline transportation system improvements from the TSP. The traffic analysis results are summarized in a separate memorandum.

TPR Findings

Overall, the current TSP includes adequate transportation system projects for the Beavercreek Concept Plan area to comply with the Transportation Planning Rule (TPR). All transportation impacts as a result of the additional housing units and employees in the Beavercreek Concept Plan area are

addressed by current TSP projects. This includes the widening of Beaver Creek Road through the project area to a 3 or 5-lane cross-section (to be determined in separate memorandum) and intersection control improvements to the Loder Road and Glen Oak Road intersections with Beaver Creek Road (roundabout or traffic signals, to be determined in separate memorandum).

Beavercreek Road Concept Plan - Zoning and Code Amendments

Consolidated Comment Tracker January 2019-June 2019

Transportation	
Ensure that traffic flow is efficient and safe around the BRCP area (roundabouts or traffic signals), considering school drop off/pickup, different uses (e.g. Industrial-type traffic near residential areas) and trips generated outside the study area. Concern about emergency access to the area.	Currently preparing an assessment of transportation facilities and will present preliminary findings on road capacity and traffic control at the June 10 public meeting.
If Beavercreek Road is widened, will it be expanded to the east?	Efforts are made to expand equally in each direction from the road center line, assuming street rights-of-way allow for it.
How many road connections will be made to Beavercreek Road?	Currently the only road connections will be at existing intersections (Loder Road, Meyers Road and Glen
Require transportation infrastructure improvements before development begins.	We are considering the timing of infrastructure as development comes online. Development applications are required to build infrastructure to support their development. There are state and local land use requirements that look at the proportionality a project has to the city's infrastructure network both on and offsite of a development proposal. In some cases, development can be required to provide an offsite improvement as a condition of development, other times, they pay system development fees that help pay for larger capital improvement projects. The city is also looking at ways we can apply for grants, or work with developers to create local improvement districts or advance finance districts to better coordinate the timing of infrastructure.
Meyer Road or Glen Oak as the main street? Meyer is the bigger street and closer to CCC and high school.	Will explore Main Street options and provide an opportunity for further discussion at the April 9 public meeting.
Ensure that there is adequate parking to accommodate uses without congestion, especially around residential areas, but this should be balanced with creating pedestrian-friendly environments, especially around the MUC. Will the City pursue or require structured parking in the Main Street or Mixed Use areas?	Oregon City Development Code OCMC 17.52 requires minimum and maximum parking standards per use. It is not anticipated that this project will recommend any revisions to those requirements. All new development in Oregon City requires parking to be located to the side or rear of commercial uses. The project team is currently looking at how to encourage or require parking to be located to the rear of the commercial uses in the Glen Oak Mixed Use Center to better add in the pedestrian feel of the street and strategies for customers to minimize customers using the on-street parking in nearby neighborhoods.
Pursue adequate transit service in the BRCP will require coordination between jurisdictions to properly plan and secure funding.	City participates in ongoing conversations with TriMet, Clackamas County, Clackamas Community College, and Public Works about transit service. Ultimately, mass transit service is driven by population/jobs demand, though shuttle services can be more flexible.
Ensure adequate infrastructure and amenities to support safe bike and pedestrian movement within the BRCP, especially crossings of Beavercreek Road.	Concept Plan includes provisions for multi-modal transportation options which will be implemented through this Zoning and Code Amendments process. Certain streets will contain on-street or off-street bike paths and connect with a larger bicycle system as identified in the Transportation System Plan. Commercial and multi-family uses will also have bike parking requirements.
Parks, Trails and Open Space	
BRCP should ensure safe and aesthetic walking paths and trails to support pedestrians, especially school children.	Concept Plan includes provisions for sidewalks and off-street pathways which will be implemented through the Zoning and Code Amendments process. The design of Beavercreek Road and zoning should consider the proximity to the high school and potentially a future school south of the plan area.
Adequate green spaces, open spaces, and recreational areas, especially in the industrial area, are desirable.	Provisions will be made for open spaces, parks and trails throughout the Concept Plan area. The plan calls for parks and existing requirements in the code identify buffers around streams and wetlands and steep slopes.
When will proposed parks and trails be developed?	Land acquisition for parks will occur as part of development reviews. The construction of the parks is based on the Community Services (Parks Department) Capital Construction timeline/prioritization.
Residential	
Prioritize residential before other types of development.	Once the area had been rezoned, the timing and location of development will be left to the market and property owner to decide when to develop their property. The City will not do any development of homes or businesses. However, any development is required to make sure the proper infrastructure is in place to support proposed development.
Residents would like to see high-quality and well-designed residential units with sufficient open space and street trees and a maximum height of 3 stories.	The design team are looking at design standards, open space, landscaping and building height limits which will be addressed through this Zoning and Code Amendments process.
Support a broad variety of housing types, denser in the West Mixed Use area.	The plan envisions a higher density in the West Mixed Use area. Project staff is looking at code amendments to implement a mix of commercial and residential uses.
Non-residential uses in the residential area should have impacts on the surrounding neighborhood that are consistent with the zone. These impacts are lower in residential-only areas and increase when approaching non-residential zones. Prefer live/work and home occupations.	The design team is looking at identifying an appropriate type of non-residential uses and ways to mitigate their impacts.
Include affordable housing and alternative housing options in the BRCP.	Affordable housing is housing which is deemed affordable to those with a median household income or below as rated by the national or local recognized housing affordability index. Affordable housing development is generally done through cooperation with government and non-profit funding to subsidize the rental or ownership cost of a unit. The zoning code regulates uses and does not regulate the pricing of the housing. What zoning codes can do, is allow multiple types of housing to be allowed in a zone such as duplexes, cluster housing and row housing which can offer more option to the consumer than just a single family house. The City Commission is currently considering adding these types of uses to residential zones citywide. Visit https://www.orcity.org/planning/housing-and-other-development-and-zoning-code-amendments to learn more about this process. The plan will consider a variety of housing types which may have less expensive housing options.
Prefer sidewalks over alleys. Alleys create more burdens than benefits.	In areas where alleys are required by current city code-sidewalk are also required in the front of the properties. The City Commission is currently considering if existing alley requirements should remain.
There should be a gradual tapering of density at the edge of residential areas. Buffers with surrounding areas should primarily be setbacks or open space, not a physical wall or barrier.	Increased buffering and screening requirements are currently being looked at for development at the edge of the Beavercreek Road Concept Plan boundary when abutting residential uses. Requiring a tapering of density at the edge of a project is often more difficult and initially envisioned through a clear and objective code process and still meet the other required city goals of block length, lot size and street connectivity. The Concept plan zones identify a general tapering of densities.
There should be more than 25 feet between residential and industrial uses.	
What types of barriers/screening between industrial and residential uses are allowed? Cyclone fencing? Concrete wall? Trees along the wall? A rotating park? Maintain row of trees that run east-west along the edge of the golf course.	
Consider integrating a bike/pedestrian trail into the landscaping setback along the southern perimeter to make better use of the space and keep it active.	
Concern about compatibility of R-2 development along the BRCP southern boundary. Especially in regards to natural resources/stormwater/flooding.	In response to comments during the public process, the revised June Zoning Map slightly shifted the multi family portions near the south border. The total number of projected housing units remain the same.

<p>Cottage Industries.</p> <p>New homes in BRCP area might be too small to incorporate square footage for cottage industries, like a large shop.</p> <p>Concerns about noise impacts from more industrial-type uses, such as woodworking.</p> <p>Consider whether potential impacts from cottage industries, like on-street parking and traffic are compatible with residential uses.</p> <p>Cottage industry uses might be better located in mixed-use and industrial areas.</p> <p>Maintain access to Old Acres Lane for existing residents to use. Access should not be shared with BRCP area development.</p>	<p>Through the public engagement process, we heard from many folks that were concerned about allowing additional uses in the home occupation code for the Beavercreek Concept Plan Area, though there was some support for the concept. The Concept Plan calls for allowing job creation in residential zones.</p> <p>During the 2016 re-adoption of the Concept Plan, the City Commission made a finding that the existing city-wide home occupation code allows for a breath of opportunities for people to start starter businesses in their residences. As part of the hearings process, staff will look for additional guidance from the Planning and City commission on this topic.</p> <p>Old Acre Road is a private driveway that can restrict public access- No part of the Concept Plan area will connect to Old Acres Road.</p>
Mixed Use Center	
The MUC should consist of small, easily accessible shops with residential on the 2nd and 3rd floors if the market allows it.	The MUC zone allows for this type of use, but also allows properties to be developed as exclusively residential or commercial. The project team is currently looking at the balance of how much minimum commercial or residential to require for these area to ensure that the code does not over or underregulate the vision.
Smaller scale development. Do not require retail. Permit ground floor residential.	The MUC zone allows for this type of use, but also allows properties to be developed as exclusively residential or commercial. The project team is currently looking at the balance of how much minimum commercial or residential to require for these area to ensure that the code does not over or underregulate the vision.
Street design in the MUC should use landscaping, lighting, to ensure a pleasant pedestrian environment.	The project team is looking at what type of dimensional standards and enhanced landscape requirements, beyond what is already required city-wide, will be needed to ensure a pedestrian-friendly, walkable commercial node. The concept plan identifies some street design.
10,000 square foot limit seems appropriate for anchor retail spaces or stand-alone buildings. Square footage limit should be large enough to accommodate a non-big box grocery store (Trader Joes, Zupans). Consider a 6,000 to 8,000 square foot range for the other tenant spaces.	The city has generally not prescribed that level of detail between varying permitted uses. The proposed code looks at minimizing the size of each building to ensure that the massing of the neighborhood commercial area is complementary to and compatibly with the neighboring residential uses. The NC zones proposes the following language: All uses permitted per OCMC 17.24.020.A and B, including grocery stores, are limited to a maximum footprint for a standalone building with a single store or multiple buildings with the same business not to exceed ten thousand square feet, unless otherwise restricted in this chapter.
Upper-level residential should be allowed. In addition to traditional apartments, incorporate affordable units for underserved populations (transitional housing, micro housing/dormitory housing.)	Upper level residential is allowed in the MUE and NC Zones when coupled with commercial development.
Provide parking lots near the Main Street area to support local businesses. Ensure parking for a grocery store doesn't occupy all available parking.	Development applications will be required to provide for their own off-street parking per their specific use. The Plan and city encourages shared lots for ease of access but each use must be accounted for.
People will not walk or take shuttles from the Industrial area to the Main Street area if there is ample parking.	As part of the public engagement process, staff and the project consultant team looked at the possibility of moving the Main Street area to the Meyers Road intersection to bringing it closer to employment locations. However, there was a pre-existing multi-family project located at the intersection of Meyers Road and Beavercreek Road that is currently in the Building Permit review process. This limited the ability to move the Main Street area of the Concept Plan.
Industrial	
Uses in the Industrial area should minimize impacts on adjacent residential areas through uses that are quiet, clean, and minimize pollution. There should be adequate buffers and transitions to other zones.	The project team is looking at ensuring uses with outside components be required to obtain a conditional use permit or be limited in scope and ensure adequate landscape buffering from abutting residential uses.
Focusing residential and mixed-use zoning south of Loder Rd and employment/business zoning north of Loder. There are many physical barriers to development south of Loder Road.	We have heard from some property owners south of Loder Road that this is a concern coupled with the location of the existing lot lines and proposed street locations and natural features. There may be an opportunity to slightly tweak the proposed zoning map to address these concerns, but the final proposed zoning map will need to show compliance with the goals of the Concept Plan and projected housing and job targets. We are working with the owners on this issue and will provide more updates at the April 9, 2019 public meeting.
Avoid allowing marijuana-related activity in the industrial area, due to the nearby schools and family housing.	This project does not anticipate revising the existing city-wide marijuana regulation, which can be found at the following link https://www.orcity.org/planning/marijuana-regulation-oregon-city .
Can the areas under the power lines be developed? How many acres of the total are subject to power line restrictions?	No new buildings can be constructed under the powerlines. Outdoor storage, pedestrian accessways and parking are all allowed under the easements.
Do not make the area comfortable for transients. Specifically, how to address area behind golf course to back of Thayer and Loder roads.	This is not a concern that can be addressed through the zoning process. Oregon City has, however, created a homeless liaison officer position. This position works with residents, homeowners, and business
What are the goals and restrictions for targeting certain industries? Define targeted jobs clearly; what type of business and give examples. Do not restrict industries yet. Target jobs to high school kids transitioning to the work force.	While the Beavercreek Road Concept Plan envisions green or green technology type of businesses as the optimal tenant, the zoning code is not really the tool to regulate specific sectors of businesses or number of employees. Planning staff and the consultant team worked to create general zoning designation that are consistent with existing city-wide zoning use designations. If the city wants to encourage green
Do not place size limitations. Focus on design. Use clear, easy-to-find and understand design standards.	The project team is looking at proposing a code that touches on uses, sizes and some design aspects. Our goal is to not underregulate nor overregulate the product. Please stay involved and let us know if you think the proposed zoning code amendments achieved this goal or if it should be further amended.
25% is pretty restrictive for what can be stored outside.	One of the major goals of the Concept Plan is to bring jobs to Oregon City. Large outdoor storage areas (not parking lots) can greatly reduce the jobs/acre projections. Utilizing 25% of the building square footage as a ratio for outdoor storage seemed to be a reasonable compromise.
Is trucking allowed? How will freight to the industrial area be accommodated?	Freight needs, freight hours and freight turning radii needs will be included in the final street designs and
Is live/work space allowable in the Industrial area?	
Where will employees park?	Development applications will be required to provide for their own off-street parking per their specific use. The Plan and city encourages shared lots for ease of access but each use must be accounted for.
Economic Development	
Commercial uses, including professional services and services that allow workers and students to meet their daily needs.	The existing MUE and MUC zones allow professional services.
Desire for small businesses/employment and building footprints, but balance with attracting larger employers. Target local businesses in mixed use area, but anchor stores should be national chains that people are familiar with and that are well-received (Chipotle, Trader Joes, etc.)	We have heard a need for a mix of sizing of commercial and industrial uses. Some of these goals can be minimally achieved by the zoning code. Others, are more aligned with economic development goals and programs that City Commission may employ to work collaboratively with property owners to achieve this mix.

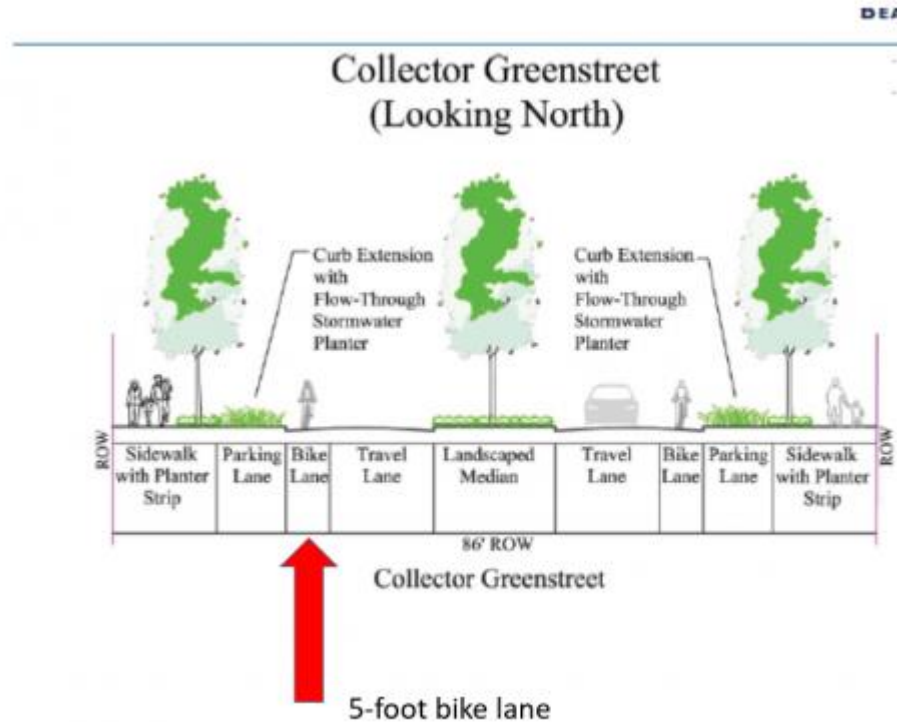
Proactive and effective economic development to ensure vibrant economic activity and growth within the BRCP.	While this is a zoning code amendments process, any comments that relate to a need for larger city involvement in the development of the Concept Plan area will be forwarded to the Planning and City Commission through this comment matrix and any public comments that arise through the public hearing process later this summer. The Economic Development department has been working on a nearby Beavercreek Employment Area with a variety of stakeholders.
Land Use and Infrastructure	
What role do residents have in approving the Concept Plan or future development?	The Concept Plan was adopted as an ancillary document to the city's comprehensive plan by the City Commission at a Public Hearing in 2008 and readopted through a public hearing in 2016. These Beavercreek Road code amendments will need to show consistency with the adopted Concept Plan and will be adopted through a noticed public hearing before the Planning and City Commissions later this year. Once adopted, all new development will be processed through the city's land use process depending on the type of development requested: https://library.municode.com/or/oregon_city/codes/code_of_ordinances?nodeId=TIT17ZO_CH17.50ADP_R_17.50.030SUDEKIPR
Use a fast permitting process, ensure infrastructure is readily available to serve development areas, and barriers to development are minimized.	The design team is considering which process development is subject to and the Public Works and Economic Development departments will be working together to consider larger infrastructure. Generally developers install infrastructure needed to serve their development.
Analyze electricity capacity to serve new development since existing neighborhoods in the area already experience "brown-outs".	Coordination with private utilities occurs during the private development review process. Private utility providers such as power, phone and cable have been sent notice of this application.
Zone designations should be separated by streets, not individual property lines. What do the property owners of those properties think?	Street location provide general direction and are finalized at time of development. Staff tried to find a balance of utilizing existing property lines and anticipated road locations.
The East Mixed Use Neighborhood should be more of a square rather than strung out along Beavercreek Road itself. Move it further north and center it around the mixed-use areas including Main Street and the industrial	While that sounds like an intriguing idea, staff felt that it was too divergent from the adopted plan. Staff's direction was to implement the adopted plan and only amend as needed to implement the intent of the
Education	
The anticipated extension of Clackamas Community College provides significant opportunity for professional training and economic development.	We agree and encourage all property owners to work with Clackamas Community College and the city's Economic Development Department to look for opportunities to partner to help transition students to full time work. The uses allowed in the area will take this into consideration.
Ensure proper siting and ease of permitting for future schools.	In the 2008 Concept Plan process, the Oregon City School District determined that they did not need additional land within the concept plan boundaries. They do have a parcel of land located just south of the concept plan boundary, near Old Acres Road but is not being considered for construction in the short term. Development in the concept plan area will provide an opportunity for future connections with the school property.
Miscellaneous	
Be clear about what is meant by "conceptual" in terms of roadways and district boundaries. Consider changing it from a "plan" to a "guide".	Final roadway design will be addressed at the development application stage and will need to be consistent with the concept plan maps or provide an alternate design that meets or exceeds the intent of the adopted street map. The design team will make an effort to set the correct expectations.
The plan should include a mix of uses and amenities - they would be helpful to reduce traffic and in case of disaster.	We have heard a need for a mix of commercial uses. Some of these goals can be achieved by the zoning code. Others, are more aligned with economic development goals and programs that City Commission may employ to work collaboratively with property owners to achieve this mix.
Like Lake Oswego development.	We assume that this comment translates to "make it look nice". Zoning code and design standards can provide a template for how a private development could look. However, too detailed of standards can stifle creativity and sensitivity to a specific private parcel's market needs. The project team is trying to create a balance of not under or over-regulating the urban layout of the concept plan areas. We are identifying the major design goals of the Concept Plan and are trying to create code that requires these elements. As the draft code is released this spring and through the public hearing process, please let us know if this balance was achieved, or if you think there should be a different balance.
How to limit connections to a private street to the south.	Old Acres Road, located at the southern boundary of the Concept Plan, is a private road and new development in the Concept Plan area will not be able to utilize this connection unless previously allowed by the private property owners.
Manage density.	The density outlined in the Concept Plan is regulated by Title 11 which governs the Urban Growth Boundary process. This code ensures cities efficiently use land brought into the Urban Growth Boundary, which reduces the need to expand the growth boundary earlier than predicted. The density of dwelling units in the approved Beavercreek Road Concept Plan has been set to fall between 1,000 and 1,600 dwelling units. A dwelling unit is defined as one single-family house, a townhouse unit, or an apartment unit in a multi-family building. It does not differentiate between the number of bedrooms. Development of these units will be completed over time through the subdivision (single-family or townhomes) or Site Plan and Design Review process (multi-family) based on the market and property owner direction. The goal of the code amendment process is to adopt zoning codes that can ensure that the area develops dwelling units over time that fall within the adopted 1,200-1,600 threshold. <u>The placement of the densities and design will help create a community people like while minimizing</u>
Include art.	Public art is not a goal or requirement of the concept plan, and therefore does to align with the aims of this zoning amendments project (provide zoning code amendments to allow private development to build within the Concept Plan boundary). However, as development moves forward, there may be opportunities to partner with local art organizations such as the Clackamas County Art Alliance https://clackamasartsalliance.org/ for public art in city open spaces or in private development.

A nighttime photograph of a large, illuminated bridge spanning a body of water. The bridge's lights are reflected in the water, creating a shimmering effect. The sky is dark, and the overall scene is atmospheric.

Clark Road Concept Plan

Zoning and Code Amendments
February 10, 2020

Sample Adopted Street Section

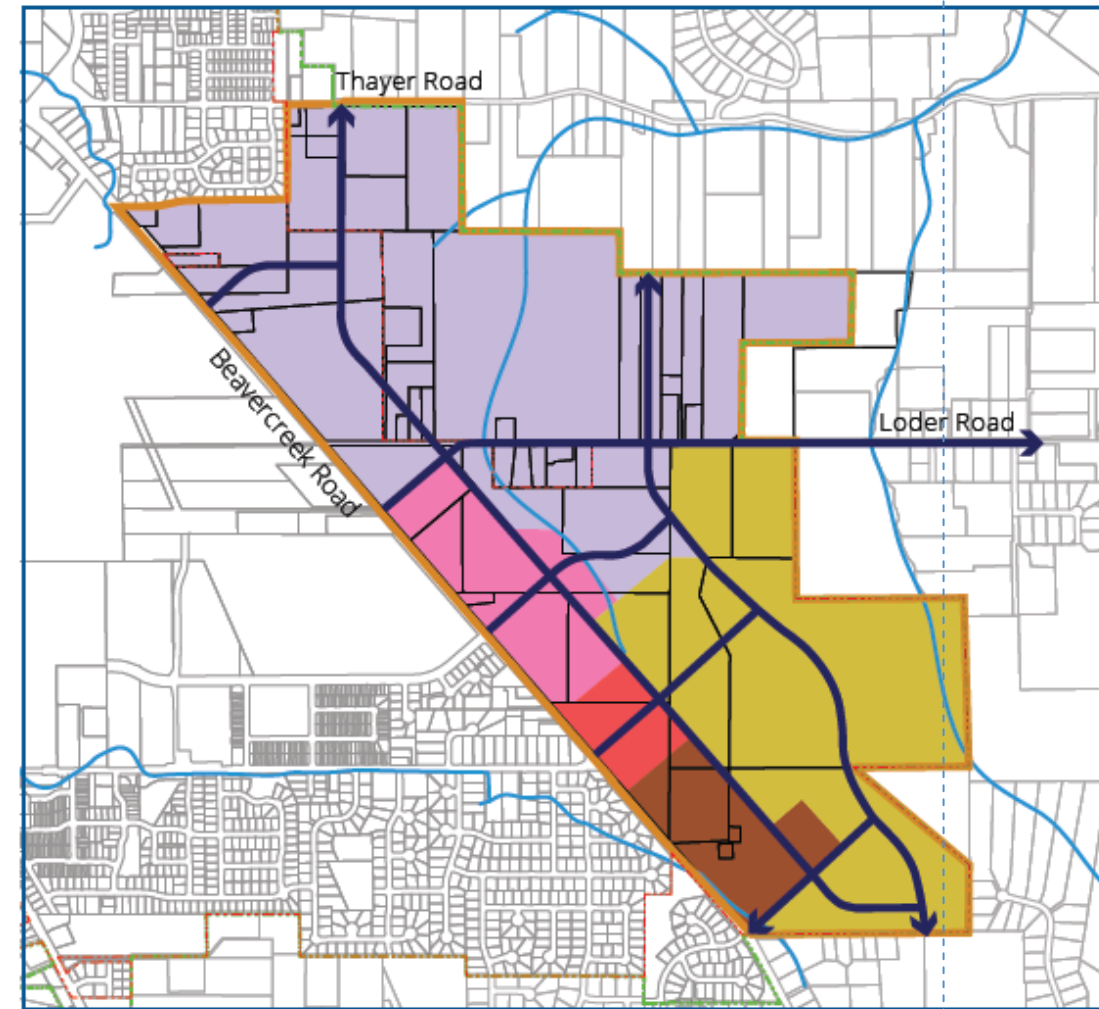


The adopted collector street in the concept plan include:

- sidewalk (both sides of the street)
- 7.5-foot-wide planter strip (both sides of the street)
- On-street parking (both sides of the street)
- 5-foot-wide bike lane (both sides of the street)
- vehicle travel lane (one in each direction)
- 10-foot-wide landscaped center median

String portion of linear park will be a shared use path.

Some streets may be downgraded at time of development if a traffic study demonstrates local street traffic volumes along the corridor.



Legend

BRCP Subdistrict	Comp Plan Designation	Zoning Designation		
West Mixed Use Neighborhood	High Density Residential	High Density Residential	R-2	BRCP Boundary
East Mixed Use Neighborhood	Medium Density Residential	Medium Density Residential	R-5	Urban Growth Boundary
Main Street	Mixed Use Corridor	Neighborhood Commercial	NC	City Limits
Mixed Employment Village	Mixed Use Corridor	Mixed Use Corridor	MUC-2	Future Road Connections
North Employment Campus	Industrial	Campus Industrial	CI	Streams

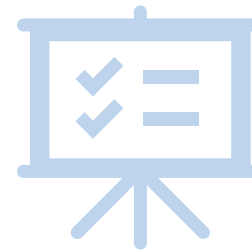
Outreach



Presented to the Transportation Advisory Committee (TAC)

February 18, 2020

TAC supported wider and safer bike lanes



Created Survey – looks at prioritizing ROW elements

*Sent to 185 members of Concept Plan E-blast list

*Shared on Social Media

Survey Results Collector Width

How should the design of Collector Streets be revised to account for the need for wider/safer bike lanes?

Survey Results Febraury 10, 2010

(76 respondences)

Expand the width of the street to accommodate safer bike lanes- no change to the planter strip and medium width	14
Fit the safer bike lanes into the existing street width by reducing the widths of the planter strip and medium.	25
Fit the safer bike lanes into the street through a combination of reducing the width of the planter strip and medium and also increasing the street width.	15
Keep the existing street section and smaller bike lanes- no change to the widths of the planter strip and medium.	22

Next Steps

Tonight

- Planning Commission -Provide staff direction on approach for Collector Street

February 24, 2020 Planning Commission Meeting

- Staff will work with Public Works staff on revised ROW cross section and include recommend revision in adoption package.
- Upland Habitat: Natural Resource Committee did not meet in February. No presentation planned.
- Staff Report Findings
 - Revised Zoning Code
 - Zoning Map & Comprehensive Plan Map
 - Amendments to Concept Plan
 - Amendments to Ancillary Documents of the Comprehensive Plan

