



City of Oregon City

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

Meeting Agenda Planning Commission

Monday, January 13, 2020

7:00 PM

Commission Chambers

1. Call To Order

2. Public Comments

3. Public Hearing

- 3a.** GLUA-19-00041 (General Land Use Application), VAR-19-00006, through VAR-19-00009 (Variances) for Sign variances at the Hilltop McDonald's at 1450 Molalla Avenue

Attachments: [Commission Report](#)
[Staff Report and Recommendation](#)
[Exhibit 1. Vicinity Map](#)
[Exhibit 2. Combined Application Materials](#)
[Exhibit 3. OCSD comment](#)
[Exhibit 4. Mitigation tree planting location map](#)

- 3b.** GLUA-19-00042 (General Land Use Application), VAR-19-00010, through VAR-19-00013 (Variances), WRG-19-00001 (Willamette River Greenway), FP-19-00002 (Floodplain Review) for Sign variances at the McDonald's at 2010 Clackamette Drive

Attachments: [Commission Report](#)
[Staff Report and Recommendation](#)
[Exhibit 1: Vicinity Map](#)
[Exhibit 2: Application Materials](#)
[Exhibit 3: Public comment](#)

- 3c.** Planning Files: LEG 19-00003 - Beavercreek Road Concept Plan- Code and Zoning Amendments- Tentative Planning Commission Recommendation and Discussion of Outstanding Items (Parks, Enhanced Home Occupation/Cottage Industry, Upland Habitat)

Attachments: [Commission Report](#)

[Planning Commission Memo January 13, 2020 Hearing](#)

[Natural Resource Committee- Letter to Planning Commission- Upland Habitat](#)

[Home Occupations Cottage Industry- Revised Code](#)

[Public Park and Open Space Requirements in Beavercreek Road Concept Plan - Revised Code](#)

[Beavercreek 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
Oregon City, OR 97045
503-657-0891

Staff Report

File Number: PC 20-001

Agenda Date: 1/13/2020

Status: Agenda Ready

To: Planning Commission

Agenda #:

From: Planner Kelly Reid

File Type: Land Use Item

SUBJECT:

GLUA-19-00041 (General Land Use Application), VAR-19-00006, through VAR-19-00009 (Variances) for Sign variances at the Hilltop McDonald's at 1450 Molalla Avenue

RECOMMENDED ACTION (Motion):

Approval with Conditions

BACKGROUND:

The applicant proposes two variances for each sign; one for the use of signs that contain flashing or moving images or words that change more than three times per day; and one for the existence of the sign, which is considered a freestanding sign and exceeds the number of freestanding signs permitted on site.

The existing site contains one main freestanding sign along with two menu boards and is already nonconforming. The applicant proposes to remove the two menu boards and replace them with new menu boards of a similar size in the same location.

BUDGET IMPACT:

Amount:

FY(s):

Funding Source:



OREGON CITY

Community Development – Planning

698 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

TYPE III STAFF REPORT AND NOTICE OF DECISION *January 3, 2020*

FILE NUMBER: GLUA-19-00041 (General Land Use Application), VAR-19-00006, through VAR-19-00009 (Variances)

HEARING DATE: January 13, 2020 7:00 p.m.
City Hall 625 Center Street
Oregon, City, Oregon 97045

APPLICANT/OWNER: Hilltop Mall LLC
PO Box 2200
Oregon City, OR 97045

REQUEST: The applicant requests a variance for two signs exceeding the maximum number of freestanding signs permitted onsite, and a variance to allow the signs to contain a change in message more than three times per day.

LOCATION: 1450 Molalla Avenue Oregon City, Oregon 97045
Clackamas County Map 3-2E-05C Taxlot 205

REVIEWER: Kelly Reid, AICP, Planner

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.

Final Conditions of Approval
Planning File GLUA-19-00041

- (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.

Planning Division Conditions of approval (the applicant must demonstrate that conditions are met prior to final inspection for a building permit).

1. The applicant shall plant one tree in the eastern corner of the site at the driveway entrance from Molalla Avenue to better screen the signs from Molalla Avenue, and one tree along the southern edge of the drive thru area to better screen the signs from Beaver Creek Road. The tree locations are shown in Exhibit 4. The trees shall be at least 2" caliper and the species shall be selected from the City's native plant list or street tree list. (P)

II. BACKGROUND:

1. Existing Conditions

The site is an existing McDonald's restaurant with a drive-thru and is part of the Hilltop Mall development.

Figure 1. Vicinity Map



Figure 2: Existing Conditions – Aerial Image



2. Project Description

The applicant submitted the following project description:

"The McDonald's that is located at 1450 Molalla Ave Oregon City OR 97045 is respectfully relief from the code that will allow the property the ability to reflect the investment being made into the site and the community as well as improve the overall customer experience. As part of the investment into this location, McDonalds

is seeking to replace its 2 existing menu boards and 1 existing pre-menu board with new menu boards using new digital technology.

The area that requires relief is as follows:

- Number of drive-through signs and size
 - Allowed: 1 freestanding sign NTE 150 SF, 1 incidental freestanding sign NTE 8 SF
 - Requested: 2
 - 2 Menu Boards at approximately 20SF each
- Replacing 2 existing menu boards at approximately 45SF
- Signs that contain, include or illuminated by flashing, revolving, rotating or moving light or moves or has any animated or moving parts with move or rotate or change more than 3 times a day are prohibited.
 - Requesting 2 menu boards that list a customer's order as they place it, including the total cost.

The requested signs all serve a purpose that work together to create an overall aesthetic balance as well as help to improve the customer experience. These signs will also help to ensure that motorists can easily navigate the site, entering and exiting quickly, yet safely."

The applicant proposes two variances for each sign; one for the use of signs that contain flashing or moving images or words that change more than three times per day; and one for the existence of the sign, which is considered a freestanding sign and exceeds the number of freestanding signs permitted on site.

The existing site contains one main freestanding sign along with two menu boards and is already nonconforming. The applicant proposes to remove the two menu boards and replace them with new menu boards of a similar size in the same location.

Figure 3: Proposed Site Plan



Figure 4. Existing Menu Boards



Figure 5. Proposed New Sign



Figure 6. Views From Molalla Avenue and Beavercreek Road



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

15.28 - Signs

17.50 - Administration and Procedures

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

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.

5. **Notice and Public Comment**

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):

The Oregon City School District indicated the proposal would not conflict with their interests.

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.

I. RESPONSES TO THE OREGON CITY MUNICIPAL CODE:

CHAPTER 15.28 – SIGNS

15.28.080 Signs in Office Commercial, Mixed Use and Industrial Zones

A. General. All of the following standards apply to all signs in office, commercial, mixed use and industrial zones:

- 1. With the exception of projecting or wall signs, signs shall not project over the right-of-way. Signs projecting into the right-of-way shall receive approval by the city engineer.*
- 2. With the exception of wall signs, signs shall maintain a minimum clearance of ten feet above grade over pedestrian or vehicular areas, and fourteen feet above grade over areas of truck access.*

Finding: Complies as Proposed. The proposed signs do not project over any right of way.

B. Wall Signs. All of the following standards apply to wall signs in office, commercial, mixed use and industrial zones:

- 1. The number of wall signs is unlimited provided the total combined display area of wall signs, projecting signs and banners does not exceed twenty square feet for each ground floor tenant space on which the sign is constructed. For ground floor tenant spaces exceeding twenty feet of wall length on which the sign is constructed and tenant spaces not on the ground floor, signage shall not exceed one square foot per each lineal foot of the wall length of the tenant space on which the sign is constructed.*
- 2. Signs on structures such as awnings, canopies, false fronts and wall extensions that do not extend more than one foot from the structure are considered wall signs.*

Finding: Not Applicable. The signs in question are not wall signs. The above does not apply to this request.

C. Freestanding Signs. All of the following standards apply to freestanding signs in office, commercial, mixed use and industrial zones:

- 1. A maximum of one freestanding sign is allowed for each street frontage. On arterial streets, if a frontage exceeds a length of six hundred linear feet a second freestanding sign is allowed. In all cases, no freestanding sign shall be permitted on the same frontage where there is a projecting or roof sign.*

Finding: See variance findings in 15.28.130. The site frontage is less than 600 feet; thus one freestanding sign is permitted. The site currently has more than one freestanding sign. The applicant is requesting to replace two existing menu boards with two new, smaller menu boards.

- 2. Freestanding signs on the same frontage shall be separated by a minimum of fifty feet distance.*

Finding: See variance findings in 15.28.130. The applicant is requesting to replace two existing menu boards with two new, smaller menu boards. These two signs are not necessarily located on a frontage, and they are not separated by 50 feet.

3. Maximum display area

- a. Where the street frontage is less than fifty feet in length, the display area shall not exceed fifty square feet and the sign face shall not exceed twenty-five square feet.*
- b. Where the street frontage is fifty feet or greater but less than two hundred feet in length, display area shall not exceed one hundred square feet and the sign face shall not exceed fifty square feet.*
- c. Where the street frontage is two hundred feet or greater in length, the display area shall not exceed three hundred square feet and the sign face shall not exceed one hundred fifty square feet.*

d. In no case shall any sign have a display area in excess of three hundred square feet.

Finding: Complies as Proposed. The street frontage on Molalla Avenue is approximately 240 feet in length. The applicant did not provide the size of the existing main sign for the business. The proposed new signs are approximately 20SF each; or 4 feet by 5 feet; for a total of 40SF. The proposed signs are one-sided; the proposed size is the size of the sign face.

4. The sign width shall not exceed twenty linear feet.

Finding: Complies as Proposed. The width of each sign is 4'10".

5. Where the street frontage is two hundred feet in length or less the sign height shall not exceed twenty-five feet. Where the street frontage is more than two hundred feet in length, the sign height shall not exceed thirty feet.

Finding: Complies as Proposed. The height of each sign is 5' 11 5/8".

D. Incidental Freestanding Signs. All of the following standards apply to incidental signs in office, commercial, mixed use and industrial zones:

- 1. A maximum of one incidental freestanding sign is allowed for each street frontage.*
- 2. The display area shall not exceed sixteen square feet and the sign face shall not exceed eight square feet.*
- 3. The sign height shall not exceed 15 feet.*

Finding: Not applicable. No incidental signs are being requested. The proposed signs exceed the allowed size of incidental signs and are thus considered freestanding signs.

15.28.110 - Prohibited signs.

It is unlawful for any of the following signs to be constructed or maintained except as otherwise provided in this chapter:

B.A sign that contains, includes or is illuminated by any flashing or revolving, rotating or moving light or moves or has any animated or moving parts which move or rotate or change more than three times per day, except as otherwise allowed within this code.

Finding: See variance findings in 15.28.130. The applicant is requesting to utilize two new menu board signs with illuminated areas that will change throughout the day to reflect customers' orders and prices.

15.28.130 Variances

All of the following standards apply to variances to this chapter:

- A. Grounds for Variance. Upon application by an applicant, the planning commission may grant a specific variance from provisions of this chapter provided all of the following circumstances exist:*

- 1. 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.

Variances for the Number of Freestanding Signs

The proposed signs are approximately 5 feet in height and are smaller than the existing signs. They are located at least 90 feet from neighboring buildings. Any impacts to neighboring properties will be reduced by the proposed changes on site.

Variances for Message Change more than 3x per day

The requested change will have little to no effect on adjacent properties. The content of the sign will be minimally visible, if at all, from neighboring properties. The reduction in illumination from the new signs is a benefit to adjacent properties as these new signs are not distracting and are tailored to the user.

- 2. That the request is the minimum variance that would alleviate the hardship;*

Finding: Complies as Proposed.

Variances for the Number of Freestanding Signs

The applicant states: "This request is part of a nationwide campaign by McDonald's to replace their menu boards with state of the art digital boards. These new boards are smaller and give off less illumination.

The site already has 2 menu boards. McDonalds simply wants to replace them with smaller, more effective and efficient menu boards.” While there is no apparent hardship associated with this proposal, staff finds that because the applicant is not increasing the overall number of signs on site, this criterion is met.

Commented [KR1]: Get clarification on pre-menu boards

Variances for Message Change more than 3x per day

The proposal would result in a sign that changes every time a new order is placed. The applicant states “The menu portion of the sign will only change twice daily, once from breakfast to lunch/dinner and then back to breakfast. The portion of the sign that will change more than 3 times is a very small area. This area is specifically designed for only the user of the sign. This area will list the user’s order as well as the total cost. This will only be visible to the user as their vehicle will be in front of the board. The order will not be visible to anyone else.” Staff finds that the applicant has minimized the areas of the sign that will have a changing message.

3. Granting the variance will equal or exceed the purpose of the regulation to be modified;

Finding: Complies as Proposed.

Variances for the Number of Freestanding Signs

The purpose of the regulation limiting the number of freestanding signs is to eliminate sign clutter. The proposed menu board signs are not oriented to the street as advertising, like most signs; instead, they are directed at the existing drive through facility. The applicant states “The new signs serve the same purpose, but are smaller, more concise and easier for the consumer to use. This is a significant decrease in overall sign square footage. Additionally, these signs do substantially not alter the appearance of the site. The new menu boards will be in the same location as the existing signs. The modification of the existing antiquated display with the new digital technology will only impact the direct user of the product. This user has made the choice to enter onto the commercial property and expects the transaction that they are seeking to be able to be accomplished in an expedited and concise manner. In addition, this corridor is primarily commercial in nature and modifications that will allow for services offered at these types of properties should be supported and approved.” Staff finds that the reduction in size of the signs will help to minimize clutter, and recommends mitigation to better screen the signs from the right of way.

Variances for Message Change more than 3x per day

The purpose of the regulation is to avoid signs that are distracting to drivers and to maintain an aesthetically pleasing streetscape. The proposal would result in a sign that changes every time a new order is placed. The applicant states “The menu portion of the sign will only change twice daily, once from breakfast to lunch/dinner and then back to breakfast. The portion of the sign that will change more than 3 times is a very small area. This area is specifically designed for only the user of the sign. This area will list the user’s order as well as the total cost. This will only be visible to the user as their vehicle will be in front of the board. The order will not be visible to anyone else.” Staff finds that the message changes will be minimally visible from the right of way, if at all, and will not cause distractions to drivers or impact the streetscape.

4. Any impacts resulting from the adjustment are mitigated;

Finding: Complies with Condition.

Variances for the Number of Freestanding Signs

Staff finds that the reduction in size of the signs will help to minimize clutter, but the number of signs will still create more visual clutter than if the applicant met the standards. Thus, mitigation to screen the signs from the right of way is recommended. The applicant shall plant one tree in the eastern corner of the site

at the driveway entrance from Molalla Avenue to better screen the signs from Molalla Avenue, and one tree along the southern edge of the drive thru area to better screen the signs from Beavercreek Road. The tree locations are shown in Exhibit 4. The trees shall be at least 2" caliper and the species shall be selected from the City's native plant list or street tree list.

Variances for Message Change more than 3x per day

The proposal would result in a sign that changes every time a new order is placed. The applicant states "The menu portion of the sign will only change twice daily, once from breakfast to lunch/dinner and then back to breakfast. The portion of the sign that will change more than 3 times is a very small area. This area is specifically designed for only the user of the sign. This area will list the user's order as well as the total cost. This will only be visible to the user as their vehicle will be in front of the board. The order will not be visible to anyone else." Staff finds that the message changes will be minimally visible from the right of way, if at all, and will not cause distractions to drivers or impact the streetscape. Thus, no mitigation is required.

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

5. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and

Finding: Complies as Proposed.

Variances for the Number of Freestanding Signs

The applicant states "There are no alternatives. This is a nationwide initiative by McDonald's to replace existing menu boards with these smaller digital menu boards."

Variances for Message Change more than 3x per day

The applicant states "There are no alternatives. This is a nationwide initiative by McDonald's to replace existing menu boards with these smaller digital menu boards."

6. 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 or policies that are specific to signs. The applicant provided the following responses regarding comprehensive plan section 2: Land Use.

Goal 2.3 – Corridors

The proposal for this site is in line with the goal set forth in the code. The proposal for new, smaller menu boards that use digital technology will help the site and its consumers. The boards are smaller, easier to read, more aesthetically pleasing and give off less illumination. The new boards will help move customers through the site quickly and safely, leading to a better overall customer experience.

Goal 2.5 – Retail and Neighborhood Commercial

The proposal for this site is in line with this goal set forth in the code. The proposal will help the business expand its customer base by allowing customers to get through the drive thru lane quicker and safer. By doing so the traffic movement will be faster as people will spend less time in the drive thru lanes. The new boards also improve the area aesthetically as the boards are smaller and give off less illumination.

B. Variance Fee. At the time of application for variance from the provisions of this chapter, the applicant shall pay a fee in accordance with the fee schedule established and amended from time to time by the city commission and on file with the city recorder.

C. Procedure. A variance application shall be treated in the manner provided by [Chapter 17.50](#) of this code with respect to zoning variances.

Finding: Complies as Proposed. The applicant has submitted the required fees.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

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. A Pre-application conference was held on 7/9 via conference call.

17.50.055 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. A Neighborhood Association Meeting was held on 8/13/19. The applicant stated "The Association allowed us to call in and participate in the meeting. During the meeting we outlined our proposal to the Association to replace the existing menu boards with new menu boards that utilize digital technology. The Association was receptive to the change as the new menu boards provide the same information on a smaller size board and the illumination is less than the current levels. The Association overwhelmingly approved the proposal."

CHAPTER 17.60 - VARIANCES

Sign Variance criteria is found in Chapter 15.28 rather than Chapter 17.60.

CONCLUSION AND DECISION:

Based on the analysis and findings as described above, Staff concludes that the proposed development located at 1450 Molalla Avenue can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director recommends approval with conditions, 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. Map of mitigation tree planting locations

Oregon City GIS 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.

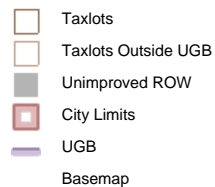


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Map created 12/13/2019

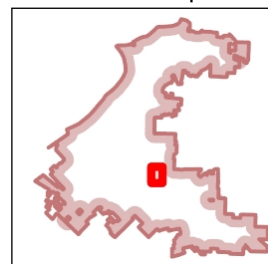
Legend

Street Names



Notes

Overview Map



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



Site Enhancement Services

6001 Nimtz Pkwy

South Bend IN 46628

City of Oregon City

625 Center St.

Oregon City OR 97045

To Whom it May Concern:

Please find the enclosed application for a Sign Variance at the McDonald's located at 1450 Molalla Ave, Oregon City OR 97045. Also enclosed is a check for the cost of the variance as well as the cost to have the City provide the labels for owners within 300 feet of the site. We are most appreciative that you will provide that information.

With regards to the requirement of a Neighborhood Association Meeting, we were able to attend a meeting on 8/13. The Neighborhood Association was good enough to allow us to attend via phone. We discussed the proposal with the Association and they were very receptive to our plans. Unfortunately, our attempts to obtain a copy of the minutes or a letter from the association have not been successful. We have reached out several times via e-mail and our requests have not been responded to. Enclosed is a copy of the email chain where we have reached out. Hopefully this will not cause any issues with our application.

Should you require any additional information, please do not hesitate to contact me. You can reach me via e-mail at [djrsitenhancementservices.com](mailto:djr@sitenhancementservices.com) or by phone at 574-485-1101. We thank you for your time, consideration and assistance throughout this process.

Sincerely,

David Ratliff

Project Coordinator

Site Enhancement Services



OREGON CITY

L/C 036-0060
Community Development - Planning

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

LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

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

Type II (OCMC 17.50.030.B)

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

Type III / IV (OCMC 17.50.030.C)

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

File Number(s): _____

Proposed Land Use or Activity: Replace 1 of 2 existing menu boards with new menu board that has changeable copy more than 3 times a day.

Project Name: McDonald's Menu Boards **Number of Lots Proposed (If Applicable):** _____

Physical Address of Site: 1450 Molalla Ave Oregon City OR 97045

Clackamas County Map and Tax Lot Number(s): 3-2E05C -00205

Applicant(s):

Applicant(s) Signature: 

Applicant(s) Name Printed: David Ratliff **Date:** 10/9/19

Mailing Address: 6001 Nimtz Pkwy South Bend IN 46628

Phone: 574-485-1101 **Fax:** _____ **Email:** djr@siteenhancementservices.com

Property Owner(s):

Property Owner(s) Signature: 

Property Owner(s) Name Printed: Hilltop Mall LLC **Date:** 8/21/2019

Mailing Address: PO Box 2200, Oregon City, OR 97045

Phone: 503-657-1703 **Fax:** _____ **Email:** CTD@DANIELSONS.NET

Representative(s):

Representative(s) Signature: _____

Representative (s) Name Printed: _____ **Date:** _____

Mailing Address: _____

Phone: _____ **Fax:** _____ **Email:** _____

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.



OREGON CITY

L/C 036-0060

Community Development - Planning

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

LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

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

Type II (OCMC 17.50.030.B)

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

Type III / IV (OCMC 17.50.030.C)

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

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Phone: 574-485-1101 Fax: _____ Email: djr@siteenhancementservices.com

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Property Owner(s) Signature: [Signature]

Property Owner(s) Name Printed: Hilltop Mall LLC Date: 8/21/2019

Mailing Address: PO Box 2200, Oregon City, OR 97045

Phone: 503-320-8274 Fax: _____ Email: CTD@DANIELSONS.NET
503 657-1703

Representative(s):

Representative(s) Signature: _____

Representative (s) Name Printed: _____ Date: _____

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

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www.orcity.org/planning



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503-657-1703

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Mailing Address: _____

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www.orcity.org/planning

Statement of Justification

The McDonald's that is located at 1450 Molalla Ave Oregon City OR 97045 is respectfully relief from the code that will allow the property the ability to reflect the investment being made into the site and the community as well as improve the overall customer experience. As part of the investment into this location, McDonalds is seeking to replace its 2 existing menu boards and 1 existing pre-menu board with new menu boards using new digital technology.

The area that requires relief is as follows:

- Number of drive-through signs and size
 - Allowed: 1 freestanding sign NTE 150 SF, 1 incidental freestanding sign NTE 8 SF
 - Requested: 2
 - § 2 Menu Boards at approximately 20SF each
 - Replacing 2 existing menu boards at approximately 45SF
- Signs that contain, include or illuminated by flashing, revolving, rotating or moving light or moves or has any animated or moving parts with move or rotate or change more than 3 times a day are prohibited.
 - Requesting 2 menu boards that list a customer's order as they place it, including the total cost.

The requested signs all serve a purpose that work together to create an overall aesthetic balance as well as help to improve the customer experience. These signs will also help to ensure that motorists can easily navigate the site, entering and exiting quickly, yet safely.

The additions of these new signs will be beneficial to the site and will have no adverse effect to the site or the surrounding areas. These new signs do not change the use. The new signs serve the same purpose, but are smaller, more concise and easier for the consumer to use. The current menu boards are approximately 45SF. The proposed boards are approximately 20 SF and the proposed pre-menu boards are approximately 10SF. This is a significant decrease in overall sign square footage. Additionally, these signs do substantially not alter the appearance of the site. The new menu boards will be in the same location as the existing signs. The modification of the existing antiquated display with the new digital technology will only impact the direct user of the product. This user has made the choice to enter onto the commercial property and expects the transaction that they are seeking to be able to be accomplished in an expedited and concise manner. In addition, this corridor is primarily commercial in nature and modifications that will allow for services offered at these types of properties should be supported and approved.

The second area requiring relief has to do with the changeable copy on the sign. The menu portion of the sign will only change twice daily, once from breakfast to lunch/dinner and then back to breakfast. The portion of the sign that will change more than 3 times is a very small area. This area is specifically designed for only the user of the sign. This area will list the user's order as well as the total cost. This will only be visible to the user as their vehicle will be in front of the board. The order will not be visible to anyone else.

These new signs will have little to no impact on adjoining properties and the neighborhood. The signs are smaller and give off less illumination than the current signs. Included in this submission are statements showing the lumen output as well as a letter showing the adjustable nature of these signs. The default minimum brightness is 500 nits which is 20% of the maximum brightness, but it can be adjusted to by only 1% of maximum brightness. These signs also can be set to automatically dim in low light and nighttime environments. Whether its manual or automatic, the ability to adjust the brightness of the signs will make any impact on the adjoining properties or passing motorists will be negligible.

The new signs will not affect the provision of public services nor increase demand on public or private utilities. As previously stated, these signs will put off less illumination than the current signs. They are much more efficient and will require less energy to operate. Also, they will be in the same area as the current signs. This will not have any impact on the provision of public services.

The modifications do not diminish the intent of the originally approved plan. These new signs serve the same purpose as the original plans however, they utilize new digital technology. The new signs are designed to optimize development potential in ways that benefit current future citizens. This upgrade in technology will allow for a better overall customer experience at this site. The increase in customer experience directly relates to the viability and use of the site. A fully functioning, well run McDonald's property is a benefit to any community and this specific corridor.

The digital displays that are requested provide the customer with 100% up-to-date messaging in a clear and readily legible manner. The existing messaging is manually controlled which, unfortunately, often leads to inconsistent and out-of-date offerings in the display rotation. These inconsistencies lead to elongated time for the customers in the drive thru lanes and decreases to the overall experience during the transaction phase of the experience. The goal of the digital displays is to make sure that the customers have clear and concise messages so that time on site is focused, controlled, and expedited. A focused and satisfied motorist is more aware of their surrounding and less likely to cause vehicular infractions.

TYPE II –SITE PLAN AND DESIGN REVIEW
Applicant's Submittal
Date

APPLICANT: David Ratliff

Site Enhancement Services 6001 Nimitz Pkwy South Bend IN 46628

OWNER: McDonald's Corp

110 N Carpenter St, Chicago IL 60607

REQUEST: Replace existing menu boards with new menu boards using digital technology.

LOCATION: 1450 Molalla Ave, Oregon City OR 97045

Map # 3-02E-05C

Taxlot # 00205

I. BACKGROUND:

1. Existing Conditions

The site currently has 1 freestanding sign, 2 directional signs and 2 menu boards. The menu boards are approximately 45 SF in size.

2. Project Description

The property owner is seeking to replace the 2 existing menu boards with smaller menu boards that utilize digital technology.

II. RESPONSES TO THE OREGON CITY MUNICIPAL CODE:

CHAPTER 15.28 – SIGNS

15.28.080 Signs in Office Commercial, Mixed Use and Industrial Zones

A. General. All of the following standards apply to all signs in office, commercial, mixed use and industrial zones:

- 1. With the exception of projecting or wall signs, signs shall not project over the right-of-way. Signs projecting into the right-of-way shall receive approval by the city engineer.*
- 2. With the exception of wall signs, signs shall maintain a minimum clearance of ten feet above grade over pedestrian or vehicular areas, and fourteen feet above grade over areas of truck access.*

Applicant's Response: The proposed signs do not project over any right of way

B. Wall Signs. All of the following standards apply to wall signs in office, commercial, mixed use and industrial zones:

- 1. The number of wall signs is unlimited provided the total combined display area of wall signs, projecting signs and banners does not exceed twenty square feet for each ground floor tenant space on which the sign is constructed. For ground floor tenant spaces exceeding twenty feet of wall length on which the sign is constructed and tenant spaces not on the ground floor, signage shall not exceed one square foot per each lineal foot of the wall length of the tenant space on which the sign is constructed.*
- 2. Signs on structures such as awnings, canopies, false fronts and wall extensions that do not extend more than one foot from the structure are considered wall signs.*

Applicant's Response: The signs in question are not wall signs. The above does not apply to this request.

C. Freestanding Signs. All of the following standards apply to freestanding signs in office, commercial, mixed use and industrial zones:

1. A maximum of one freestanding sign is allowed for each street frontage. On arterial streets, if a frontage exceeds a length of six hundred linear feet a second freestanding sign is allowed. In all cases, no freestanding sign shall be permitted on the same frontage where there is a projecting or roof sign.

Applicant's Response: The applicant is requesting to replace 2 existing menu boards with 2 smaller menu boards that utilize digital technology.

2. Freestanding signs on the same frontage shall be separated by a minimum of fifty feet distance.

Applicant's Response:

3. Maximum display area

a. Where the street frontage is less than fifty feet in length, the display area shall not exceed fifty square feet and the sign face shall not exceed twenty-five square feet.

b. Where the street frontage is fifty feet or greater but less than two hundred feet in length, display area shall not exceed one hundred square feet and the sign face shall not exceed fifty square feet.

c. Where the street frontage is two hundred feet or greater in length, the display area shall not exceed three hundred square feet and the sign face shall not exceed one hundred fifty square feet.

d. In no case shall any sign have a display area in excess of three hundred square feet.

Applicant's Response: The requested signs are approximately 20SF each for a total of 40SF. This is well below the requirements listed above.

4. The sign width shall not exceed twenty linear feet.

Applicant's Response: The width of each sign is 4'10".

5. Where the street frontage is two hundred feet in length or less the sign height shall not exceed twenty-five feet. Where the street frontage is more than two hundred feet in length, the sign height shall not exceed thirty feet.

Applicant's Response: The height of each sign is 5' 11 5/8".

D. Incidental Freestanding Signs. All of the following standards apply to incidental signs in office, commercial, mixed use and industrial zones:

1. A maximum of one incidental freestanding sign is allowed for each street frontage.

Applicant's Response: No incidental signs are being requested.

2. The display area shall not exceed sixteen square feet and the sign face shall not exceed eight square feet.

Applicant's Response: No incidental signs are being requested.

3. The sign height shall not exceed 15 feet.

Applicant's Response: No incidental signs are being requested.

15.28.130 Variances

All of the following standards apply to variances to this chapter:

A. Grounds for Variance. Upon application by an applicant, the planning commission may grant a specific variance from provisions of this chapter provided all of the following circumstances exist:

1. 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;

Applicant's Response: The requested change will have little to no effect on adjacent properties. The reduction in illumination from the new signs is a benefit to adjacent properties as these new signs are not distracting and are tailored to the user.

2. That the request is the minimum variance that would alleviate the hardship;

Applicant's Response: This request is part of a nationwide campaign by McDonald's to replace their menu boards with state of the art digital boards. These new boards are smaller and give off less illumination. The site already has 2 menu boards. McDonalds simply wants to replace them with smaller, more effective and efficient menu boards.

3. Granting the variance will equal or exceed the purpose of the regulation to be modified;

Applicant's Response: The variance will equal the purpose of the regulation to be modified. The request is to replace existing menu boards with smaller, easier to read menu boards. The amount of signs will not be increased and the overall square footage will actually be decreased.

4. Any impacts resulting from the adjustment are mitigated;

Applicant's Response: As previously stated, these new menu boards will have little to no impact on adjacent properties. Internal to the site, the new menu boards will provide a clear and concise message that is focused and controlled. This will lead to an expedited and more satisfying on-site experience for the customer. A focused and satisfied motorist is more aware of their surrounding and less likely to cause vehicular infractions.

5. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and

Applicant's Response: There are no alternatives. This is a nationwide initiative by McDonald's to replace existing menu boards with these smaller digital menu boards.

6. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.

Applicant's Response:

B. Variance Fee. At the time of application for variance from the provisions of this chapter, the applicant shall pay a fee in accordance with the fee schedule established and amended from time to time by the city commission and on file with the city recorder.

C. Procedure. A variance application shall be treated in the manner provided by [Chapter 17.50](#) of this code with respect to zoning variances.

Applicant's Response: Fees are included with this submission. We agree to comply with the requirements as laid out in the code.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

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.

Applicant's Response: Pre-application conference was held on 7/9 via conference call.

17.50.055 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.

Applicant's Response:

The Neighborhood Association Meeting was held on 8/13/19. The Association allowed us to call in and participate in the meeting. A sign in sheet is attached with the submission. We have requested the minutes from the meeting multiple times however, the Association has not sent them over. During the meeting we outlined our proposal to the Association to replace the existing menu boards with new menu boards that utilize digital technology. The Association was receptive to the change as the new menu boards provide the same information on a smaller size board and the illumination is less than the current levels. The Association overwhelmingly approved the proposal.

17.60.030.F – Molalla Ave

Goal 2.3 – Corridors

The proposal for this site is in line with the goal set forth in the code. The proposal for new, smaller menu boards that use digital technology will help the site and its consumers. The boards are smaller, easier to read, more aesthetically pleasing and give off less illumination. The new boards will help move customers through the site quickly and safely, leading to a better overall customer experience.

Goal 2.5 – Retail and Neighborhood Commercial

The proposal for this site is in line with this goal set forth in the code. The proposal will help the business expand its customer base by allowing customers to get through the drive thru lane quicker and safer. By doing so the traffic movement will be faster as people will spend less time in the drive thru lanes. The new boards also improve the area aesthetically as the boards are smaller and give off less illumination.



Presentation

**1450 Molalla Avenue
Oregon City, OR 97045**

August 8, 2019

Existing Signage

A1 A2 Tri-Face Menu Boards

Proposed Signage

A1 A2 4'-1 5/8" x 4'-10" @ 5'-11 5/8" OAH D/F Menu Boards

Aerial



Scale: NTS

Path of Travel



Existing Menu Boards



Day Time (Typical)



Night Time (Typical)





View from Molalla Avenue (North Side)





View from Molalla Avenue (South Side)

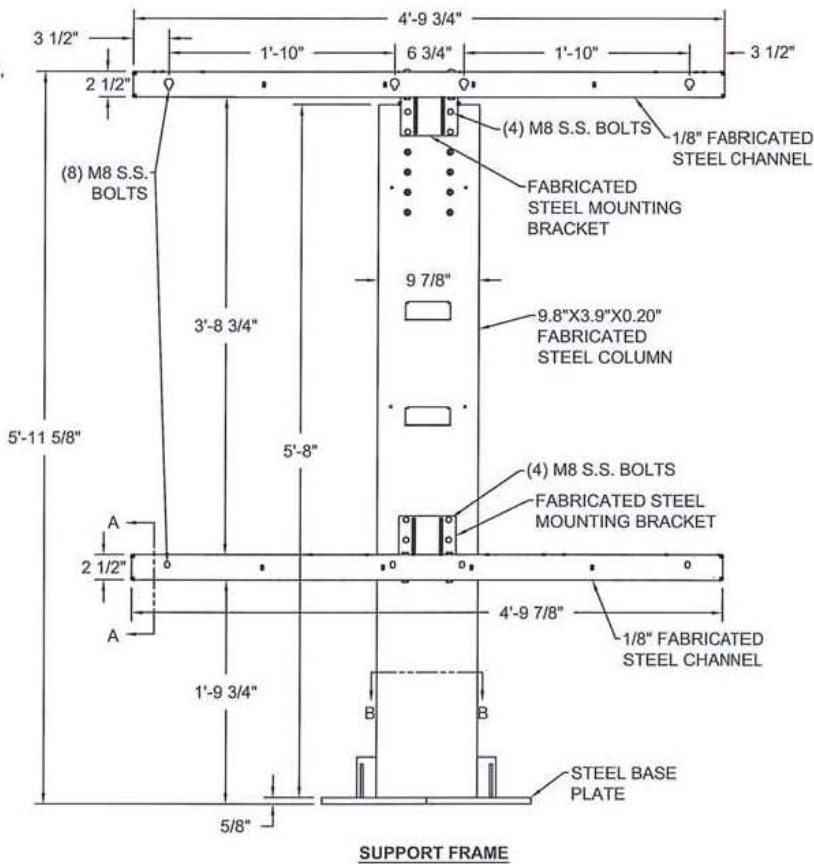
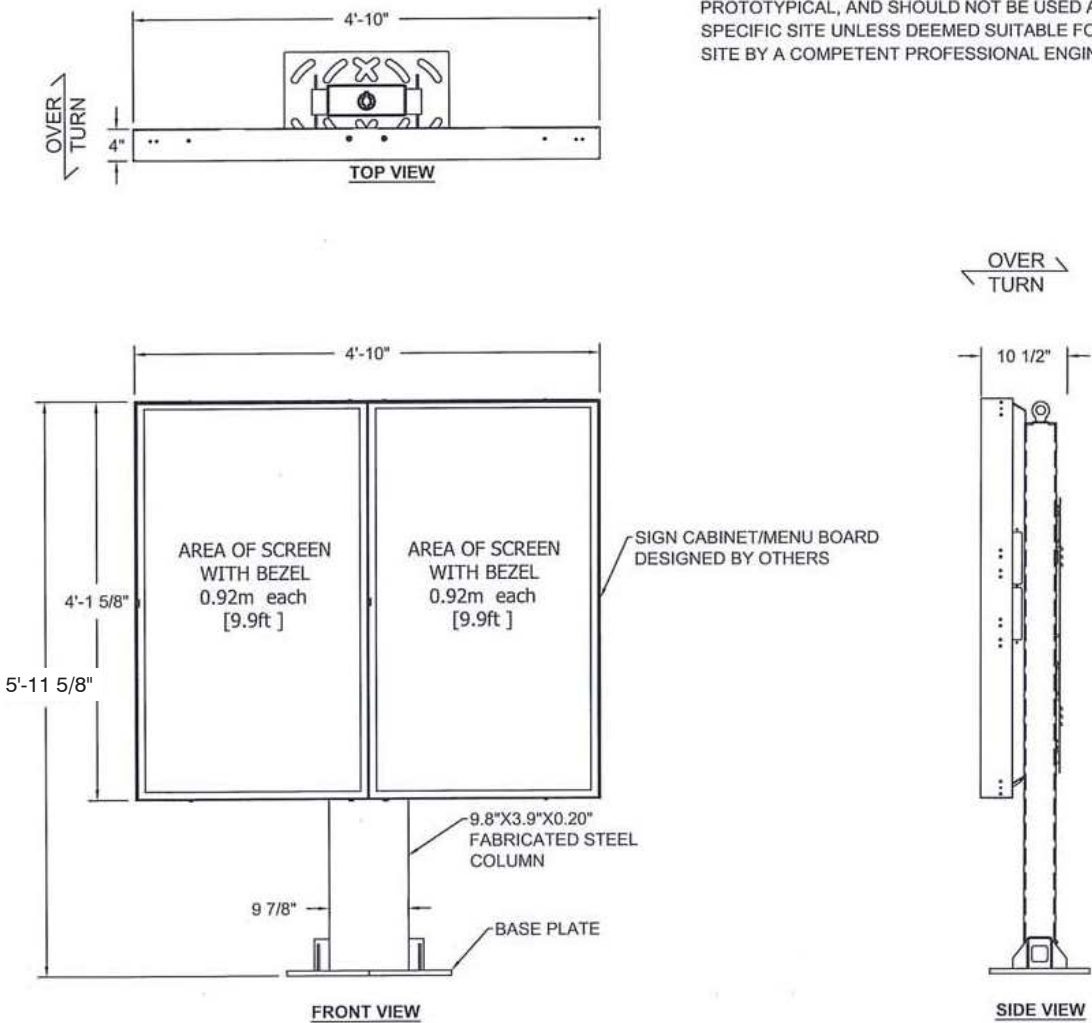


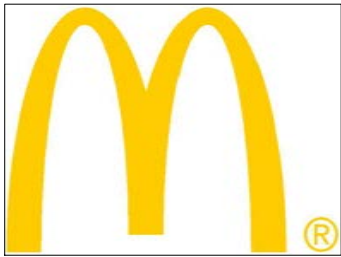


View from South Beaver Creek Road (South Side)



- NOTES:
- 1. THIS STRUCTURE HAS BEEN DESIGNED TO MEET THE LOADING REQUIREMENTS OF A 180 MPH WIND SPEED PER THE FLORIDA BUILDING CODE 5TH ED. 2014/IBC 2012, EXPOSURE C.
 - 2. FABRICATED STEEL SUPPORT MEMBERS SHALL MEET ASTM A36 OR EQUIVALENT.
 - 3. STEEL WELDS SHALL BE MADE WITH E70XX ELECTRODES BY PERSON CURRENTLY QUALIFIED IN ACCORDANCE WITH AWS STANDARDS.
 - 4. THE DESIGN DEPICTED ON THIS DRAWING IS PROTOTYPICAL, AND SHOULD NOT BE USED AT A SPECIFIC SITE UNLESS DEEMED SUITABLE FOR THAT SITE BY A COMPETENT PROFESSIONAL ENGINEER.



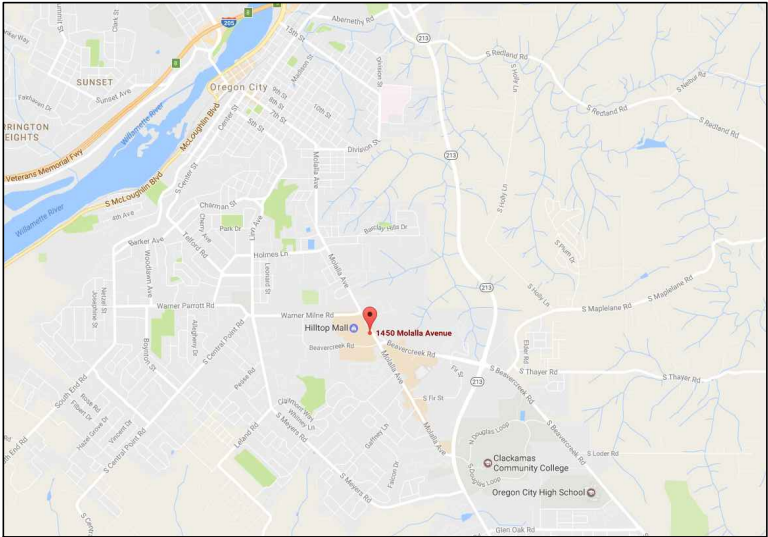


McDonalds Existing Conditions

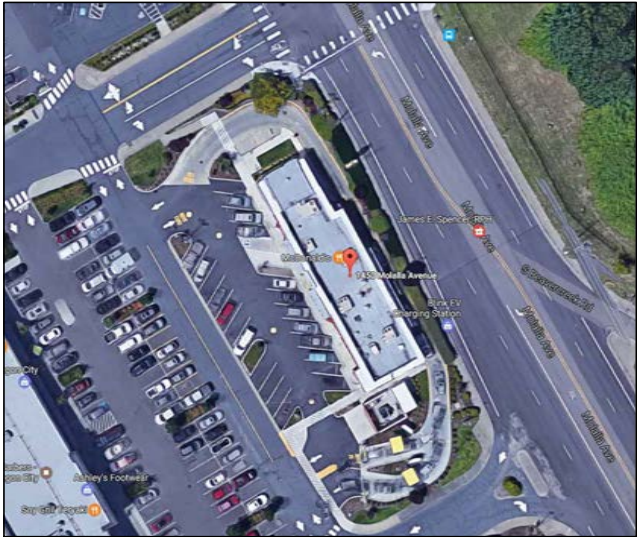
360° Virtual Tour



STOREFRONT



VICINITY MAP



AERIAL PHOTO

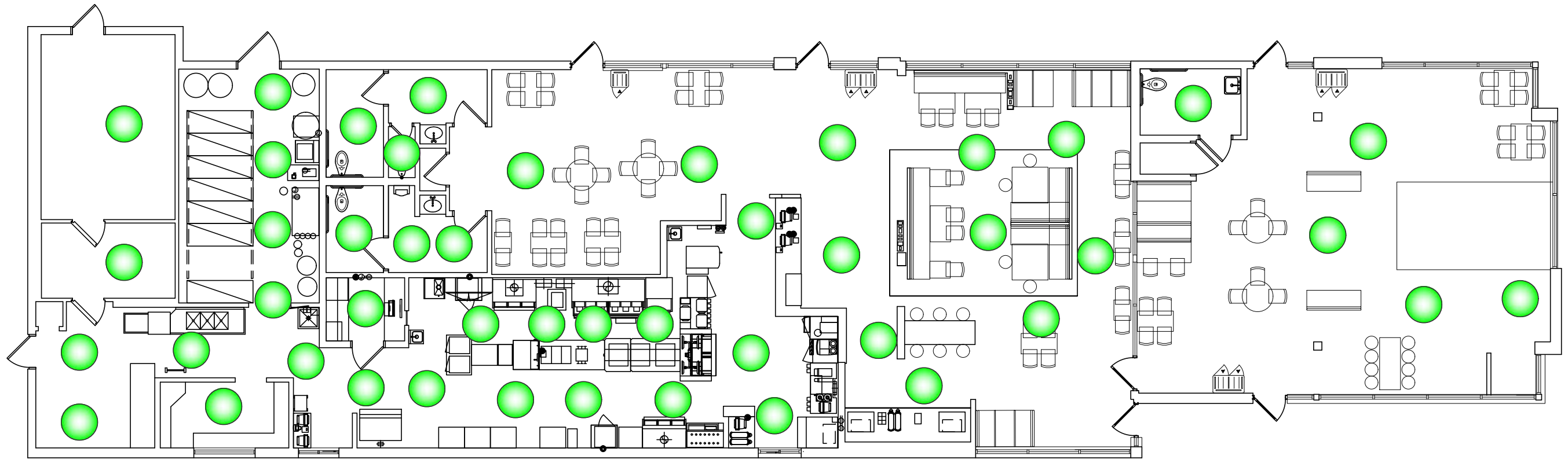
Store Name:	Oregon City
National Store No.	05858
Store ID:	036-0060
Address:	1450 S Mollala Oregon City, OR 97045



CLICK FOR A VIRTUAL TOUR



360° PHOTO LOCATION



VT FLOOR PLAN



McDonalds
Existing
Conditions
360° Virtual Tour



360
PHOTO
MARKER

STORE NAME:	Oregon City
NATIONAL STORE NO.	5858
SITE ID:	036-0060
ADDRESS:	1450 S Molalla Oregon City, OR 97045



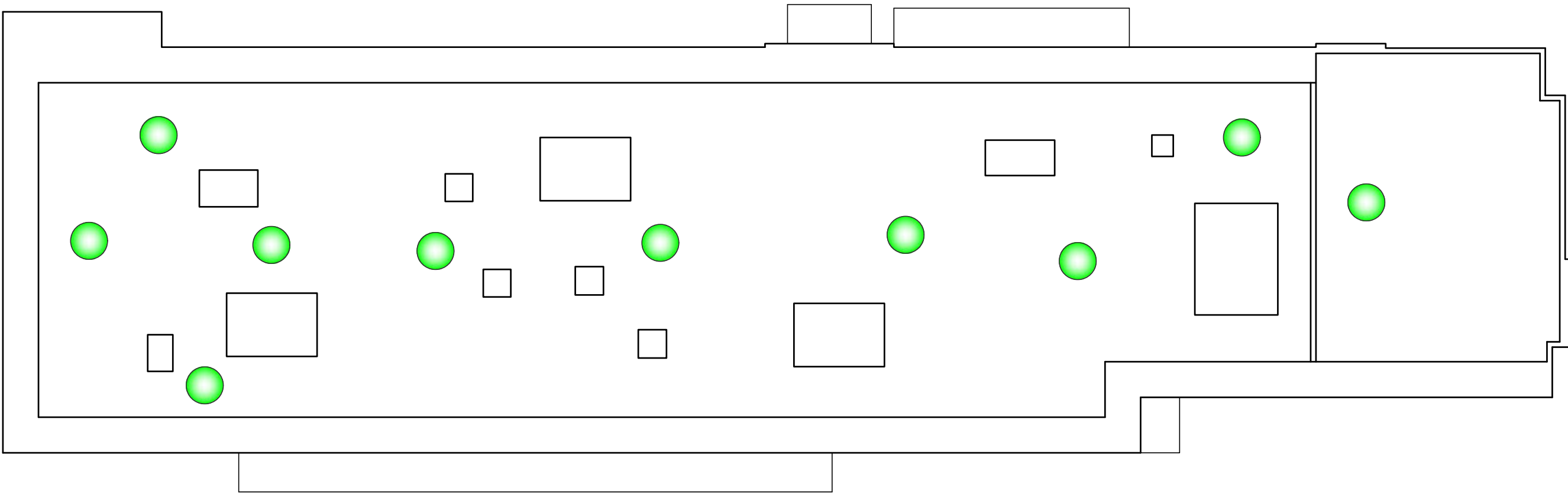


McDonalds
Existing
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360° Virtual Tour

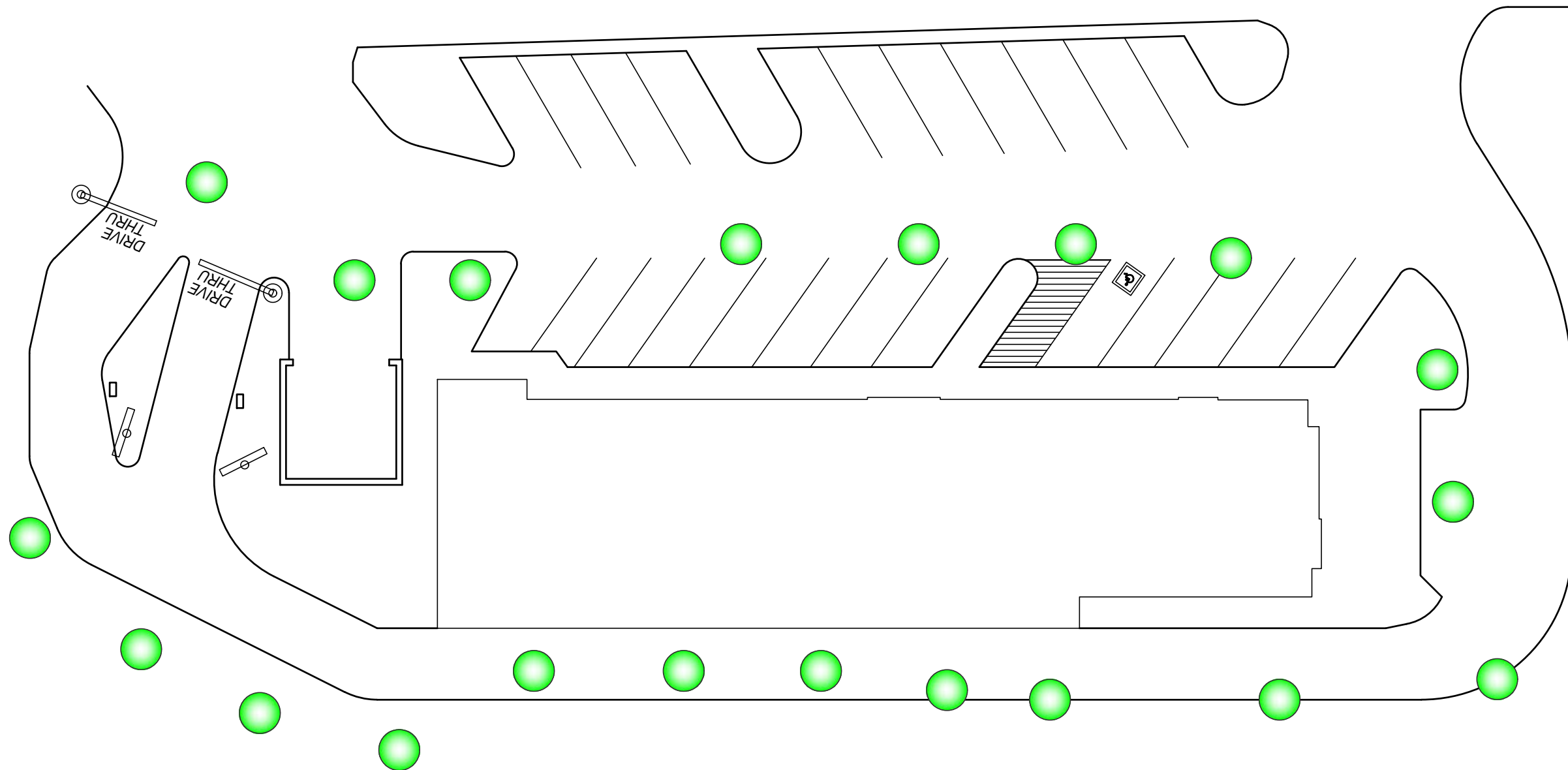


 **360
PHOTO
MARKER**

STORE NAME:	Oregon City
NATIONAL STORE NO.	5858
SITE ID:	036-0060
ADDRESS:	1450 S Molalla Oregon City, OR 97045



VT ROOF PLAN



VT SITE PLAN



McDonalds
Existing
Conditions
360° Virtual Tour



 **360
PHOTO
MARKER**

STORE NAME: Oregon City

NATIONAL STORE NO. 5858

SITE ID: 036-0060

ADDRESS:
1450 S Molalla
Oregon City, OR 97045



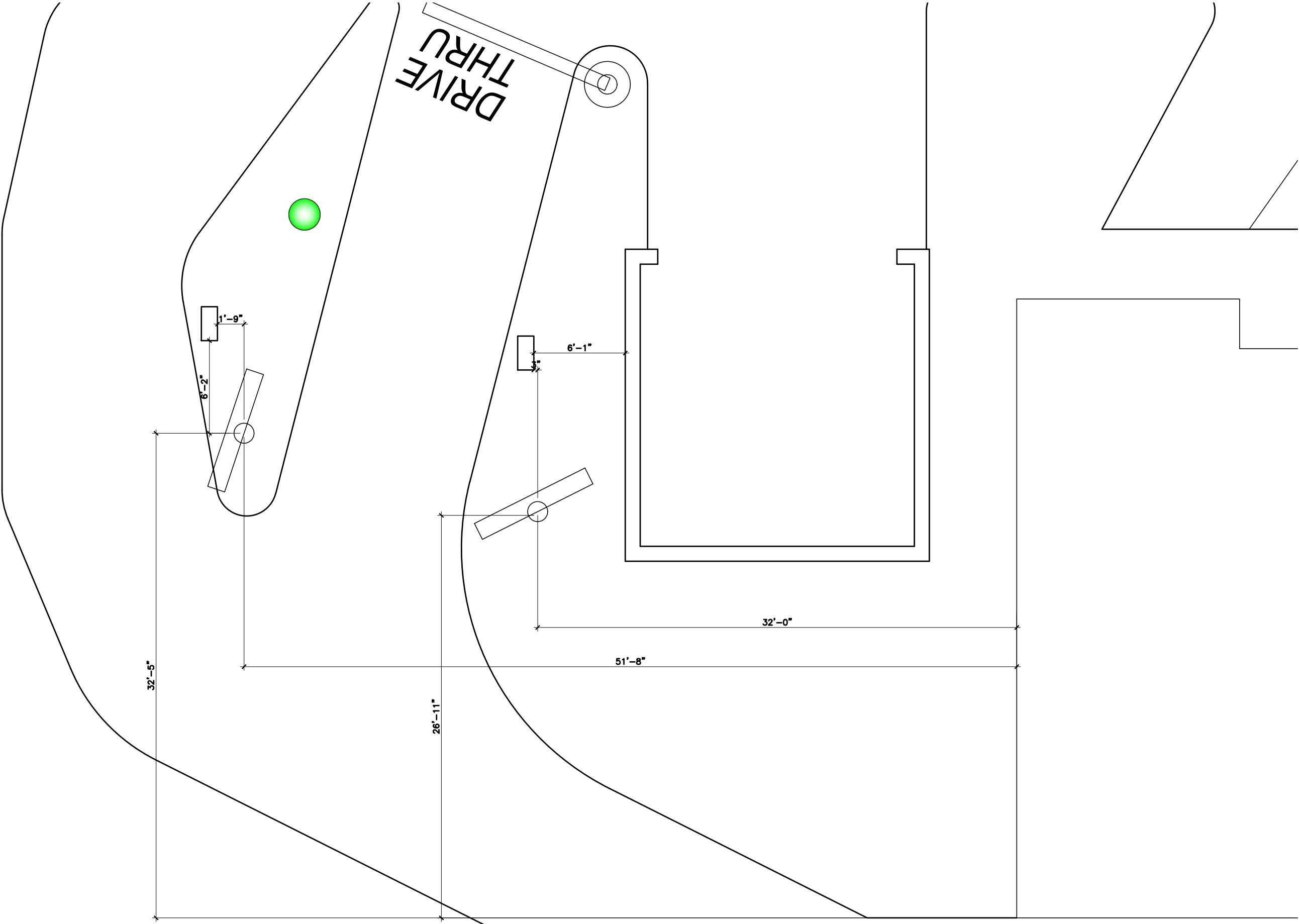


McDonalds
Existing
Conditions
360° Virtual Tour



 **360
PHOTO
MARKER**

STORE NAME:	Oregon City
NATIONAL STORE NO.	5858
SITE ID:	036-0060
ADDRESS:	1450 S Molalla Oregon City, OR 97045



VT DRIVE THRU

	A	B	C	D	E	
1		NAME	ADDRESS	ZIP	TELEPHONE	EMAIL ADDRESS
2	1	^{Police} Andy Kiesel				akiesel@on
3	2	Barton Boyle				
4	3	Teray Herrmann	503-260-3432			Rivers of Life Gmail
5	4	Matthew Reiff				riversoflifecenter@g
6	5	Margie Hegler				
7	6	Lt. Reiff	516 1st Ave		503-502-7965	Team. bas con cas
8	7	BRYCE MORROW	1401 WASHINGTON ST.		503-347-0399	BRYCE@OLBEERC
9	8					
10	9					
11	10					
12	11					



**Two Rivers Neighborhood Association
13285 S. Clackamas River Drive
Oregon City, OR 97045
Minutes of July 24th, 2019
Rivershore Bar and Grill
1900 Clackamas Drive
Oregon City, OR 97045**

Minutes for: October 23rd, 2019 Meeting

Chair: Bryon Boyce, bryony@birdlink.net, (503) 655-4457

Secretary: Margie Hughes, margiehughes1@aol.com

CIC Primary Representative: Bryon Boyce, bryony@birdlink.net, (503) 655-4457

CIC Alternate Representative: Vacant

Planning Division Contact: Pete Walter, pwalter@orc.org, (503) 496-1568

Members/Guests Present: Margie Hughes (Secretary), Bryon Boyce (Chair), Jerry Herrmann (Rivers of Life Center), Matthew Riegg (Rivers of Life Center), Linda Baysinger (Canemah Citizens Involvement Committee), Andy Kiesel (Oregon City Police Liaison), Bryce Morrow (Oregon City Brewing Company), David Ratliff McDonalds Corporation Call-In guest.

1. Meeting was called to order by Bryon Boyce, Chair, at 6:59pm and opened by self-introductions
 - a. Pete Walter and John Runyon were not able to attend the meeting

2. Andy Kiesel, Officer, City of Oregon City Police Department

- a. Andy shared many observations on Oregon City law enforcement and traffic. They included:**
- b. There are 320 document homeless citizens in Oregon City**
- c. More come to Oregon each day from the Portland Area**
- d. Mike Day is Homeless Liaison for Oregon City. He can be emailed at mday@orcify.org**
- e. Day provides housing, job opportunities for homeless**
- f. Day also determines is homeless are veterans for special care**
- g. Approximately 75%-80% of call load in Oregon City Police Department is related to homeless incidents**
- h. Approximately 10% of call load in Oregon City Police Department is related to mental health issues**
- i. Kiesel found 5 homeless approximately 10 years ago. Now there are 320 homeless in Oregon City**
- j. "What will Homeless result be? -Jerry Herrmann**
 - i. Answer: Citizens should voice concerns at the Oregon City Commission Meeting**
 - ii. Homeless come to Oregon City in part due to the Father's Heart Ministry**
 - iii. Close to 100% of housed homeless end up back on streets**
- k. Mental Health Issues: There is a lack of resources for those with mental health issues. Oregon City Officers get approximately 2-10 calls per day related to mental health.**
- l. Kiesel presented "Crime Maps" related to different crimes committed in Oregon City. Please see attached crime map diagrams from Officer Kiesel.**
- m. New Police Department Building:**
 - i. Opening planned for Fall, 2020**
 - ii. Will have partition walls that protect safe citizens from criminals (some people only want to ask the department everyday questions and this wall will provide privacy for these citizens)**
 - iii. Department will have better holding cells, better interview rooms**

- iv. Old Department Lot will be sold, torn down
 - 3. David Ratliff of Site Enhancement Services discussed proposed changes to the light display panels at the Clackamette Park McDonalds located at 2010 Clackamette Drive, Oregon City, OR 97045. Menu boards will be switched from 46 square feet (original) to new 20 square feet boards. This will provide:
 - a. Less illumination
 - b. Can be set to auto-light to save power
 - c. Switches menu options for each meal-time automatically
 - d. Is more eco-friendly
 - e. Is part of a nation-wide display replacement project
 - f. Two Rivers Neighborhood Association APPROVED these plans over the phone with David Ratliff. The approval statement is listed further on in the minutes.
 - 4. Bryce Morrow, Owner, Oregon City Brewing Company
 - a. Morrow will expand seating area and make other improvements into part of Coney Island parking lot, which is Owned by Oregon City Brewing.
 - b. Renovations will include:
 - i. Current entry slide-out patio door, two fire pits installed
 - ii. Conditional-use fence (wood fence, 8 feet tall near back area, with transparent fence near Washington Street)
 - iii. Patio will include built-in seating, plants, eco-friendly, opposite of gravel parking lot
 - iv. Full project area is under 7,000 square feet
 - v. Patio will be 4,200 square feet once completed
 - vi. Project will be completed before summer, 2020
 - vii. Andy Geonopolous, of Larson's Creamery now owns old Spicers Produce Lot
 - viii. Margie Hughes: will look into possible opportunity to bring in a Trader Joe's store near old Spicers Produce lot
 - ix. Morrow: 15th Street and 14th Street will become 1-way streets in the coming years, under Oregon City's "9 Year Plan" with dedicated bike lanes

- c. **Jerry Herrmann Comments:**
 - i. **Oregon City should have “omnibus” person to answer citizen questions and concerns so that there is more time to do so than only at City Council meetings**
- d. **Items Approved by Two Rivers on 10/23/19:**
 - i. **“The Two Rivers Neighborhood Association agrees to meet with an Oregon City representative regarding the City’s “9-year plan” and discuss the plan to change 14th and 15th Street traffic.”**
 - ii. **“The Two Rivers Neighborhood Association hereby approves the McDonalds light panel changes for the Clackamette Park McDonalds located at 2010 Clackamette Drive, Oregon City, OR 97045).”**
 - iii. **The Two Rivers Neighborhood Association hereby approves the OC Brewing expansion project.**
- e. **TO DO’s:**
 - i. **Outreach to residents in Two Rivers Neighborhood Association District**
 - ii. **Notify City with post card 1 1/2 months before next meeting in January, 2020**
 - iii. **Jerry Herrmann: Confirm a Clackamette Cove Development representative to visit the Two Rivers Neighbor Association Meeting for January 22, 2020**

Upcoming Events:

Next Meeting: 7:00pm Wednesday January 22nd, Rivershore Bar and Grill

Taxlot Information

Parcel Number (APN) 3-2E-05C -00205
Primary Situs Address 1450 MOLALLA AVE
OREGON CITY, OR 97045
County CLACKAMAS
Section T3S R2E S05
Latitude 45.334879
Longitude -122.589825
R Number (Alt ID) 00846883
Approx. Size (acres) 0.68698636
USGS Quad Name Oregon City
Within Oregon City Limits? Y
Urban Growth Boundary (UGB) Inside

**Political Boundaries**

Jurisdiction OREGON CITY
Voting Precinct 3.00000000
US Congressional District 5
Oregon House District 40
Oregon Senate District 20
Metro Council District 2
Metro Councilor Christine Lewis
Metro Councilor Email christine.lewis@oregonmetro.gov

Assessment & Value Information

Taxmap 3S2E05C
Land Value (Mkt) \$740,192
Building Value (Mkt) \$2,929,650
Exempt Amount \$0
Net Value (Mkt)
Assessed Value \$2,463,047
Year Built (if known)
Sale Date 200603
Sale Price Unavailable
Document Date 2006-03-15 00:00
Document Number 2006-022739
State General Prop. Code 201
County Tax Code 062002

Land Use and Planning

<i>Zoning</i>	C	<i>In Sewer Moratorium Area?</i>	N
<i>Comprehensive Plan</i>	C	<i>In Thayer Rd Pond Fee Area?</i>	N
<i>Subdivision</i>	NONE	<i>In Beavercreek Rd Access Area?</i>	N
<i>Subdivision Plat Number</i>		<i>In Willamette River Greenway?</i>	N
<i>PUD (if known)</i>	0	<i>In Geologic Hazard?</i>	N
<i>Partition Plat Number</i>	0	<i>In High Water Table Area?</i>	Y
<i>Neighborhood Association</i>	HILLEDALE	<i>In Nat. Res. Overlay District (NROD)?</i>	N
<i>Urban Renewal District</i>	NONE	<i>In 1996/FEMA 2008 100-yr Floodplain?</i>	N
<i>Historic District</i>	NONE	<i>In FEMA Floodway?</i>	N
<i>Historic Designated Struct.?</i>	NONE	<i>In Barlow Trail Area?</i>	N
<i>Concept Plan Area</i>	NONE	<i>Watershed</i>	Abernethy Creek-Willamette River
<i>Urban/Rural Reserve</i>		<i>Sub-Watershed</i>	Abernethy Creek
<i>Reserve Name</i>		<i>Basin</i>	Willamette
		<i>Sub-Basin</i>	Middle Willamette

Service Districts

<i>Elementary School</i>	GAFFNEY LANE ELEMENTARY
<i>Middle School</i>	GARDINER MIDDLE
<i>High School</i>	OREGON CITY HIGH
<i>School District</i>	OREGON CITY
<i>Oregon Dept. of Ed. Dist. ID</i>	1928
<i>Natl. Cntr for Ed. Stats Dist. ID</i>	4109330
<i>Water District</i>	
<i>Park District</i>	
<i>Sewer District</i>	Tri-City Service District
<i>Fire District</i>	Clackamas Fire District #1
<i>Fire Management Zone</i>	6698
<i>Transit District</i>	Tri-County Metropolitan
<i>Garbage Hauler</i>	Oregon City Garbage Co.
<i>Garbage Hauler Phone</i>	(503) 656-8403

Census Information

<i>Census Tract</i>	226.05000000
<i>Census Block Group</i>	1
<i>Census Block Grp. Pop. (2010)</i>	1987





Pre-Application Conference Notes

PA 19-36/PA 19-37, July 9, 2019

Proposed Project:

McDonalds Sign Variances

Location:

1450 Molalla Avenue, Oregon City, OR 97045
Clackamas County Map 3-2E-05C, Tax Lot 205
Zoning: "C" General Commercial District

2010 Clackamette Drive, Oregon City, OR 97045
Clackamas County Map 2-2E-30, Tax Lot 400
Zoning: "MUD" Mixed Use Downtown District

Timing and Process:

This application includes a Type III decision process for a sign variance. Pursuant to OCMC Section 17.50.050, a pre-application conference is valid for a period of six months. The applicant has **180 days** from the date of submittal of a land use application to have a complete application.

Upon a complete application submittal, the applicant is entitled to a decision from the city of approval, approval with conditions, or denial within **120 days** by state law. Type III decisions are rendered by the Planning Commission, with appeal on the record to the City Commission, and then LUBA.

Type III decisions require a minimum of one public hearing before the Planning Commission and 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.

Signs in Office, Commercial, Mixed Use and Industrial Zones – OCMC 15.28.080

A. General. All of the following standards apply to all signs in office, commercial, mixed use and industrial zones:

- 1. With the exception of projecting or wall signs, signs shall not project over the right-of-way. Signs projecting into the right-of-way shall receive approval by the city engineer.*
- 2. With the exception of wall signs, signs shall maintain a minimum clearance of ten feet above grade over pedestrian or vehicular areas, and fourteen feet above grade over areas of truck access.*

B. Wall Signs. All of the following standards apply to wall signs in office, commercial, mixed use and industrial zones:

- 1. The number of wall signs is unlimited provided the total combined display area of wall signs, projecting signs and banners does not exceed twenty square feet for each ground floor tenant space on which the sign is constructed. For ground floor tenant spaces exceeding twenty feet of wall length on which the sign is constructed and tenant spaces not on the ground floor, signage shall not exceed one square foot per each lineal foot of the wall length of the tenant space on which the sign is constructed.*
- 2. Signs on structures such as awnings, canopies, false fronts and wall extensions that do not extend more than one foot from the structure are considered wall signs.*

C. Freestanding Signs. All of the following standards apply to freestanding signs in office, commercial, mixed use and industrial zones:

1. A maximum of one freestanding sign is allowed for each street frontage. On arterial streets, if a frontage exceeds a length of six hundred linear feet a second freestanding sign is allowed. In all cases, no freestanding sign shall be permitted on the same frontage where there is a projecting or roof sign.
2. Freestanding signs on the same frontage shall be separated by a minimum of fifty feet distance.
3. Maximum display area
 - a. Where the street frontage is less than fifty feet in length, the display area shall not exceed fifty square feet and the sign face shall not exceed twenty-five square feet.
 - b. Where the street frontage is fifty feet or greater but less than two hundred feet in length, display area shall not exceed one hundred square feet and the sign face shall not exceed fifty square feet.
 - c. Where the street frontage is two hundred feet or greater in length, the display area shall not exceed three hundred square feet and the sign face shall not exceed one hundred fifty square feet.
 - d. In no case shall any sign have a display area in excess of three hundred square feet.
4. The sign width shall not exceed twenty linear feet.
5. Where the street frontage is two hundred feet in length or less the sign height shall not exceed twenty-five feet. Where the street frontage is more than two hundred feet in length, the sign height shall not exceed thirty feet.

D. Incidental Freestanding Signs. All of the following standards apply to incidental signs in office, commercial, mixed use and industrial zones:

1. A maximum of one incidental freestanding sign is allowed for each street frontage.
2. The display area shall not exceed sixteen square feet and the sign face shall not exceed eight square feet.
3. The sign height shall not exceed 15 feet.

- 1450 Molalla Avenue Freestanding Signs



- One freestanding sign and one incidental freestanding sign is allowed per each street frontage
- Frontage is defined as the full length of a property that abuts a dedicated street, highway, or a **city-approved vehicular public access easement**.

- Staff did not find any documentation confirming that the drive aisles include public access easements.
- Property has one street frontage approximately 240 feet in length, though verification of property lines and the location of proposed signs is required (proposed signs may be on separate lot).
- Property is allowed one freestanding sign a maximum of 150 SF, and one incidental freestanding sign a maximum of 8 SF.
- 2010 Clackamette Drive Freestanding Signs



- One freestanding sign and one incidental freestanding sign is allowed per each street frontage
- Property has one street frontage approximately 198 feet in length, and another street frontage approximately 300 feet in length.
- The property is allowed one freestanding sign a maximum of 50 SF in size, one freestanding sign a maximum of 150 SF in size, and two incidental freestanding signs a maximum of 8 SF each.
- The applications should include an inventory of all existing signs onsite, identifying their size and type of sign (ancillary, freestanding, etc.). Any unpermitted signage or signage that does not comply with the sign code shall be removed unless it is a legal non-conforming sign that pre-dated the sign code, or exempt per [OCMC 15.28.030](#).
- Please note that signs with moving light, animated or scrolling components cannot change more than three times per day in accordance with the regulations for prohibited signs in [OCMC 15.28.110.B](#).

Sign Variances – [OCMC 15.28.130](#)

- Grounds for Variance. The Planning Commission may grant a specific variance from provisions of this chapter provided all of the following circumstances exist:

- 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;
 - Letters from adjacent property owners can be helpful in demonstrating compliance with this standard.
- That the request is the minimum variance that would alleviate the hardship;
 - The application should identify a hardship that prevents the development from meeting the code.
- Any impacts resulting from the adjustment are mitigated;
- No practical alternatives have been identified that would accomplish the same purpose and not require a variance; and
 - What other options have been considered? Why can't another type of sign or change of copy of existing signage work?
- The variance conforms to the [comprehensive plan](#) and the ordinance being varied.
 - Applicable comprehensive plan goals and policies may include:
 - Goal 2.2 - Downtown Oregon City (for Clackamette Drive location only)
 - Goal 2.3 - Corridors
 - Goal 2.5 – Retail and Neighborhood Commercial
 - Goal 15.1 – Protect the Willamette River Greenway (for Clackamette Drive location only)

Willamette River Greenway:

Applicable for Clackamette Drive location only.

- The Willamette River Greenway protects, conserves and enhances the natural scenic, historical, economic and recreational qualities of land along the Willamette River.
- Development within the Willamette River Greenway requires a Willamette River Greenway permit to ensure protection of the integrity of the Willamette River.
- Compliance with [OCMC 17.48.080 – Development Standards General Considerations](#) and [17.48.120 – Additional Procedural Requirements](#) is required.

Upcoming Code Changes:

The City is proposing housing and development code amendments which may affect your proposal. The code amendments have been approved by the City Commission and will be in effect on August 2, 2019. The application is subject to compliance with the code that is in place on the date that the land use application is submitted. Depending on the date of submittal, the applicant may contact staff for an updated code criteria template.

For details on proposed code amendments, please visit the following site:

<https://www.orcity.org/planning/draft-housing-and-other-development-and-zoning-code-amendments>

Other Notes:

- A neighborhood association meeting is required for a sign variance application. The property on Clackamette Drive is within the Two Rivers Neighborhood Association.

Neighborhood Association: Two Rivers NA

Chair: Bryon Boyce, bryony@birdlink.net

Secretary: Margie Hughes, margiehughes1@aol.com

CIC Representative: Bryon Boyce, bryony@birdlink.net

Upcoming Meetings: July 24, 2019; October 23, 2019;

Meeting Location: Rivershore Bar & Grill, 1900 Clackamas Drive, Oregon City, OR 97045

Meeting Time: 7:00 PM

- A neighborhood association meeting is required for a sign variance application. The property on Molalla Avenue is within the Hillendale Neighborhood Association.
Neighborhood Association: Hillendale NA
Chair: Roy Harris, royandanna@centurylink.net
Land Use Chair: William Gifford, william@smallflags.com
Secretary: Joyce Gifford, Joyce@smallflags.com
CIC Primary Representative: Roy Harris, royandanna@centurylink.net
CIC Alternate Representative: Ray Stobie, drakeel@gmail.com
Upcoming Meetings: October 1, 2019
Upcoming Steering Committee Meetings: TBD
Meeting Location: Living Hope Church, 19691 Meyers Road, Oregon City, OR 97045
Meeting Time: 7:00 PM
- Please include the Citizen Involvement Committee Chair, Amy Willhite, in any Neighborhood Association meeting requests, notifications or correspondence. Amy can be reached at awillhit@yahoo.com
- [OCMC 17.50.055](#) requires submittal of the meeting sign-in sheet, a summary of issues discussed, and a letter from the neighborhood association indicating that a meeting was held.
- Your application was transmitted to the State Historic Preservation Office (SHPO) and affected tribes for review. Comments received have been provided.

Applications Anticipated and Fees:

- Planning application anticipated:
 - Sign Variance: \$1,368 per sign per standard being varied.
 - Willamette River Greenway Permit (Clackamette Drive location only): Currently no fee, however, a \$1,056 fee for this permit is proposed, effective in August. Proposed fees are not yet adopted and are currently under review by the City Commission. Depending on the date of application submittal, please check with staff about whether new fees have been adopted.
 - Mailing Labels: \$17 or provided by applicant
 - [2019 Planning Fee Schedule](#)

Applications, Checklists and Links:

- [Type III Review Process](#)
- [Land Use Application](#)
- [Oregon City Municipal Code](#)
- [Variance Checklist](#)

Planning Division

Diliana Vassileva, Assistant Planner, reviewed your pre-application for the Planning Division. Diliana may be reached at 503-974-5501 or dvassileva@orc.org.

Building Division:

You may contact Mike Roberts, Building Official at 503.496.1517 or by email at mroberts@orc.org.

Clackamas Fire District:

Questions can be directed to Mike Boumann, Lieutenant Deputy Fire Marshal of Clackamas Fire District #1. You may contact Mr. Boumann at (503)742-2660 or michaelbou@ccfd1.com.

Oregon City Municipal Code Criteria:

A template with applicable code criteria will be provided by staff following the pre-application conference. The following chapters of the Oregon City Municipal Code (OCMC) may be applicable to this proposal:

[OCMC 15.28 - Signs](#)

Several applicable code sections recently changed and have not yet been updated in the online version of the code. The changes can be found [here](#) and are also in the template provided by staff.

Pre-application conferences are required by Section 17.50.050 of the City Code, as follows:

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

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

NOTICE TO APPLICANT: A property owner may apply for any permit they wish for their property. **HOWEVER, THERE ARE NO GUARANTEES THAT ANY APPLICATION WILL BE APPROVED.** No decisions are made until all reports and testimony have been submitted. This form will be kept by the Community Development Department. A copy will be given to the applicant. IF the applicant does not submit an application within six (6) months from the Pre-application Conference meeting date, a NEW Pre-Application Conference will be required.



OREGON CITY

Community Development – Planning

698 Warner Parrott Rd | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

TRANSMITTAL

IN-HOUSE DISTRIBUTION

- ☐ Building Official
- ☐ Development Services Manager
- ☐ Public Works Operations
- ☐ City Engineer / Public Works Director
- ☐ GIS
- ☐ Parks Manager
- ☐ Addressing
- ☐ Police

MAIL-OUT DISTRIBUTION

- ☐ CIC
- ☐ Neighborhood Association Chair
- ☐ Neighborhood Association Land Use Chair
- ☐ Clackamas County - Transportation
- ☐ Clackamas County - Planning
- ☐ Fire Chief
- ☐ Oregon City Postmaster
- ☐

COMMENTS DUE BY: January 3, 2020
HEARING DATE: January 13, 2020
HEARING BODY: ___Staff Review; XXPC; ___HRB; ___CC
FILE # & TYPE: GLUA-19-00041 (General Land Use Application), VAR-19-00006, through VAR-19-00009 (Variances)
PLANNER: Kelly Reid, Planner
REQUEST: The applicant requests a variance for two signs exceeding the maximum number of freestanding signs permitted onsite, and a variance to allow the signs to contain a change in message more than three times per day.
APPLICANT: Hilltop Mall LLC
PO Box 2200
Oregon City, OR 97045
LOCATION: 1450 Molalla Avenue Oregon City, Oregon 97045
Clackamas County Map 3-2E-05C Taxlot 205
PROJECT WEBSITE: <https://www.orcity.org/planning/project/glua-19-00041>

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.

- XX 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.

Signed

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

Oregon City GIS Map



Legend

Street Names

- Taxlots
- Taxlots Outside UGB
- NROD - Natural Resource Overlay Dist
- Title 3 - Streams
- Title 3 - Wetlands
- City Limits
- UGB
- Basemap

Notes

Overview Map



0 30 60 Feet

1: 360



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 1/3/2020

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





City of Oregon City

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

Staff Report

File Number: PC 20-002

Agenda Date: 1/13/2020

Status: Agenda Ready

To: Planning Commission

Agenda #: 3b.

From: Planner Kelly Reid

File Type: Land Use Item

SUBJECT:

GLUA-19-00042 (General Land Use Application), VAR-19-00010, through VAR-19-00013 (Variances), WRG-19-00001 (Willamette River Greenway), FP-19-00002 (Floodplain Review) for Sign variances at the McDonald's at 2010 Clackamette Drive

RECOMMENDED ACTION (Motion):

Approval with Conditions

BACKGROUND:

The applicant proposes two variances for each sign; one for the use of signs that contain flashing or moving images or words that change more than three times per day; and one for the existence of the sign, which is considered a freestanding sign and exceeds the number of freestanding signs permitted on site.

The existing site contains two main freestanding sign along with two menu boards and is already nonconforming. The applicant proposes to remove the two menu boards and replace them with new menu boards of a smaller size in the same location.

BUDGET IMPACT:

Amount:

FY(s):

Funding Source:



TYPE III
STAFF REPORT AND NOTICE OF DECISION
January 3, 2020

FILE NUMBER: GLUA-19-00042 (General Land Use Application), VAR-19-00010, through VAR-19-00013 (Variances), WRG-19-00001 (Willamette River Greenway), FP-19-00002 (Floodplain Review)

HEARING DATE: January 13, 2020 7:00 p.m.
City Hall 625 Center Street
Oregon, City, Oregon 97045

APPLICANT/OWNER: McDonald's Corporation
110 N Carpenter St
Chicago, IL 60607

REQUEST: The applicant requests a variance for two signs exceeding the maximum number of freestanding signs permitted onsite, and a variance to allow the signs to contain a change in message more than three times per day. The signs are within the Willamette River Greenway and Flood Management Overlay Districts.

LOCATION: 2010 Clackamette Drive Oregon City, Oregon 97045
Clackamas County Map 2-2E-30 Taxlot 400

REVIEWER: Kelly Reid, AICP, Planner

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.

Final Conditions of Approval
Planning File GLUA-19-00042

Planning Division Conditions of approval (the applicant must demonstrate that conditions are met prior to final inspection for a building permit).

1. The applicant shall plant at least eight additional large shrubs, spaced at least 4 feet on center, in the landscaped area between the drive thru and the right of way.
2. The applicant shall submit documentation showing the resulting cut or fill from the replacement of the two signs along with any other associated site work, and shall ensure that no net fill is added. Any excavation to balance a fill shall be located on the same site.
3. The building plans submitted by the applicant shall demonstrate compliance with applicable floodproofing and anchoring standards.

I. BACKGROUND:

1. Existing Conditions

The site is an existing McDonald's restaurant with a drive-thru.

Figure 1. Vicinity Map



Figure 2: Existing Conditions – Aerial Image



2. Project Description

The applicant submitted the following project description:

The McDonald's that is located at 2010 Clackamette Dr. Oregon City OR 97045 is respectfully relief from the code that will allow the property the ability to reflect the investment being made into the site and the community as well as improve the overall customer experience. As part of the investment into this location, McDonalds is seeking to replace its 2 existing menu boards with new menu boards using new digital technology.

The area that requires relief is as follows:

- *Number of drive-through signs and size*
 - *Allowed: 1 freestanding sign NTE 150 SF, 1 incidental freestanding sign NTE 8 SF*
 - *Requested: 2*
 - *2 Menu Boards at approximately 20SF each*
- *Replacing 2 existing menu boards at approximately 45SF*
- *Signs that contain, include or illuminated by flashing, revolving, rotating or moving light or moves or has any animated or moving parts with move or rotate or change more than 3 times a day are prohibited.*
 - *Requesting 2 menu boards that list a customer's order as they place it, including the total cost.*

The requested signs all serve a purpose that work together to create an overall aesthetic balance as well as help to improve the customer experience. These signs will also help to ensure that motorists can easily navigate the site, entering and

exiting quickly, yet safely.

The applicant proposes two variances for each sign; one for the use of signs that contain flashing or moving images or words that change more than three times per day; and one for the existence of the sign, which is considered a freestanding sign and exceeds the number of freestanding signs permitted on site.

The existing site contains one main freestanding sign along with two menu boards and is already nonconforming. The applicant proposes to remove the two menu boards and replace them with new menu boards of a similar size in the same location.

Figure 3: Proposed Site Plan

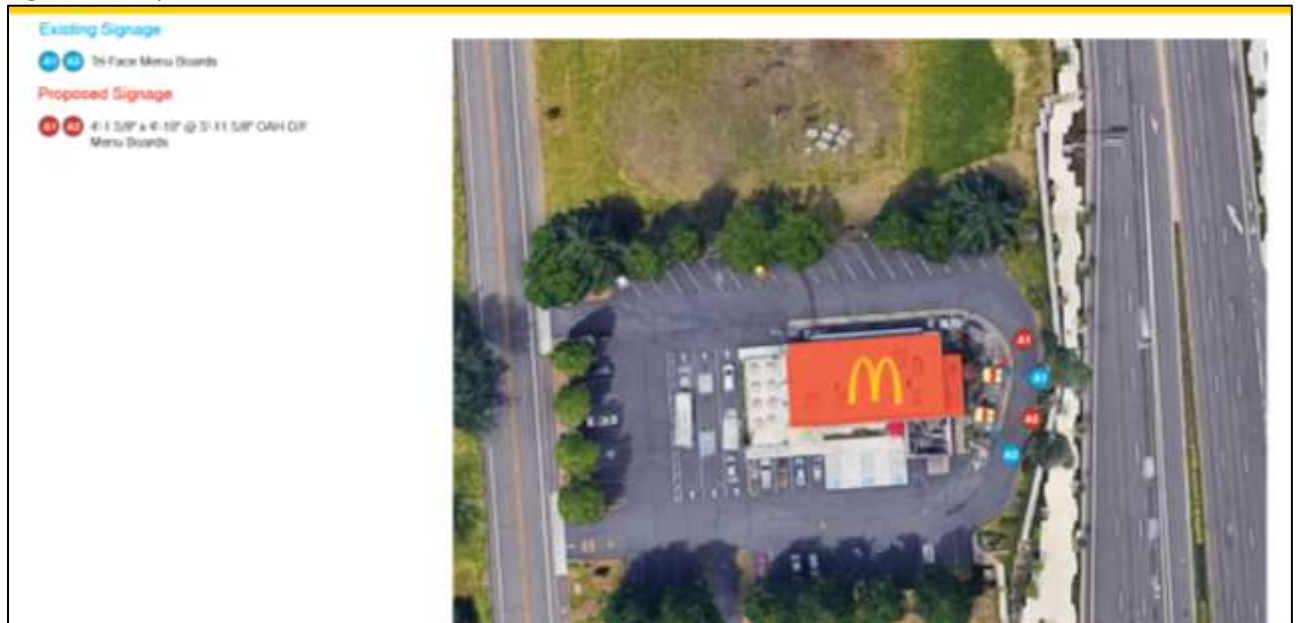


Figure 4. Existing Menu Boards



Figure 5. Proposed New Sign



Figure 6. Views From McLoughlin Blvd



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

15.28 – Signs
17.42 – Flood Management Overlay
17.48 – Willamette River Greenway Overlay
17.50 - Administration and Procedures

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

- 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.

5. Notice and Public Comment

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):

The Oregon City School District indicated the proposal would not conflict with their interests.

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.

I. RESPONSES TO THE OREGON CITY MUNICIPAL CODE:

CHAPTER 15.28 – SIGNS

15.28.080 Signs in Office Commercial, Mixed Use and Industrial Zones

A. General. All of the following standards apply to all signs in office, commercial, mixed use and industrial zones:

- 1. With the exception of projecting or wall signs, signs shall not project over the right-of-way. Signs projecting into the right-of-way shall receive approval by the city engineer.*
- 2. With the exception of wall signs, signs shall maintain a minimum clearance of ten feet above grade over pedestrian or vehicular areas, and fourteen feet above grade over areas of truck access.*

Finding: Complies as Proposed. The proposed signs do not project over any right of way.

B. Wall Signs. All of the following standards apply to wall signs in office, commercial, mixed use and industrial zones:

- 1. The number of wall signs is unlimited provided the total combined display area of wall signs, projecting signs and banners does not exceed twenty square feet for each ground floor tenant space on which the sign is constructed. For ground floor tenant spaces exceeding twenty feet of wall length on which the sign is constructed and tenant spaces not on the ground floor, signage shall not exceed one square foot per each lineal foot of the wall length of the tenant space on which the sign is constructed.*
- 2. Signs on structures such as awnings, canopies, false fronts and wall extensions that do not extend more than one*

foot from the structure are considered wall signs.

Finding: Not Applicable. The signs in question are not wall signs. The above does not apply to this request.

C. Freestanding Signs. All of the following standards apply to freestanding signs in office, commercial, mixed use and industrial zones:

1. A maximum of one freestanding sign is allowed for each street frontage. On arterial streets, if a frontage exceeds a length of six hundred linear feet a second freestanding sign is allowed. In all cases, no freestanding sign shall be permitted on the same frontage where there is a projecting or roof sign.

Finding: See variance findings in 15.28.130. The site has two frontages; McLoughlin Blvd and Clackamette Drive. The frontages are less than 600 feet in length. The site contains two main freestanding signs and two menu boards, along with several directional signs and a flag. The applicant is requesting to replace two existing menu boards with two new, smaller menu boards.

2. Freestanding signs on the same frontage shall be separated by a minimum of fifty feet distance.

Finding: See variance findings in 15.28.130. The applicant is requesting to replace two existing menu boards with two new, smaller menu boards. These two signs are not separated by 50 feet.

3. Maximum display area

a. Where the street frontage is less than fifty feet in length, the display area shall not exceed fifty square feet and the sign face shall not exceed twenty-five square feet.

b. Where the street frontage is fifty feet or greater but less than two hundred feet in length, display area shall not exceed one hundred square feet and the sign face shall not exceed fifty square feet.

c. Where the street frontage is two hundred feet or greater in length, the display area shall not exceed three hundred square feet and the sign face shall not exceed one hundred fifty square feet.

d. In no case shall any sign have a display area in excess of three hundred square feet.

Finding: Complies as Proposed. The street frontage on McLoughlin Blvd. is approximately 200 feet in length. The applicant did not provide the size of the existing main sign for the business. The proposed new signs are approximately 20SF each; or 4 feet by 5 feet; for a total of 40SF. The proposed signs are one-sided; the proposed size is the size of the sign face.

4. The sign width shall not exceed twenty linear feet.

Finding: Complies as Proposed. The width of each sign is 4'10".

5. Where the street frontage is two hundred feet in length or less the sign height shall not exceed twenty-five feet. Where the street frontage is more than two hundred feet in length, the sign height shall not exceed thirty feet.

Finding: Complies as Proposed. The height of each sign is 5' 11 5/8".

D. Incidental Freestanding Signs. All of the following standards apply to incidental signs in office, commercial, mixed use and industrial zones:

1. A maximum of one incidental freestanding sign is allowed for each street frontage.

2. The display area shall not exceed sixteen square feet and the sign face shall not exceed eight square feet.

3. The sign height shall not exceed 15 feet.

Finding: Not applicable. No incidental signs are being requested. The proposed signs exceed the allowed size of incidental signs and are thus considered freestanding signs.

15.28.110 - Prohibited signs.

It is unlawful for any of the following signs to be constructed or maintained except as otherwise provided in this chapter:

B.A sign that contains, includes or is illuminated by any flashing or revolving, rotating or moving light or moves or has any animated or moving parts which move or rotate or change more than three times per day, except as otherwise allowed within this code.

Finding: See variance findings in 15.28.130. The applicant is requesting to utilize two new menu board signs with illuminated areas that will change throughout the day to reflect customers' orders and prices.

15.28.130 Variances

All of the following standards apply to variances to this chapter:

- A. *Grounds for Variance. Upon application by an applicant, the planning commission may grant a specific variance from provisions of this chapter provided all of the following circumstances exist:*

1. *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.

Variances for the Number of Freestanding Signs

The proposed signs are approximately 5 feet in height and are smaller than the existing signs. They are located at least 80 feet from neighboring properties. Any impacts to neighboring properties will be reduced by the proposed changes on site.

Variances for Message Change more than 3x per day

The requested change will have little to no effect on adjacent properties. The content of the sign will be minimally visible, if at all, from neighboring properties. The reduction in illumination from the new signs is a benefit to adjacent properties as these new signs are not distracting and are tailored to the user.

2. *That the request is the minimum variance that would alleviate the hardship;*

Finding: Complies as Proposed.

Variances for the Number of Freestanding Signs

The applicant states: "This request is part of a nationwide campaign by McDonald's to replace their menu boards with state of the art digital boards. These new boards are smaller and give off less illumination. The site already has 2 menu boards. McDonalds simply wants to replace them with smaller, more effective and efficient menu boards." While there is no apparent hardship associated with this proposal, staff finds that because the applicant is not increasing the overall number of signs on site, this criterion is met.

Variances for Message Change more than 3x per day

The proposal would result in a sign that changes every time a new order is placed. The applicant states "The menu portion of the sign will only change twice daily, once from breakfast to lunch/dinner and then back to breakfast. The portion of the sign that will change more than 3 times is a very small area. This area is specifically designed for only the user of the sign. This area will list the user's order as well as the total cost. This will only be visible to the user as their vehicle will be in front of the board. The order will not be visible to anyone else." Staff finds that the applicant has minimized the areas of the sign that will have a changing message.

3. *Granting the variance will equal or exceed the purpose of the regulation to be modified;*

Finding: Complies as Proposed.

Variances for the Number of Freestanding Signs

The purpose of the regulation limiting the number of freestanding signs is to eliminate sign clutter. The proposed menu board signs are not oriented to the street as advertising, like most signs; instead, they are directed at the existing drive through facility. The applicant states "The new signs serve the same purpose, but are smaller, more concise and easier for the consumer to use. This is a significant decrease in overall sign square footage. Additionally, these signs do substantially not alter the appearance of the site. The new menu boards will be in the same location as the existing signs. The modification of the existing antiquated display with the new digital technology will only impact the direct user of the product. This user has made the choice to enter onto the commercial property and expects the transaction that they are

seeking to be able to be accomplished in an expedited and concise manner. In addition, this corridor is primarily commercial in nature and modifications that will allow for services offered at these types of properties should be supported and approved.” Staff finds that the reduction in size of the signs will help to minimize clutter, and recommends mitigation to better screen the signs from the right of way.

Variances for Message Change more than 3x per day

The purpose of the regulation is to avoid signs that are distracting to drivers and to maintain an aesthetically pleasing streetscape. The proposal would result in a sign that changes every time a new order is placed. The applicant states “The menu portion of the sign will only change twice daily, once from breakfast to lunch/dinner and then back to breakfast. The portion of the sign that will change more than 3 times is a very small area. This area is specifically designed for only the user of the sign. This area will list the user’s order as well as the total cost. This will only be visible to the user as their vehicle will be in front of the board. The order will not be visible to anyone else.” Staff finds that the message changes will be minimally visible from the right of way, if at all, and will not cause distractions to drivers or impact the streetscape.

4. Any impacts resulting from the adjustment are mitigated;

Finding: Complies with condition.

Variances for the Number of Freestanding Signs

Staff finds that the reduction in size of the signs will help to minimize clutter, but the number of signs will still create more visual clutter than if the applicant met the standards. Thus, mitigation to screen the signs from the right of way is recommended. The applicant shall plant at least eight additional large shrubs, spaced at least 4 feet on center, in the landscaped area between the drive thru and the right of way.

Variances for Message Change more than 3x per day

The proposal would result in a sign that changes every time a new order is placed. The applicant states “The menu portion of the sign will only change twice daily, once from breakfast to lunch/dinner and then back to breakfast. The portion of the sign that will change more than 3 times is a very small area. This area is specifically designed for only the user of the sign. This area will list the user’s order as well as the total cost. This will only be visible to the user as their vehicle will be in front of the board. The order will not be visible to anyone else.” Staff finds that the message changes will be minimally visible from the right of way, if at all, and will not cause distractions to drivers or impact the streetscape. Thus, no mitigation is required.

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

5. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and

Finding: Complies as Proposed.

Variances for the Number of Freestanding Signs

The applicant states “There are no alternatives. This is a nationwide initiative by McDonald’s to replace existing menu boards with these smaller digital menu boards.”

Variances for Message Change more than 3x per day

The applicant states “There are no alternatives. This is a nationwide initiative by McDonald’s to replace existing menu boards with these smaller digital menu boards.”

6. 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 or policies that are specific to signs. The applicant provided the following responses to other applicable Comprehensive Plan sections:

Goal 2.2 – Downtown Oregon City

The proposal for this site is in line with the goal set forth in the code. The goal is to develop the downtown area as a quality place for shopping, living, working etc. The upgrade in menu boards helps to further develop the site to comply with this goal. The site will be more aesthetically pleasing and will have less illumination from the menu boards.

Goal 2.3 – Corridors

The proposal for this site is in line with the goal set forth in the code. The proposal for new, smaller menu boards that use digital technology will help the site and its consumers. The boards are smaller, easier to read, more aesthetically pleasing and give off less illumination. The new boards will help move customers through the site quickly and safely, leading to a better overall customer experience.

Goal 2.5 – Retail and Neighborhood Commercial

The proposal for this site is in line with this goal set forth in the code. The proposal will help the business expand its customer base by allowing customers to get through the drive thru lane quicker and safer. By doing so the traffic movement will be faster as people will spend less time in the drive thru lanes. The new boards also improve the area aesthetically as the boards are smaller and give off less illumination.

Goal 15.1 – Protect the Willamette River Greenway

The proposal for this site is in line with the goal set forth in the code. Changing the menu boards will have no effect on the environment. The impact will be internal to the site and will have no impact on the environment in the surrounding areas.

B. Variance Fee. At the time of application for variance from the provisions of this chapter, the applicant shall pay a fee in accordance with the fee schedule established and amended from time to time by the city commission and on file with the city recorder.

C. Procedure. A variance application shall be treated in the manner provided by [Chapter 17.50](#) of this code with respect to zoning variances.

Finding: Complies as Proposed. The applicant has submitted the required fees.

CHAPTER 17.42 FLOOD MANAGEMENT OVERLAY DISTRICT

17.42.160.D.1 *Site Development Standards. All development in the floodplain shall conform to the following balanced cut and fill standards:*

This subsection 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.

17.42.160.D.2 *No net fill in any floodplain is allowed. All fill placed in a floodplain shall be balanced with at least an equal amount of soil material removed. For the purpose of calculating net fill, fill shall include any structure below the design flood elevation that has been floodproofed pursuant to subsection (E)(5) of this section.*

Finding: Complies with Condition. The applicant did not provide evidence to demonstrate that no net fill would be added to the floodplain. The applicant shall submit documentation showing the resulting cut or fill from the replacement of the two signs along with any other associated site work, and shall ensure that

no net fill is added. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.42.160.D.3 Any excavation below bankfull stage shall not count toward compensating for fill.

Finding: Not Applicable. No excavation below bankfull stage is proposed.

17.42.160.D.4 Excavation to balance a fill shall be located on the same parcel as the fill unless it is not practicable to do so. In such cases, the excavation shall be located in the same Oregon City floodplain, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis.

Finding: Complies with Condition. The applicant did not provide evidence to demonstrate that no net fill would be added to the floodplain. The applicant shall submit documentation showing the resulting cut or fill from the replacement of the two signs along with any other associated site work, and shall ensure that no net fill is added. Any excavation to balance a fill shall be located on the same site. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.42.160.D.5 For excavated areas identified by the city to remain dry in the summer, such as parks or mowed areas, the lowest elevation of the excavated area shall be at least six inches above the winter "low water" elevation, and sloped at a minimum of two percent towards the protected water feature pursuant to Chapter 17.49. One percent slopes will be allowed in smaller areas.

Finding: Not Applicable. No significant excavation is proposed.

17.42.160.D.6 For excavated areas identified by the city to remain wet in the summer, such as a constructed wetland, the grade shall be designed not to drain into the protected water feature pursuant to Chapter 17.49.

Finding: Not Applicable. No significant excavation is proposed.

17.42.160.D.7 Parking areas in the floodplain shall be accompanied by signs that inform the public that the parking area is located in a flood management area and that care should be taken when the potential for flooding exists.

Finding: Not Applicable. The site already complies with this standard. No changes to the parking lot are proposed.

17.42.160.D.8 Temporary fills permitted during construction shall be removed at the end of construction, thirty days after subdivision acceptance or completion of the final inspection.

Finding: Not Applicable. No temporary fills are proposed.

17.42.160.D.9 New culverts, stream crossings and transportation projects shall be designed as balanced cut and fill projects or designed not to significantly raise the design flood elevation. Such projects shall be designed to minimize the area of fill in flood management areas and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.

Finding: Not Applicable. No culverts, crossings, or transportation projects are proposed.

17.42.160.D.10 Excavation and fill required for the construction of detention facilities or structures, and other facilities, such as levees, specifically shall be designed to reduce or mitigate flood impacts and improve water quality. Levees shall not be used to create vacant buildable lands.

Finding: Not Applicable. No detention facilities are proposed.

17.42.160.E.1 Construction Standards.

1. Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movements and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are

not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebooks for additional techniques).

Finding: Complies with Condition. The applicant indicated that the development will comply with this section. The building plans submitted by the applicant shall demonstrate compliance with applicable floodproofing and anchoring standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.42.160.E.2 Construction Materials and Methods.

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.*
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.*
- c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.*

Finding: Complies with Condition. The applicant indicated that the development will comply with this section. The building plans submitted by the applicant shall demonstrate compliance with applicable floodproofing and anchoring standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.42.160.E.3 Utilities.

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.*
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.*
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.*

Finding: Not Applicable. No utilities are proposed.

17.42.160.E.4 Residential Construction

- a. New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the design flood elevation.*
- b. Full enclosed areas below the lowest floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria.*
 - i. A minimum of two openings have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.*
 - ii. The bottom of all openings shall be no higher than one foot above grade.*
 - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.*

Finding: Not Applicable. No residential construction is proposed.

17.42.160.E.5 Nonresidential Construction.

- a. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to at least one foot above base flood elevation; or, together with attendant utility and sanitary facilities, shall:*
 - i. Be floodproofed so that below the design flood level the structure is watertight with walls substantially impermeable to the passage of water provided that the requirements of subsection D.2. of this section are met;*
 - ii. Have structured components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;*
 - iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this*

subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 17.42.110B.;

- iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection E.4.b. of this section; and
- v. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the design flood level will be rated as one foot below that level).
- vi. Manufactured Homes. The following standards apply to all manufactured homes to be placed or substantially improved on sites within Flood Hazard Areas.

When manufactured dwellings are installed in flood hazard areas, they shall be elevated and anchored according to the Oregon Residential Specialty Code.

Finding: Complies with Condition. The applicant indicated that the development will comply with this section. The building plans submitted by the applicant shall demonstrate compliance with applicable floodproofing and anchoring standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.42.160.F Recreational Vehicles.

Finding: Not Applicable. No recreational vehicles are proposed.

17.42.160.G Below Grade Crawlspaces.

Finding: Not Applicable. No crawlspaces are proposed.

17.42.170 - Review of building permits.

Where elevation data is not available either through the flood insurance study, FIRM or from another authoritative source (Section 17.42.110), application for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness shall be made by the building official, considering use of historical data, high water marks, photographs of past floodings, etc., where available, and the provisions of this title. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

Finding: Not Applicable. Elevation data is available through FIRM.

17.42.180 - Subdivision standards.

Finding: Not Applicable. No subdivisions are proposed.

17.42.190 - Floodways.

Finding: Not Applicable. The proposed signs are not within the floodway.

Chapter 17.48 - WRG WILLAMETTE RIVER GREENWAY OVERLAY DISTRICT^[24]

17.48.040 - Uses allowed.

All uses permitted pursuant to the provisions of the underlying zoning district are permitted on lands designated WRG; provided, however, that any development, change of use or intensification of use shall be subject, in addition to the provisions of the underlying district, to the provisions of this chapter.

17.48.050 - Permit required—Exceptions.

A Willamette River Greenway permit shall be required for all developments and changes or intensification of uses, except the following:

- A. The propagation of timber or the cutting of timber for public safety or personal use, except the cutting of timber along the natural vegetative fringe along the river;
- B. Gravel removal from the bed of the Willamette River when conducted under a permit from the state;
- C. Customary dredging and channel maintenance;
- D. Placing by a public agency of signs, markers, aids and similar structures to serve the public;
- E. Activities to protect, conserve, enhance and maintain public recreation, scenic, historical and natural uses on public lands;
- F. Acquisition and maintenance of scenic easements by the Oregon Department of Transportation;
- G. Partial harvesting of timber shall be permitted beyond the natural vegetative fringe and those areas not covered by

a scenic easement and when the harvest is consistent with an approved plan under the Oregon Forest Practices Act. Commercial forest activities and harvesting practices providing for vegetative buffers, shading, soil stabilization, and water filtering effects required under the Oregon Forest Practices Act;

H. The use of a small cluster of logs for erosion control;

I. The expansion of capacity or the replacement of existing communication or energy distribution and transmission systems, except utility sub-stations;

J. The maintenance and repair of existing flood control facilities;

K. Uses lawfully existing on the effective date of the provisions codified in this chapter; provided, however, that any change or intensification of use or new development shall require a Willamette River Greenway permit.

Finding: Applicable. The freestanding signs are considered development that is subject to this chapter.

17.48.060 - Administrative procedure.

Except as specifically provided for in [Section 17.48.090](#), the procedure for action on a Willamette River Greenway permit shall be as provided for under the administrative action provisions in [Chapter 17.50](#). In addition to those provisions, however, notice of a pending Willamette River Greenway permit under [Sections 17.48.070 through 17.48.090](#) or of a compatibility review hearing under [Section 17.48.100](#), shall be given to all persons requesting the same and paying a reasonable fee therefore, as determined by the community development director.

Finding: Complies as Proposed. The applicant has applied for overlay review in accordance with this Chapter.

17.48.070 - Development standards—Specific use.

In approving any development or change or intensification of use, the approving officer or body shall apply the following standards:

Considerations for Specific Uses.

A. With respect to recreational uses only: the considerations set forth in section C.3.b of Goal 15.

B. With respect to those fish and wildlife habitats identified in the city comprehensive plan only: the considerations set forth in section C.3.d. of Goal 15.

C. With respect to those scenic qualities and views identified in the city comprehensive plan only: the considerations set forth in section C.3.e. of Goal 15.

D. With respect to timber resources only: the considerations set forth in section C.3.h. of Goal 15.

E. With respect to aggregate extraction only: the considerations set forth in section C.3.i. of Goal 15.

Finding: Not Applicable. None of these uses are proposed. The site is a commercial use.

17.48.080 - Development standards—General considerations.

The following considerations shall be applicable to all Willamette River Greenway permits.

A. Access. Adequate public access to the Willamette River shall be considered and provided for.

B. Protection and Safety. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided for to the maximum extent practicable.

C. Vegetative Fringe. The natural vegetative fringe along the Willamette River shall be protected and enhanced to the maximum extent practicable.

D. Directing Development Away from the River. Development shall be directed away from the Willamette River to the greatest possible degree, provided that lands committed to urban uses within the Greenway may continue as urban uses, subject to the nonconforming use provisions of [Chapter 17.58](#) of this title.

E. A Greenway Setback. In each application, the approving officer or body shall establish a setback to keep structures separated from the Willamette River in order to protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway, as set forth in the city comprehensive plan; provided, however, that the requirement to establish such setbacks shall not apply to water-related or water-dependent uses.

F. Other Applicable Standards. The Oregon Department of Transportation Greenway Plan, the Greenway portions of the city comprehensive plan, the Willamette River Greenway statutes and the provisions of Statewide Planning Goal 15, shall also be considered in actions involving Willamette River Greenway permits.

Finding: Complies as Proposed. The proposed signs are located on the east side of the building, which faces away from the river. While the area is within the overlay, the signs do not affect river access, vegetation, or public safety. The signs are no closer to the river than other structures on site and are directed away from the river.

17.48.090 - Procedure.

The planning director shall make findings, and may impose reasonable conditions to carry out this chapter, regarding all general, and any applicable specific, considerations of this section. The community development director shall then give notice of a pending Willamette River Greenway permit application, and proposed action thereon, in the manner provided for, and to those persons for whom notice shall be given, under [Chapter 17.50](#) of this Code, and to all other interested persons who wish to be notified and who pay a reasonable fee for such notification. If no interested person requests a hearing on such permit application within ten days of giving notice, the application shall be approved, either with or without conditions, or denied, as proposed by the community development director and in accordance with the findings required by this subsection. If there be objection, the matter shall be heard by the planning commission as an administrative action.

Finding: Complies as Proposed. The applicant has applied for overlay review in accordance with this Chapter.

17.48.100 - Compatibility review.

A. In all areas within one hundred fifty feet of the ordinary low-water line of the Willamette River, hereinafter referred to as the "compatibility boundary," the provisions of this subsection shall be applicable to all developments and changes or intensification of uses, so as to ensure their compatibility with Oregon's Greenway statutes, and to assure that the best possible appearance, landscaping and public access be provided.

B. All development or changes or intensifications of uses in the compatibility area shall be approved only if the following findings be made by the planning commission.

1. That to the greatest extent possible, the development or change or intensification of use provides for the maximum possible landscaped area, open space or vegetation between the activity and the river.

2. That to the greatest degree possible, necessary public access is provided to and along the Willamette River by appropriate legal means.

C. Procedure for action on compatibility review shall be as set forth in [Section 17.48.060](#) and shall include application of the relevant use management considerations and requirements provided in [Sections 17.48.070](#) and [17.48.080](#). The planning commission, after notice and public hearing held pursuant to [Chapter 17.50](#) shall approve issuance, approve issuance with conditions or disapprove issuance of the Willamette River Greenway conditional use permit. The application shall be accompanied by the fee listed in [Chapter 17.52](#) to defray the costs of publication, investigation and processing.

Finding: Not Applicable. The signs are more than 500 feet from the water line and are not within the compatibility boundary.

17.48.110 - Prohibited activities.

The following are prohibited within the Willamette River Greenway:

A. Any main or accessory residential structure exceeding a height of thirty-five feet, except for areas located within the Willamette Falls Downtown District;

B. Structural bank protection, except rip rap or a channelization used as an emergency measure only to protect existing structures. Any such rip rap or channelization to stabilize undeveloped sites shall be prohibited as well;

C. Subsurface sewage disposal drainfields within one hundred feet of the ordinary mean low-water line of the Willamette River.

Finding: Complies as Proposed. No prohibited activities are proposed.

17.48.120 - Additional procedural requirements.

In addition to the requirements of [Chapter 17.50](#), the following procedural requirements shall be applicable to all matters arising out of [Sections 17.48.070](#) through [17.48.100](#):

A. Applications submitted for review under [Sections 17.48.070](#) through [17.48.100](#) shall be accompanied by such materials as are reasonably necessary for adequate review, including, as necessary:

1. A site and landscaping plan showing existing vegetation and development and location of proposed development for activities;

2. Elevations of any proposed structures;

3. Materials list for any proposed structures, including type and colors of siding and roofing; and

4. Cross-sections of any area within the vegetative fringe where grading, filling, timber harvesting or excavating will occur.

B.

1. Written notice, including a copy of the application, shall be sent immediately upon receipt to the Oregon Department of Transportation by certified mail, return receipt requested. The Oregon Department of Transportation shall have seven working days from the date of mailing to respond before a decision be rendered.

2. Written notice shall be given to the Oregon Department of Transportation by certified mail, return receipt requested, within seven days of the entry of a final order on the disposition of all applications made under Sections 17.48.070 through 17.48.100.

Finding: Complies as Proposed. The applicant has applied for overlay review in accordance with this Chapter.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

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. A Pre-application conference was held on 7/9/19 via conference call.

17.50.055 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. A Neighborhood Association Meeting was held on 10/23/19.

CHAPTER 17.60 - VARIANCES

Sign Variance criteria is found in Chapter 15.28 rather than Chapter 17.60.

CONCLUSION AND DECISION:

Based on the analysis and findings as described above, Staff concludes that the proposed development located at 2010 Clackamette Dr, Oregon City OR 97045 can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director recommends approval with conditions, 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

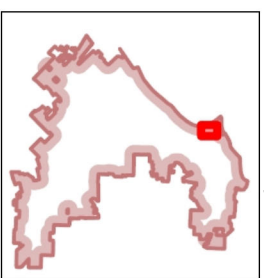
Oregon City GIS Map



- 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.

Site Enhancement Services

6001 Nimtz Pkwy

South Bend IN 46628

City of Oregon City

625 Center St.

Oregon City OR 97045

To Whom it May Concern:

Please find the enclosed application for a Sign Variance at the McDonald's located at 2010 Clackamette Dr, Oregon City OR 97045. Also enclosed is a check for the cost of the variance as well as the cost to have the City provide the labels for owners within 300 feet of the site. We are most appreciative that you will provide that information.

With regards to the requirement of a Neighborhood Association Meeting, we were able to attend a meeting on 10/23. The Neighborhood Association was good enough to allow us to attend via phone. We discussed the proposal with the Association and they were very receptive to our plans. The Neighborhood Association indicated that their sign in sheet and meeting minutes would be submitted to the city as a matter of public records. They also stated they would e-mail us a copy of both, but as of this mailing, we have not received them. Once received we will submit them to you, but you should get a copy directly from them.

Should you require any additional information, please do not hesitate to contact me. You can reach me via e-mail at [djrsitenhancementservices.com](mailto:djr@sitenhancementservices.com) or by phone at 574-485-1101. We thank you for your time, consideration and assistance throughout this process.

Sincerely,

David Ratliff

Project Coordinator

Site Enhancement Services



**OREGON
CITY**

L/C 036-0125

Community Development – Planning

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

LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

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

Type II (OCMC 17.50.030.B)

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

Type III / IV (OCMC 17.50.030.C)

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

File Number(s): _____

Proposed Land Use or Activity: Replace first of 2 existing menu boards with new menu board that has changeable copy more than 3 times a day.

Project Name: McDonald's Menu Board **Number of Lots Proposed (If Applicable):** _____

Physical Address of Site: 2010 Clackamette Dr Oregon City OR 97045

Clackamas County Map and Tax Lot Number(s): 2-2E-30 -00400

Applicant(s):

Applicant(s) Signature:  _____

Applicant(s) Name Printed: David Ratliff **Date:** 8/16/19

Mailing Address: 6001 Nimtz Pkwy South Bend IN 46628

Phone: 574-485-1101 **Fax:** _____ **Email:** djr@siteenhancementservices.com

Property Owner(s):

Property Owner(s) Signature:  _____ **as Senior Counsel**

Property Owner(s) Name Printed: McDonald's Corporation **Date:** 8/16/19

Mailing Address: 110 N Carpenter St Chicago IL 60607

Phone: 630.623.3000 **Fax:** _____ **Email:** _____

Representative(s):

Representative(s) Signature: _____

Representative (s) Name Printed: _____ **Date:** _____

Mailing Address: _____

Phone: _____ **Fax:** _____ **Email:** _____

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.

www.orcity.org/planning



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- ☐ Historic Review
- ☐ Municipal Code Amendment
- ☐ Variance
- ☐ Zone Change

File Number(s): _____

Proposed Land Use or Activity: Replace first of 2 existing menu boards with new menu board using new digital technology

Project Name: McDonald's Menu Board **Number of Lots Proposed (If Applicable):** _____

Physical Address of Site: 2010 Clackamette Dr Oregon City OR 97045

Clackamas County Map and Tax Lot Number(s): 2-2E-30 -00400

Applicant(s):

Applicant(s) Signature:  _____

Applicant(s) Name Printed: David Ratliff **Date:** 10/24/19

Mailing Address: 6001 Nimtz Pkwy South Bend IN 46628

Phone: 574-485-1101 **Fax:** _____ **Email:** djr@siteenhancementservices.com

Property Owner(s):

Property Owner(s) Signature:  _____ **as Senior Counsel**

Property Owner(s) Name Printed: McDonald's Corporation **Date:** 8/16/19

Mailing Address: 110 N Carpenter St Chicago IL 60607

Phone: 630.623.3000 **Fax:** _____ **Email:** _____

Representative(s):

Representative(s) Signature: _____

Representative (s) Name Printed: _____ **Date:** _____

Mailing Address: _____

Phone: _____ **Fax:** _____ **Email:** _____

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- ☐ Detailed Development Plan
- ☐ Historic Review
- ☐ Municipal Code Amendment
- ☐ Variance
- ☐ Zone Change

File Number(s): _____

Proposed Land Use or Activity: Replace second of 2 existing menu boards with new menu board that has changeable copy more than 3 times a day.

Project Name: McDonald's Menu Board Number of Lots Proposed (If Applicable): _____

Physical Address of Site: 2010 Clackamette Dr Oregon City OR 97045

Clackamas County Map and Tax Lot Number(s): 2-2E-30 -00400

Applicant(s):

Applicant(s) Signature: 

Applicant(s) Name Printed: David Ratliff Date: 10/29/19

Mailing Address: 6001 Nimitz Pkwy South Bend IN 46628

Phone: 574-485-1101 Fax: _____ Email: djr@siteenhancementservices.com

Property Owner(s):

Property Owner(s) Signature:  as Senior Counsel

Property Owner(s) Name Printed: McDonald's Corporation Date: 8/16/19

Mailing Address: 110 N Carpenter St Chicago IL 60607

Phone: 630.623.3000 Fax: _____ Email: _____

Representative(s):

Representative(s) Signature: _____

Representative (s) Name Printed: _____ Date: _____

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

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.

www.orcity.org/planning



LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)	Type II (OCMC 17.50.030.B)	Type III / IV (OCMC 17.50.030.C)
<input type="checkbox"/> Compatibility Review	<input type="checkbox"/> Extension	<input type="checkbox"/> Annexation
<input type="checkbox"/> Lot Line Adjustment	<input type="checkbox"/> Detailed Development Review	<input type="checkbox"/> Code Interpretation / Similar Use
<input type="checkbox"/> Non-Conforming Use Review	<input type="checkbox"/> Geotechnical Hazards	<input type="checkbox"/> Concept Development Plan
<input type="checkbox"/> Natural Resource (NROD) Verification	<input type="checkbox"/> Minor Partition (<4 lots)	<input type="checkbox"/> Conditional Use
<input type="checkbox"/> Site Plan and Design Review	<input type="checkbox"/> Minor Site Plan & Design Review	<input type="checkbox"/> Comprehensive Plan Amendment (Text/Map)
	<input type="checkbox"/> Non-Conforming Use Review	<input type="checkbox"/> Detailed Development Plan
	<input type="checkbox"/> Site Plan and Design Review	<input type="checkbox"/> Historic Review
	<input type="checkbox"/> Subdivision (4+ lots)	<input type="checkbox"/> Municipal Code Amendment
	<input type="checkbox"/> Minor Variance	<input type="checkbox"/> Variance
	<input type="checkbox"/> Natural Resource (NROD) Review	<input type="checkbox"/> Zone Change

File Number(s): _____

Proposed Land Use or Activity: Replace second of 2 existing menu boards with new menu board using new digital technology

Project Name: McDonald's Menu Board Number of Lots Proposed (If Applicable): _____

Physical Address of Site: 2010 Clackamette Dr Oregon City OR 97045

Clackamas County Map and Tax Lot Number(s): 2-2E-30 -00400

Applicant(s):

Applicant(s) Signature: 

Applicant(s) Name Printed: David Ratliff Date: 10/24/19

Mailing Address: 6001 Nimitz Pkwy South Bend IN 46628

Phone: 574-485-1101 Fax: _____ Email: djr@siteenhancementservices.com

Property Owner(s):

Property Owner(s) Signature:  as Senior Counsel

Property Owner(s) Name Printed: McDonald's Corporation Date: 8/16/19

Mailing Address: 110 N Carpenter St Chicago IL 60607

Phone: 630.623.3000 Fax: _____ Email: _____

Representative(s):

Representative(s) Signature: _____

Representative (s) Name Printed: _____ Date: _____

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

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.

Statement of Justification

The McDonald's that is located at 2010 Clackamette Dr. Oregon City OR 97045 is respectfully relief from the code that will allow the property the ability to reflect the investment being made into the site and the community as well as improve the overall customer experience. As part of the investment into this location, McDonalds is seeking to replace its 2 existing menu boards with new menu boards using new digital technology.

The area that requires relief is as follows:

- Number of drive-through signs and size
 - Allowed: 1 freestanding sign NTE 150 SF, 1 incidental freestanding sign NTE 8 SF
 - Requested: 2
 - § 2 Menu Boards at approximately 20SF each
 - Replacing 2 existing menu boards at approximately 45SF
- Signs that contain, include or illuminated by flashing, revolving, rotating or moving light or moves or has any animated or moving parts with move or rotate or change more than 3 times a day are prohibited.
 - Requesting 2 menu boards that list a customer's order as they place it, including the total cost.

The requested signs all serve a purpose that work together to create an overall aesthetic balance as well as help to improve the customer experience. These signs will also help to ensure that motorists can easily navigate the site, entering and exiting quickly, yet safely.

The additions of these new signs will be beneficial to the site and will have no adverse effect to the site or the surrounding areas. These new signs do not change the use. The new signs serve the same purpose, but are smaller, more concise and easier for the consumer to use. The current menu boards are approximately 45SF. The proposed boards are approximately 20 SF and the proposed pre-menu boards are approximately 10SF. This is a significant decrease in overall sign square footage. Additionally, these signs do substantially not alter the appearance of the site. The new menu boards will be in the same location as the existing signs. The modification of the existing antiquated display with the new digital technology will only impact the direct user of the product. This user has made the choice to enter onto the commercial property and expects the transaction that they are seeking to be able to be accomplished in an expedited and concise manner. In addition, this corridor is primarily commercial in nature and modifications that will allow for services offered at these types of properties should be supported and approved.

The second area requiring relief has to do with the changeable copy on the sign. The menu portion of the sign will only change twice daily, once from breakfast to lunch/dinner and then back to breakfast. The portion of the sign that will change more than 3 times is a very small area. This area is specifically designed for only the user of the sign. This area will list the user's order as well as the total cost. This will only be visible to the user as their vehicle will be in front of the board. The order will not be visible to anyone else.

These new signs will have little to no impact on adjoining properties and the neighborhood. The signs are smaller and give off less illumination than the current signs. Included in this submission are statements showing the lumen output as well as a letter showing the adjustable nature of these signs. The default minimum brightness is 500 nits which is 20% of the maximum brightness, but it can be adjusted to by only 1% of maximum brightness. These signs also can be set to automatically dim in low light and nighttime environments. Whether its manual or automatic, the ability to adjust the brightness of the signs will make any impact on the adjoining properties or passing motorists will be negligible.

The new signs will not affect the provision of public services nor increase demand on public or private utilities. As previously stated, these signs will put off less illumination than the current signs. They are much more efficient and will require less energy to operate. Also, they will be in the same area as the current signs. This will not have any impact on the provision of public services.

The modifications do not diminish the intent of the originally approved plan. These new signs serve the same purpose as the original plans however, they utilize new digital technology. The new signs are designed to optimize development potential in ways that benefit current future citizens. This upgrade in technology will allow for a better overall customer experience at this site. The increase in customer experience directly relates to the viability and use of the site. A fully functioning, well run McDonald's property is a benefit to any community and this specific corridor.

The digital displays that are requested provide the customer with 100% up-to-date messaging in a clear and readily legible manner. The existing messaging is manually controlled which, unfortunately, often leads to inconsistent and out-of-date offerings in the display rotation. These inconsistencies lead to elongated time for the customers in the drive thru lanes and decreases to the overall experience during the transaction phase of the experience. The goal of the digital displays is to make sure that the customers have clear and concise messages so that time on site is focused, controlled, and expedited. A focused and satisfied motorist is more aware of their surrounding and less likely to cause vehicular infractions.

TYPE II –SITE PLAN AND DESIGN REVIEW
Applicant's Submittal
10/16/19

APPLICANT: David Ratliff
Site Enhancement Services 6001 Nimitz Pkwy South Bend IN 46628

OWNER: McDonald's Corp
110 N Carpenter St Chicago IL 60607

REQUEST: Replace Existing menu boards with new menu boards using digital technology.

LOCATION: 2010 Clackamette Dr, Oregon City OR 97045
Map # 2-2E-30
Tax Lot # 00400

I. BACKGROUND:

1. Existing Conditions

The site currently has 2 freestanding signs, 2 directional signs, 2 menu boards and 1 pre-menu board. The menu boards are approximately 45 SF in size.

2. Project Description

The property owner is seeking to replace the 2 existing menu boards with smaller menu boards that utilize digital technology.

II. RESPONSES TO THE OREGON CITY MUNICIPAL CODE:

CHAPTER 17.39 "I" INSTITUTIONAL DISTRICT

17.39.020 - Permitted uses.

Permitted uses in the institutional district are:

- A. Private and/or public educational or training facilities;*
- B. Parks, playgrounds, playfields and community or neighborhood community centers;*
- C. Public facilities and services including courts, libraries and general government offices and maintenance facilities;*
- D. Stadiums and arenas;*
- E. Banquet, conference facilities and meeting rooms;*
- F. Government offices;*
- G. Transportation facilities.*

Applicant's Response: Does not apply.

17.39.030 - Accessory uses.

The following uses are permitted outright if they are accessory to and related to the primary institutional use:

- A. Offices;*
- B. Retail (not to exceed twenty percent of total gross floor area of all building);*
- C. Child care centers or nursery schools;*
- D. Scientific, educational, or medical research facilities and laboratories;*

E. Religious institutions.

Applicant's Response: Does not Apply.

17.39.040 - Conditional uses.

Uses requiring conditional use permit are:

A. Any uses listed under Section 17.39.030 that are not accessory to the primary institutional use;

B. Boarding and lodging houses, bed and breakfast inns;

C. Cemeteries, crematories, mausoleums, and columbariums;

D. Correctional facilities;

E. Helipad in conjunction with a permitted use;

F. Parking lots not in conjunction with a primary use;

G. Public utilities, including sub-stations (such as buildings, plants and other structures);

H. Fire stations.

Applicant's Response: Does not apply

17.39.045 - Prohibited uses.

Prohibited uses in the I district are:

A. Any use not expressly listed in Section 17.39.020, 17.39.030 or 17.39.040;

B. Marijuana businesses.

Applicant's Response: Does not apply.

17.39.050 - Dimensional standards.

Dimensional standards in the I district are:

A. Maximum building height: Within one hundred feet of any district boundary, not to exceed thirty-five feet; elsewhere, not to exceed seventy feet.

Applicant's Response: Does not apply.

B. Minimum required setbacks: Twenty-five feet from property line except when the development is adjacent to a public right-of-way. When adjacent to a public right-of-way, the minimum setback is zero feet and the maximum setback is five feet.

Applicant's Response: Does not apply.

17.39.060 - Relationship to master plan.

A. A master plan is required for any development within the I district on a site over ten acres in size that: 1. Is for a new development on a vacant property;

2. Is for the redevelopment of a property previously used as a non-institutional use; or

3. Increases the floor area of the existing development by ten thousand square feet over existing conditions

B. Master plan dimensional standards that are less restrictive than those of the Institutional district require adjustments. Adjustments will address the criteria of Section 17.65.70 and will be processed concurrently with the master plan application.

C. Modifications to other development standards in the code may be made as part of the phased master plan adjustment process. All modifications must be in accordance with the requirements of the master plan adjustment process identified in Section 17.65.070.

Applicant's Response: Does not apply.

CHAPTER 17.34 "MUD" MIXED USE DOWNTOWN DISTRICT

17.34.020 - Permitted uses.

Permitted uses in the MUD district are defined as:

A. Any use permitted in the mixed-use corridor without a size limitation, unless otherwise restricted in Sections [17.34.020](#), [17.34.030](#) or [17.34.040](#);

B. Hotel and motel, commercial lodging;

C. Marinas;

D. Religious institutions;

E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);

F. Live/work units.

Applicant's Response: Site is a Retail Trade.

17.34.030 - Conditional uses.

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 services;

C. Hospitals;

D. Outdoor markets that do not meet the criteria of [Section 17.34.020](#);

E. Parks, playgrounds, play fields and community or neighborhood centers;

F. Parking structures and lots not in conjunction with a primary use;

G. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and

specialty stores in a freestanding building with a single store exceeding a foot print of sixty thousand square feet;

H. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;

I. Public utilities and services such as pump stations and sub-stations;

J. Distributing, wholesaling and warehousing;

K. Gas stations;

L. Public and or private educational or training facilities;

M. Stadiums and arenas;

N. Passenger terminals (water, auto, bus, train);

O. Recycling center and/or solid waste facility.

Applicant's Response: Site is a Retail Trade

17.34.040 - Prohibited uses.

The following uses are prohibited in the MUD district:

A. Kennels;

B. Outdoor storage and sales, not including outdoor markets allowed in [Section 17.34.030](#);

C. Self-service storage;

D. Single-Family and two-family residential units;

E. Motor vehicle and recreational vehicle repair/service;

F. Motor vehicle and recreational vehicle sales and incidental service;

G. Heavy equipment service, repair, sales, storage or rental² (including but not limited to construction equipment and machinery and farming equipment)

Applicant's Response: Does not apply.

17.34.050 - Pre-existing industrial uses.

Tax lot 5400 located at Clackamas County Tax Assessors Map #22E20DD, Tax Lots 100 and two hundred located on Clackamas County Tax Assessors Map #22E30DD and Tax Lot 700 located on Clackamas County Tax Assessors Map #22E29CB have special provisions for industrial uses. These properties may maintain and expand their industrial uses on existing tax lots. A change in use is allowed as long as there is no greater impact on the area than the existing use.

Applicant's Response: Does not apply. Site is not an industrial use site.

17.34.060 - Mixed-use downtown dimensional standards—For properties located outside of the downtown design district.

A. Minimum lot area: None.

Applicant's Response: Site complies with this standard.

B. Minimum floor area ratio: 0.30.

Applicant's Response: Site complies with this standard.

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

Applicant's Response: Site complies with this standard.

D. Maximum building height: Seventy-five feet, except for the following locations where the maximum building height shall be forty-five feet:

- 1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;*
- 2. Property within five hundred feet of the End of the Oregon Trail Center property; and*
- 3. Property within one hundred feet of single-family detached or detached units.*

Applicant's Response: Site complies with this standard.

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

Applicant's Response: Site complies with this standard.

F. Minimum required interior side yard and rear yard setback if abutting a residential zone: Fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.

Applicant's Response: Site complies with this standard.

G. Maximum Allowed Setbacks.

- 1. Front yard: Twenty feet provided the site plan and design review requirements of [Section 17.62.055](#) are met.*

Applicant's Response: Site complies with this standard.

- 2. Interior side yard: No maximum.*

Applicant's Response: Site complies with this standard.

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

Applicant's Response: Site complies with this standard.

- 4. Rear yard: No maximum.*

Applicant's Response: Site complies with this standard.

- 5. Rear yard abutting street: Twenty feet provided the site plan and design review requirements of [Section 17.62.055](#) are met.*

Applicant's Response: Site complies with this standard.

H. Maximum site coverage including the building and parking lot: Ninety percent.

Applicant's Response: Site complies with this standard.

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

Applicant's Response: Site complies with this standard.

17.34.070 - Mixed-use downtown dimensional standards—For properties located within the downtown design district.

A Minimum lot area: None.

Applicant's Response: Does not apply.

B. Minimum floor area ratio: 0.5.

Applicant's Response: Does not apply.

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

Applicant's Response:

D. Maximum building height: Fifty-eight feet.

Applicant's Response: Does not apply.

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

Applicant's Response: Does not apply.

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

Applicant's Response: Does not apply.

G. Maximum Allowed Setbacks.

1. Front yard setback: Ten feet provided the site plan and design review requirements of [Section 17.62.055](#) are met.

Applicant's Response: Does not apply.

2. Interior side yard setback: No maximum.

Applicant's Response: Does not apply.

3. Corner side yard setback abutting street: Ten feet provided the site plan and design review requirements of [Section 17.62.055](#) are met.

Applicant's Response: Does not apply.

4. Rear yard setback: No maximum.

Applicant's Response: Does not apply.

5. Rear yard setback abutting street: Ten feet provided the site plan and design review requirements of [Section 17.62.055](#) are met.

Applicant's Response: Does not apply.

H. Maximum site coverage of the building and parking lot: One hundred percent.

Applicant's Response: Does not apply.

I. Minimum Landscape Requirement. Development within the downtown design district overlay is exempt from required landscaping standards in [Section 17.62.050A.1](#). However, landscaping features or other amenities are required, which may be in the form of planters, hanging baskets and architectural features such as benches and water fountains that are supportive of the pedestrian environment. Where possible, landscaped areas are encouraged to facilitate continuity of landscape design. Street trees and parking lot trees are required and shall be provided per the standards of [Chapter 12.08](#) and [Chapter 17.52](#).

Applicant's Response: Does not apply.

17.34.080 - Explanation of certain standards.

A Floor Area Ratio (FAR).

1. Purpose. 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.

2. Standards.

a. The minimum floor area ratios contained in sections [17.34.060](#) and [17.34.070](#) apply to all non-residential and mixed-use building developments.

b. 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.

c. 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.

B. Building height.

1. Purpose.

a. The Masonic Hall is currently the tallest building in downtown Oregon City, with a height of fifty-eight feet measured from Main Street. The maximum building height limit of fifty-eight feet will ensure that no new building will be taller than the Masonic Hall.

b. A minimum two-story (twenty-five feet) building height is established for the Downtown Design District Overlay sub-district to ensure that the traditional building scale for the downtown area is maintained.

Applicant's Response: Does not apply.

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:

Applicant's Response:

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

Applicant's Response:

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.*

Applicant's Response:

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.

Applicant's Response:

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.*

Applicant's Response: Site complies with this standard.

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](#)).*

Applicant's Response: Site complies with this standard.

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.

Applicant's Response:

c. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas. 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 500 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. 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.

Applicant's Response:

d. For properties within the Downtown Design District landscaping shall be required to the extent practicable up to the ten percent requirement.

Applicant's Response:

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

Applicant's Response:

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.

Applicant's Response:

2. Vehicular Access and Connectivity.

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

Applicant's Response: Site complies with this standard.

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.

Applicant's Response:

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.

Applicant's Response:

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

Applicant's Response:

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.

Applicant's Response:

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

Applicant's Response:

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](#).

Applicant's Response:

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.

Applicant's Response:

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

Applicant's Response:

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.

Applicant's Response:

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.

Applicant's Response:

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.

Applicant's Response:

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.

Applicant's Response:

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.

Applicant's Response:

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

Applicant's Response:

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

Applicant's Response: Does not apply

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.

Applicant's Response: Site complies with this standard.

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

Applicant's Response: Site complies with this standard.

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.

Applicant's Response: Site complies with this standard.

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.

Applicant's Response: Site complies with this standard.

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.

Applicant's Response: Site complies with this standard.

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.

Applicant's Response: Site complies with this standard.

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

Applicant's Response: Site complies with this standard.

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.

Applicant's Response: Site complies with this standard.

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.

Applicant's Response: Site complies with this standard.

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.

Applicant's Response: Site complies with this standard.

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

Applicant's Response: Site complies with this standard.

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.

Applicant's Response: Site complies with this standard.

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.

Applicant's Response: Site complies with this standard.

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.

Applicant's Response: Does not apply

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.

Applicant's Response: Does not apply.

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.

Applicant's Response:

17. All utility lines shall be placed underground.

Applicant's Response: Site complies with this standard.

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.

Applicant's Response: Site complies with this standard.

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.

Applicant's Response: Does not apply.

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.

Applicant's Response: Does not apply

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.

Applicant's Response: Does not apply.

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.

Applicant's Response: Does not apply

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

Applicant's Response: Does not apply.

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

Applicant's Response: Does not apply.

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 batten 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.

Applicant's Response: Does not apply.

b. Prohibited materials. The following materials shall be prohibited in visible locations from the right-of-way or a public access easement 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, gates for a refuse enclosure, stormwater facilities, or within the General Industrial District).
- [v.] Crushed colored rock/crushed tumbled glass.
- [vi.] Non-corrugated and highly reflective sheet metal.

Applicant's Response: No prohibited materials will be used.

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 troweled 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.

Applicant's Response: Does not apply. Replacing menu boards.

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.

Applicant's Response: Applicant and owner will comply.

23. Development shall conform to the requirements of OCMC Chapter 17.58 Nonconforming Uses, Structures, and Lots.

Applicant's Response: Site complies with this standard.

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.

Applicant's Response: Does not apply to this application.

2. Lighting Plan Requirement.

All commercial, industrial, mixed-use, cottage housing and multi-family developments shall submit a proposed exterior lighting plan. The plan must be submitted concurrently with the site plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.

Applicant's Response: Does not apply to this application.

3. Excepted Lighting.

The following types of lighting are excepted from the requirements of this section.

a. Residential lighting for single-family attached and detached homes, and duplexes.

b. Public street and right-of-way lighting.

c. Temporary decorative seasonal lighting provided that individual lamps have a light output of sixty watts or less.

d. Temporary lighting for emergency or nighttime work and construction.

e. Temporary lighting for theatrical, television, and performance areas, or for special public events.

f. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.

g. Lighting required and regulated by the Federal Aviation Administration.

Applicant's Response: Does not apply to this application.

C. General Review Standard. If installed, all exterior lighting shall meet the functional security needs of the proposed land use without adversely affecting adjacent properties or the community. For purposes of this section, properties that comply with the design standards of subsection D. below shall be deemed to not adversely affect adjacent properties or the community.

Applicant's Response: Does not apply to this application.

D. Design and Illumination Standards.

General Outdoor Lighting Standard and Glare Prohibition.

1. Any light source or lamp that emits more than nine hundred lumens (thirteen watt compact fluorescent or sixty watt incandescent) shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property.

Applicant's Response: Does not apply to this application.

2. The maximum height of any lighting pole serving a multi-family residential use shall be twenty feet. The maximum height serving any other type of use shall be twenty-five feet, except in parking lots larger than five acres, the maximum height shall be thirty-five feet if the pole is located at least one hundred feet from any residential use.

Applicant's Response: Does not apply to this application.

3. Lighting levels:

Table 1-17.62.065. Foot-candle Levels

Location	Min	Max	Avg
Pedestrian Walkways in Parking Lots		10:1 max/min ratio	0.5

<i>Location</i>	<i>Min</i>	<i>Max</i>	<i>Avg</i>
<i>Pedestrian Accessways/Walkways</i>	<i>0.5</i>	<i>7:1 max/min ratio</i>	<i>1.5</i>
<i>Building Entrances</i>	<i>3</i>		
<i>Bicycle Parking Areas</i>	<i>3</i>		
<i>Abutting property</i>	<i>N/A</i>	<i>0.5</i>	

Applicant's Response:

4. *Pedestrian Accessways. To enhance pedestrian and bicycle safety, pedestrian accessways required pursuant to OCMC 12.28 shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.*

Applicant's Response: Does not apply to this application.

5. *Floodlights shall not be utilized to light all or any portion of a building facade between ten p.m. and six a.m.*

Applicant's Response: Does not apply to this application.

6. *Lighting on outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.*

Applicant's Response: Does not apply to this application.

7. *All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.*

Applicant's Response: Does not apply to this application.

8. *Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.*

Applicant's Response: Does not apply to this application.

9. *For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.*

Applicant's Response: Does not apply to this application.

10. *No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.*

Applicant's Response: Does not apply to this application.

11. *Wireless Sites. Unless required by the Federal Aviation Administration or the Oregon Aeronautics Division, artificial lighting of wireless communication towers and antennas shall be prohibited. Strobe lighting of wireless communication facilities is prohibited unless required by the Federal Aviation Administration. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment on wireless communication facilities shall be initiated by motion detecting lighting.*

Applicant's Response: Does not apply to this application.

12. *Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards:*

- i. Maximum permitted light post height: eighty feet.*

Applicant's Response: Does not apply to this application.

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.*

Applicant's Response: Does not apply to this application.

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

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
Multi-Family: Studio	1.00 per unit	1.5 per unit
Multi-Family: 1 bedroom	1.25 per unit	2.00 per unit
Multi-Family: 2 bedroom	1.5 per unit	2.00 per unit
Multi-Family: 3 bedroom	1.75 per unit	2.50 per unit
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

<i>Hospital</i>	<i>2.00</i>	<i>4.00</i>
<i>Preschool Nursery/Kindergarten</i>	<i>2.00</i>	<i>3.00</i>
<i>Elementary/Middle School</i>	<i>1 per classroom</i>	<i>1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium</i>
<i>High School, College, Commercial School for Adults</i>	<i>0.20 per # staff and students</i>	<i>0.30 per # staff and students</i>
<i>Auditorium, Meeting Room, Stadium, Religious Assembly Building, movie theater,</i>	<i>.25 per seat</i>	<i>0.5 per seat</i>
<i>Retail Store, Shopping Center, Restaurants</i>	<i>4.10</i>	<i>5.00</i>
<i>Office</i>	<i>2.70</i>	<i>3.33</i>
<i>Medical or Dental Clinic</i>	<i>2.70</i>	<i>3.33</i>
<i>Sports Club, Recreation Facilities</i>	<i>Case Specific</i>	<i>5.40</i>
<i>Storage Warehouse, Freight Terminal</i>	<i>0.30</i>	<i>0.40</i>
<i>Manufacturing, Wholesale Establishment</i>	<i>1.60</i>	<i>1.67</i>
<i>Light Industrial, Industrial Park</i>	<i>1.3</i>	<i>1.60</i>

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.*

Applicant's Response: Does not apply to this application.

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.*

Applicant's Response: Does not apply to this application.

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.*

Applicant's Response: Does not apply to this application.

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.*

Applicant's Response: Does not apply to this application.

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.*

Applicant's Response:

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.

Applicant's Response: Does not apply to this application.

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).

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.

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:

a. Alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and further that the transportation demand management program promotes or achieves parking utilization lower than minimum city parking requirements.

b. Transportation demand management (TDM) program has been developed for approval by, and is approved by the city engineer. The plan will contain strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the city determines the plan is not successful, the plan may be revised. If the city determines that no good-faith effort has been made to implement the plan, the city may take enforcement actions.

Applicant's Response: Does not apply to this application. Does not apply to this application.

4. The minimum required number of stalls may be reduced by up to 10% when the subject property is adjacent to an existing or planned fixed public transit route or within 1,000 feet of an existing or planned transit stop.

Applicant's Response:

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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
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
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Applicant's Response:

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."

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.*

USE	MINIMUM BICYCLE PARKING	MINIMUM BICYCLE PARKING - COVERED - The following percentage of bicycle parking is required to be covered
Multi-family (three or more units)	1 per 10 units (minimum of 2)	50% (minimum of 1)
Correctional institution	1 per 15 auto spaces (minimum of 2)	30% (minimum of 1)
Nursing home or care facility	1 per 30 auto spaces (minimum of 2)	30% (minimum of 1)
Hospital	1 per 20 auto spaces (minimum of 2)	30% (minimum of 1)
Park-and-ride lot	1 per 5 auto spaces (minimum of 2)	50% (minimum of 1)
Transit center	1 per 5 auto spaces (minimum of 2)	50% (minimum of 1)
Parks and open space	1 per 10 auto spaces (minimum of 2)	0%
Public parking lots	1 per 10 auto spaces (minimum of 2)	50% (minimum of 1)
Automobile parking structures	1 per 10 auto spaces (minimum of 4)	80% (minimum of 2)
Religious institutions, movie theater, auditorium or meeting room	1 per 10 auto spaces (minimum of 2)	30% (minimum of 1)

Libraries, museums	1 per 5 auto spaces (minimum of 2)	30% (minimum of 1)
Preschool, nursery, kindergarten	2 per classroom (minimum of 2)	50% (minimum of 1)
Elementary	4 per classroom (minimum of 2)	50% (minimum of 1)
Junior high and High school	2 per classroom (minimum of 2)	50% (minimum of 2)
College, business/commercial schools	2 per classroom (minimum of 2)	50% (minimum of 1)
Swimming pools, gymnasiums, ball courts	1 per 10 auto spaces (minimum of 2)	30% (minimum of 1)
Retail stores and shopping centers	1 per 20 auto spaces (minimum of 2)	50% (minimum of 2)
Retail stores handling exclusively bulky merchandise such as automobile, boat or trailer sales or rental	1 per 40 auto spaces (minimum of 2)	0%
Bank, office	1 per 20 auto spaces (minimum of 2)	50% (minimum of 1)
Medical and dental clinic	1 per 20 auto spaces (minimum of 2)	50% (minimum of 1)
Eating and drinking establishment	1 per 20 auto spaces (minimum of 2)	0%
Gasoline service station	1 per 10 auto spaces (minimum of 2)	0%

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

17.52.040.D.4. Accessibility.

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

Applicant's Response: Does not apply to this application.

17.52.040.D.4.b. Outdoor bicycle parking areas shall have direct access to a right-of-way.

Applicant's Response: Does not apply to this application.

17.52.040.D.4.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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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;

Applicant's Response: Does not apply to this application.

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;

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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](#).

Applicant's Response: Does not apply to this application.

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

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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;

Applicant's Response: Does not apply to this application.

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

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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:

Applicant's Response: Does not apply to this application.

a. Trees spaced a maximum of thirty-five feet apart;

Applicant's Response: Does not apply to this application.

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

Applicant's Response: Does not apply to this application.

c. An evergreen hedge of thirty to forty-two inches or shrubs placed no more than four feet apart on average; or

Applicant's Response: Does not apply to this application.

2. Seven-foot sidewalks with shade trees spaced a maximum of thirty-five feet apart in three-foot by five-foot tree wells.

Applicant's Response: Does not apply to this application.

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:

Applicant's Response: Does not apply to this application.

a. A minimum of one tree per six parking spaces.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

c. Shrubs spaced no more than four feet apart on average.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

17.52.070 - Alternative landscaping plan.

Any applicant may propose an alternative landscaping plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. Alternative plans may include the use of low impact development techniques and minimized landscaping requirements. In such situations, the community development director may approve variations to the landscaping standards of [section 17.52.060](#).

A. General Review Standard. The alternative shall be meet or exceed the intent of this chapter and shall create a safe space for automobiles and pedestrians. The alternative landscaping plan shall be prepared by a licensed landscape architect.

B. Credit for Pervious/Low Impact Development. The community development director may count up to fifty percent of the square footage of any pervious hardscaped landscape material within a parking lot that is designed and approved pursuant to the city's adopted stormwater and low impact development design standards toward minimum landscaping requirements for the site. (This includes porous pavement detention, open celled block pavers, porous asphalt, porous concrete pavement, porous turf, porous gravel, etc).

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

C. Standards.

1. The off-street loading space shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Applicants are advised to provide complete and accurate information about the potential need for loading spaces because the city engineer or decision maker may restrict the use of other public right-of-way to ensure efficient loading areas and reduce interference with other uses.

Applicant's Response: Does not apply to this application.

2. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.

Applicant's Response: Does not apply to this application.

3. The city engineer and decision maker, through site plan and design review, may approve a loading area adjacent to or within a street right-of-way when all of the following loading and unloading operations conditions are met:

- a. Short in duration (i.e., less than one hour);
- b. Infrequent (less than three operations daily between 5:00 a.m. and 12:00 a.m. or all operations between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);
- c. Does not obstruct traffic during peak traffic hours;
- d. Does not interfere with emergency response services; and
- e. Is acceptable to the applicable roadway authority.

Applicant's Response:

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.

Applicant's Response: Does not apply to this application.

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.*

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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;

Applicant's Response: Does not apply to this application.

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

Applicant's Response: Does not apply to this application.

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

Applicant's Response: Does not apply to this application.

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

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

12.04.025 - Street design—Driveway curb cuts.

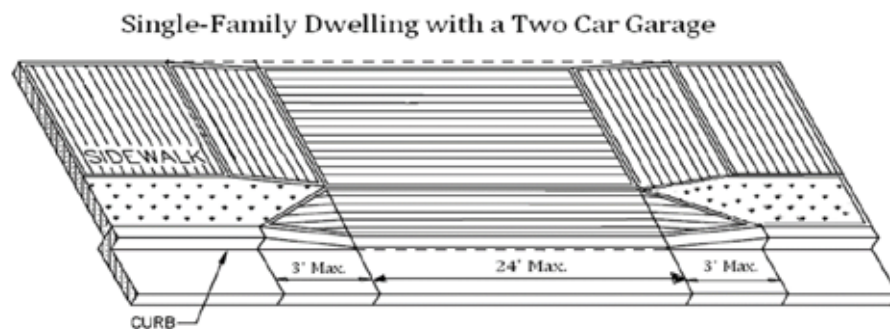
A. One driveway shall be allowed per frontage. In no case shall more than two driveways be allowed on any single or two-family residential property with multiple frontages.

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
Nonresidential or multi-family residential driveway access	15 feet	40 feet

The driveway width abutting the street pavement may be extended three 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).

Figure 12.04.025: Example Driveway Curb Cut



Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to 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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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 application is filed. 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.

Applicant's Response: Does not apply to this application.

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 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 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 [Chapter 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 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 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 [Chapter 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 commission.

Applicant's Response: Does not apply to 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.

Applicant's Response: Does not apply to 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.

Applicant's Response: Does not apply to this application.

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, overlay districts, 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 [Chapter] 12.04 shall be required to preserve the objectives of street extensions.

Applicant's Response: Does not apply to this application.

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 [Section] 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. x 5 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.

<i>Road Classification</i>	<i>Comprehensive Plan Designation</i>	<i>Right-of-Way Width</i>	<i>Pavement Width</i>	<i>Public Access</i>	<i>Sidewalk</i>	<i>Landscape Strip</i>	<i>Bike Lane</i>	<i>Street Parking</i>	<i>Travel Lanes</i>	<i>Median</i>
<i>Minor Arterial</i>	<i>Mixed Use, Commercial or Public/Quasi Public</i>	<i>116 ft.</i>	<i>94 ft.</i>	<i>0.5 ft.</i>	<i>10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells</i>		<i>6 ft.</i>	<i>8 ft.</i>	<i>(5) 12 ft. Lanes</i>	<i>6 ft.</i>
	<i>Industrial</i>	<i>118 ft.</i>	<i>86 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(5) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Residential</i>	<i>100 ft.</i>	<i>68 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 12 ft. Lanes</i>	<i>6 ft.</i>

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

<i>Road Classification</i>	<i>Comprehensive Plan Designation</i>	<i>Right-of-Way Width</i>	<i>Pavement Width</i>	<i>Public Access</i>	<i>Sidewalk</i>	<i>Landscape Strip</i>	<i>Bike Lane</i>	<i>Street Parking</i>	<i>Travel Lanes</i>	<i>Median</i>
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Local	Mixed Use, Commercial or Public/Quasi Public	62 ft.	40 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		N/A	8 ft.	(2) 12 ft. Lane s	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 twenty feet and a minimum pavement width of sixteen feet. If alleys are provided, garage access shall be provided from the alley.

Applicant's Response: Does not apply to this application.

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."

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

12.04.194 - Traffic sight obstructions.

All new streets shall comply with the Traffic Sight Obstructions in [Chapter 10.32](#).

Applicant's Response: Does not apply to this application.

12.04.195 - Spacing standards.

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 five hundred thirty feet and the minimum block spacing between streets is one hundred fifty feet as measured between the right-of-way centerlines. If the maximum block size is exceeded, pedestrian accessways must be provided every three hundred thirty feet. The spacing standards within this section do not apply to alleys.

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

<i>Table 12.04.195.B Minimum Driveway Spacing Standards</i>			
<i>Street Classification</i>	<i>Functional Classification</i>	<i>Minimum Driveway Spacing Standards</i>	<i>Distance</i>
<i>Major Streets</i>	<i>Arterial</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>175 ft.</i>
<i>Minor Streets</i>	<i>Arterial</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>175 ft.</i>
<i>Collector 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>100 ft.</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>

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.

Applicant's Response: Does not apply to this application.

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 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.

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

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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](#).

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

12.04.200 - Reserved.

Editor's note— Ord. No. 13-1003, [§ 1](#), Exhibit 1, adopted July 17, 2013, repealed [§ 12.04.200](#) in its entirety. Former [§ 12.04.200](#) pertained to "Street Design—Constrained local streets and/or rights-of-way." See Prior Code Cross-Reference Table and Code Comparative Table and Disposition List for derivation.

Applicant's Response: Does not apply to this application.

12.04.205 - Mobility standards.

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

A. For intersections within the regional center, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

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

3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.

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

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

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

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

1. For signalized intersections:

a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

2. For unsignalized intersections outside of the boundaries of the Regional Center:

a. For unsignalized intersections, during the peak hour, all movements serving more than 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. 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 referenced 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 [Section] 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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

12.04.225 - Street design—Cul-de-sacs and dead-end streets.

The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, dedicated open space, existing development patterns, arterial access restrictions or similar situation as determined by the community development director. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five 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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

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.

Applicant's Response: Does not apply to this application.

12.04.260 - Street design—Transit.

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in [Section] 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.

Applicant's Response: Does not apply to this application.

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 ten 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.

Applicant's Response: Does not apply to this application.

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 "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 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.

Applicant's Response:

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.

Applicant's Response: Does not apply

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.

Applicant's Response: Does not apply

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.*

Applicant's Response: Does not apply

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

Applicant's Response: Does not apply

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.

Applicant's Response: Does not apply

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.

Applicant's Response: Does not apply

CHAPTER 17.49 NATURAL RESOURCE OVERLAY DISTRICT

17.49.050 Emergencies

Applicant's Response: Does not apply.

17.49.060 Consistency and Relationship to Other Regulations

A. Where the provisions of the NROD are less restrictive or conflict with comparable provisions of the Oregon City Municipal Code, other City requirements, regional, state or federal law, the provisions that provides the greater protection of the resource shall govern.

Applicant's Response: Does not apply.

17.49.060.B. Compliance with Federal and State Requirements.

a. If the proposed development requires the approval of any other governmental agency, such as the Division of State Lands or the U.S. Army Corps of Engineers, the applicant shall make application for such approval prior to or simultaneously with the submittal of its development application to the City. The planning division shall coordinate City approvals with those of other agencies to the extent necessary and feasible. Any permit issued by the City pursuant to this chapter shall not become valid until other agency approvals have been obtained or those agencies indicate that such approvals are not required.

b. The requirements of this chapter apply only to areas within the NROD and to locally significant wetlands that may be added to the boundary during the course of development review pursuant to Section 17.49.035. If, in the course of a development review, evidence suggests that a property outside the NROD may contain a wetland or other protected water resource, the provisions of this chapter shall not be applied to that development review. However, the omission shall not excuse the applicant from satisfying any state and federal wetland requirements which are otherwise applicable. Those requirements apply in addition to, and apart from the requirements of the City's comprehensive plan and this code.

Applicant's Response: Does not apply.

17.49.[0]70 - Prohibited uses.

Applicant's Response: Does not apply.

17.49.[0]80 –Uses allowed outright (Exempted).

Applicant's Response: Does not apply.

17.49.090 Uses Allowed Under Prescribed Conditions

Applicant's Response: Does not apply.

17.49.100 General Development Standards

The following standards apply to all Uses Allowed under Prescribed Conditions within the NROD with the exception of rights of ways (subject to Section 17.49.150), trails (subject to Section 17.49.170), utility lines (subject to Section 17.49.140), land divisions (subject to Section 17.49.160), and mitigation projects (subject to Section 17.49.180 or 17.49.190):

A. Native trees may be removed only if they occur within 10 feet of any proposed structures or within 5 feet of new driveways or if deemed not wind-safe by a certified arborist. Trees listed on the Oregon City Nuisance Plant List or Prohibited Plant List are exempt from this standard and may be removed. A protective covenant shall be required for any native trees that remain;

Applicant's Response: Does not apply.

17.49.100.B. The Community Development Director may allow the landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites in the Natural Resource Overlay District.

Applicant's Response: Does not apply.

17.49.100.C. All vegetation planted in the NROD shall be native and listed on the Oregon City Native Plant List;

Applicant's Response: Does not apply.

17.49.100.E. The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero in order to minimize the disturbance area within the NROD portion of the lot;

Applicant's Response: Does not apply.

17.49.100.F. Any maximum required setback in any zone, such as for multi-family, commercial or institutional development, may be increased to any distance between the maximum and the distance necessary to minimize the disturbance area within the NROD portion of the lot;

Applicant's Response: Does not apply.

17.49.100.G. Fences are allowed only within the disturbance area;

Applicant's Response:

17.49.100.H. Incandescent lights exceeding 200 watts (or other light types exceeding the brightness of a 200 watt incandescent light) shall be placed or shielded so that they do not shine directly into resource areas;

Applicant's Response: Does not apply.

17.49.100.I. If development will occur within the 100 yr. floodplain, the FEMA floodplain standards of Chapter 17.42 shall be met; and

Applicant's Response: Does not apply.

17.49.110 Width of Vegetated Corridor.

Calculation of Vegetated Corridor Width within City Limits. The NROD consists of a vegetated corridor measured from the top of bank or edge of a protected habitat or water feature. The minimum required width is the amount of buffer required on each side of a stream, or on all sides of a feature if non-linear. The width of the vegetated corridor necessary to adequately protect the habitat or water feature is specified in Table 17.49.110.

Applicant's Response: Does not apply.

17.49.120 Maximum Disturbance Allowance for Highly Constrained Lots of Record

Applicant's Response:

17.49.130 Existing Development Standards

In addition to the General Development Standards of Section 17.49.100, the following standards apply to alterations and additions to existing development within the NROD, except for trails, rights of way, utility lines, land divisions and mitigation projects. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased are exempt from review pursuant to Section 17.49.080(J). As of June 1, 2010, applicants for alterations and additions to existing development that are not exempt pursuant to Section 17.49.080(J) shall submit a Type II or Type III application pursuant to this section. The application shall include a site plan which delineates a permanent disturbance area that includes all existing buildings, parking and loading areas, paved or graveled areas, patios and decks. The same delineated disturbance area shall be shown on every subsequent proposal for alterations and additions meeting this standard.

A. The following alterations and additions to existing development are permitted subject to the following standards.

- 1. Alterations or additions that cumulatively total up to a maximum of five-hundred (500) square feet of additional disturbance area after June 1, 2010 shall be processed as a Type II permit pursuant to this Chapter. The new disturbance area shall not encroach closer than 1/2 of the distance of the regulated NROD buffer.*
- 2. Alterations or additions that cumulatively exceed five-hundred (500) square feet of additional disturbance area or which propose encroachment closer than 1/2 of the distance of the regulated NROD buffer after June 1, 2010 shall be processed as a Type III permit pursuant to Section 17.49.200, Adjustment from Standards.*

Applicant's Response:

17.49.130.B. *Mitigation is required, subject to Section 17.49.180 or 17.49.190.*

Applicant's Response: Does not apply.

17.49.140 Standards for Utility Lines

The following standards apply to new utilities, private connections to existing or new utility lines, and upgrades of existing utility lines within the NROD:

- A. The disturbance area for private connections to utility lines shall be no greater than 10 feet wide;*
- B. The disturbance area for the upgrade of existing utility lines shall be no greater than 15 feet wide;*
- C. New utility lines shall be within the right-of-way, unless reviewed under D.*
- D. New utility lines that cross above or underneath a drainage way, wetland, stream, or ravine within the NROD but outside of a right-of-way shall be processed as a Type III permit pursuant to Section 17.49.200, Adjustment from Standards.*
- E. No fill or excavation is allowed within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;*
- F. The Division of State Lands must approve any work that requires excavation or fill in a wetland;*
- G. Native trees more than 10 inches in diameter shall not be removed unless it is shown that there are no feasible alternatives; and*
- H. Each 6 to 10-inch diameter native tree cut shall be replaced at a ratio of three trees for each one removed. Each 11-inch or greater diameter native tree shall be replaced at a ratio of five trees for each removed. The replacement trees shall be a minimum one-half inch diameter and selected from the Oregon City Native Plant List. All trees shall be planted on the applicant's site. Where a utility line is approximately parallel with the stream channel, at least half of the replacement trees shall be planted between the utility line and the stream channel.*
- I. Mitigation is required, subject to Section 17.49.180 or 17.49.190.*

Applicant's Response: Does not apply.

17.49.150 Standards for Vehicular or Pedestrian Paths and Roads

The following standards apply to public rights-of-way and private roads within the NROD, including roads, bridges/stream crossings, driveways and pedestrian paths with impervious surfaces:

- A. Stream crossings shall be limited to the minimum number and width necessary to ensure safe and convenient pedestrian, bicycle and vehicle connectivity, and shall cross the stream at an angle as close to perpendicular to the stream channel as practicable. Bridges shall be used instead of culverts wherever practicable.*

Applicant's Response: Does not apply.

17.49.150.B. *Where the right-of-way or private road crosses a stream the crossing shall be by bridge or a bottomless culvert;*

Applicant's Response: Does not apply.

17.49.150.C. *No fill or excavation shall occur within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;*

Applicant's Response: Does not apply.

17.49.150.D. *If the Oregon Department of State Lands (DSL) has jurisdiction over any work that requires excavation or fill in a wetland, required permits or authorization shall be obtained from DSL prior to release of a grading permit;*

Applicant's Response: Does not apply.

17.49.150.E. *Any work that will take place within the banks of a stream shall be conducted between June 1 and August 31, or shall be approved by the Oregon Department of Fish and Wildlife; and*

Applicant's Response: Does not apply.

17.49.150.F. *Mitigation is required, subject to Section 17.49.180 or 17.49.190.*

Applicant's Response: Does not apply.

17.49.155 Standards for Stormwater Facilities

Approved facilities that infiltrate stormwater on-site in accordance with Public Works Low-Impact Development standards, including but not limited to: vegetated swales, rain gardens, vegetated filter strips, and vegetated infiltration basins, and their associated piping, may be placed within the NROD boundary pursuant to the following standards:

- A. The forest canopy within the driplines of existing trees shall not be disturbed.
- B. Only vegetation from the Oregon City Native Plant List shall be planted within these facilities.
- C. Mitigation is required, subject to Section 17.49.180 or 17.49.190.
- D. The storm water facility may encroach up to 1/2 the distance of the NROD corridor.
- E. The stormwater facility shall not impact more than 1,000 square feet of the NROD. Impacts greater than 1,000 square feet shall be process as a Type III application.
- F.. The Community Development Director may allow landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites within the Natural Resource Overlay District.

Applicant's Response: Does not apply.

17.49.160 Standards for Land Divisions

Applicant's Response: Does not apply.

17.49.170 Standards for Trails

The following standards apply to trails within the NROD:

Applicant's Response: Does not apply.

17.49.180. Mitigation Standards

The following standards (or the alternative standards of Section 17.49.190) apply to required mitigation:

Applicant's Response: Does not apply.

17.49.180.A. Mitigation shall occur at a 2:1 ratio of mitigation area to proposed NROD disturbance area. Mitigation of the removal or encroachment of a wetland or stream shall not be part of this chapter and will be reviewed by the Division of State Lands or the Army Corp of Engineers during a separate review process;

Applicant's Response: Does not apply.

17.49.180.B. Mitigation shall occur on the site where the disturbance occurs, except as follows:

1. The mitigation is required for disturbance associated with a right-of-way or utility in the right-of-way;
2. The mitigation shall occur first on the same stream tributary, secondly in the Abernethy, Newell or Livesay Creek or a tributary thereof, or thirdly as close to the impact area as possible within the NROD; and
3. An easement that allows access to the mitigation site for monitoring and maintenance shall be provided as part of the mitigation plan.

Applicant's Response: Does not apply.

17.49.180.C. Mitigation shall occur within the NROD area of a site unless it is demonstrated that this is not feasible because of a lack of available and appropriate area. In such cases, the proposed mitigation area shall be contiguous to the existing NROD area so the NROD boundary can be easily extended in the future to include the new resource site.

Applicant's Response: Does not apply.

17.49.180.D. Invasive and nuisance vegetation shall be removed within the mitigation area;

Applicant's Response: Does not apply.

17.49.180.E. Required Mitigation Planting. An applicant shall meet Mitigation Planting Option 1 or 2 below, whichever option results in more tree plantings, except that where the disturbance area is one acre or more, Mitigation Option 2 shall be required. All trees, shrubs and ground cover shall be selected from the Oregon City Native Plant List.

Mitigation Planting Option 1.

Applicant's Response: Does not apply.

17.49.180.E.2. Mitigation Planting Option 2.

17.49.180.E.2.a. Option 2 - Planting Quantity. In this option, the mitigation requirement is calculated based on the size of the disturbance area within the NROD. Native trees and shrubs are required to be planted at a rate of five (5) trees and twenty-five (25) shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals .66, and .66 times five equals 3.3, so three trees must be planted, and .66 times 25 equals 16.5, so 17 shrubs must be planted). Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

Applicant's Response: Does not apply.

17.49.180.E.2.b Option 2 - Plant Size. Plantings may vary in size dependent on whether they are live cuttings, bare root stock or container stock, however, no initial plantings may be shorter than 12 inches in height.

Applicant's Response: Does not apply.

17.49.180.E.2.c Option 2 - Plant Spacing. Trees shall be planted at average intervals of seven (7) feet on center. Shrubs may be planted in single-species groups of no more than four (4) plants, with clusters planted on average between 8 and 10 feet on center.

Applicant's Response: Does not apply.

17.49.180.E.2.d Option 2 – Mulching and Irrigation shall be applied in the amounts necessary to ensure 80% survival at the end of the required 5-year monitoring period.

Applicant's Response: Does not apply.

17.49.180.E.2.e Option 2 – Plant Diversity. Shrubs shall consist of at least three (3) different species. If 20 trees or more are planted, no more than one-third of the trees may be of the same genus.

An alternative planting plan using native plants may be approved in order to create a new wetland area, if it is part of a wetlands mitigation plan that has been approved by the DSL or the U.S. Army Corps of Engineers (USACE) in conjunction with a wetland joint removal/fill permit application.

Applicant's Response: Does not apply.

17.49.180.F. Monitoring and Maintenance. The mitigation plan shall provide for a 5-year monitoring and maintenance plan with annual reports in a form approved by the Director of Community Development. Monitoring of the mitigation site is the on-going responsibility of the property owner, assign, or designee, who shall submit said annual report to the City's Planning Division, documenting plant survival rates of shrubs and trees on the mitigation site. Photographs shall accompany the report that indicate the progress of the mitigation. A minimum of 80% survival of trees and shrubs of those species planted is required at the end of the 5-year maintenance and monitoring period. Any invasive species shall be removed and plants that die shall be replaced in kind. Bare spots and areas of invasive vegetation larger than ten (10) square feet that remain at the end the 5 year monitoring period shall be replanted or reseeded with native grasses and ground cover species.

Applicant's Response: Does not apply.

17.49.180.G. Covenant or Conservation Easement. Applicant shall record a restrictive covenant or conservation easement, in a form provided by the City, requiring the owners and assigns of properties subject to this section to comply with the applicable mitigation requirements of this section. Said covenant shall run with the land, and permit the City to complete mitigation work in the event of default by the responsible party. Costs borne by the City for such mitigation shall be borne by the owner.

Applicant's Response: Does not apply.

17.49.180.H. Financial Guarantee. A financial guarantee for establishment of the mitigation area, in a form approved by the City, shall be submitted before development within the NROD disturbance area commences. The City will release the guarantee at the end of the five-year monitoring period, or before, upon its determination that

the mitigation plan has been satisfactorily implemented pursuant to this section.

Applicant's Response: Does not apply.

17.49.190 Alternative Mitigation Standards

Applicant's Response: Does not apply.

17.49.200. Adjustment from Standards

If a regulated NROD use cannot meet one or more of the applicable NROD standards then an adjustment may be issued if all of the following criteria are met. Compliance with these criteria shall be demonstrated by the applicant in a written report prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. At the applicant's expense, the City may require the report to be reviewed by an environmental consultant. Such requests shall be processed under the Type III development permit procedure. The applicant shall demonstrate:

Applicant's Response: Does not apply.

17.49.200.A. *There are no feasible alternatives for the proposed use or activity to be located outside the NROD area or to be located inside the NROD area and to be designed in a way that will meet all of the applicable NROD development standards;*

Applicant's Response: Does not apply.

17.49.200.B. *The proposal has fewer adverse impacts on significant resources and resource functions found in the local NROD area than actions that would meet the applicable environmental development standards;*

Applicant's Response: Does not apply.

17.49.200.C. *The proposed use or activity proposes the minimum intrusion into the NROD area that is necessary to meet development objectives;*

Applicant's Response: Does not apply.

17.49.200.D. *Fish and wildlife passage will not be impeded;*

Applicant's Response: Does not apply.

17.49.200.E. *With the exception of the standard(s) subject to the adjustment request, all other applicable NROD standards can be met; and*

Applicant's Response: Does not apply.

17.49.200.F. *The applicant has proposed adequate mitigation to offset the impact of the adjustment.*

Applicant's Response: Does not apply.

17.49.210 Type II Development Permit Application

Applicant's Response: Does not apply.

17.49.220 Required Site Plans

Site plans showing the following required items shall be part of the application:

A. *For the entire subject property (NROD and non-NROD areas):*

- 1. The NROD district boundary. This may be scaled in relation to property lines from the NROD Map;*
- 2. 100 year floodplain and floodway boundary (if determined by FEMA);*
- 3. Creeks and other waterbodies;*
- 4. Any wetlands, with the boundary of the wetland that will be adjacent to the proposed development determined in a wetlands delineation report prepared by a professional wetland specialist and following the Oregon Division of State Lands wetlands delineation procedures;*
- 5. Topography shown by contour lines of 2 or 1 foot intervals for slopes less than 15% and by 10 foot intervals for slopes 15% or greater;*
- 6. Existing improvements such as structures or buildings, utility lines, fences, driveways, parking areas, etc.*
- 7. Extent of the required Vegetated Corridor required by Table 17.49.110.*

Applicant's Response: Does not apply.

B. Within the NROD area of the subject property:

- 1. The distribution outline of shrubs and ground covers, with a list of most abundant species;*
- 2. Trees 6 inches or greater in diameter, identified by species. When trees are located in clusters they may be described by the approximate number of trees, the diameter range, and a listing of dominant species;*
- 3. An outline of the disturbance area that identifies the vegetation that will be removed. All trees to be removed with a diameter of 6 inches or greater shall be specifically identified as to number, trunk diameters and species;*
- 4. If grading will occur within the NROD, a grading plan showing the proposed alteration of the ground at 2 foot vertical contours in areas of slopes less than 15% and at 5 foot vertical contours of slopes 15% or greater.*

Applicant's Response: Does not apply.

C. A construction management plan including:

- 1. Location of site access and egress that construction equipment will use;*
- 2. Equipment and material staging and stockpile areas;*
- 3. Erosion control measures that conform to City of Oregon City erosion control standards;*
- 4. Measures to protect trees and other vegetation located outside the disturbance area.*

Applicant's Response: Does not apply.

D. A mitigation site plan demonstrating compliance with Section 17.49.180 or 17.49.190, including:

- 1. Dams, weirs or other in-water features;*
- 2. Distribution, species composition, and percent cover of ground covers to be planted or seeded;*
- 3. Distribution, species composition, size, and spacing of shrubs to be planted;*
- 4. Location, species and size of each tree to be planted;*
- 5. Stormwater management features, including retention, infiltration, detention, discharges and outfalls;*
- 6. Water bodies or wetlands to be created, including depth;*
- 7. Water sources to be used for irrigation of plantings or for a water source for a proposed wetland.*

Applicant's Response: Does not apply.

17.49.230 Mitigation Plan Report

A mitigation plan report that accompanies the above mitigation site plan is also required. The report shall be prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. The mitigation plan report shall, at a minimum, discuss:

- A. Written responses to each applicable Mitigation Standard 17.49.180 or 17.49.190 indicating how the proposed development complies with the mitigation standards;*
- B. The resources and functional values to be restored, created, or enhanced through the mitigation plan;*
- C. Documentation of coordination with appropriate local, regional, state and federal regulatory/resource agencies such as the Oregon Department of State Lands (DSL) and the United States Army Corps of Engineers (USACE);*
- D. Construction timetables;*
- E. Monitoring and Maintenance practices pursuant to Section 17.49.230 (F) and a contingency plan for undertaking remedial actions that might be needed to correct unsuccessful mitigation actions during the first 5 years of the mitigation area establishment.*

Applicant's Response: Does not apply.

17.49.240 Density Transfer

Applicant's Response: Does not apply.

17.49.250 Verification of NROD Boundary

Applicant's Response: Does not apply.

17.49.255 Type I Verification

Applicant's Response: Does not apply.

17.49.260. Type II Verification

Applicant's Response: Does not apply.

CHAPTER 17.42 FLOOD MANAGEMENT OVERLAY DISTRICT

17.42.120 - Alteration of watercourses.

A. Notify adjacent communities and the department of land conservation and development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

B. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

Applicant's Response: Request does not alter any water courses.

17.42.160.A - Flood management area standards.

Uses Permitted Outright:

- 1. Excavation and fill required to plant any new trees or vegetation.*
- 2. Restoration or enhancement of floodplains, riparian areas, wetland, upland and streams that meet federal and state standards provided that any restoration project which encroaches on the floodway complies with the requirements of Section 17.42.190 (Floodways).*

Applicant's Response: Request is to replace existing signs. There will be no effect on the floodplain area.

17.42.160.B Provisional Uses.

Applicant's Response: The request complies with development standards set out in this section.

17.42.160.C Prohibited Uses.

Applicant's Response: The request is not a prohibited use in this area as the request to replace existing signs.

17.42.160.D.1 Site Development Standards. *All development in the floodplain shall conform to the following balanced cut and fill standards:*

This subsection 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.

Applicant's Response: Does not apply as per the above the request is to replace an existing structure on the property.

17.42.160.D.2 No net fill in any floodplain is allowed. *All fill placed in a floodplain shall be balanced with at least an equal amount of soil material removed. For the purpose of calculating net fill, fill shall include any structure below the design flood elevation that has been floodproofed pursuant to subsection (E)(5) of this section.*

Applicant's Response: Does not apply as there is no net fill as part of the request.

17.42.160.D.3 Any excavation below bankfull stage shall not count toward compensating for fill.

Applicant's Response: Does not apply.

17.42.160.D.4 Excavation to balance a fill shall be located on the same parcel as the fill unless it is not practicable to do so. *In such cases, the excavation shall be located in the same Oregon City floodplain, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis.*

Applicant's Response: The removal and replacement of existing signs takes place at the same location. There is no flood impact as a result of replacing the signs.

17.42.160.D.5 For excavated areas identified by the city to remain dry in the summer, such as parks or mowed areas, the lowest elevation of the excavated area shall be at least six inches above the winter "low water" elevation, and sloped at a minimum of two percent towards the protected water feature pursuant to Chapter 17.49. One percent slopes will be allowed in smaller areas.

Applicant's Response: The request complies with this standard.

17.42.160.D.6 For excavated areas identified by the city to remain wet in the summer, such as a constructed wetland, the grade shall be designed not to drain into the protected water feature pursuant to Chapter 17.49.
Applicant's Response: Does not apply to this request, however the overall site complies with this standard.

17.42.160.D.7 Parking areas in the floodplain shall be accompanied by signs that inform the public that the parking area is located in a flood management area and that care should be taken when the potential for flooding exists.
Applicant's Response: Does not apply to this request, however the overall site complies with this standard.

17.42.160.D.8 Temporary fills permitted during construction shall be removed at the end of construction, thirty days after subdivision acceptance or completion of the final inspection.
Applicant's Response: The request will comply with this standard.

17.42.160.D.9 New culverts, stream crossings and transportation projects shall be designed as balanced cut and fill projects or designed not to significantly raise the design flood elevation. Such projects shall be designed to minimize the area of fill in flood management areas and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.
Applicant's Response: Does not apply to this request.

17.42.160.D.10 Excavation and fill required for the construction of detention facilities or structures, and other facilities, such as levees, specifically shall be designed to reduce or mitigate flood impacts and improve water quality. Levees shall not be used to create vacant buildable lands.
Applicant's Response: Does not apply to this request.

17.42.160.E.1 Construction Standards.

1. Anchoring.

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movements and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebooks for additional techniques).

Applicant's Response: The request complies with this standard.

17.42.160.E.2 Construction Materials and Methods.

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Applicant's Response: The request complies with this standard.

17.42.160.E.3 Utilities.

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Applicant's Response: Does not apply to this request. The request is to replace existing signs.

17.42.160.E.4 Residential Construction

- a. *New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the design flood elevation.*
- b. *Full enclosed areas below the lowest floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria.*
 - i. *A minimum of two openings have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.*
 - ii. *The bottom of all openings shall be no higher than one foot above grade.*
 - iii. *Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.*

Applicant's Response: Does not apply as this is not a residential construction.

17.42.160.E.5 Nonresidential Construction.

- a. *New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to at least one foot above base flood elevation; or, together with attendant utility and sanitary facilities, shall:*
 - i. *Be floodproofed so that below the design flood level the structure is watertight with walls substantially impermeable to the passage of water provided that the requirements of subsection D.2. of this section are met;*
 - ii. *Have structured components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;*
 - iii. *Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 17.42.110B.;*
 - iv. *Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection E.4.b. of this section; and*
 - v. *Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the design flood level will be rated as one foot below that level).*
 - vi. *Manufactured Homes. The following standards apply to all manufactured homes to be placed or substantially improved on sites within Flood Hazard Areas.*

When manufactured dwellings are installed in flood hazard areas, they shall be elevated and anchored according to the Oregon Residential Specialty Code.

Applicant's Response: Does not apply to this request however, the site complies with this standard.

17.42.160.F Recreational Vehicles.

Applicant's Response: Does not apply as the request is to replace existing signs.

17.42.160.G Below Grade Crawlspace.

Applicant's Response: Does not apply as the request is to replace existing signs.

17.42.170 - Review of building permits.

Where elevation data is not available either through the flood insurance study, FIRM or from another authoritative source (Section 17.42.110), application for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness shall be made by the building official, considering use of historical data, high water marks, photographs of past floodings, etc., where available, and the provisions of this title. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

Applicant's Response: The request and applicant agree to comply with this standard.

17.42.180 - Subdivision standards.

Applicant's Response: The site complies with these standards.

17.42.190 - Floodways.

Applicant's Response: Does not apply to the request however, the site complies with this standard.

Chapter 17.48 - WRG WILLAMETTE RIVER GREENWAY OVERLAY DISTRICT^[24]

17.48.010 - Designated.

This chapter shall apply to all development, changes of use or intensification of use in that area designated WRG Willamette River Greenway on a special city zoning map.

17.48.020 - Purpose.

The purpose of this chapter is to:

- A. Protect, conserve, enhance and maintain the natural scenic, historical, agricultural, economic and recreational qualities of land along the Willamette River;*
- B. Maintain the integrity of the Willamette River by minimizing erosion, promoting bank stability and maintaining and enhancing water quality and fish and wildlife habitats;*
- C. Implement the Willamette River Greenway goal and the Willamette River Greenway portions of the city comprehensive plan.*

Applicant's Response: The site meets this standard.

17.48.040 - Uses allowed.

All uses permitted pursuant to the provisions of the underlying zoning district are permitted on lands designated WRG; provided, however, that any development, change of use or intensification of use shall be subject, in addition to the provisions of the underlying district, to the provisions of this chapter.

17.48.050 - Permit required—Exceptions.

A Willamette River Greenway permit shall be required for all developments and changes or intensification of uses, except the following:

- A. The propagation of timber or the cutting of timber for public safety or personal use, except the cutting of timber along the natural vegetative fringe along the river;*
- B. Gravel removal from the bed of the Willamette River when conducted under a permit from the state;*
- C. Customary dredging and channel maintenance;*
- D. Placing by a public agency of signs, markers, aids and similar structures to serve the public;*
- E. Activities to protect, conserve, enhance and maintain public recreation, scenic, historical and natural uses on public lands;*
- F. Acquisition and maintenance of scenic easements by the Oregon Department of Transportation;*
- G. Partial harvesting of timber shall be permitted beyond the natural vegetative fringe and those areas not covered by a scenic easement and when the harvest is consistent with an approved plan under the Oregon Forest Practices Act. Commercial forest activities and harvesting practices providing for vegetative buffers, shading, soil stabilization, and water filtering effects required under the Oregon Forest Practices Act;*
- H. The use of a small cluster of logs for erosion control;*
- I. The expansion of capacity or the replacement of existing communication or energy distribution and transmission systems, except utility sub-stations;*
- J. The maintenance and repair of existing flood control facilities;*
- K. Uses lawfully existing on the effective date of the provisions codified in this chapter; provided, however, that any change or intensification of use or new development shall require a Willamette River Greenway permit.*

Applicant's Response: The site meets this standard.

17.48.060 - Administrative procedure.

Except as specifically provided for in [Section 17.48.090](#), the procedure for action on a Willamette River Greenway permit shall be as provided for under the administrative action provisions in [Chapter 17.50](#). In addition to those provisions, however, notice of a pending Willamette River Greenway permit under [Sections 17.48.070 through 17.48.090](#) or of a compatibility review hearing under [Section 17.48.100](#), shall be given to all persons requesting the same and paying a reasonable fee therefore, as determined by the community development director.

Applicant's Response: The site meets this standard.

17.48.070 - Development standards—Specific use.

In approving any development or change or intensification of use, the approving officer or body shall apply the following standards:

Considerations for Specific Uses.

A. With respect to recreational uses only: the considerations set forth in section C.3.b of Goal 15.

B. With respect to those fish and wildlife habitats identified in the city comprehensive plan only: the considerations set forth in section C.3.d. of Goal 15.

C. With respect to those scenic qualities and views identified in the city comprehensive plan only: the considerations set forth in section C.3.e. of Goal 15.

D. With respect to timber resources only: the considerations set forth in section C.3.h. of Goal 15.

E. With respect to aggregate extraction only: the considerations set forth in section C.3.i. of Goal 15.

Applicant's Response: The site meets this standard.

17.48.080 - Development standards—General considerations.

The following considerations shall be applicable to all Willamette River Greenway permits.

A. Access. Adequate public access to the Willamette River shall be considered and provided for.

B. Protection and Safety. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided for to the maximum extent practicable.

C. Vegetative Fringe. The natural vegetative fringe along the Willamette River shall be protected and enhanced to the maximum extent practicable.

D. Directing Development Away from the River. Development shall be directed away from the Willamette River to the greatest possible degree, provided that lands committed to urban uses within the Greenway may continue as urban uses, subject to the nonconforming use provisions of [Chapter 17.58](#) of this title.

E. A Greenway Setback. In each application, the approving officer or body shall establish a setback to keep structures separated from the Willamette River in order to protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway, as set forth in the city comprehensive plan; provided, however, that the requirement to establish such setbacks shall not apply to water-related or water-dependent uses.

F. Other Applicable Standards. The Oregon Department of Transportation Greenway Plan, the Greenway portions of the city comprehensive plan, the Willamette River Greenway statutes and the provisions of Statewide Planning Goal 15, shall also be considered in actions involving Willamette River Greenway permits.

Applicant's Response: The site meets this standard.

17.48.090 - Procedure.

The planning director shall make findings, and may impose reasonable conditions to carry out this chapter, regarding all general, and any applicable specific, considerations of this section. The community development director shall then give notice of a pending Willamette River Greenway permit application, and proposed action thereon, in the manner provided for, and to those persons for whom notice shall be given, under [Chapter 17.50](#) of this Code, and to all other interested persons who wish to be notified and who pay a reasonable fee for such notification. If no interested person requests a hearing on such permit application within ten days of giving notice, the application shall be approved, either with or without conditions, or denied, as proposed by the community development director and in accordance with the findings required by this subsection. If there be objection, the matter shall be heard by the planning commission as an administrative action.

Applicant's Response: The site meets this standard and has no objection.

17.48.100 - Compatibility review.

A. In all areas within one hundred fifty feet of the ordinary low-water line of the Willamette River, hereinafter referred to as the "compatibility boundary," the provisions of this subsection shall be applicable to all developments and changes or intensification of uses, so as to ensure their compatibility with Oregon's Greenway statutes, and to assure that the best possible appearance, landscaping and public access be provided.

B. All development or changes or intensifications of uses in the compatibility area shall be approved only if the following findings be made by the planning commission.

1. That to the greatest extent possible, the development or change or intensification of use provides for the maximum possible landscaped area, open space or vegetation between the activity and the river.

2. That to the greatest degree possible, necessary public access is provided to and along the Willamette River by appropriate legal means.

C. Procedure for action on compatibility review shall be as set forth in [Section 17.48.060](#) and shall include application of the relevant use management considerations and requirements provided in [Sections 17.48.070](#) and [17.48.080](#). The planning commission, after notice and public hearing held pursuant to [Chapter 17.50](#) shall approve issuance, approve issuance with conditions or disapprove issuance of the Willamette River Greenway conditional use permit. The application shall be accompanied by the fee listed in [Chapter 17.52](#) to defray the costs of publication, investigation and processing.

Applicant's Response: The site meets this standard.

17.48.110 - Prohibited activities.

The following are prohibited within the Willamette River Greenway:

- A. Any main or accessory residential structure exceeding a height of thirty-five feet, except for areas located within the Willamette Falls Downtown District;
- B. Structural bank protection, except rip rap or a channelization used as an emergency measure only to protect existing structures. Any such rip rap or channelization to stabilize undeveloped sites shall be prohibited as well;
- C. Subsurface sewage disposal drainfields within one hundred feet of the ordinary mean low-water line of the Willamette River.

Applicant's Response: The site does not participate in any prohibited activity.

17.48.120 - Additional procedural requirements.

In addition to the requirements of [Chapter 17.50](#), the following procedural requirements shall be applicable to all matters arising out of [Sections 17.48.070](#) through [17.48.100](#):

A. Applications submitted for review under [Sections 17.48.070](#) through [17.48.100](#) shall be accompanied by such materials as are reasonably necessary for adequate review, including, as necessary:

- 1. A site and landscaping plan showing existing vegetation and development and location of proposed development for activities;
- 2. Elevations of any proposed structures;
- 3. Materials list for any proposed structures, including type and colors of siding and roofing; and
- 4. Cross-sections of any area within the vegetative fringe where grading, filling, timber harvesting or excavating will occur.

B.

- 1. Written notice, including a copy of the application, shall be sent immediately upon receipt to the Oregon Department of Transportation by certified mail, return receipt requested. The Oregon Department of Transportation shall have seven working days from the date of mailing to respond before a decision be rendered.
- 2. Written notice shall be given to the Oregon Department of Transportation by certified mail, return receipt requested, within seven days of the entry of a final order on the disposition of all applications made under [Sections 17.48.070](#) through [17.48.100](#).

Applicant's Response: The applicant agrees to the above and has no objections.

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.

Applicant's Response: Does not apply to this request however the site complies with this standard.

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.

Applicant's Response: Does not apply.

CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL

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.

Applicant's Response: Does not apply.

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.

17.41.050 - Same—Compliance options.

Applicants for review shall comply with these requirements through one or a combination of the following procedures:

A. Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to Sections 17.41.060 or 17.41.070. All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.

B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Sections 17.41.080—17.41.100; or

C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Sections 17.41.110—17.41.120; or

D. Option 4—Cash-in-lieu of planting pursuant to Section 17.41.130.

A regulated tree that has been designated for protection pursuant to this section must be retained or permanently protected unless it has been determined by a certified arborist to be diseased or hazardous, pursuant to the following applicable provisions.

The community development director, pursuant to a Type II procedure, may allow a property owner to cut a specific number of trees within a regulated grove if preserving those trees would:

1. Preclude achieving eighty percent of minimum density with reduction of lot size; or
2. Preclude meeting minimum connectivity requirements for subdivisions.

Applicant's Response: Does not apply.

17.41.060 - Tree removal and replanting—Mitigation (Option 1).

A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in Chapter 17.04 to the extent practicable. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. At the applicant's expense, the city may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under section 12.08—Community Forest and Street Trees.

B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:

1. Trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or
2. Diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definition in Section 17.04.1360, may be removed from the tree replacement calculation. Regulated healthy trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Regulated healthy trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2.

Table 17.41.060-1

Tree Replacement Requirements

All replacement trees shall be either:

Two-inch caliper deciduous, or

Six-foot high conifer

Size of tree removed (DBH)	Column 1 Number of trees to be planted. (If removed Outside of construction area)	Column 2 Number of trees to be planted. (If removed Within the construction area)
6 to 12"	3	1
13 to 18"	6	2
19 to 24"	9	3

25 to 30"	12	4
31 and over"	15	5

Steps for calculating the number of replacement trees:

1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.
2. Designate (in certified arborists report) the condition and size (DBH) of all trees pursuant to accepted industry standards.
3. Document any trees that are currently diseased or hazardous.
4. Subtract the number of diseased or hazardous trees in step 3. from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5. through 8.
5. Define the construction area (as defined in [Chapter 17.04](#)).
6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
8. Determine the total number of replacement trees from steps 6. and 7.

Applicant's Response: Does not apply.

17.41.070 - Planting area priority for mitigation (Option 1).

Development applications which opt for removal of trees with subsequent replanting pursuant to section 17.41.050A. shall be required to mitigate for tree cutting by complying with the following priority for replanting standards below:

A. First Priority. Replanting on the development site.

B. Second Priority. Off-site replacement tree planting locations. If the community development director determines that it is not practicable to plant the total number of replacement trees on-site, a suitable off-site planting location for the remainder of the trees may be approved that will reasonably satisfy the objectives of this section. Such locations may include either publicly owned or private land and must be approved by the community development director.

Applicant's Response: Does not apply.

17.41.075 - Alternative mitigation plan.

The community development director may, subject to a Type II procedure, approve an alternative mitigation plan that adequately protects habitat pursuant to the standards for the natural resource overlay district alternative mitigation plan, [Section 17.49.190](#).

Applicant's Response: Does not apply.

17.41.110 - Tree protection by restrictive covenant (Option 3).

Any regulated tree or grove which cannot be protected in a tract pursuant to [Section 17.41.080](#) above shall be protected with a restrictive covenant in a format to be approved by the community development director. Such covenant shall be recorded against the property deed and shall contain provisions to permanently protect the regulated tree or grove unless such tree or grove, as determined by a certified arborist and approved by the community development director, are determined to be diseased or hazardous.

Applicant's Response: Does not apply.

17.41.1[25] - Cash-in-lieu of planting (tree bank/fund) (Option 4).

The applicant may choose this option in-lieu-of or in addition to Compliance Options 1 through 3. In this case, the community development director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above.

A. The cash-in-lieu payment per tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index (Index). The price shall include the cost of materials, transportation and planting.

B. The amount of the cash-in-lieu payment into the tree bank shall be calculated as the difference between the value of the total number of trees an applicant is required to plant, including cost of installation and adjusted for Consumer Price Index, minus the value of the trees actually planted. The value of the trees shall be based on the adopted fee schedule.

Applicant's Response: Does not apply.

17.41.130 - Regulated tree protection procedures during construction.

A. No permit for any grading or construction of public or private improvements may be released prior to verification by the community development director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the community development director.

Applicant's Response: Does not apply.

B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:

1. Except as otherwise determined by the community development director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.

2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the community development director.

3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the community development director.

4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.

5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.

6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the community development director.

7. No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.

8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the community development director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.

9. The city may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.

10. The community development director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.

Applicant's Response: Does not apply.

C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.

Applicant's Response: Does not apply.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

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.

Applicant's Response: Pre-application conference was held on 7/9 via conference call.

17.50.055 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.

Applicant's Response:

CHAPTER 17.58 LAWFUL NONCONFORMING USES, STRUCTURES AND LOTS

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.

Applicant's Response: Does not apply.

C. Expansion. An expansion of a lawful nonconforming structure 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 must be found that the criteria identified in [Section 17.58.060](#) have either been met, can be met by observance of conditions, or are not applicable.

Applicant's Response: Does not apply.

2. An expansion of a nonconforming structure with alterations 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 proposed exterior alterations or additions to the site, 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.*

Applicant's Response: Does not apply.

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 [Chapter 17.52—Off-Street Parking and Loading](#);*
- 6. Screening; and*
- 7. Paving of surface parking and exterior storage and display areas.*

Applicant's Response: Does not apply.

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:

- The term of the lease. In all cases, there must be at least one year remaining on the ground lease; and*
- 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.

Applicant's Response: Does not apply.

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 must be met:

i. Before a building permit is issued, the applicant shall submit the following to the community development director:

- 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.

- A covenant, in a form approved by the city attorney, executed by the property owner that meets the requirements of 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 must 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

Applicant's Response:

CHAPTER 17.60 VARIANCES

17.60.010 - Authority.

According to procedures set forth in Section 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.

Applicant's Response:

17.60.020 - Variances—Procedures.

17.60.020.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.

Applicant's Response:

17.60.020.B. A nonrefundable filing fee, as listed in Section 17.50.010, shall accompany the application for a variance to defray the costs.

Applicant's Response: Filing fees are included in the submission.

17.60.020.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 Section 17.60.030, Variances — Grounds.

Applicant's Response: McDonald's is seeking relief from the code that states only 1 freestanding sign and 1 incidental freestanding sign are allowed. McDonald's is seeking to replace its 2 existing menu boards with new menu boards that utilize digital technology.

17.60.020.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 Section 17.50.030B., and shall address the criteria identified in Section 17.60.030, Variance — Grounds.

Applicant's Response:

17.60.020.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;*
- 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.*

Applicant's Response: Does not apply.

17.60.030 - Variance—Grounds.

A variance may be granted only in the event that all of the following conditions exist:

17.60.030.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;

Applicant's Response: The requested change will have little to no effect on adjacent properties. The reduction in illumination from the new signs is a benefit to adjacent properties as these new signs are not distracting and are tailored to the user.

17.60.030.B. That the request is the minimum variance that would alleviate the hardship;

Applicant's Response: This request is part of a nationwide campaign by McDonald's to replace their menu boards with state-of-the-art digital boards. These new boards are smaller and give off less illumination. The site already has 2 menu boards. McDonald's simply wants to replace them with smaller, more effective and efficient menu boards.

17.60.030.C. Granting the variance will equal or exceed the purpose of the regulation to be modified.

Applicant's Response: The variance will equal the purpose of the regulation to be modified. The request is to replace existing menu boards with smaller, easier to read menu boards. The amount of signs will not be increased and the overall square footage will be decreased.

17.60.030.D. Any impacts resulting from the adjustment are mitigated;

Applicant's Response: As previously stated, these menu boards will have little to no impact on adjacent properties. Internal to the site, the new menu boards will provide a clear and concise message that is focused and controlled. This will lead to an expedited and more satisfying on-site experience for the customer. A focused and satisfied customer is more aware of their surrounding and less likely to cause vehicular infractions.

17.60.030.E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and

Applicant's Response: There are no alternatives. This is a nationwide initiative by McDonald's to replace existing menu boards with these smaller digital menu boards.

17.60.030.F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.

Applicant's Response: The ordinance being varied allows for one freestanding sign and 1 incidental freestanding sign. This request does not increase the number of signs on the site and decreased the overall square footage.

17.60.030.F – Clackamette Drive

Goal 2.2 – Downtown Oregon City

The proposal for this site is in line with the goal set forth in the code. The goal is to develop the downtown area as a quality place for shopping, living, working etc. The upgrade in menu boards helps to further develop the site to comply with this goal. The site will be more aesthetically pleasing and will have less illumination from the menu boards.

Goal 2.3 – Corridors

The proposal for this site is in line with the goal set forth in the code. The proposal for new, smaller menu boards that use digital technology will help the site and its consumers. The boards are smaller, easier to read, more aesthetically pleasing and give off less illumination. The new boards will help move customers through the site quickly and safely, leading to a better overall customer experience.

Goal 2.5 – Retail and Neighborhood Commercial

The proposal for this site is in line with this goal set forth in the code. The proposal will help the business expand its customer base by allowing customers to get through the drive thru lane quicker and safer. By doing so the traffic movement will be faster as people will spend less time in the drive thru lanes. The new boards also improve the area aesthetically as the boards are smaller and give off less illumination.

Goal 15.1 – Protect the Willamette River Greenway

The proposal for this site is in line with the goal set forth in the code. Changing the menu boards will have no effect on the environment. The impact will be internal to the site and will have no impact on the environment in the surrounding areas.

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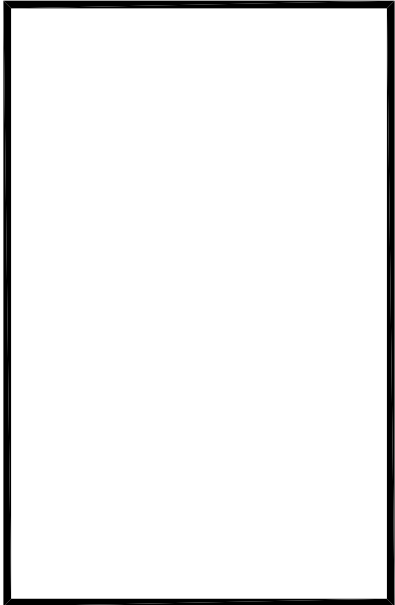
FILE NAME: H:\1811 McDonalds (FRMM) - FDN20 - Oregon City, OR (NSN 12065)1811-20 - Structural.dwg LAYOUT NAME: S1.0 - Foundation Plan PLOTTED: Thursday, March 22, 2018 - 2:37pm

THOMAS E. LATHAM, PE
REGISTERED PROFESSIONAL ENGINEER
800 PRINCETON AVENUE | HOUSTON, TEXAS | 281-444-1019

REV	DATE	BY	DESCRIPTION



1317 Executive Blvd, Suite 200
Chesapeake, VA 23320
(757)622-2828 / fax (757)622-6883

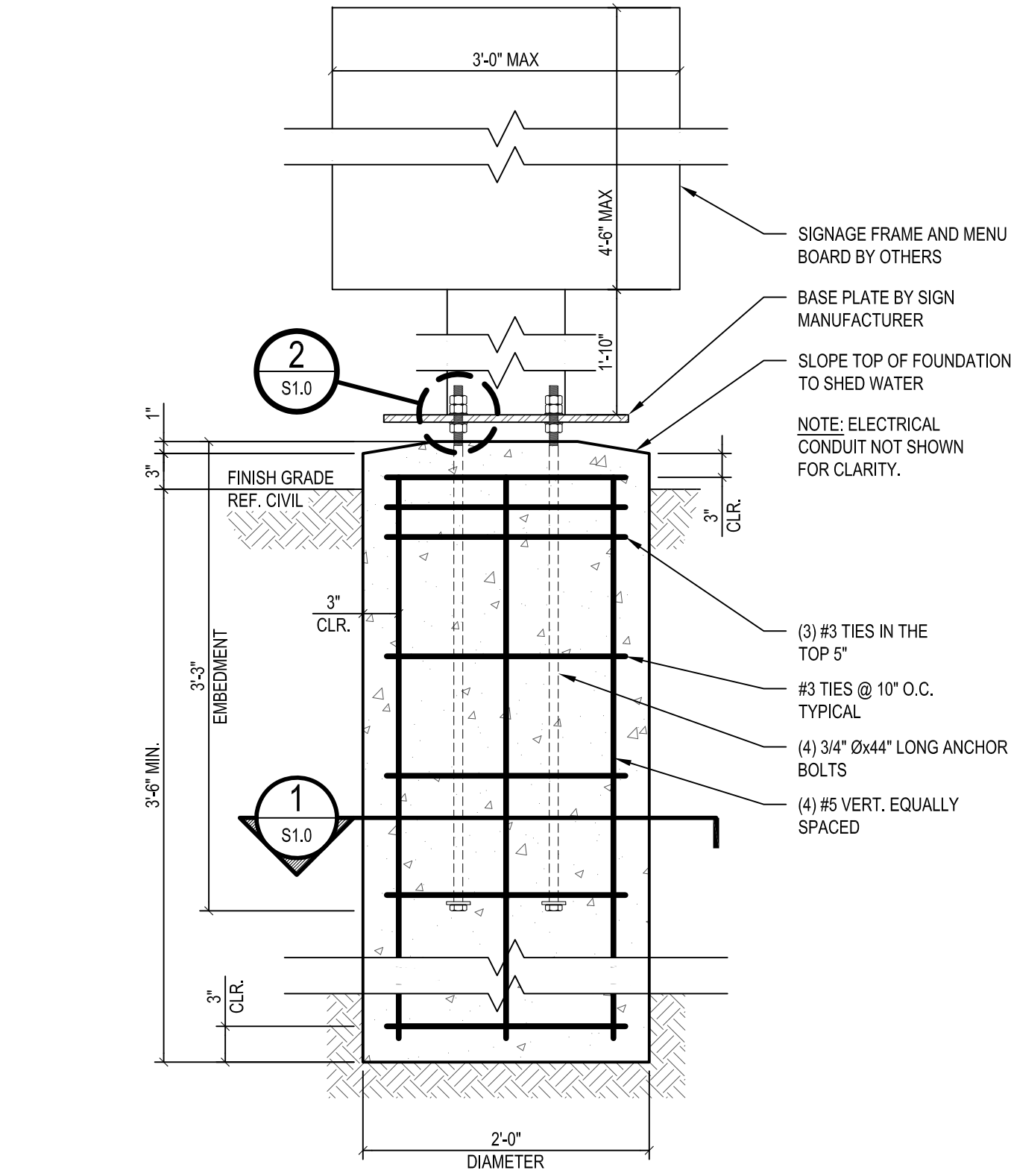


©2017 McDonald's USA, LLC
NSN 12065
McDonald's USA, LLC
SITE ADDRESS: 2010 CLACKAMETTE DR
OREGON CITY, OR 97045

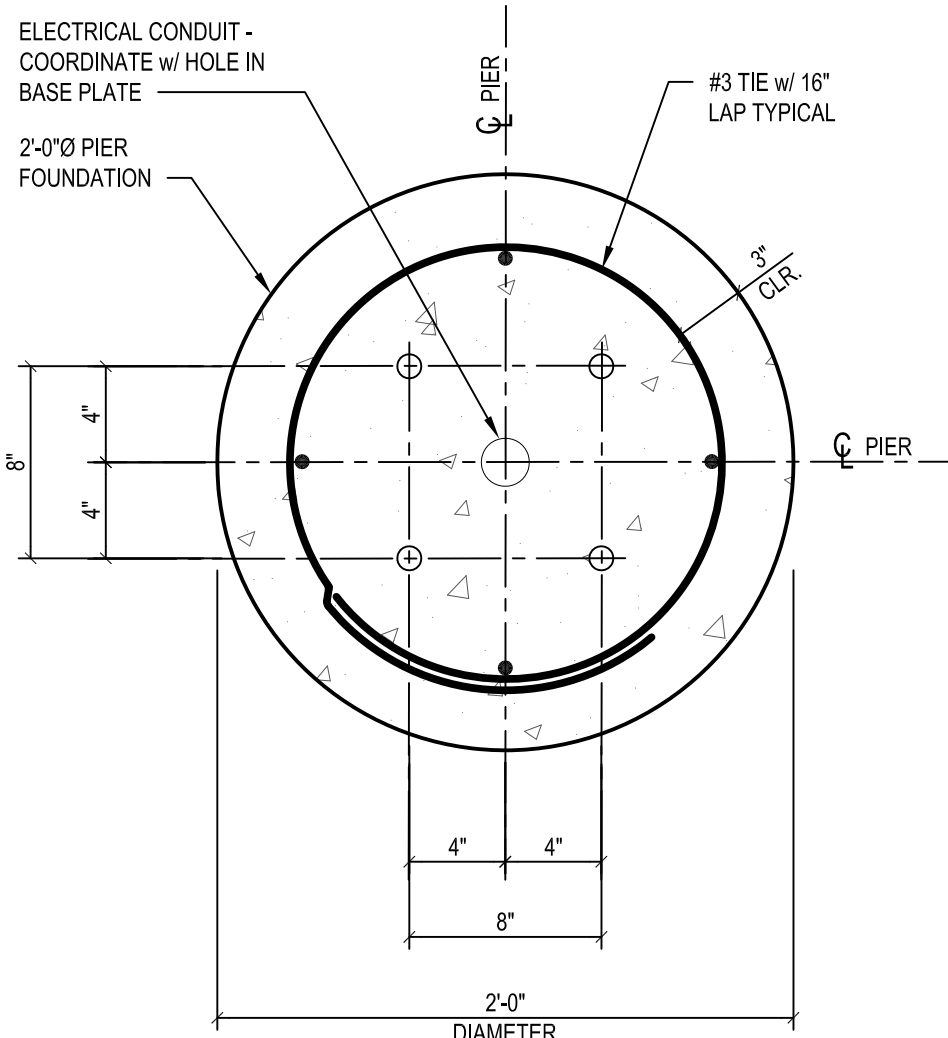
DATE	3/22/18
PROJECT	18540-14
DESIGNED	DGH
DRAWN	DSC
CHECKED	TBC

PRE-SELL / MENU
BOARD
FOUNDATIONS

S1.0

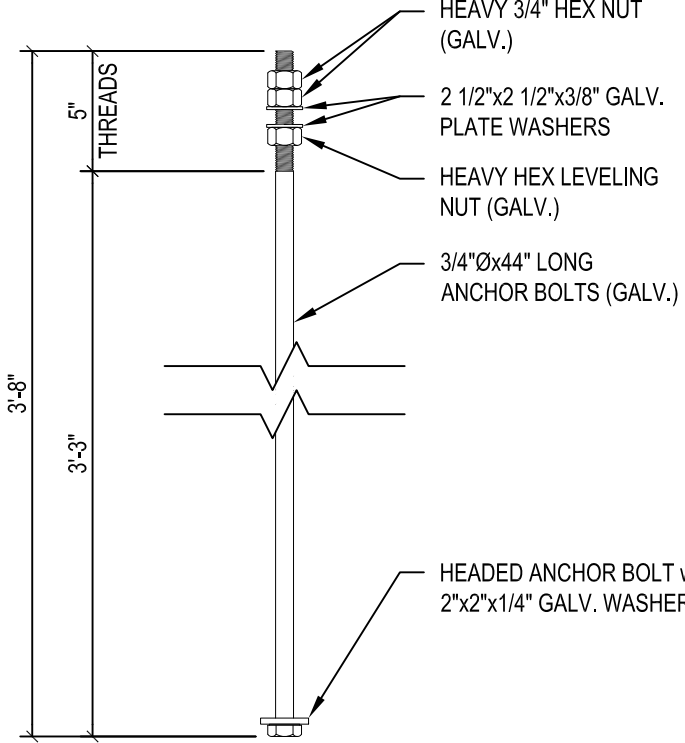


FOUNDATION ELEVATION (PRE-SELL BOARD) A
SCALE: 1"=1'-0"

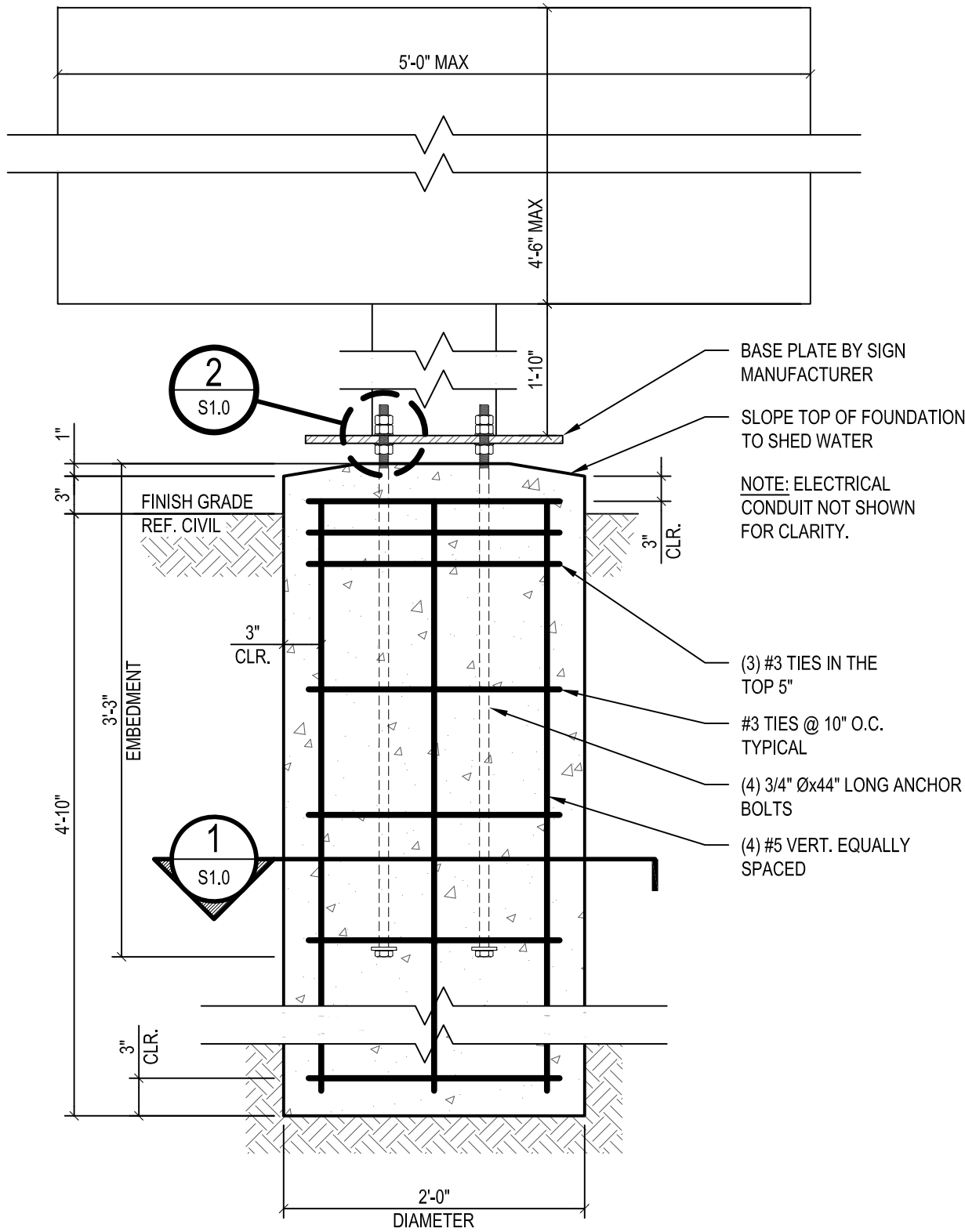


SECTION 1
SCALE: 1 1/2"=1'-0"

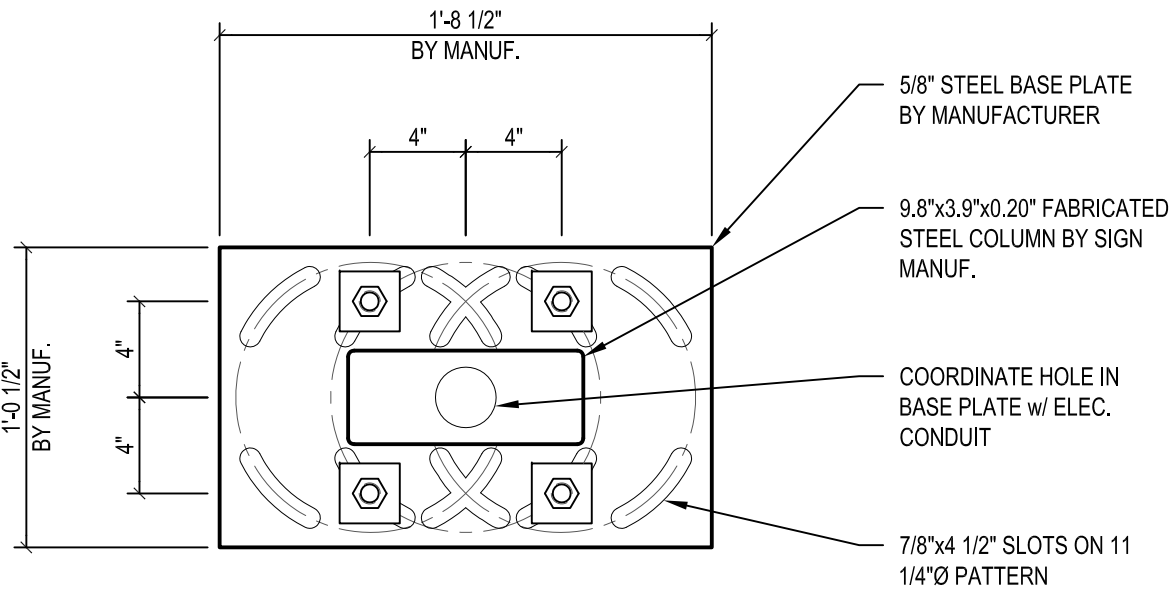
NOTE:
ALL DIMENSIONS SHALL BE VERIFIED WITH SIGN FRAME
AND BASE PLATE PRIOR TO CONCRETE PLACEMENT.



ANCHOR BOLT DETAIL (TYP.)
SCALE: 1 1/2"=1'-0"

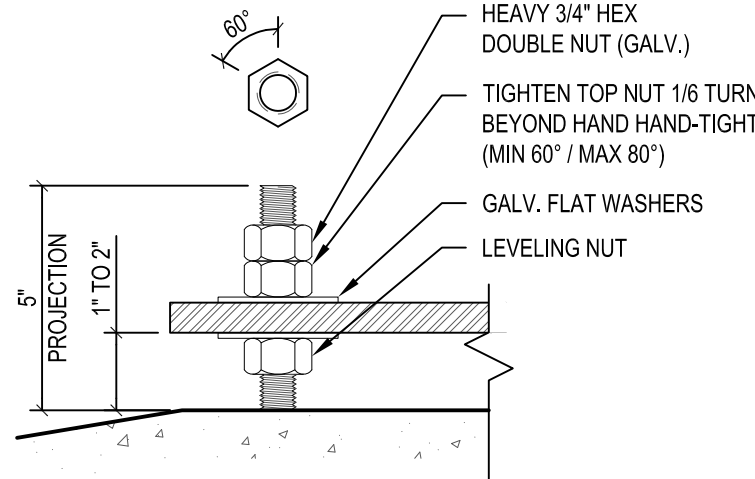


FOUNDATION ELEVATION (MENU BOARD) B
SCALE: 1"=1'-0"



BASE PLATE DETAIL (TYP.)
SCALE: 1 1/2"=1'-0"

NOTE:
COORDINATE CONDUIT PLACEMENT INSIDE SIGN
COLUMN PRIOR TO CONCRETE PLACEMENT.



CONNECTION DETAIL 2
SCALE: 3"=1'-0"

NOTE:
THE DISTANCE FROM TOP OF THE FOUNDATION
TO THE BOTTOM OF THE BASE PLATE SHALL
NOT BE GREATER THAN 2'

ANCHOR BOLT, NUT AND WASHER NOTES:	DESIGN CRITERIA:
1. TOP OF PIERS SHALL BE SLOPED SUCH THAT MOISTURE CANNOT ACCUMULATE ON TOP OF FOUNDATION.	1. BUILDING CODES: 2014 OREGON STRUCTURAL SPECIALTY CODE ASCE 7-10
2. ANCHOR BOLTS TO BE F1554 GRADE 36.	2. WIND LOADS: WIND SPEED (ASCE 7-10 - FIGURE 26.5-1A) $V_{ULT} = 115$ MPH $V_{ASD} = 89$ MPH RISK CATEGORY EXPOSURE CATEGORY II C
3. ANCHOR BOLTS TO BE HOT-DIP GALVANIZED BOLTS IN ACCORDANCE WITH ASTM A-123.	3. FROST DEPTH: LESS THAN 24" (ASSUMED)
4. ANCHOR BOLTS TO BE SET IN ACCORDANCE WITH AISC CODE OF STANDARD PRACTICE.	4. SEISMIS LOADS: RISK CATEGORY II SPECTRAL RESPONSE ACCELERATIONS: $S_s = 0.915$ $S_1 = 0.396$ SITE CLASS D SPECTRAL RESPONSE COEFFICIENTS: $S_{S1} = 0.631$ $S_{D1} = 0.371$ SEISMIC DESIGN CATEGORY RESPONSE MODIFICATION COEFF. (R) 3.5 SEISMIC RESPONSE COEFFICIENT (C_s) $C_s = 0.198$ SEISMIC DESIGN FORCE (F_p) 0.20 K
5. ANCHOR BOLTS, NUTS AND WASHERS SHALL BE SHIPPED AS AN ASSEMBLY FROM THE SIGNLIGHTING MANUFACTURER.	GENERAL NOTES:
6. DO NOT CUT ANCHOR BOLTS AFTER INSTALLATION OF FRAME.	1. ALL FOOTING EXCAVATIONS ARE TO BE CLEAR OF WATER AND FOREIGN MATTER BEFORE PLACING CONCRETE.
STEEL NOTES:	2. PRESUMPTIVE MINIMUM ALLOWABLE LATERAL SOIL BEARING PRESSURE (SO) OF 150 PSF. CONTRACTOR SHALL HIRE GEOTECHNICAL ENGINEER TO CONFIRM AN ALLOWABLE BEARING PRESSURE OF 1500 PSF AND SHALL SUBMIT GEOTECHNICAL REPORT TO ARCHITECT AND STRUCTURAL ENGINEER OF RECORD. ALLOWABLE BEARING PRESSURE SHALL BE VERIFIED PRIOR TO CONCRETE PLACEMENT.
1. REINFORCEMENT: GRADE 60.	3. FOUNDATION SHALL NOT BE PLACED ON OR AT THE TOP OF A SLOPE EXCEEDING 3:1 WITHOUT EVALUATION BY A PROFESSIONAL LICENSED IN THAT STATE. DO NOT PLACE FOUNDATION IN UNCOMPACTED FILL MATERIAL.
2. NUTS: A563DH OR A194 - 2H.	4. DEPTH OF PIER FOUNDATIONS MAY BE LOWERED IF NEEDED TO OBTAIN LOCAL FROST ELEVATIONS OR IF REQUIRED DUE TO POOR SOIL CONDITIONS. VERIFY FROST DEPTH ELEVATIONS WITH LOCAL BUILDING CODE OFFICIAL.
3. WASHERS: ASTM F-436.	5. ELECTRICAL CONTRACTOR TO PROVIDE INFORMATION ON CONDUIT AND ELECTRICAL REQUIREMENTS AND CONTRACTOR (INSTALLER) SHALL COORDINATE PLACEMENT TO MAINTAIN 2' CLEAR TO ANCHOR BOLTS.
4. ANCHOR BOLTS: ASTM F1554 HOT-DIP GALVANIZED IN ACCORDANCE WITH ASTM A-123.	6. COORDINATE LOCATIONS OF SIGNS AND FOUNDATIONS WITH SITE PLAN.
5. ALL HARDWARE SHALL BE HOT-DIP GALVANIZED UNLESS OTHERWISE NOTED.	7. CONTRACTOR SHALL CUT EXCESS SONOTUBE FROM AROUND THE PERIMETER OF THE PIER FOUNDATION AFTER PLACEMENT OF BOARD (PRIOR TO LEAVING SITE).
6. ANCHOR RODS, NUTS, AND WASHERS SHALL BE SHIPPED AS AN ASSEMBLY FROM THE SIGNLIGHTING MANUFACTURER, COORDINATE WITH MANUFACTURER.	8. CONTRACTOR SHALL NOT DEVIATE FROM STRUCTURAL DRAWING WITHOUT PRIOR WRITTEN CONSENT AND INSTRUCTIONS REGARDING ANY CHANGE TO THE CONTRACT DRAWINGS. ANY DEVIATION FROM THIS DESIGN OR FROM ANY PART OF THIS DRAWING WITHOUT PRIOR WRITTEN CONSENT OF THIS ENGINEER SHALL VOID ALL LIABILITY ASSOCIATED WITH THIS WORK.
7. NO FIELD HEATING TO BEND STEEL SHALL BE ALLOWED WITHOUT ENGINEER'S APPROVAL.	CONCRETE NOTES:
8. DO NOT CUT ANCHOR BOLTS AFTER INSTALLATION OF POLE.	1. ALL FOOTINGS SHALL BEAR ON FIRM UNDISTURBED RESIDUAL SOIL AND/OR ENGINEERED EARTH FILL COMPACTED TO 95% OF ITS MAXIMUM DRY DENSITY AS PER ASTM D698 (STANDARD PROCTOR) UNLESS NOTED OTHERWISE. A LICENSED GEOTECHNICAL ENGINEER SHALL CONFIRM SOIL CAPACITY PRIOR TO CONCRETE PLACEMENT.
9. WELDING SHALL BE MADE WITH E70XX ELECTRODES BY PROFESSIONAL WELDERS QUALIFIED IN ACCORDANCE WITH AWS STANDARDS WITHIN THE PREVIOUS TWO YEARS.	2. ALL PIERS TO EXTEND TO FROST DEPTH AS DETERMINED BY LOCAL JURISDICTION. VERIFY WITH LOCAL BUILDING OFFICIAL.
10. ANY FIELD WELDING SHALL FIRST BE VERIFIED BY ENGINEER AN PERFORMED IN ACCORDANCE WITH AWS D1.1.	3. TOP OF PIERS SHALL BE SLOPED SUCH THAT MOISTURE CANNOT ACCUMULATE.
11. REFER TO SIGN MANUFACTURER DRAWINGS AND INSTRUCTIONS FOR ADDITIONAL INFORMATION.	4. ALL CONCRETE CONSTRUCTION SHALL BE IN ACCORDANCE WITH ACI 301 'STRUCTURAL CONCRETE FOR BUILDINGS' AND ACI 318 'BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE.'
12. CONTRACTOR (INSTALLER) IS RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION IN REGARDS TO JOBSITE SAFETY.	5. ALL CAST-IN-PLACE CONCRETE SHALL ATTAIN AN ULTIMATE COMPRESSIVE STRENGTH (f_c) OF 3000 PSI AT AN AGE OF 28 DAYS UNLESS OTHERWISE NOTED.
13. STRUCTURAL SIGN FRAME AND BASE PLATE DETAILS ARE PROVIDED BY SIGN MANUFACTURER. COORDINATE ALL ATTACHMENTS OF SIGN WITH MANUFACTURER.	6. ALL REINFORCING STEEL SHALL BE ASTM A 615, GRADE 60 DEFORMED BARS, UNLESS OTHERWISE NOTED.
	7. CONCRETE PROTECTION FOR REINFORCING AS WELL AS PLACING AND FABRICATION OF REINFORCING SHALL BE IN ACCORDANCE WITH 'THE AMERICAN CONCRETE INSTITUTE BUILDING CODE REQUIREMENTS' (ACI 318).
	8. ALL CAST-IN-PLACE CONCRETE SHALL BE AIR-ENTRAINED TO 6% (+/- 1%). WATER/CEMENT RATIO SHALL NOT EXCEED 0.48.
	9. THE MINIMUM CONCRETE COVER FOR THE PROTECTION OF REINFORCEMENT SHALL BE AS NOTED.
	10. BEFORE PLACING CONCRETE: ALL EMBEDDED ITEMS SHALL BE PROPERLY PLACED, ACCURATELY POSITIONED, AND MAINTAINED SECURELY IN PLACE. NO 'WET SETTING' IS ALLOWED.
	11. AGGREGATES IN NORMAL WEIGHT CONCRETE SHALL CONFORM TO ASTM C-33 (HARDROCK).
	12. PORTLAND CEMENT SHALL BE TYPE II FOR ALL CONCRETE CONFORMING TO ASTM C150, LOW ALKALI.
	13. FLY ASH OR OTHER POZZOLANS CONFORMING TO ASTM C618 CLASS N OR F MAY BE USED AS A PARTIAL SUBSTITUTION FOR PORTLAND CEMENT UP TO A MAXIMUM OF 25% TOTAL CEMENTITIOUS MATERIALS BE WEIGHT IF THE MIX DESIGN IS PROPORTIONED PER AC1318, SECTION 5.3. CONTRACTOR SHALL FORWARD DESIGN MIX TO ARCHITECT AND STRUCTURAL ENGINEER OF RECORD.
	14. CONCRETE MIXING OPERATION, ETC. SHALL CONFORM TO ASTM C94.
	15. DO NOT USE CONCRETE OR GROUT CONTAINING CHLORIDES. WATER USED IN MIX SHALL BE CLEAN AND POTABLE.





Presentation

**2010 Clackamette Drive
Oregon City, OR 97045**

August 8, 2019

Existing Signage

A1 A2 Tri-Face Menu Boards

Proposed Signage

A1 A2 4'-1 5/8" x 4'-10" @ 5'-11 5/8" OAH D/F Menu Boards

Aerial



Scale: NTS



Path of Travel



Existing Menu Boards

Day Time (Typical)

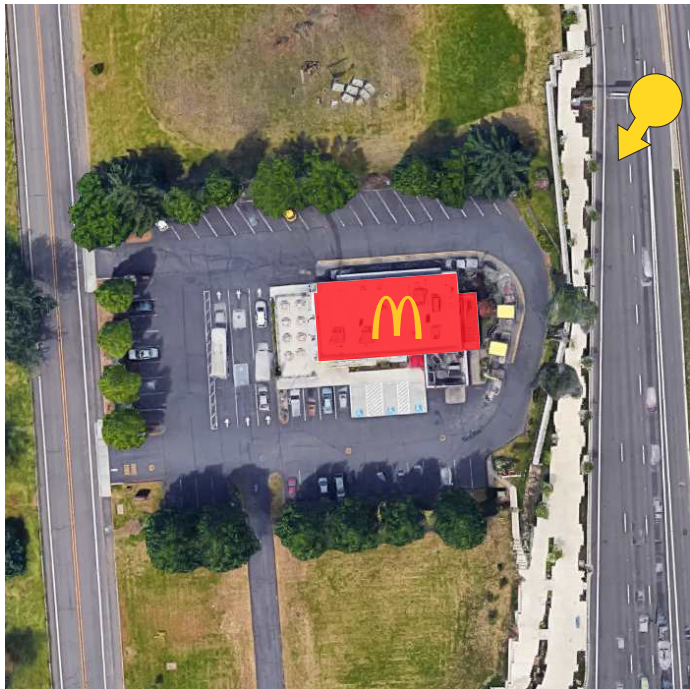


Night Time (Typical)



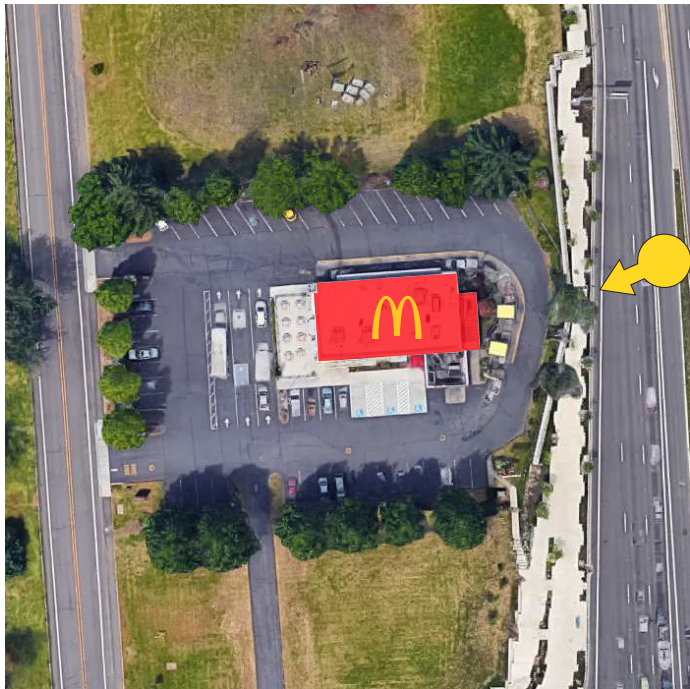


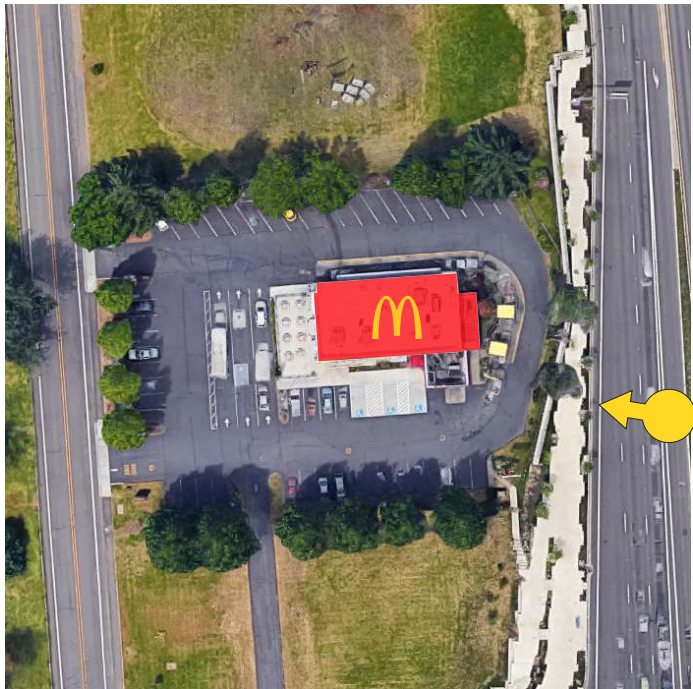
View from McLoughlin Boulevard (North Side)





View from McLoughlin Boulevard (North Side)

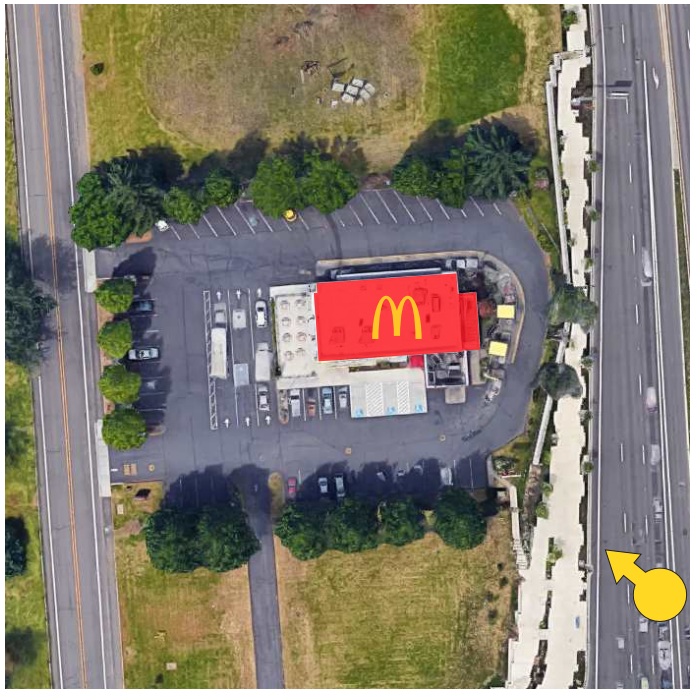




View from McLoughlin Boulevard (South Side)

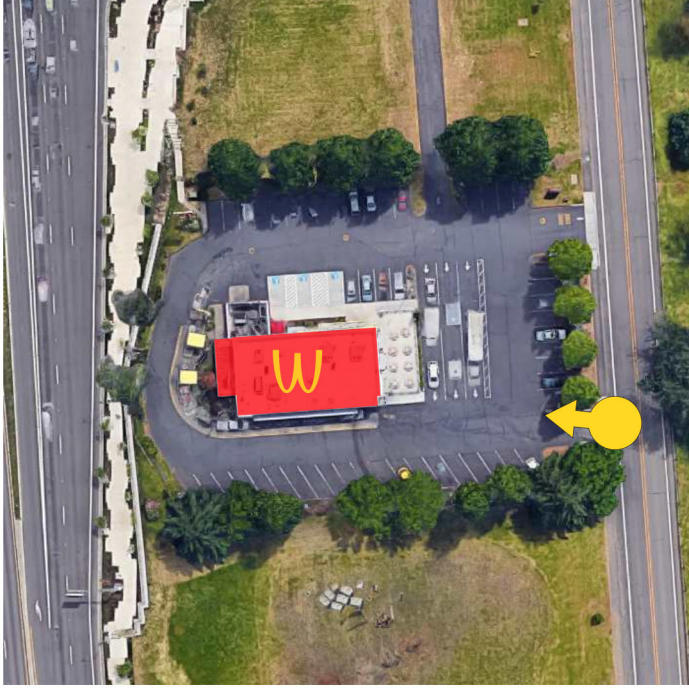


View from McLoughlin Boulevard (South Side)



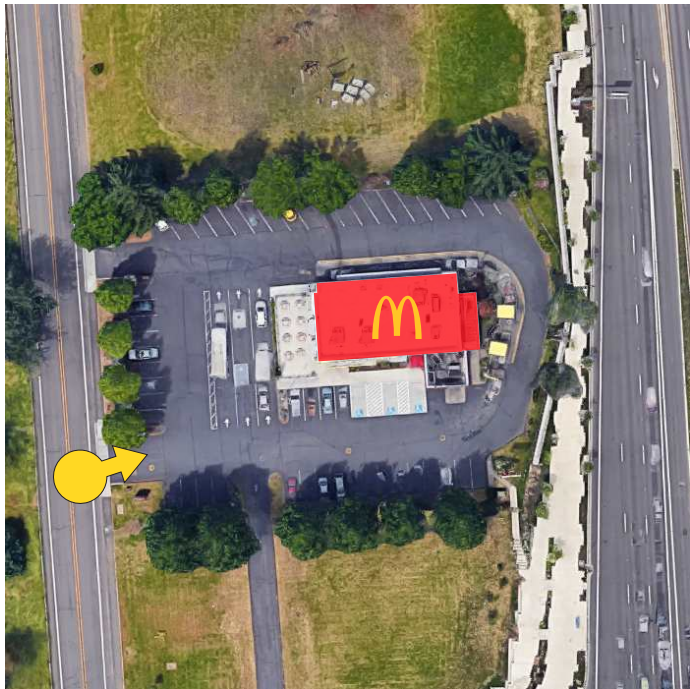


View from Clackamette Drive (North Side)

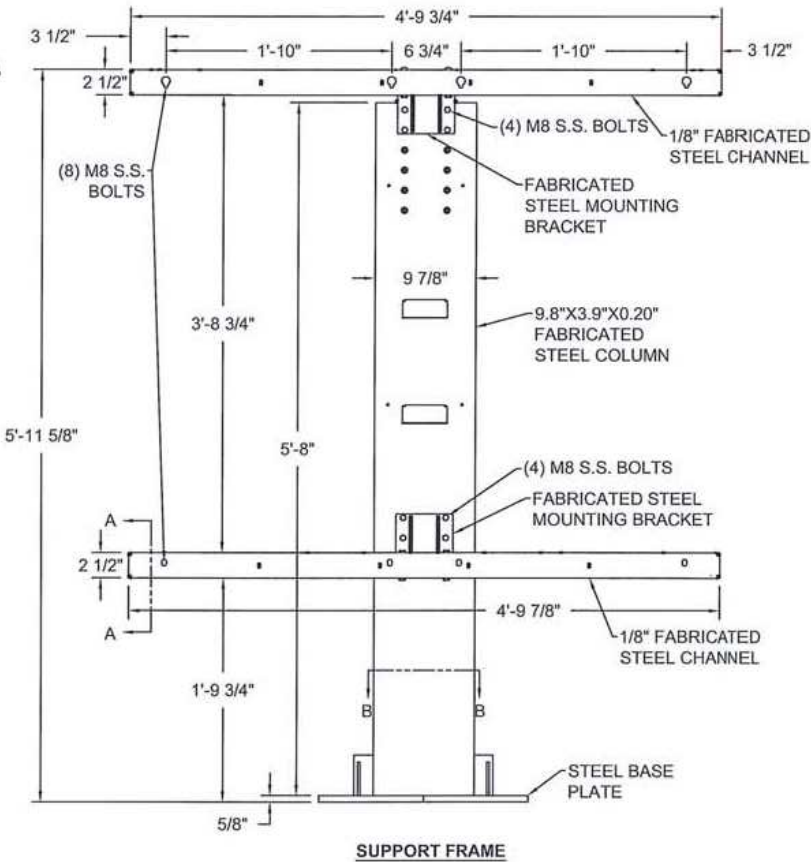
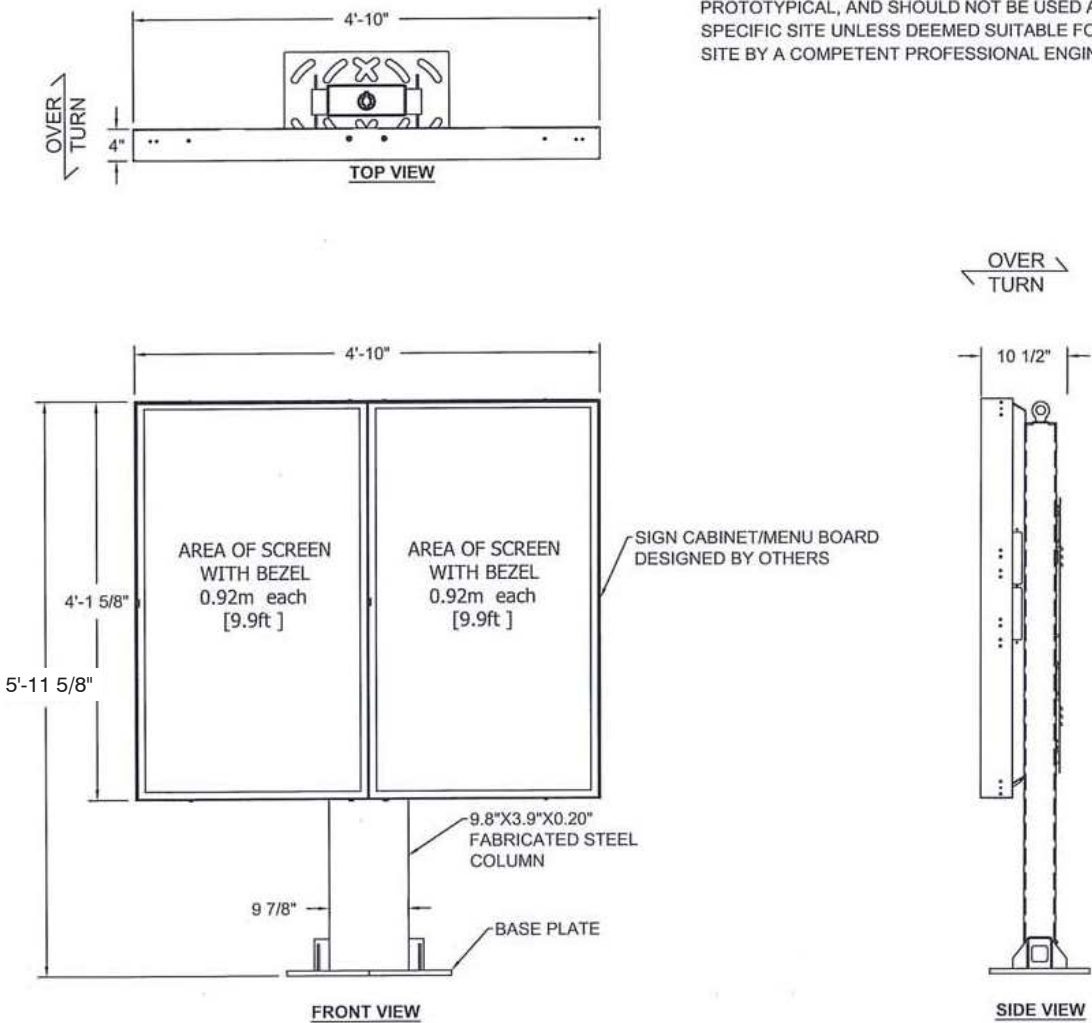




View from Clackamette Drive (South Side)



- NOTES:
- 1. THIS STRUCTURE HAS BEEN DESIGNED TO MEET THE LOADING REQUIREMENTS OF A 180 MPH WIND SPEED PER THE FLORIDA BUILDING CODE 5TH ED. 2014/IBC 2012, EXPOSURE C.
 - 2. FABRICATED STEEL SUPPORT MEMBERS SHALL MEET ASTM A36 OR EQUIVALENT.
 - 3. STEEL WELDS SHALL BE MADE WITH E70XX ELECTRODES BY PERSON CURRENTLY QUALIFIED IN ACCORDANCE WITH AWS STANDARDS.
 - 4. THE DESIGN DEPICTED ON THIS DRAWING IS PROTOTYPICAL, AND SHOULD NOT BE USED AT A SPECIFIC SITE UNLESS DEEMED SUITABLE FOR THAT SITE BY A COMPETENT PROFESSIONAL ENGINEER.





Pre-Application Conference Notes

PA 19-36/PA 19-37, July 9, 2019

Proposed Project:

McDonalds Sign Variances

Location:

1450 Molalla Avenue, Oregon City, OR 97045
Clackamas County Map 3-2E-05C, Tax Lot 205
Zoning: "C" General Commercial District

2010 Clackamette Drive, Oregon City, OR 97045
Clackamas County Map 2-2E-30, Tax Lot 400
Zoning: "MUD" Mixed Use Downtown District

Timing and Process:

This application includes a Type III decision process for a sign variance. Pursuant to OCMC Section 17.50.050, a pre-application conference is valid for a period of six months. The applicant has **180 days** from the date of submittal of a land use application to have a complete application.

Upon a complete application submittal, the applicant is entitled to a decision from the city of approval, approval with conditions, or denial within **120 days** by state law. Type III decisions are rendered by the Planning Commission, with appeal on the record to the City Commission, and then LUBA.

Type III decisions require a minimum of one public hearing before the Planning Commission and 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.

Signs in Office, Commercial, Mixed Use and Industrial Zones – [OCMC 15.28.080](#)

A. General. All of the following standards apply to all signs in office, commercial, mixed use and industrial zones:

- 1. With the exception of projecting or wall signs, signs shall not project over the right-of-way. Signs projecting into the right-of-way shall receive approval by the city engineer.*
- 2. With the exception of wall signs, signs shall maintain a minimum clearance of ten feet above grade over pedestrian or vehicular areas, and fourteen feet above grade over areas of truck access.*

B. Wall Signs. All of the following standards apply to wall signs in office, commercial, mixed use and industrial zones:

- 1. The number of wall signs is unlimited provided the total combined display area of wall signs, projecting signs and banners does not exceed twenty square feet for each ground floor tenant space on which the sign is constructed. For ground floor tenant spaces exceeding twenty feet of wall length on which the sign is constructed and tenant spaces not on the ground floor, signage shall not exceed one square foot per each lineal foot of the wall length of the tenant space on which the sign is constructed.*
- 2. Signs on structures such as awnings, canopies, false fronts and wall extensions that do not extend more than one foot from the structure are considered wall signs.*

C. Freestanding Signs. All of the following standards apply to freestanding signs in office, commercial, mixed use and industrial zones:

1. A maximum of one freestanding sign is allowed for each street frontage. On arterial streets, if a frontage exceeds a length of six hundred linear feet a second freestanding sign is allowed. In all cases, no freestanding sign shall be permitted on the same frontage where there is a projecting or roof sign.
2. Freestanding signs on the same frontage shall be separated by a minimum of fifty feet distance.
3. Maximum display area
 - a. Where the street frontage is less than fifty feet in length, the display area shall not exceed fifty square feet and the sign face shall not exceed twenty-five square feet.
 - b. Where the street frontage is fifty feet or greater but less than two hundred feet in length, display area shall not exceed one hundred square feet and the sign face shall not exceed fifty square feet.
 - c. Where the street frontage is two hundred feet or greater in length, the display area shall not exceed three hundred square feet and the sign face shall not exceed one hundred fifty square feet.
 - d. In no case shall any sign have a display area in excess of three hundred square feet.
4. The sign width shall not exceed twenty linear feet.
5. Where the street frontage is two hundred feet in length or less the sign height shall not exceed twenty-five feet. Where the street frontage is more than two hundred feet in length, the sign height shall not exceed thirty feet.

D. Incidental Freestanding Signs. All of the following standards apply to incidental signs in office, commercial, mixed use and industrial zones:

1. A maximum of one incidental freestanding sign is allowed for each street frontage.
2. The display area shall not exceed sixteen square feet and the sign face shall not exceed eight square feet.
3. The sign height shall not exceed 15 feet.

- 1450 Molalla Avenue Freestanding Signs



- One freestanding sign and one incidental freestanding sign is allowed per each street frontage
- Frontage is defined as the full length of a property that abuts a dedicated street, highway, or a **city-approved vehicular public access easement**.

- Staff did not find any documentation confirming that the drive aisles include public access easements.
- Property has one street frontage approximately 240 feet in length, though verification of property lines and the location of proposed signs is required (proposed signs may be on separate lot).
- Property is allowed one freestanding sign a maximum of 150 SF, and one incidental freestanding sign a maximum of 8 SF.
- 2010 Clackamette Drive Freestanding Signs



- One freestanding sign and one incidental freestanding sign is allowed per each street frontage
- Property has one street frontage approximately 198 feet in length, and another street frontage approximately 300 feet in length.
- The property is allowed one freestanding sign a maximum of 50 SF in size, one freestanding sign a maximum of 150 SF in size, and two incidental freestanding signs a maximum of 8 SF each.
- The applications should include an inventory of all existing signs onsite, identifying their size and type of sign (ancillary, freestanding, etc.). Any unpermitted signage or signage that does not comply with the sign code shall be removed unless it is a legal non-conforming sign that pre-dated the sign code, or exempt per [OCMC 15.28.030](#).
- Please note that signs with moving light, animated or scrolling components cannot change more than three times per day in accordance with the regulations for prohibited signs in [OCMC 15.28.110.B](#).

Sign Variances – [OCMC 15.28.130](#)

- Grounds for Variance. The Planning Commission may grant a specific variance from provisions of this chapter provided all of the following circumstances exist:

- 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;
 - Letters from adjacent property owners can be helpful in demonstrating compliance with this standard.
- That the request is the minimum variance that would alleviate the hardship;
 - The application should identify a hardship that prevents the development from meeting the code.
- Any impacts resulting from the adjustment are mitigated;
- No practical alternatives have been identified that would accomplish the same purpose and not require a variance; and
 - What other options have been considered? Why can't another type of sign or change of copy of existing signage work?
- The variance conforms to the [comprehensive plan](#) and the ordinance being varied.
 - Applicable comprehensive plan goals and policies may include:
 - Goal 2.2 - Downtown Oregon City (for Clackamette Drive location only)
 - Goal 2.3 - Corridors
 - Goal 2.5 – Retail and Neighborhood Commercial
 - Goal 15.1 – Protect the Willamette River Greenway (for Clackamette Drive location only)

Willamette River Greenway:

Applicable for Clackamette Drive location only.

- The Willamette River Greenway protects, conserves and enhances the natural scenic, historical, economic and recreational qualities of land along the Willamette River.
- Development within the Willamette River Greenway requires a Willamette River Greenway permit to ensure protection of the integrity of the Willamette River.
- Compliance with [OCMC 17.48.080 – Development Standards General Considerations](#) and [17.48.120 – Additional Procedural Requirements](#) is required.

Upcoming Code Changes:

The City is proposing housing and development code amendments which may affect your proposal. The code amendments have been approved by the City Commission and will be in effect on August 2, 2019. The application is subject to compliance with the code that is in place on the date that the land use application is submitted. Depending on the date of submittal, the applicant may contact staff for an updated code criteria template.

For details on proposed code amendments, please visit the following site:

<https://www.orcity.org/planning/draft-housing-and-other-development-and-zoning-code-amendments>

Other Notes:

- A neighborhood association meeting is required for a sign variance application. The property on Clackamette Drive is within the Two Rivers Neighborhood Association.

Neighborhood Association: Two Rivers NA

Chair: Bryon Boyce, bryony@birdlink.net

Secretary: Margie Hughes, margiehughes1@aol.com

CIC Representative: Bryon Boyce, bryony@birdlink.net

Upcoming Meetings: July 24, 2019; October 23, 2019;

Meeting Location: Rivershore Bar & Grill, 1900 Clackamas Drive, Oregon City, OR 97045

Meeting Time: 7:00 PM

- A neighborhood association meeting is required for a sign variance application. The property on Molalla Avenue is within the Hillendale Neighborhood Association.
Neighborhood Association: Hillendale NA
Chair: Roy Harris, royandanna@centurylink.net
Land Use Chair: William Gifford, william@smallflags.com
Secretary: Joyce Gifford, Joyce@smallflags.com
CIC Primary Representative: Roy Harris, royandanna@centurylink.net
CIC Alternate Representative: Ray Stobie, drakeel@gmail.com
Upcoming Meetings: October 1, 2019
Upcoming Steering Committee Meetings: TBD
Meeting Location: Living Hope Church, 19691 Meyers Road, Oregon City, OR 97045
Meeting Time: 7:00 PM
- Please include the Citizen Involvement Committee Chair, Amy Willhite, in any Neighborhood Association meeting requests, notifications or correspondence. Amy can be reached at awillhit@yahoo.com
- [OCMC 17.50.055](#) requires submittal of the meeting sign-in sheet, a summary of issues discussed, and a letter from the neighborhood association indicating that a meeting was held.
- Your application was transmitted to the State Historic Preservation Office (SHPO) and affected tribes for review. Comments received have been provided.

Applications Anticipated and Fees:

- Planning application anticipated:
 - Sign Variance: \$1,368 per sign per standard being varied.
 - Willamette River Greenway Permit (Clackamette Drive location only): Currently no fee, however, a \$1,056 fee for this permit is proposed, effective in August. Proposed fees are not yet adopted and are currently under review by the City Commission. Depending on the date of application submittal, please check with staff about whether new fees have been adopted.
 - Mailing Labels: \$17 or provided by applicant
 - [2019 Planning Fee Schedule](#)

Applications, Checklists and Links:

- [Type III Review Process](#)
- [Land Use Application](#)
- [Oregon City Municipal Code](#)
- [Variance Checklist](#)

Planning Division

Diliana Vassileva, Assistant Planner, reviewed your pre-application for the Planning Division. Diliana may be reached at 503-974-5501 or dvassileva@orc.org.

Building Division:

You may contact Mike Roberts, Building Official at 503.496.1517 or by email at mroberts@orc.org.

Clackamas Fire District:

Questions can be directed to Mike Boumann, Lieutenant Deputy Fire Marshal of Clackamas Fire District #1. You may contact Mr. Boumann at (503)742-2660 or michaelbou@ccfd1.com.

Oregon City Municipal Code Criteria:

A template with applicable code criteria will be provided by staff following the pre-application conference. The following chapters of the Oregon City Municipal Code (OCMC) may be applicable to this proposal:

[OCMC 15.28 - Signs](#)

Several applicable code sections recently changed and have not yet been updated in the online version of the code. The changes can be found [here](#) and are also in the template provided by staff.

Pre-application conferences are required by Section 17.50.050 of the City Code, as follows:

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

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

NOTICE TO APPLICANT: A property owner may apply for any permit they wish for their property. **HOWEVER, THERE ARE NO GUARANTEES THAT ANY APPLICATION WILL BE APPROVED.** No decisions are made until all reports and testimony have been submitted. This form will be kept by the Community Development Department. A copy will be given to the applicant. IF the applicant does not submit an application within six (6) months from the Pre-application Conference meeting date, a NEW Pre-Application Conference will be required.



OREGON CITY

Community Development – Planning

698 Warner Parrott Rd | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

TRANSMITTAL

IN-HOUSE DISTRIBUTION

- ☐ Building Official
- ☐ Development Services Manager
- ☐ Public Works Operations
- ☐ City Engineer / Public Works Director
- ☐ GIS
- ☐ Parks Manager
- ☐ Addressing
- ☐ Police

MAIL-OUT DISTRIBUTION

- ☐ CIC
- ☐ Neighborhood Association Chair
- ☐ Neighborhood Association Land Use Chair
- ☐ Clackamas County - Transportation
- ☐ Clackamas County - Planning
- ☐ Fire Chief
- ☐ Oregon City Postmaster
- ☐

COMMENTS DUE BY: January 3, 2020
HEARING DATE: January 13, 2020
HEARING BODY: ___Staff Review; ___**XX**___PC; ___HRB; ___CC
FILE # & TYPE: GLUA-19-00042 (General Land Use Application), VAR-19-00010, through VAR-19-00013 (Variances), WRG-19-00001 (Willamette River Greenway), FP-19-00002 (Floodplain Review)

PLANNER: Kelly Reid, Planner
REQUEST: The applicant requests a variance for two signs exceeding the maximum number of freestanding signs permitted onsite, and a variance to allow the signs to contain a change in message more than three times per day. The signs are within the Willamette River Greenway and Flood Management Overlay Districts.

APPLICANT: McDonald's Corporation
110 N Carpenter St
Chicago, IL 60607

LOCATION: 2010 Clackamette Drive Oregon City, Oregon 97045
Clackamas County Map 2-2E-30 Taxlot 400

PROJECT WEBSITE: <https://www.orcity.org/planning/project/glua-19-00042>

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.

- XX 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.

Signed

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



City of Oregon City

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

Staff Report

File Number: PC 20-003

Agenda Date: 1/13/2020

Status: Agenda Ready

To: Planning Commission

Agenda #: 3c.

From: Sr. Planner Christina Robertson-Gardiner

File Type: Planning Item

SUBJECT:

Planning Files: LEG 19-00003 - Beavercreek Road Concept Plan- Code and Zoning Amendments- Tentative Planning Commission Recommendation and Discussion of Outstanding Items (Parks, Enhanced Home Occupation/Cottage Industry, Upland Habitat)

RECOMMENDED ACTION (Motion):

Continuance of file LEG 19-00003 to the February 10, 2020 Planning Commission Meeting.

BACKGROUND:

The Planning Commission reviewed the zoning and code amendments for the Beavercreek 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 from August 2019 to November 25, 2019 and discuss three outstanding items:

1. Parks Acquisition Code Amendments
2. Enhanced Home Occupation/Cottage Industry
3. Upland Habitat

Once staff receives direction on the three outstanding items, staff will return with formal findings and a request for a formal recommendation to the City Commission. Staff will also provide an updated and finalized Public Comment Matrix for the February 10, 2020 Planning Commission Meeting.

Tentative Schedule

The dates and topics may change as the process moves forward.

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)

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

TBD- 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: January 6, 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

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.

Planning Commission recommendation: Planning Commission did not recommend any revisions to the proposed code amendments at the September 23, 2019 Planning Commission Meeting and will be discussing the NRC's recommendation at the January 13, 2019 Planning Commission Meeting.

Parks Acquisition Code Amendments

October 14, 2019, November 18, 2019 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 persons per dwelling units) x (total number of dwelling units proposed in the development) x (8 acres) / (1,000 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.

Staff recommendation: Staff recommends that the Planning and City Commission continue to work with the Parks and Rec Advisory Committee to ensure the park details meet the vision and need for the community. Staff also recommends adopting revised language that provides additional description of the South-Central Open Space Network /Linear Park and the Low Impact Conservation Area into the proposed 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 will provide additional direction at the January 15, 2020 Planning Commission meeting

Resolved Items

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 Beavercreek 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 SP 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 Beaver Creek Road would meet mobility standards with the 3-lane configuration

specified in the TSP. Additionally, the mobility standards would also be met if Beaver Creek 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 Beaver Creek 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 Beaver Creek 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.

Beaver Creek 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 Beaver Creek 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 worksession during the Planning Commission Hearings process is to provide the City Commission the ability to provide their initial direction on the design of Beaver Creek 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 Beaver Creek 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 Beaver Creek 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 Beaver Creek 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 Beavercreek Road Concept Plan describing the revised design to Beavercreek 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 Beavercreek.

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.

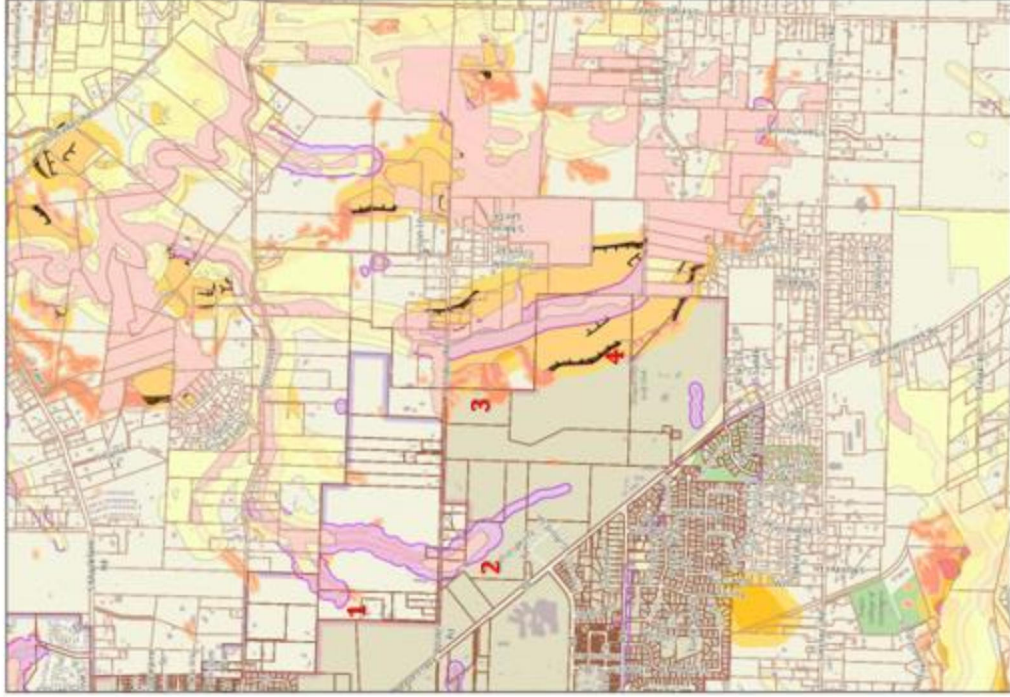
While a fair amount of the area identified as upland habitat in the adopted plan is already protected by OCMC 17.49 Natural Resources Overlay District, OCMC 17.44 Geologic Hazards and OCMC 17.41 Tree protection, we feel that there is a need for additional protection to retain high-value habitat directly 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.

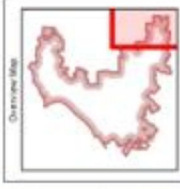
We look forward to working with city staff on any proposed code amendments.

Oregon City GIS Map



Legend

Street Names	Fire	Landmarks	Geologic Hazards - All
Trains	Landmarks	Landmarks	Geologic Hazards - All
Twelve Outside LCB	Twelve Outside LCB	Twelve Outside LCB	Geologic Hazards - All
Unimproved ROW	Unimproved ROW	Unimproved ROW	Geologic Hazards - All
NRCD - HCA (High One)	NRCD - HCA (High One)	NRCD - HCA (High One)	Geologic Hazards - All
NRCD - HCA (High One)	NRCD - HCA (High One)	NRCD - HCA (High One)	Geologic Hazards - All
NRCD - Natural Resource One	NRCD - Natural Resource One	NRCD - Natural Resource One	Geologic Hazards - All
Tree 3 - Steep	Tree 3 - Steep	Tree 3 - Steep	Geologic Hazards - All
Tree 3 - Moderate	Tree 3 - Moderate	Tree 3 - Moderate	Geologic Hazards - All
Tree 3 - Steep Area	Tree 3 - Steep Area	Tree 3 - Steep Area	Geologic Hazards - All
Landmarks (BLD)	Landmarks (BLD)	Landmarks (BLD)	Geologic Hazards - All
Landmarks (BLD) - Steep	Landmarks (BLD) - Steep	Landmarks (BLD) - Steep	Geologic Hazards - All
Landmarks (BLD) - Steep Fz	Landmarks (BLD) - Steep Fz	Landmarks (BLD) - Steep Fz	Geologic Hazards - All
Landmarks (BLD) - Dependent	Landmarks (BLD) - Dependent	Landmarks (BLD) - Dependent	Geologic Hazards - All
Fire	Fire	Fire	Geologic Hazards - All
Landmarks	Landmarks	Landmarks	Geologic Hazards - All
Twelve Outside LCB	Twelve Outside LCB	Twelve Outside LCB	Geologic Hazards - All
Geologic Hazards - Steep	Geologic Hazards - Steep	Geologic Hazards - Steep	Geologic Hazards - All
Steep - 20%	Steep - 20%	Steep - 20%	Geologic Hazards - All
Subarea (SRI)	Subarea (SRI)	Subarea (SRI)	Geologic Hazards - All
Geologic Hazards - Landmarks	Geologic Hazards - Landmarks	Geologic Hazards - Landmarks	Geologic Hazards - All
Landmarks	Landmarks	Landmarks	Geologic Hazards - All
Geologic Hazards - All	Geologic Hazards - All	Geologic Hazards - All	Geologic Hazards - All
City Limits	City Limits	City Limits	Geologic Hazards - All
LCB	LCB	LCB	Geologic Hazards - All
Steepmap	Steepmap	Steepmap	Geologic Hazards - All



The City of Oregon City makes no representations, warranties, or guarantees as to the accuracy, completeness, and timeliness of the information contained herein. This map is not suitable for legal purposes. The City of Oregon City is not responsible for any errors or omissions.



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Map created 9/12/2019

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 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.

16.08.042 (&17.62.058) - Additional Public Park and Open Space Requirements in Beavercreek Road Concept Plan area for 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 Beavercreek Road 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 monetary contribution must be paid prior to approval of the Certificate of Occupancy.

16.08.043 (&17.62.059 Additional Public Park and Open Space Requirements in Beavercreek Road Concept Plan area for Residential development.

1. Each development within the Beavercreek Road 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.

Ba. 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 (8-4 acres) / (1,000 persons).

Cb. The minimum amount of land in acres dedicated for the East Ridge- Thimble Creek Conservation Area shall be 7.5 acres.

Dc. 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.

Ed. 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).

Fe. 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 in the development site. The calculation of the fee-in-lieu or other monetary contribution must meet the following standards.

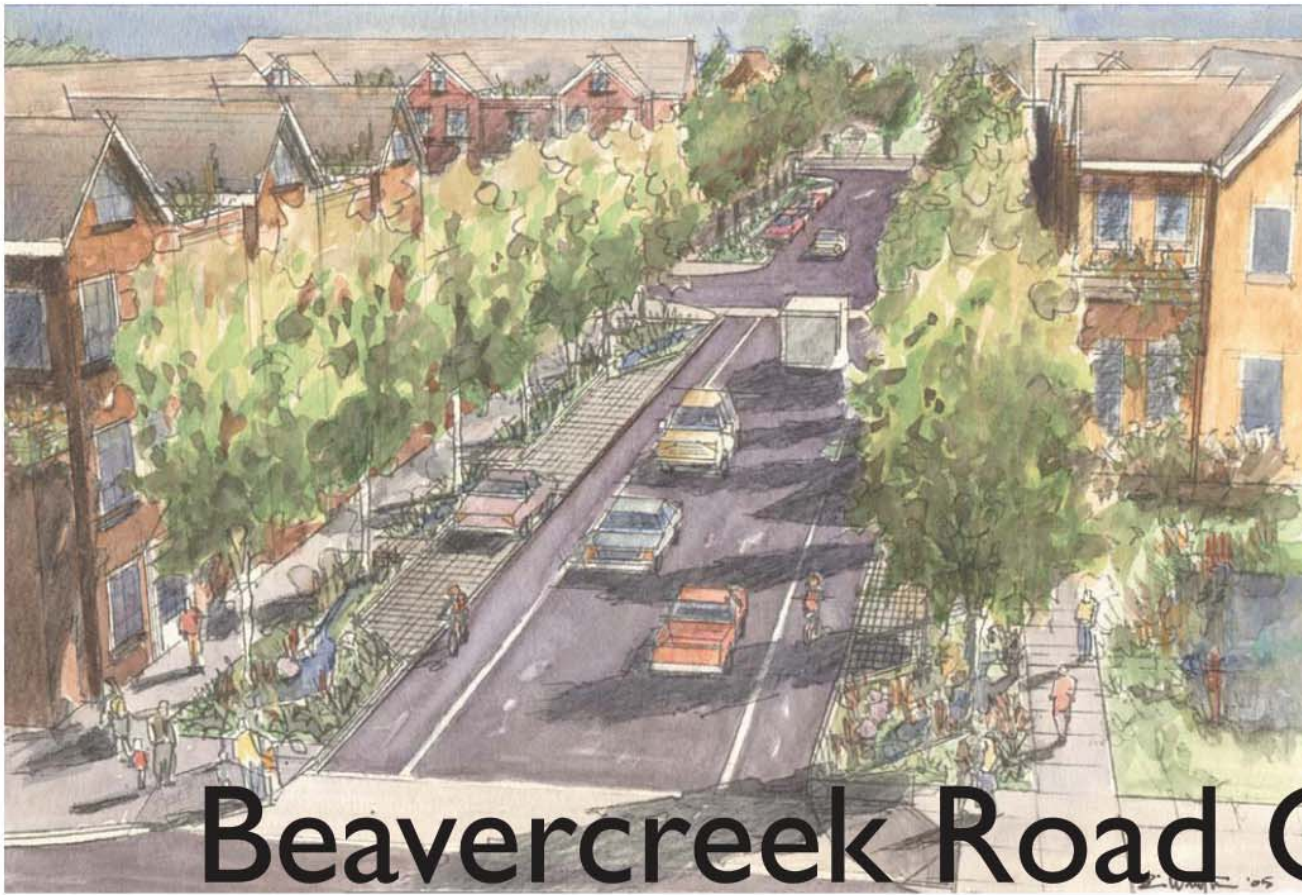
1i. The amount of the fee in lieu or other monetary contribution is set in dollars per acre of required dedication and is equivalent to the appraised cost of land within the development, as provided by a certified appraiser chosen by the City and with the assumption that zoning and other land use entitlement are in place.

ii2. 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.

- Gf. Neighborhood park and open space sites proposed for dedication must be located within the South Central Open Space Network as shown in Figure 16.08.042- or the East Ridge- Thimble Creek Conservation Area 16.08.042-2, and meet the following standards:

Figure 16.08.042-1 & 2 (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 Holly Lane extension to be located in the right of way and will not be considered part of a pearl.
 - ii. 3-4 pearls of various sizes spread along the open space network
 - iii. Min and maximum sizes pearls: 2 acres minimum and 5 acres maximum
 - iv. Min combined size of all pearls: 10 acres
 - v. Min average width: 200 feet
 - vi. Min average depth: 200 feet
 - vii. At least 5 acres to be developed with active recreation components
- 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.
 - 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



Beavercreek Road Concept Plan

Envisioning a Complete and Sustainable Community

Concept Plan Report, Summary and Recommendations

Final Plan August 2008



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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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- 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 | F. | Alternatives Evaluation Report |
| B. | Goals and Evaluation Criteria | G. | Final Transportation Evaluation |
| C. | Existing Conditions, Opportunities and Constraints Reports | H. | Infrastructure Reports |
| 1. | Land use | 1. | Water |
| 2. | Transportation | 2. | Sewer |
| 3. | Sustainability | 3. | Storm Water/Water Quality |
| 4. | Market | I. | Fiscal Impact Analysis |
| 5. | Natural resources | J. | Draft Code |
| 6. | Infrastructure | | |
| D. | Focus Group Summaries | | |
| E. | Summaries of Community Events | | |
| 1. | Open House No. 1 | | |
| 2. | Design Workshop | | |
| 3. | Open House No. 2 | | |

I. Introduction

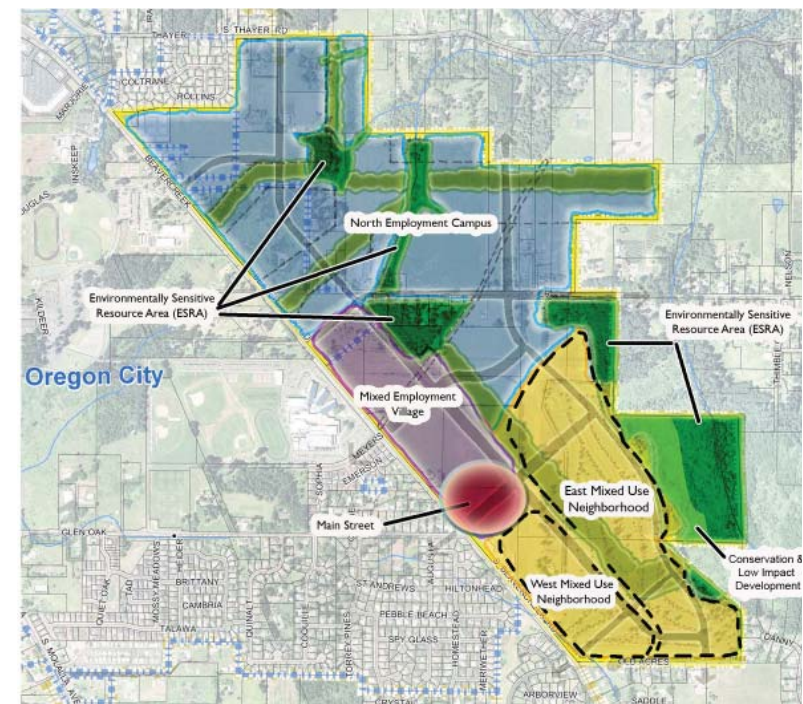
Summary

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 recommendation 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

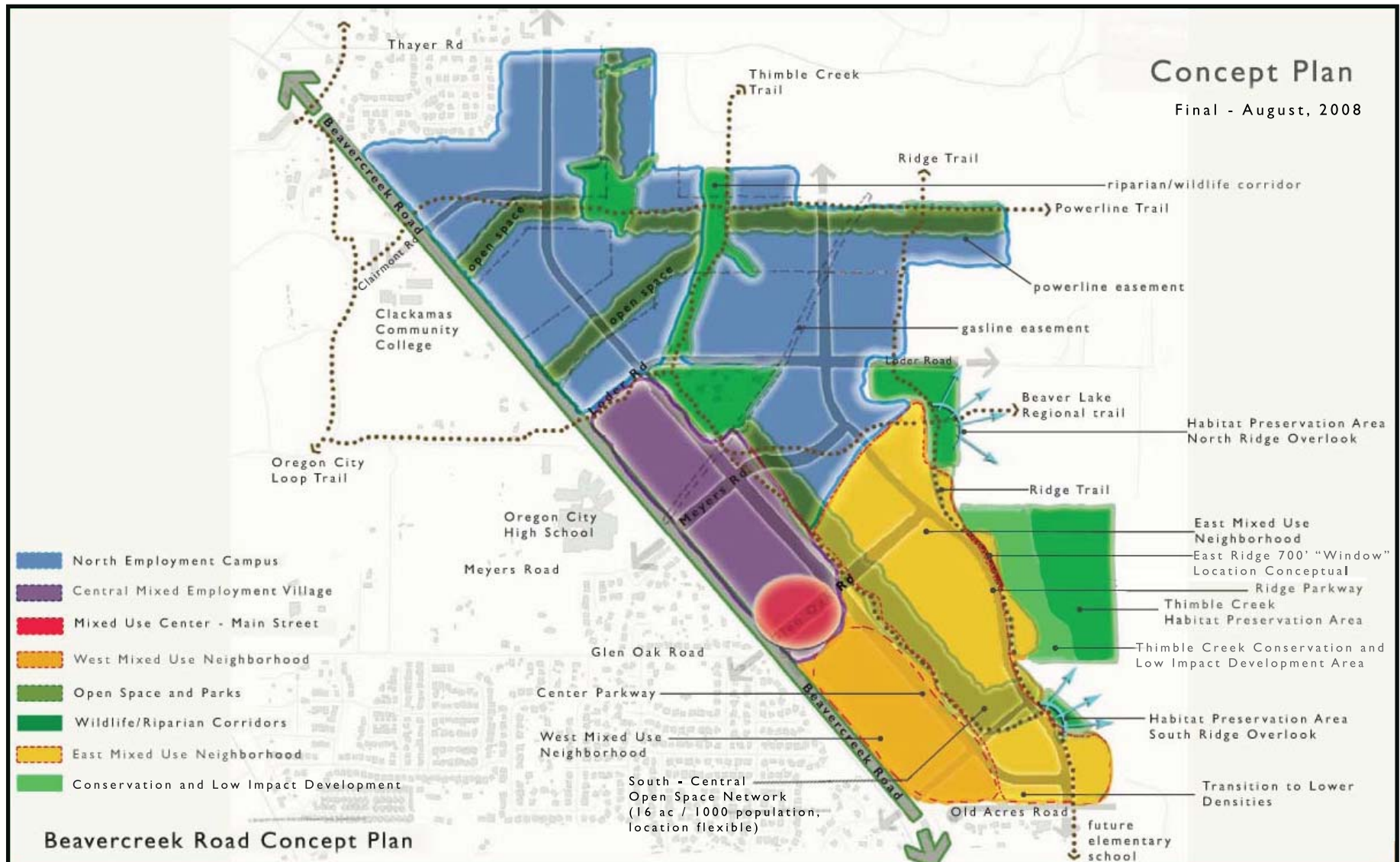


Figure 1 - Composite Concept Plan

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”.

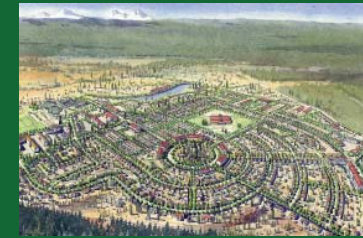
The following project goals were developed by the Citizen Advisory Committee. The Committee also added objectives to each of the goals – please see Appendix 1 for the objectives.

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

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

IV. Regional and Local Context

The Beaver Creek Road Concept Plan area is 453 acres of land located at the southeast edge of Oregon City and the Urban Growth Boundary (UGB). It marks a transition point between the City's current edge of urbanization and rural and resource lands to the south and east.

The majority of the site (245 acres) was added to the Metro UGB in December 2002 and an additional 63 acres were added to the UGB in 2004. The remaining site acreage was in the UGB and/or the Oregon City limits prior to 2002. The Concept Plan area carries Metro design type designations of Employment, Industrial, and Outer Neighborhood on the Region 2040 Growth Concept Map. The properties with the Outer Neighborhood designation have been in the UGB since 1980. Employment design type areas, as defined by Metro, allow various types of employment with some residential development and limited commercial uses. Industrial design type areas are set aside by Metro primarily for industrial activities with limited supporting uses.

During the update of Oregon City's Comprehensive Plan, a policy was adopted acknowledging the jobs-related importance of the site to Oregon City and the region, while also allowing some flexibility in the project area's land use. Comprehensive Plan policy 2.6.8 states:

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

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 Beaver Creek, and rural Clackamas County. The nearest commercial area is the Berry Hill Shopping Center at the intersection of Beaver Creek Road and Highway 213. Clackamas County College (CCC) and Oregon City High School are across Beaver Creek Road 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.

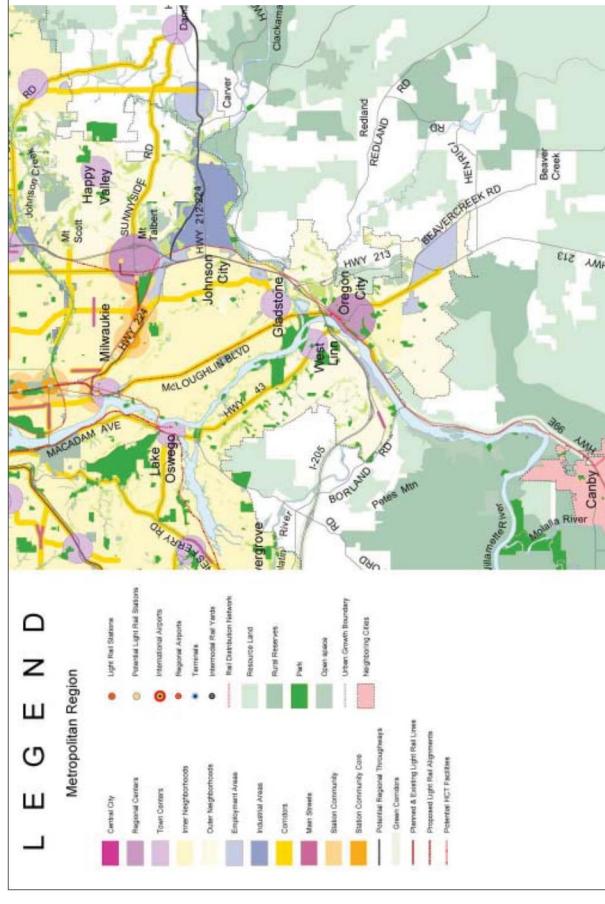


Figure 2 - Regional Context

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

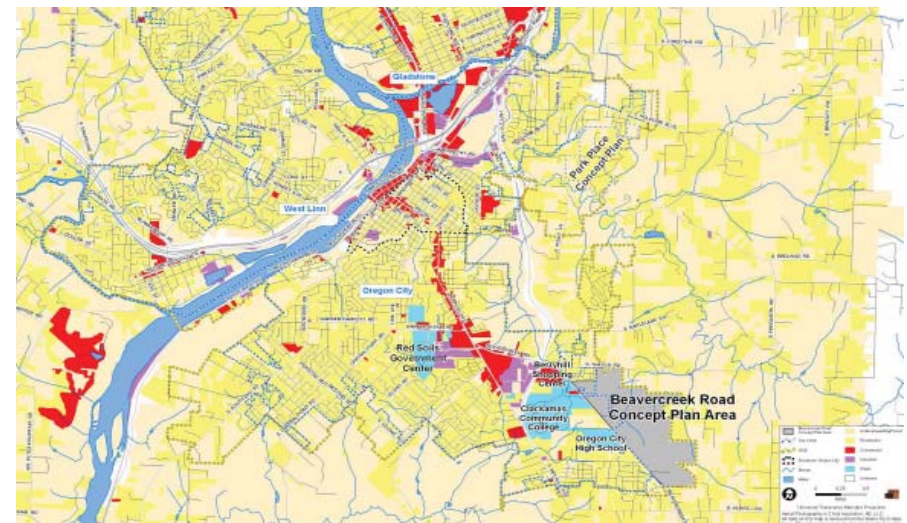


Figure 3 - Oregon City Context

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

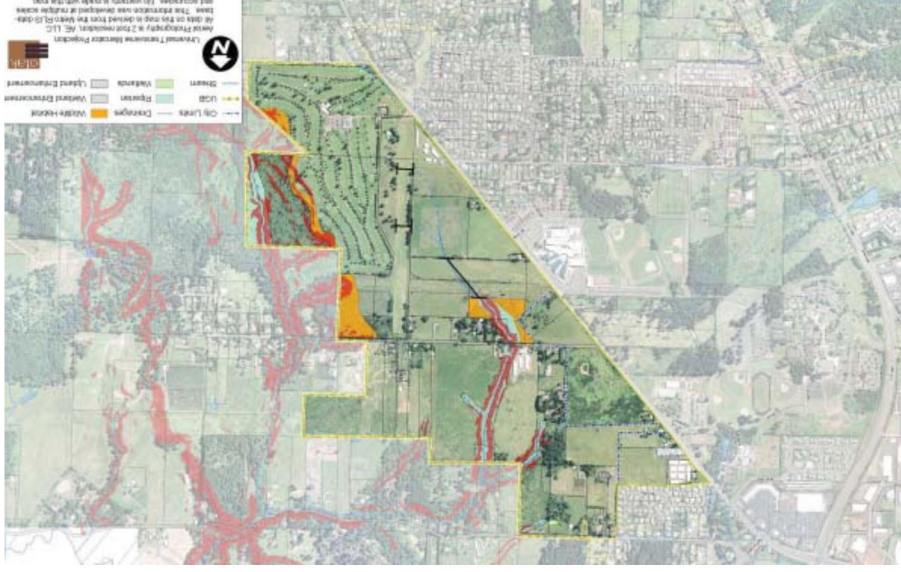
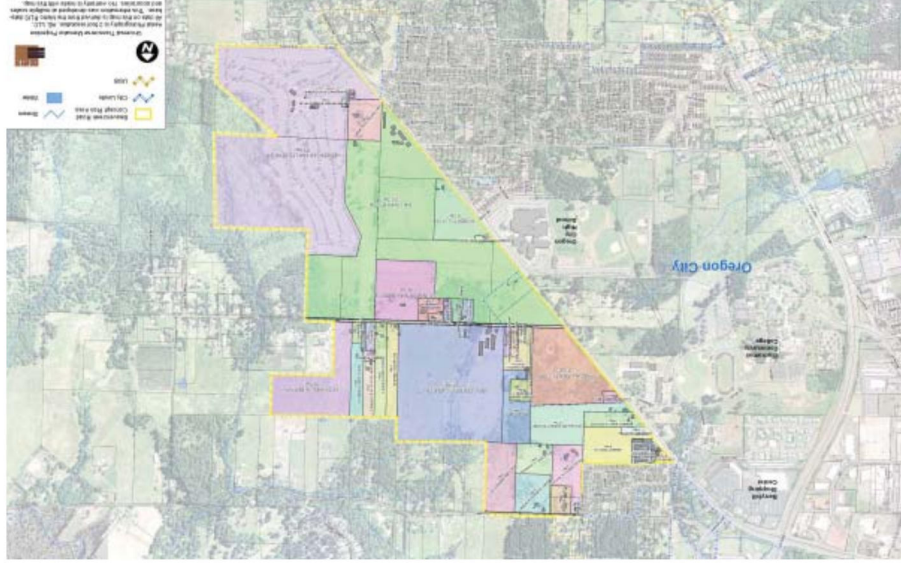


Figure 5 - Ownership



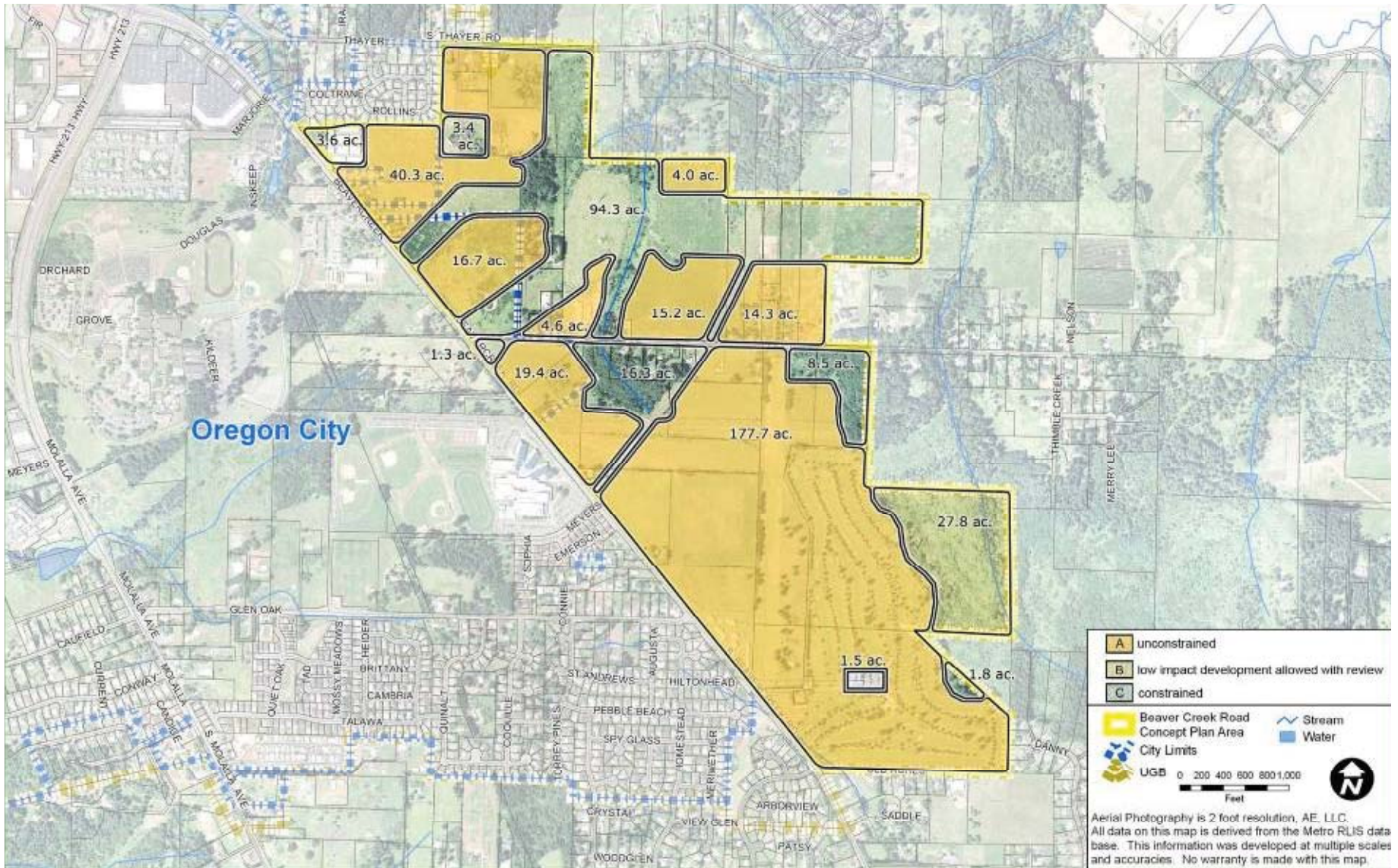


Figure 7 - Buildable Lands

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.

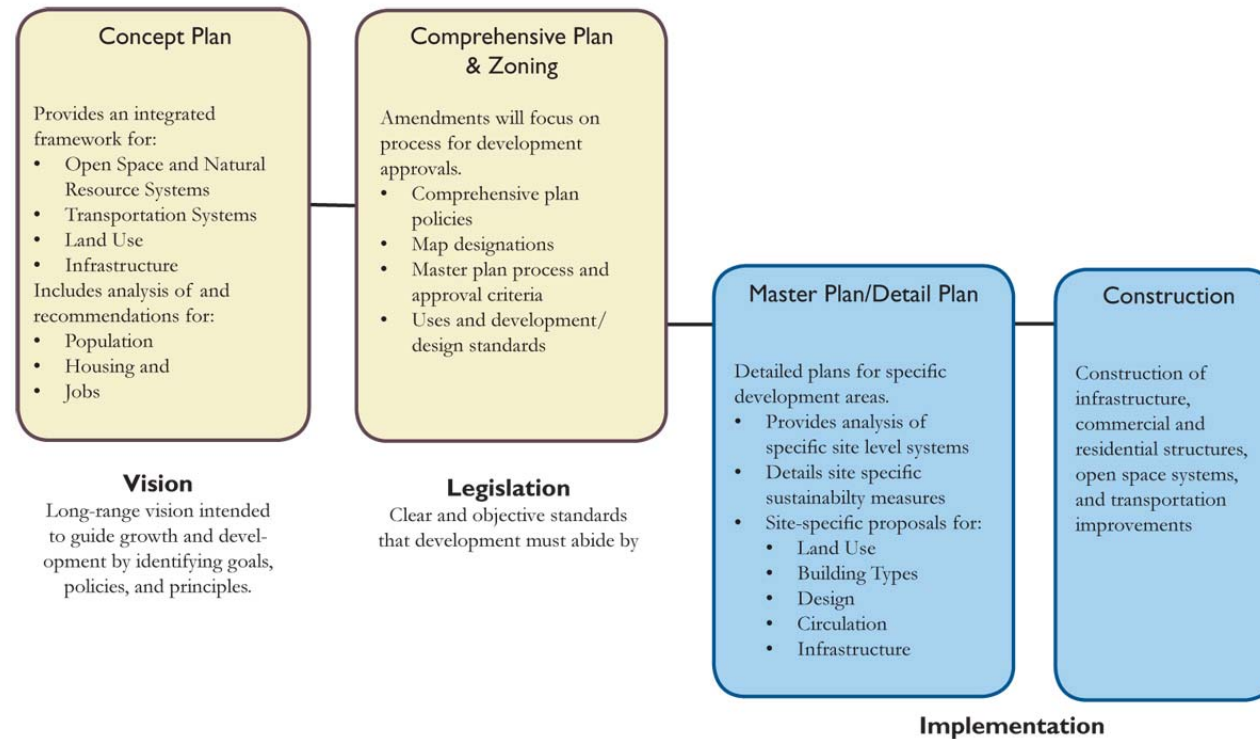
V. Concept Plan Summary

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.

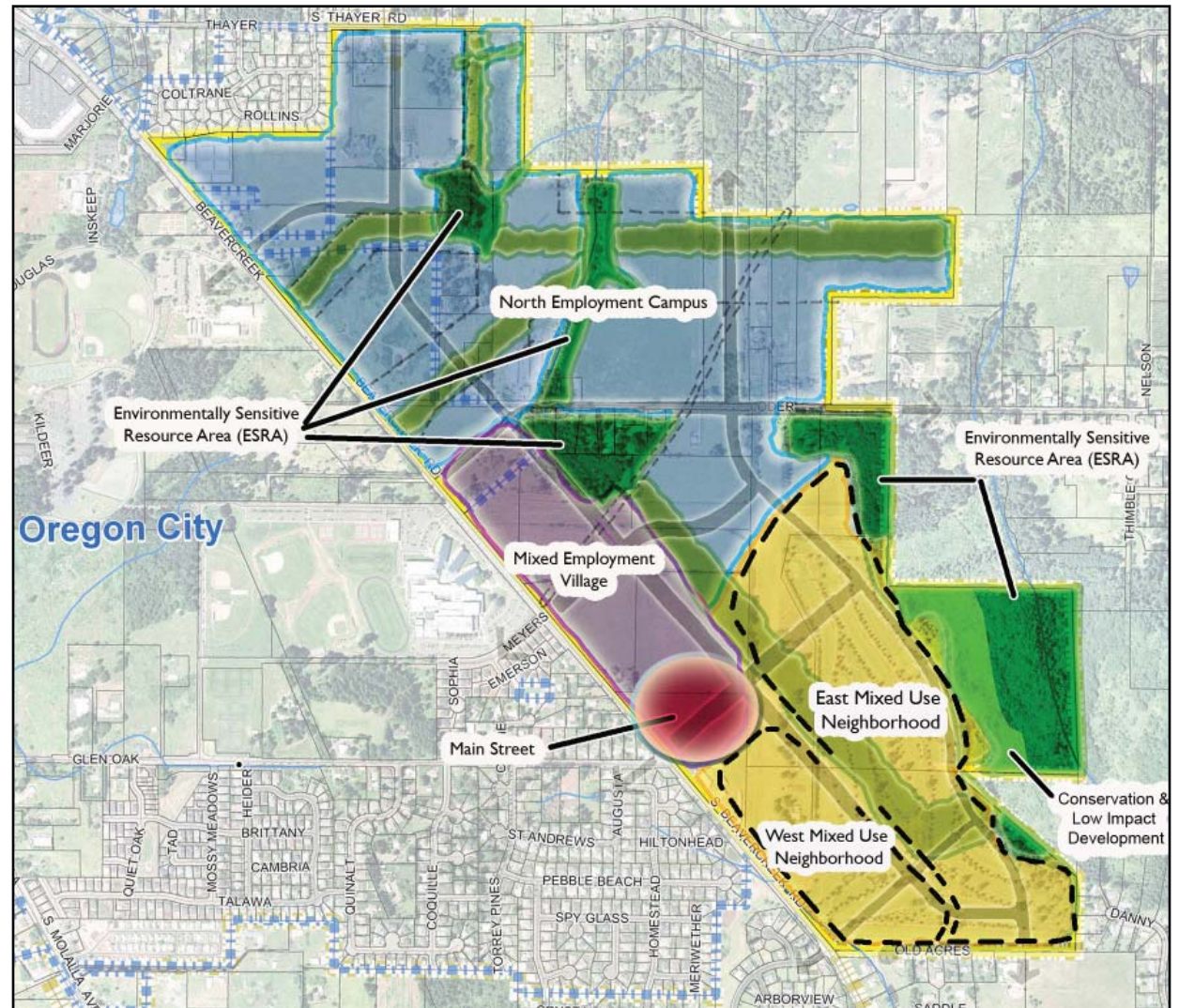


Figure 8 - Land Use Sub-districts

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.

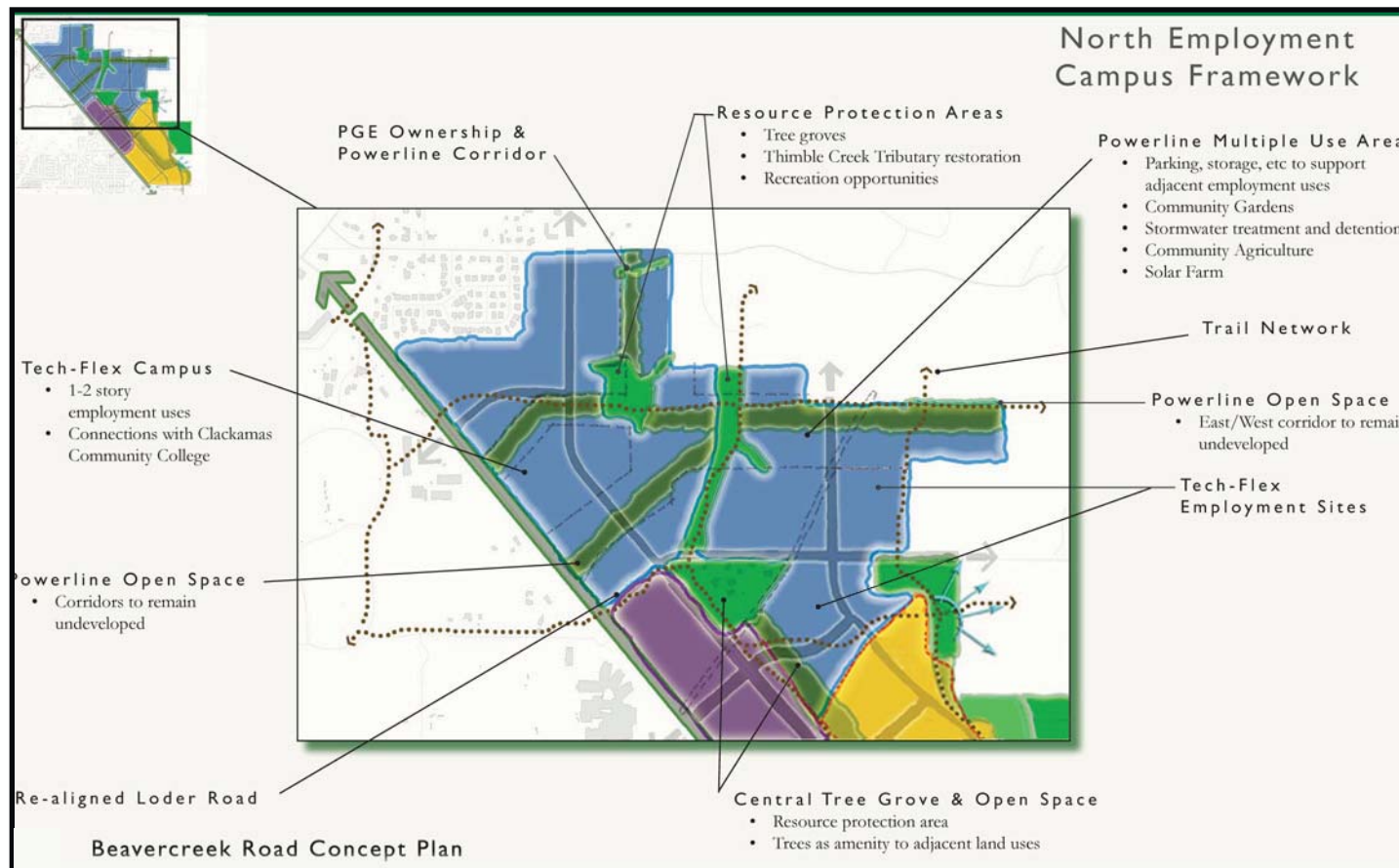


Figure 9 - North Employment Campus Framework

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.

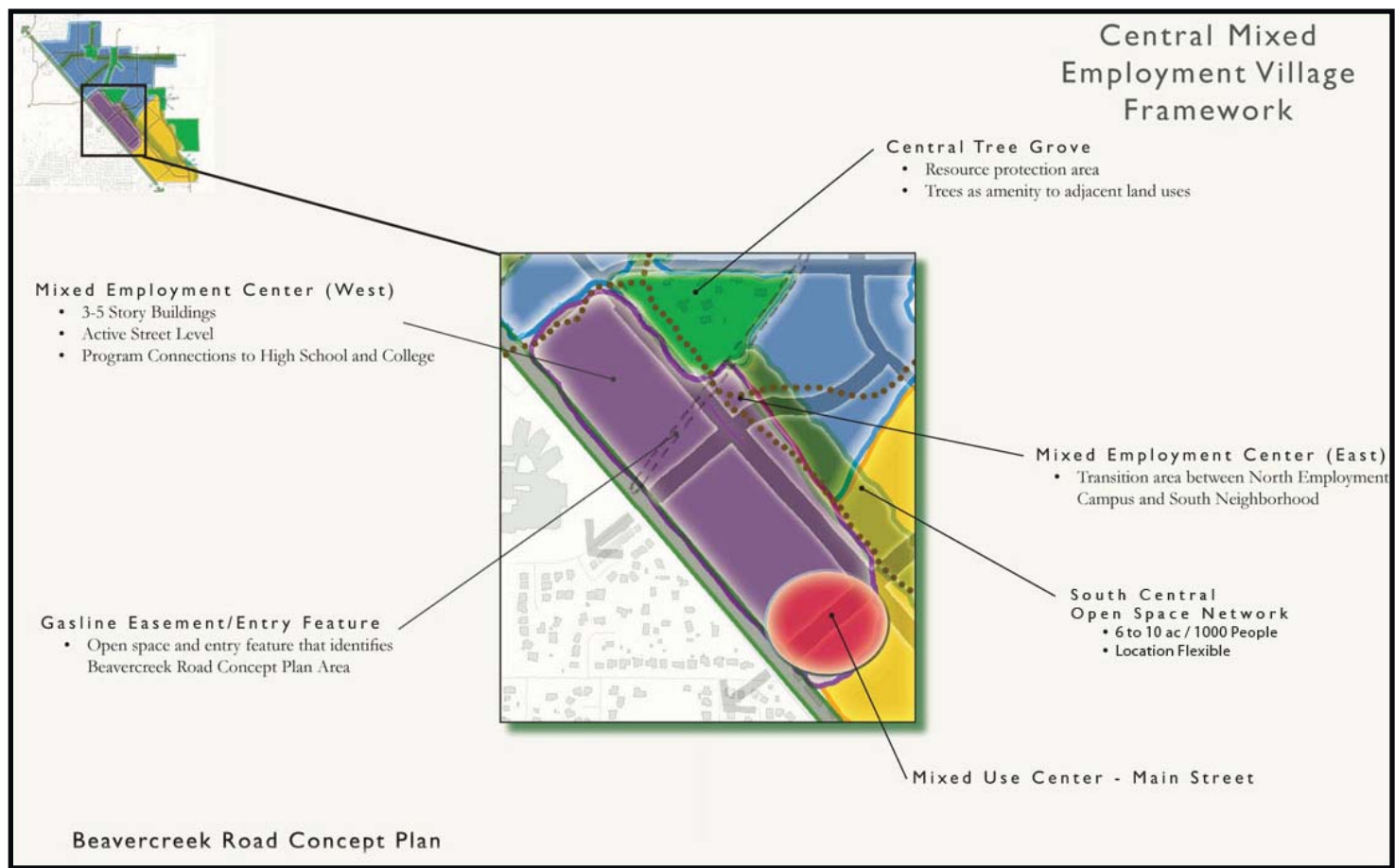


Figure 10 - Central Mixed Employment Village Framework

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.

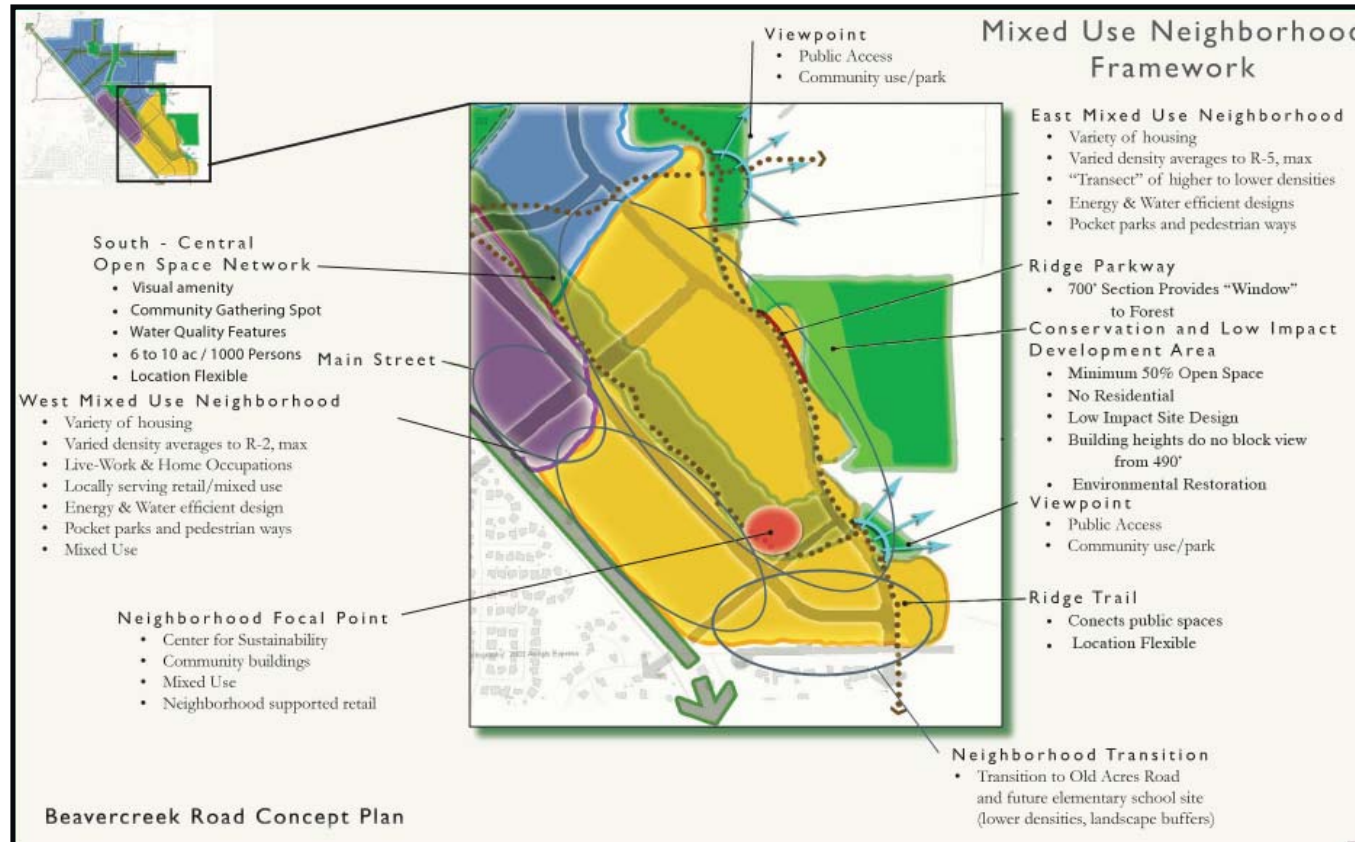


Figure 12 - West and East Mixed Use Neighborhoods

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

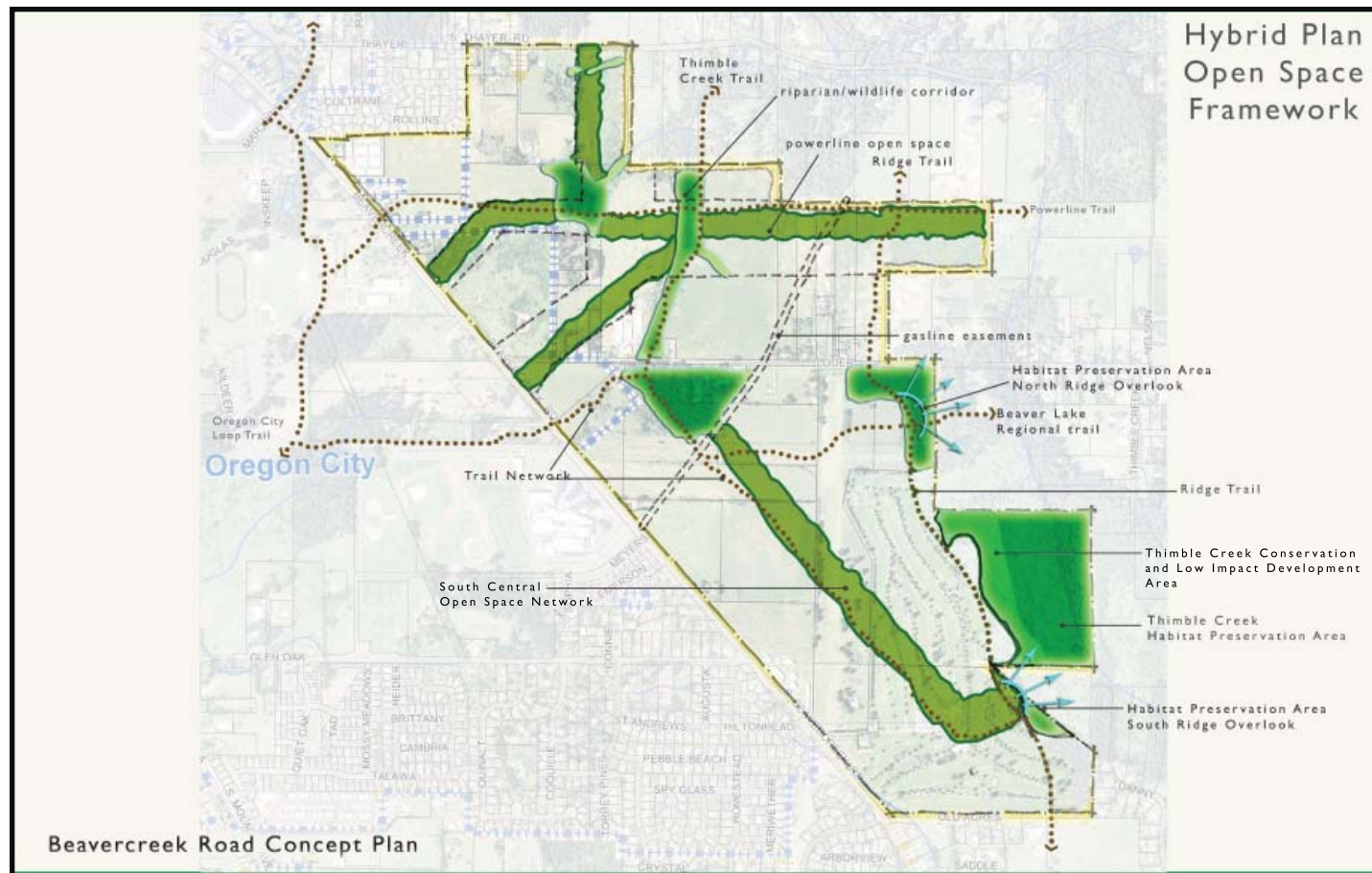


Figure 13 - Open Space Framework

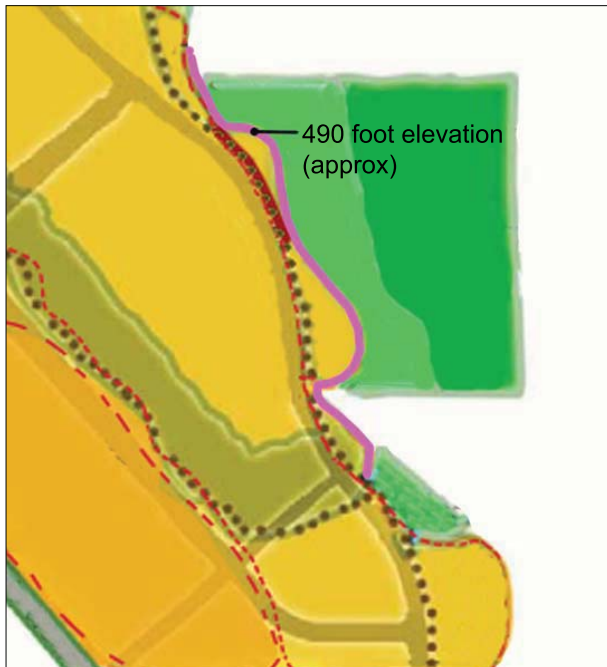
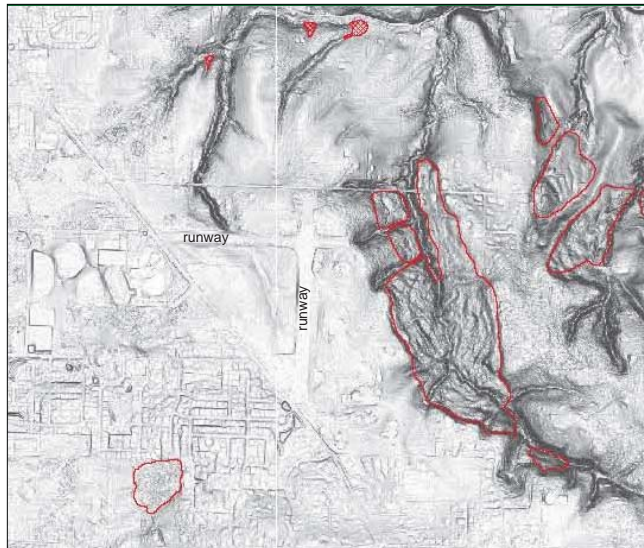


Figure 13A - East Ridge Lidar and 490 foot elevation

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.

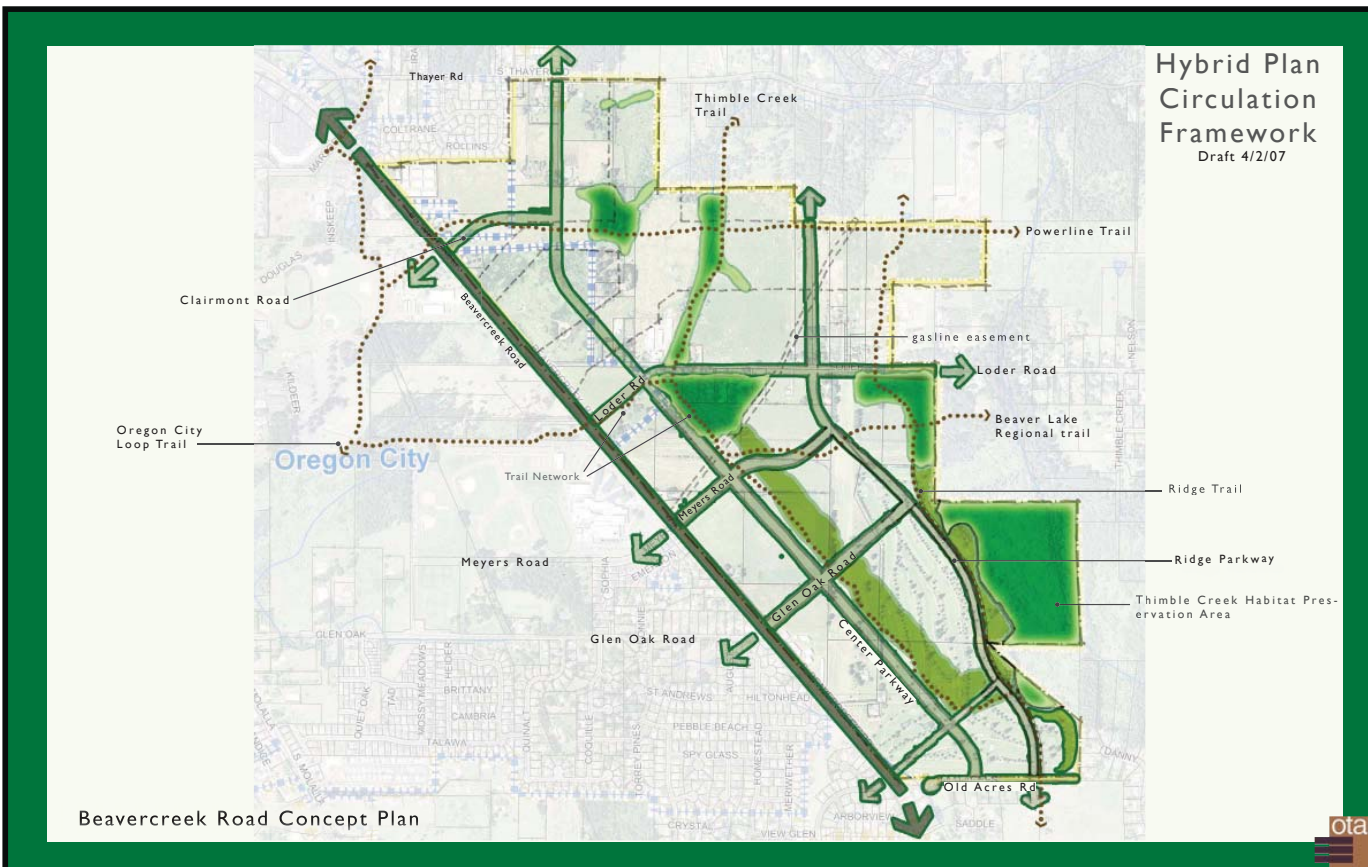


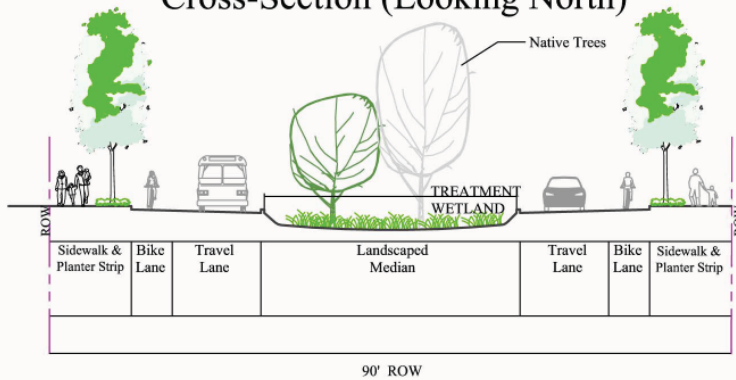
Figure 14 - Circulation Framework



Figure 20 - Connectivity Diagrams

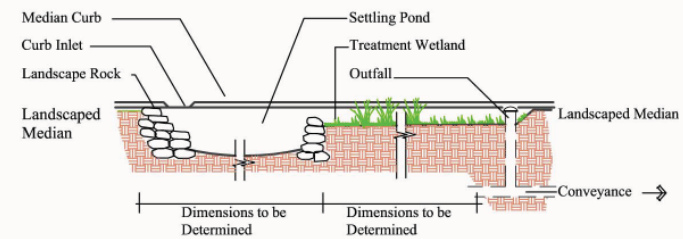
Conceptual only - See Figure 14 for recommended access points to Beaver Creek Road.

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

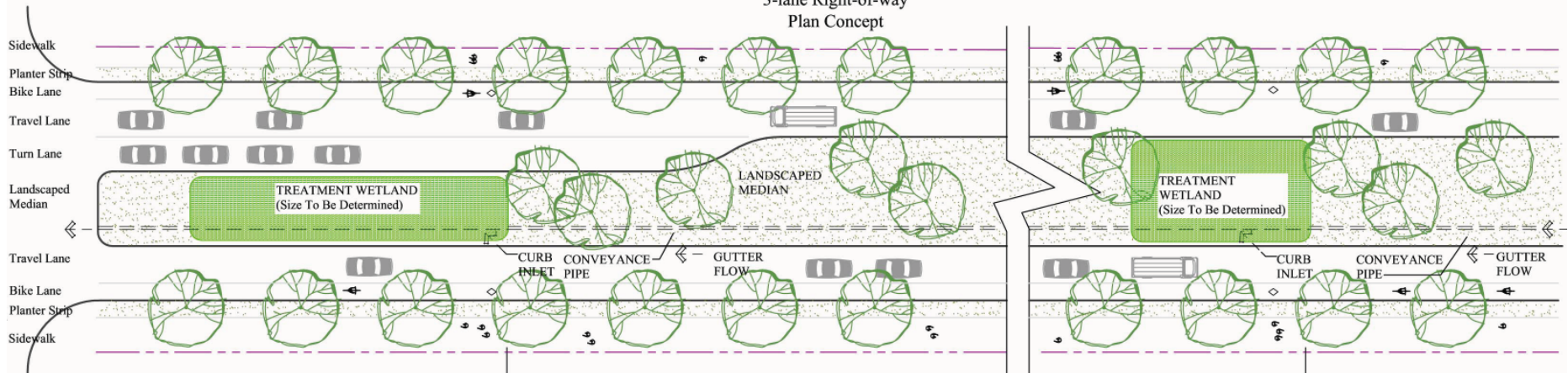


Figure 15 - Beavercreek Road Green Street

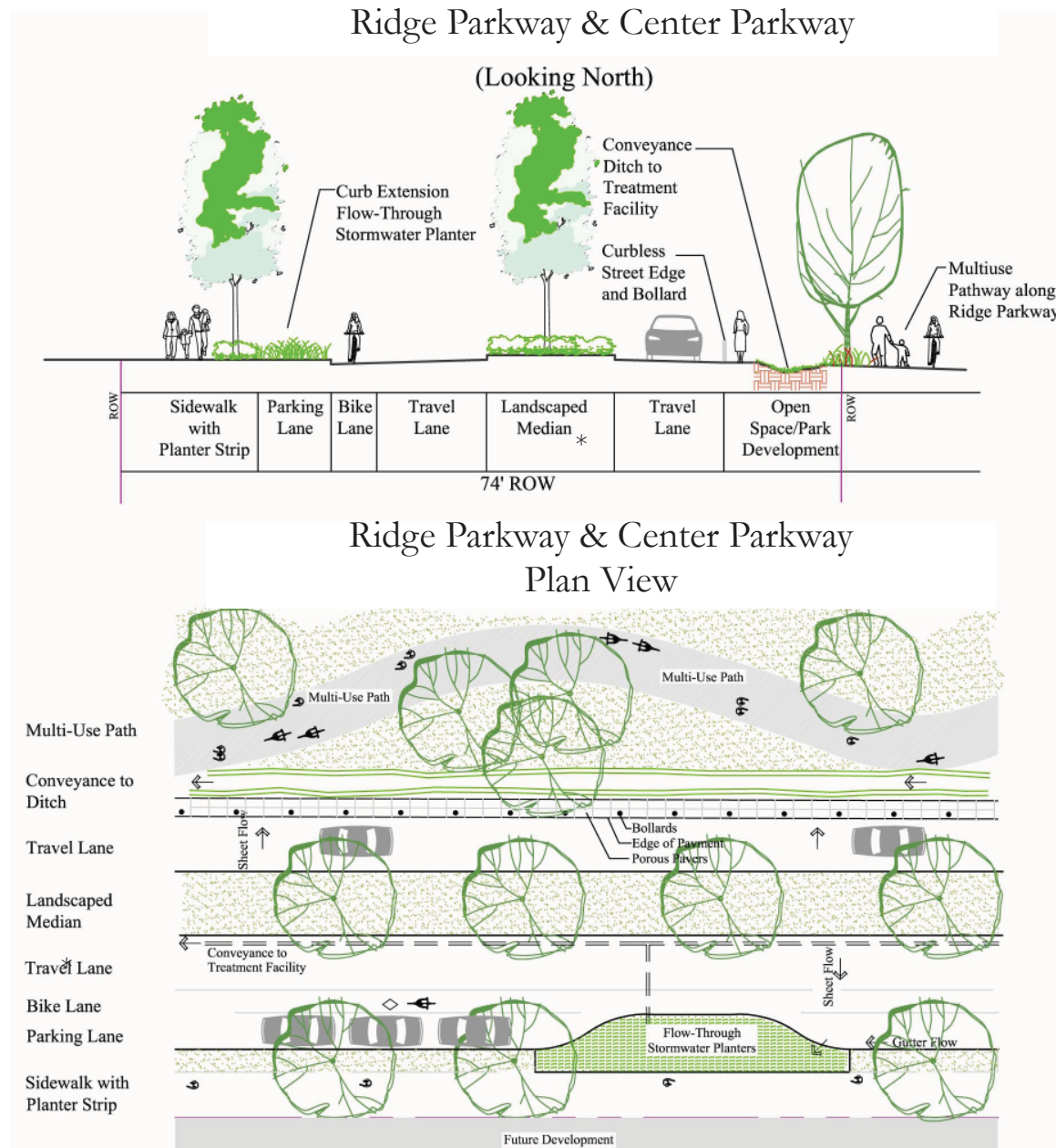
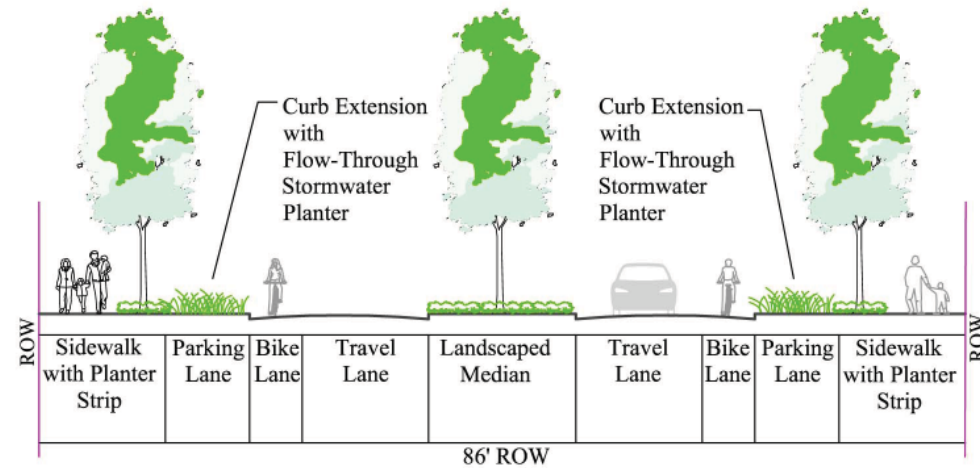


Figure 16 - Ridge Parkway and Central Parkway Green Streets

*Center median is optional for Ridge Parkway.

Collector Greenstreet (Looking North)



Collector Greenstreet Plan View

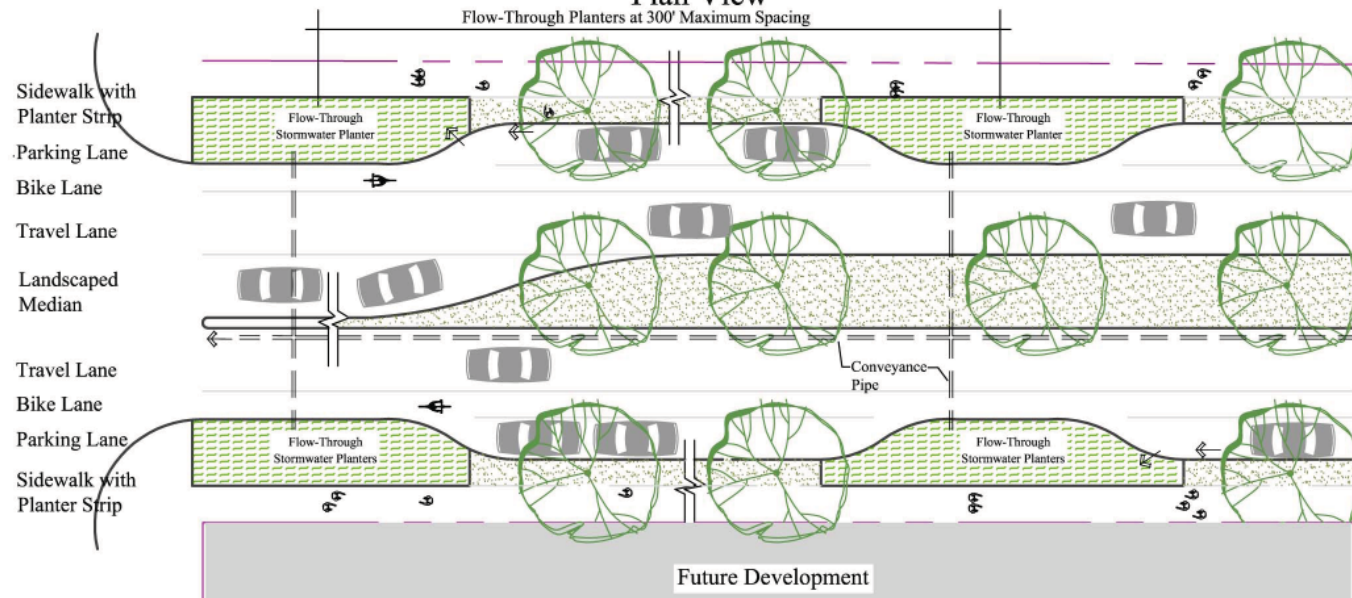
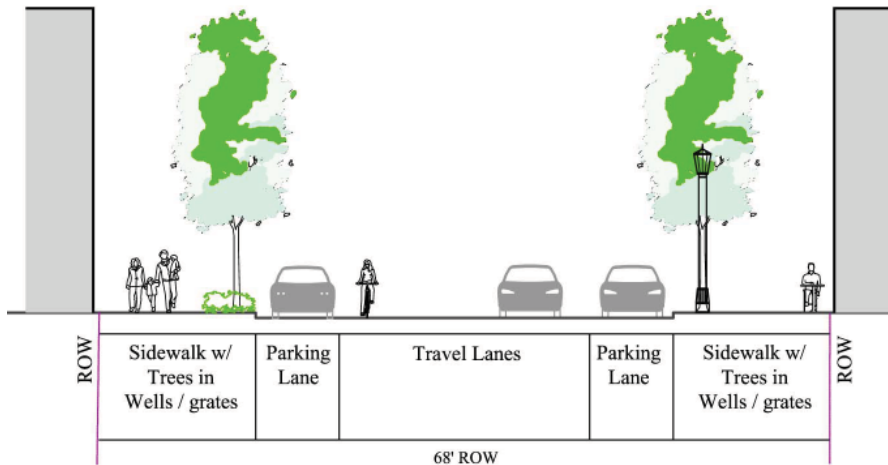


Figure 17 - Collector Green Street

Main Street Collector

Potential Building
Frontage with Future
Development



Main Street Collector Plan View

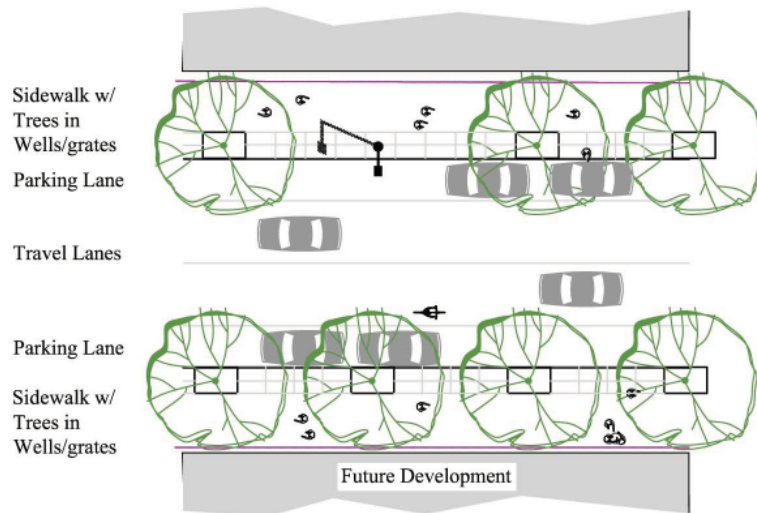
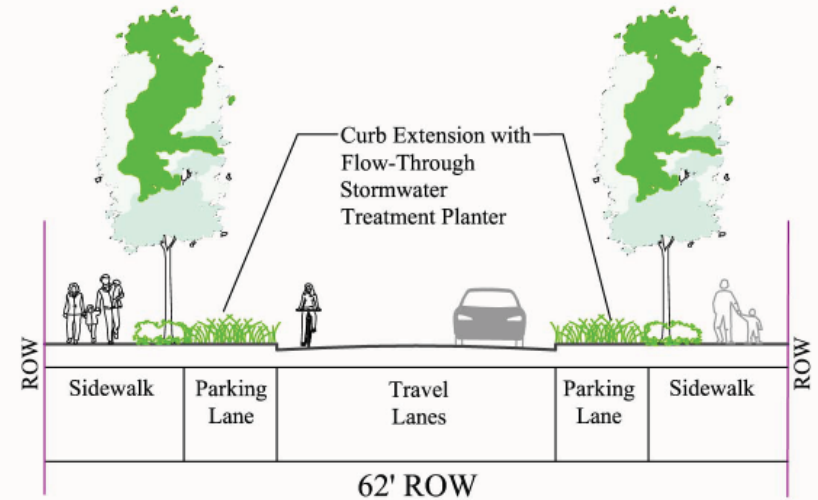


Figure 18 - Main Street Green Street

Neighborhood Greenstreet



Neighborhood Greenstreet Plan View

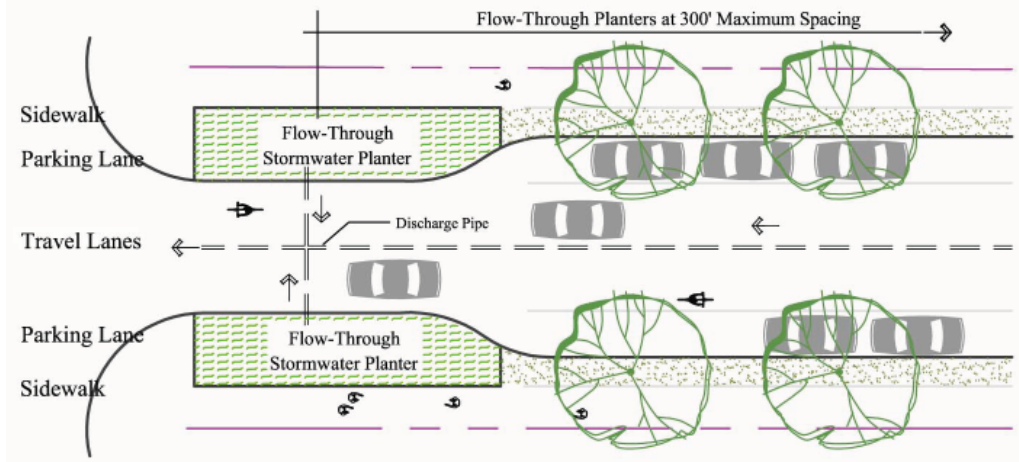


Figure 19 - Neighborhood Green Street

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/Maplelane	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.

Discharge Locations

Post-development stormwater runoff rates from the Beavercreek Road Concept Plan Area will need to match pre-development rates at the existing discharge locations, per City Stormwater Design Standards. Since there are several small discharge locations to Thimble Creek, flow control facilities may not be feasible at all discharge locations. In this situation, over-detention is needed at some discharge locations to compensate for the undetained areas so that flows in Thimble Creek at the downstream point of compliance meet City Stormwater Design Standards for flow control.

The stormwater infrastructure for the Beavercreek Road Concept Plan Area is estimated to cost between \$7.8 million and \$9.4 million for base construction. When construction contingencies, soft costs (engineering, permitting, construction management), and land acquisition, the total cost is estimated at \$15 to \$23 million.

Water

The proposed water infrastructure plan creates a network of water supply pipelines as the “backbone” system. In addition, as individual parcels are developed, a local service network of water mains will be needed to serve individual lots.

Since there are two pressure zones in the concept plan area, there will need to be a network of pipes for each of the two zones. These systems are illustrated on Figure 22. The Fairway Downs Pressure Zone will serve the south one-third of the concept plan area. This zone receives water from

the system reservoirs. But, because this zone is at the highest elevation in the entire water system, pressure from the reservoir system is insufficient to maintain a usable pressure to customers in this part of the system. The water pressure is increased by using a booster pump station located at the intersection of Glen Oak Road and Beavercreek Road.

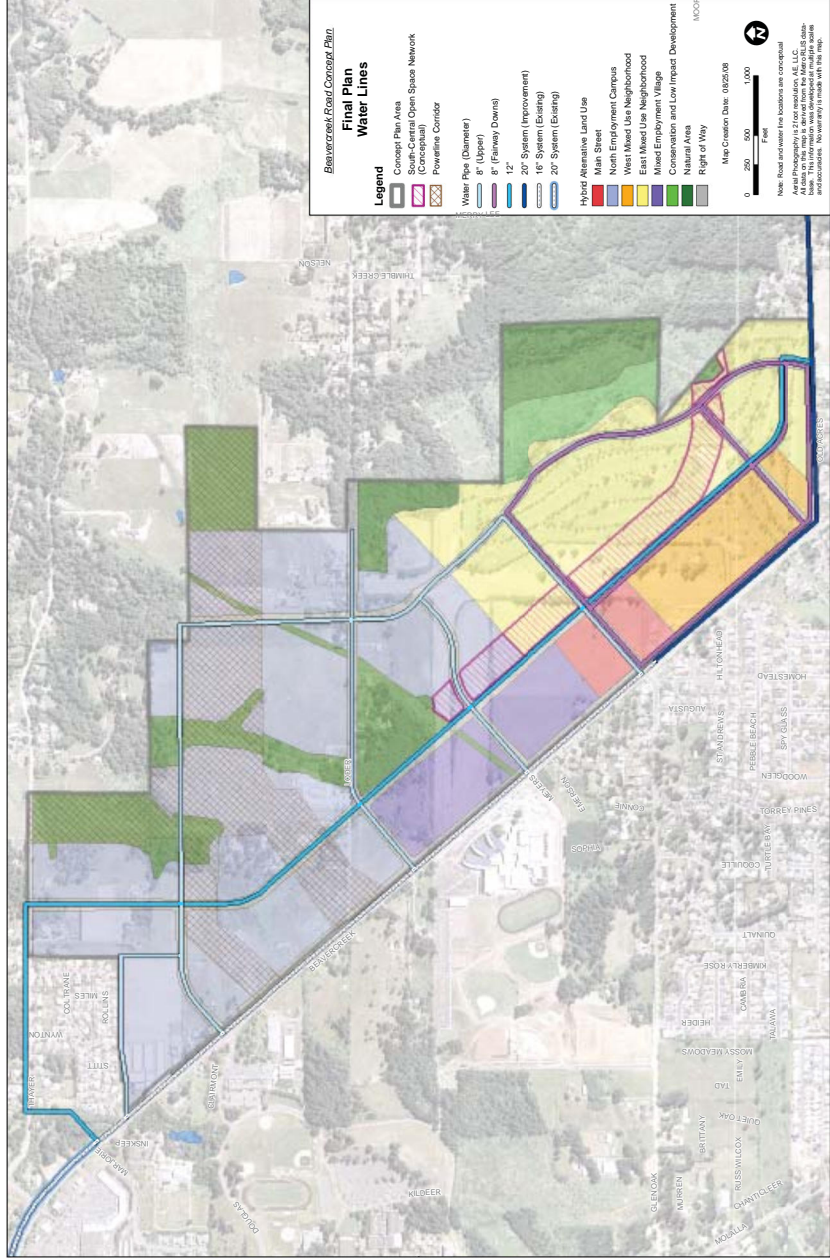


Figure 22 - Water Plan

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 follows the natural land contours formed by the uppermost portion of Thimble Creek. The proposed sanitary sewer system in the vicinity of Loder 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 wetwell. A sanitary lift station over the wetwell will pump the wastewater uphill in a westerly direction to a point that it can be discharged into a gravity sewer that will flow west to the trunk sewer in Beavercreek Road. The lift station and pressure sewer project has been identified in the Sanitary Sewer Master Plan as projects BC-COL-5 and 6. A utility bridge that will carry the pressure pipe and gravity sewer pipe over Thimble Creek is anticipated.

A short road access to the pump station that is parallel to Thimble Creek will also be needed.

The majority of the southern half of the concept area will have a gravity sanitary sewer system that will convey waste water to the existing 2,400-foot long trunk sewer in Beavercreek Road, which currently extends from Highway 213 to approximately 800 feet south of Marjorie Lane. This portion of the system can be built in the planned roadways and in the existing Beavercreek Road right-of-way. This portion of the system can be built in the planned roadways. A portion of the system, approximately 900 feet long, will need to be built in the current alignment of Loder Road so that the gravity sewer can be connected to the trunk sewer in Beavercreek Road. The circulation plan includes a realignment of Loder Road. Therefore, a sewer easement will need to be retained across the future parcel that now includes the current Loder Road alignment.

The approximate elevation of 490 ft (MSL) is important in the southern half of the concept plan area relative to gravity sewer service. Roadways and developed above constructed above 490 ft will most likely allow for gravity sewer service. If land uses requiring sanitary sewer service (or roadways with sewer underneath) are located lower than 490 ft, individual pump stations and pressurized services may be required.

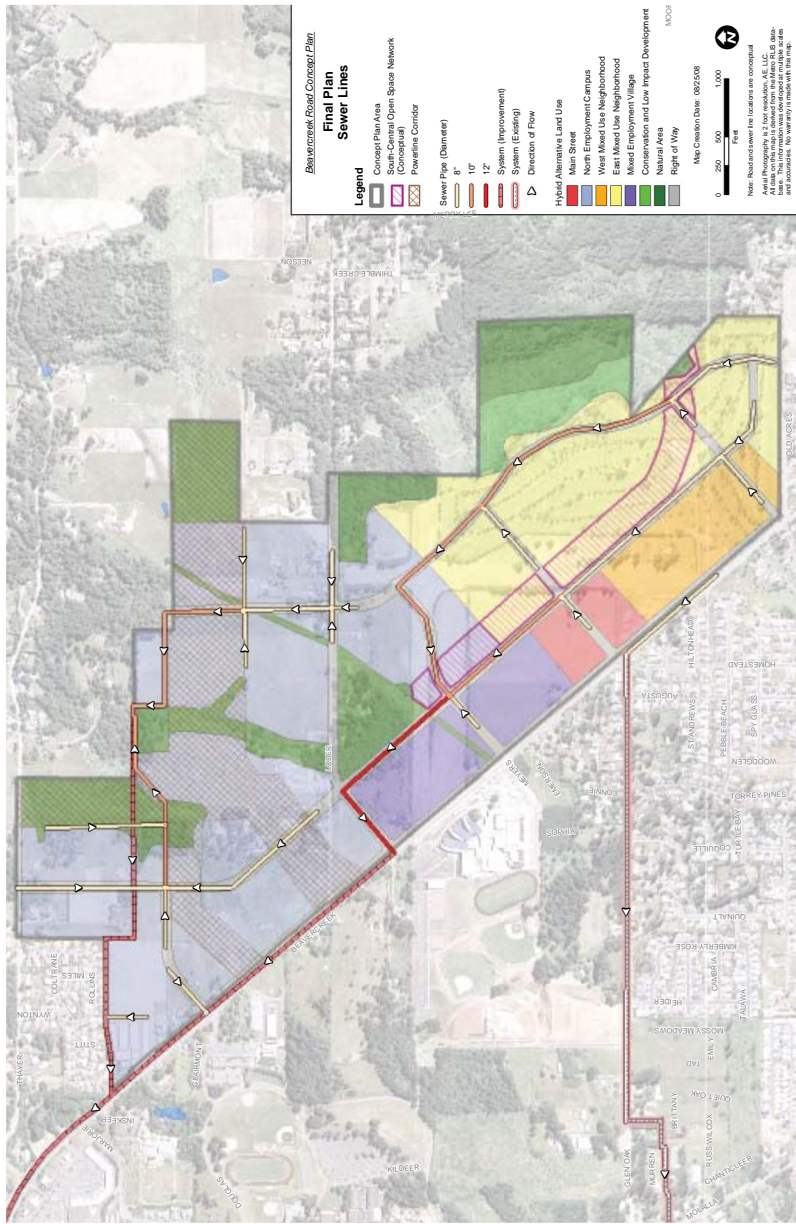


Figure 23 - Sewer Plan

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.

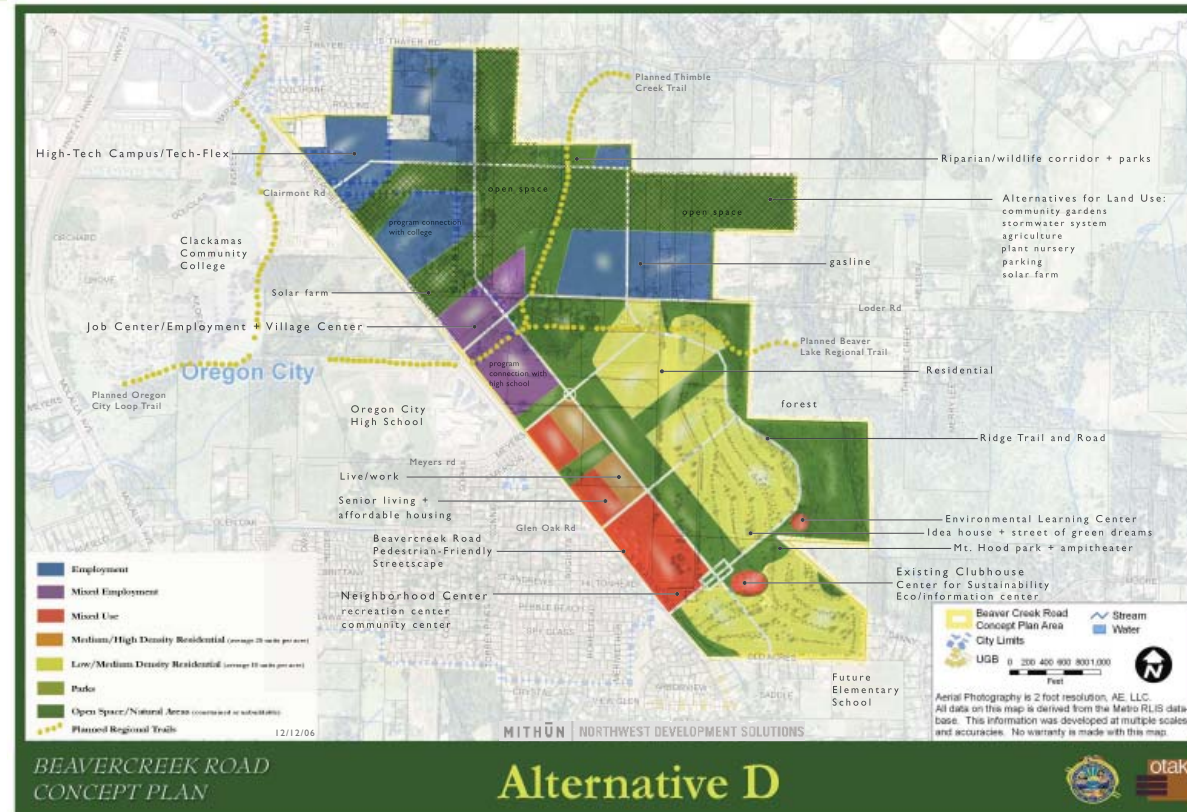
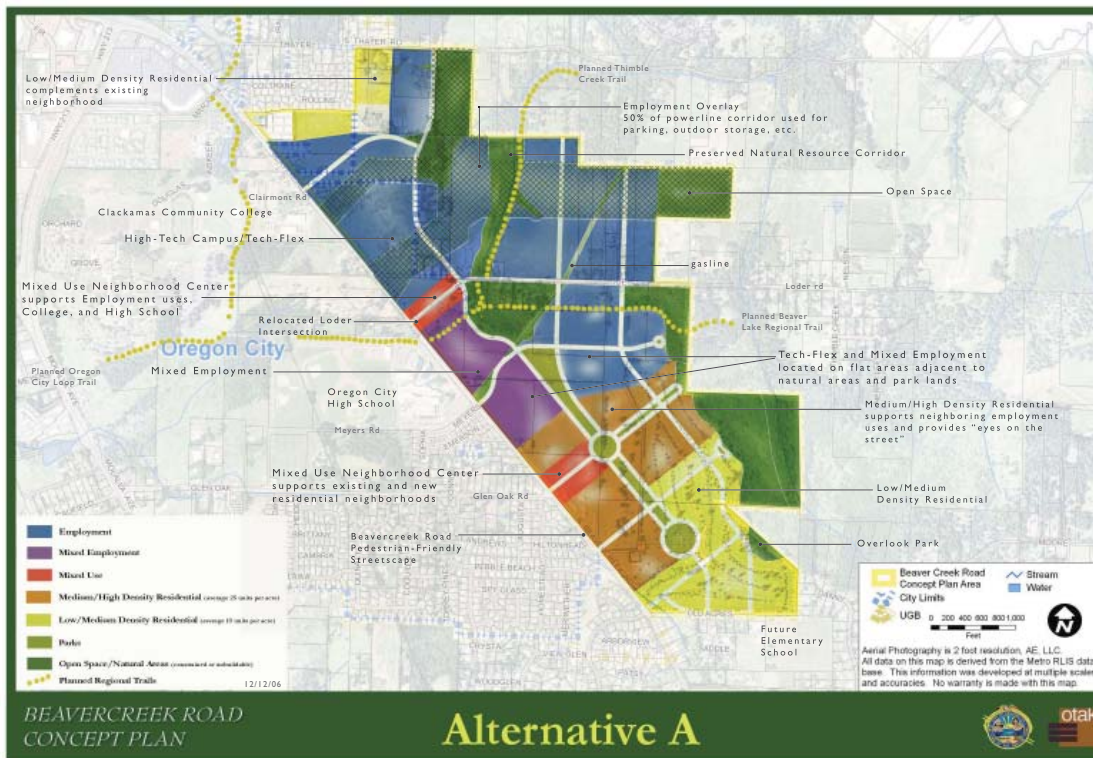
Objective 9.9

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.



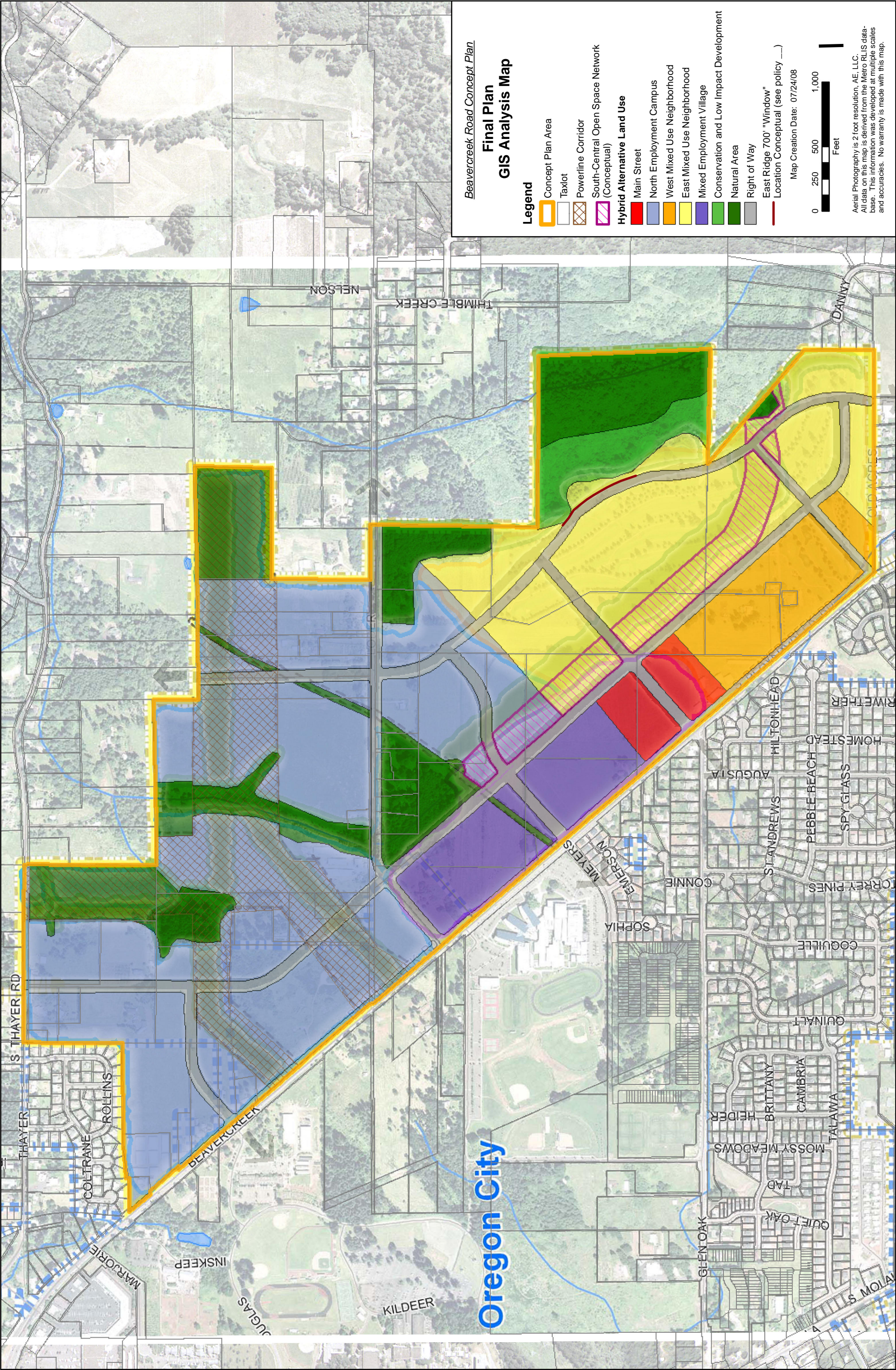


Table 2
Beavercreek Concept Plan Job & Housing Density Assumptions
Revised - 7/10/07

Land Use Category	Hybrid Gross Acres	Hybrid Net Acres*	FAR/Acre**	SF/Job**	# of Jobs***	Avg. Units/Acre	# of Units+
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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

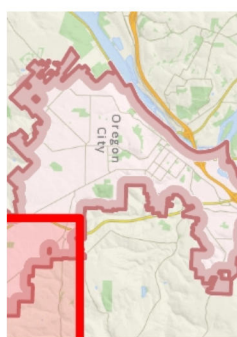
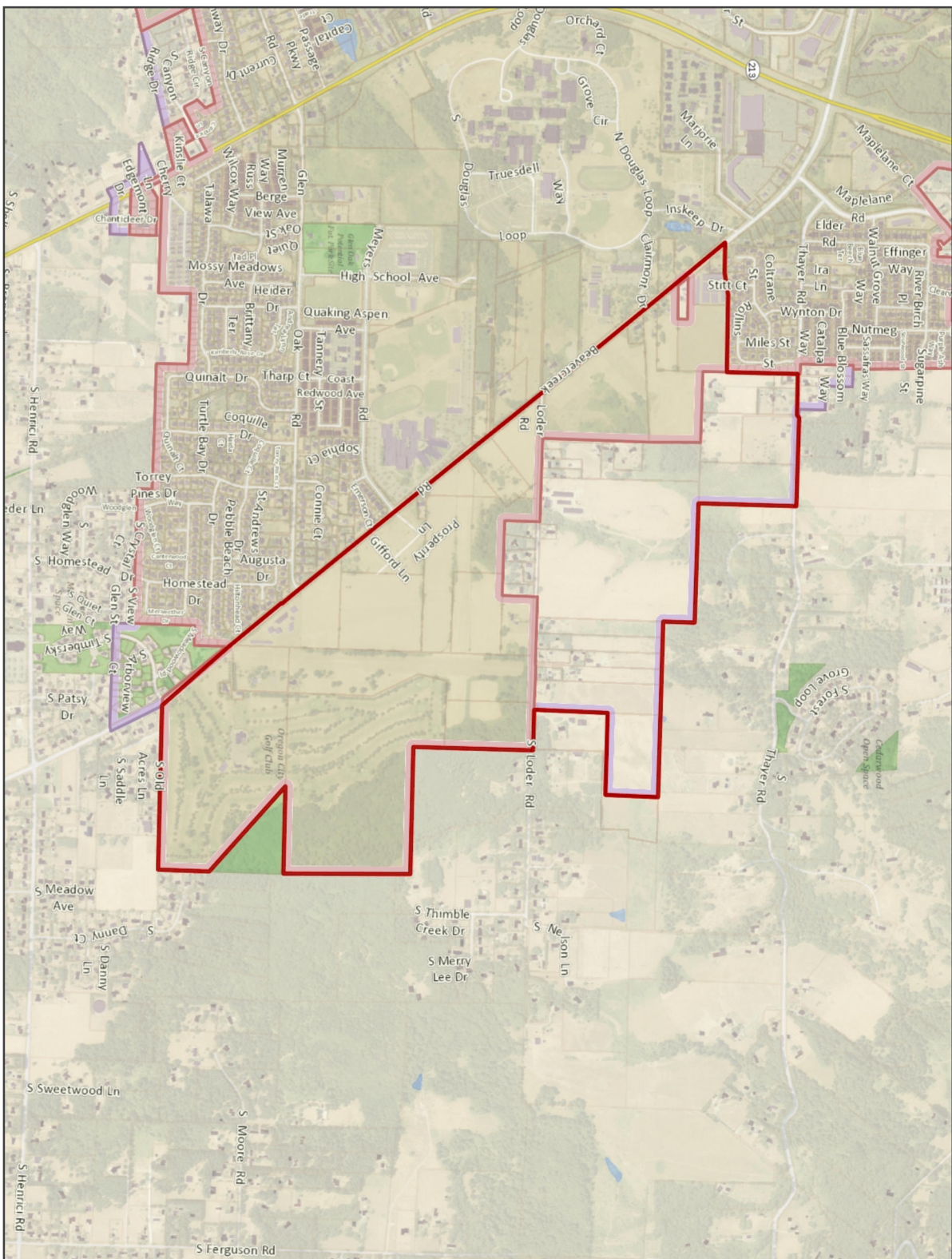
** Open Space/Natural areas is the sum of all "unbuildable lands" as shown on the *Buildable Lands Map* plus two areas under the powerlines. Calculations shown below.

<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.

Beavercreek Road Concept Plan Boundary



Overview Map

Notes

- Legend**
- Street Names
 - Taxlots
 - Taxlots Outside UGB
 - Unimproved ROW
 - Beaver Creek Road Planning Area Boundary
 - City Limits
 - UGB
 - Basemap

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 6/21/2019



0 1,600 3,200 Feet

1:19,200

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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 BRCPP area, the MUC-II and NC zones, along Beavercreek 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 Beavercreek 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 BRCPP 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 BRCPP 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.**



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;

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.

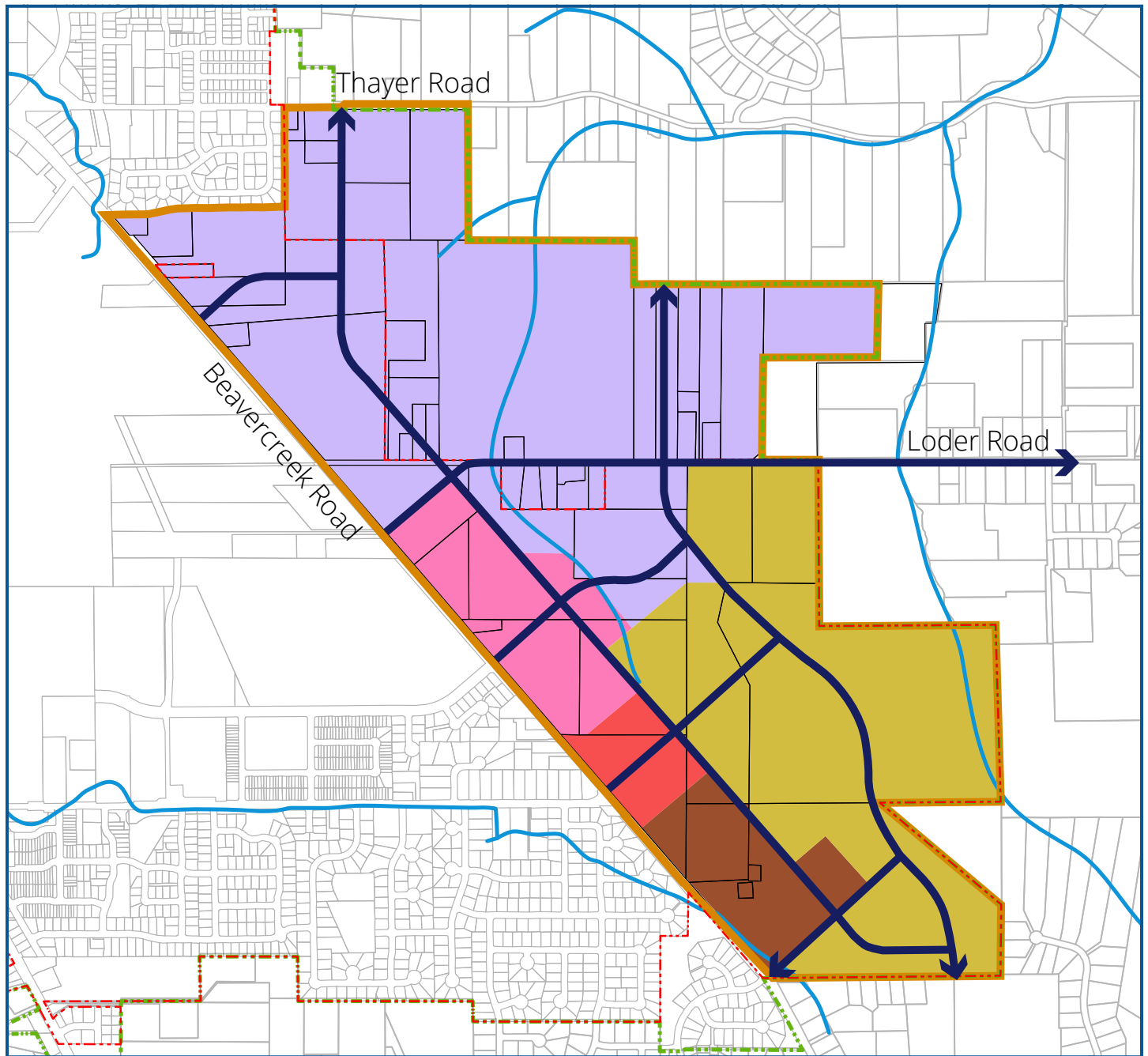
Chapter 17.62 Site Plan and Design Review

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

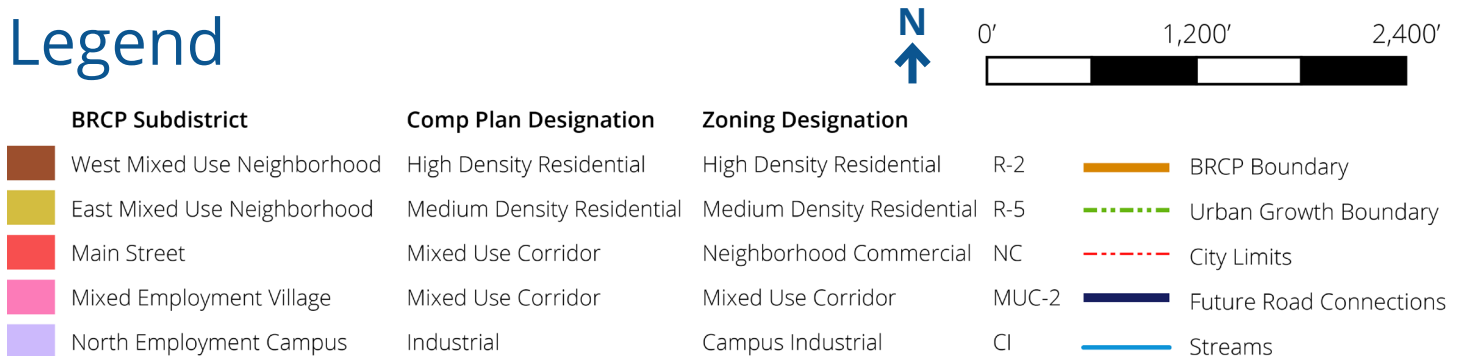


Legend



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

Proposed Zoning and Comprehensive Plan Designations





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

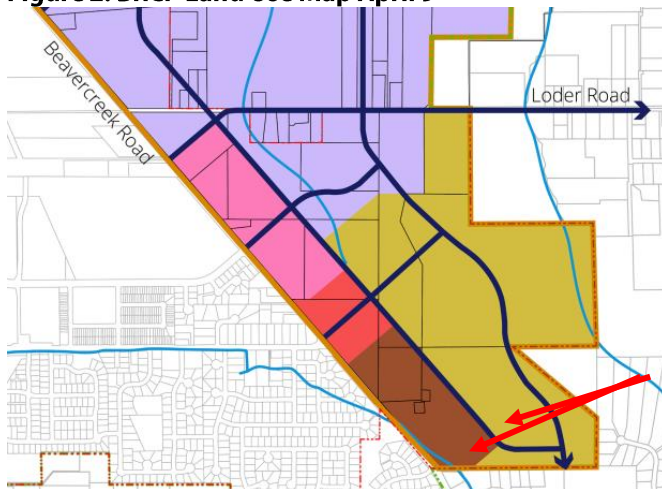


1. North of Old Acres Road – In response to concern from property owners about high-density residential development adjacent to Old Acres Road, the map is adjusted such that R-5 single family development is adjacent to that road. Additionally, some lands on the east edge of the R-2 district is extended 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

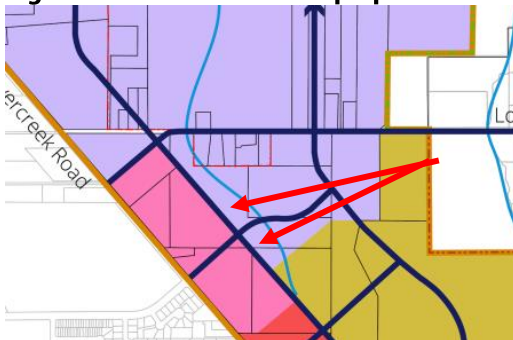


2. South of the Natural Resource Overlay District (NROD) in the South Central Open Space – the area north of the road parallel to Beaver Creek Road was originally zoned North Employment Campus (CI), but with the NROD and South Central Open Space overlays, there were two remnants that would be too small 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

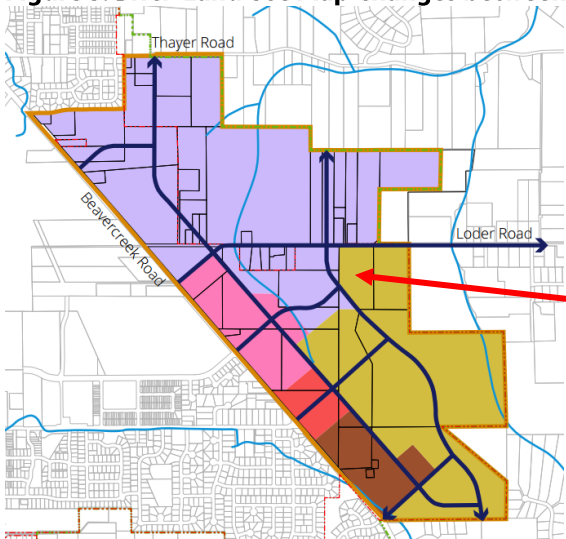
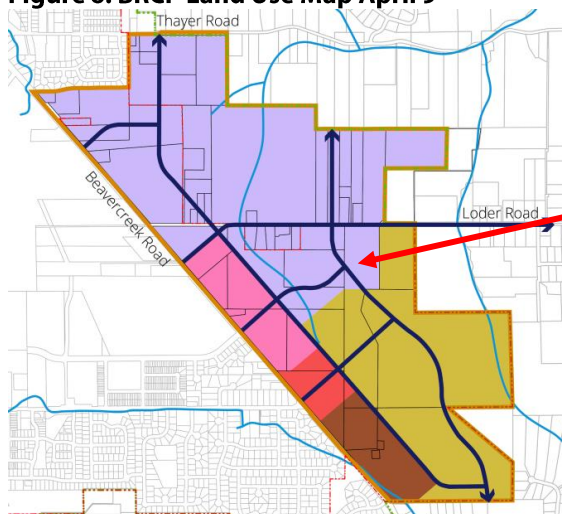


Figure 6. BRCP Land Use Map April 9



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.

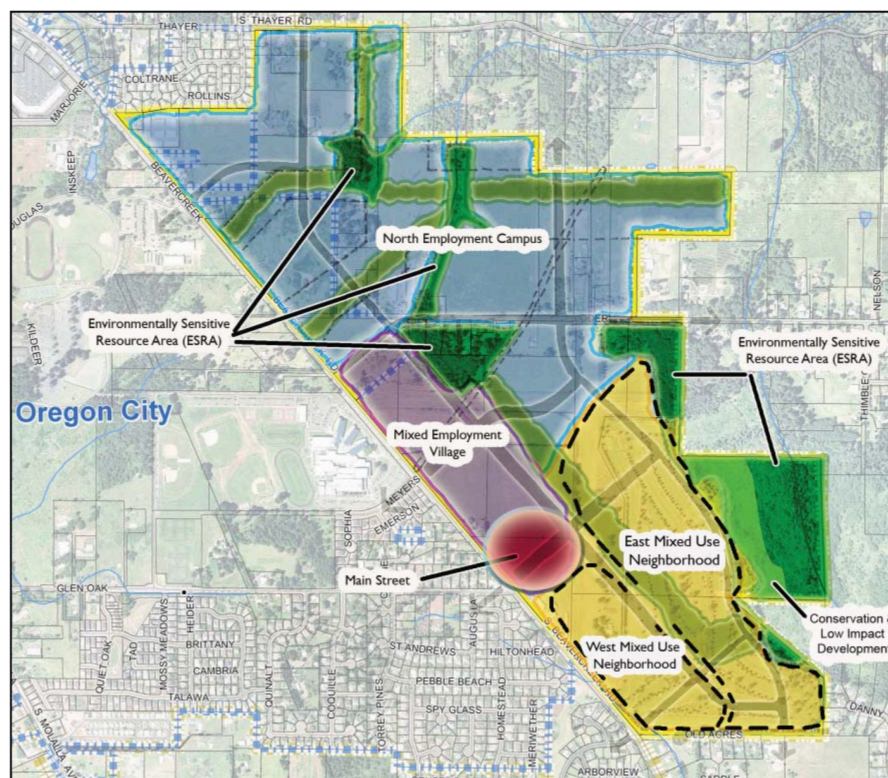
Economic and market trends will inform the type, scale, and demands of future development of the Beavercreek Planning Area. Whatever development does eventually get built in the area, our analysis shows that zoning regulations and standards will allow for enough developable space for the desired amount 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.

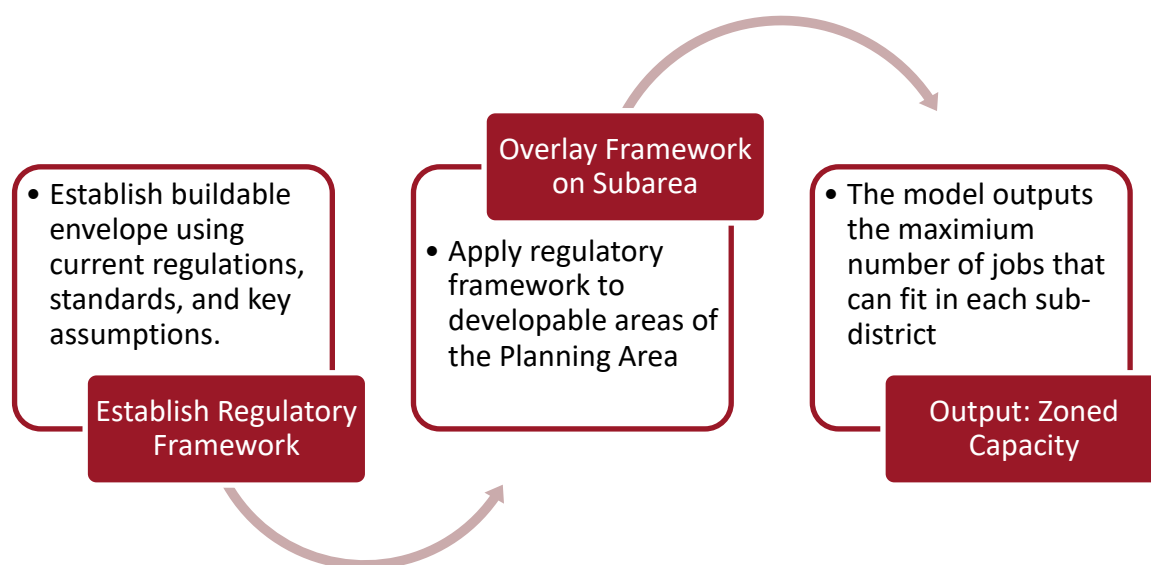
Description of Zoned Capacity Analysis

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.

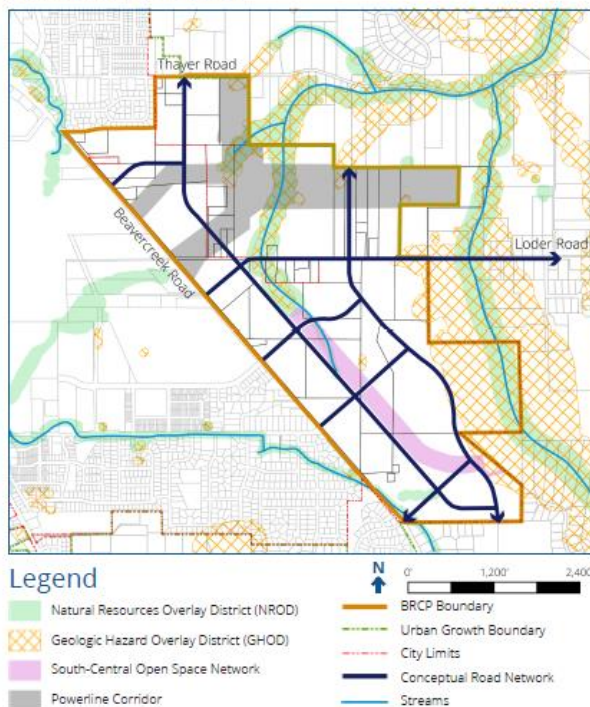
The ESEE analysis involves evaluating the potential tradeoffs associated with different levels of natural resource protection that could be established by the City. As required by the Goal 5 rule (OAR 660-015-0000(5)), the evaluation process involves identifying the consequences of allowing, limiting 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 not 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.