



City of Oregon City

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

Meeting Agenda - Final-revised Planning Commission

Monday, January 9, 2017

7:00 PM

Commission Chambers

1. Call to Order

2. General Business

2a. 2017 Chair and Vice Chair Elections

Staff: Community Development Director Laura Terway

Attachments: [Commission Report for Election of Chair and Vice Chair](#)
[Chapter 2.24 of the Oregon City Municipal Code - Planning Commission](#)

2b. Recognition of Chair Charles Kidwell for his Years of Public Service on the Planning Commission

Staff: Community Development Director Laura Terway

3. Public Hearing

3a. AN-16-0003: Annexation of Oregon City Golf Course

Staff: Community Development Director Laura Terway

Attachments: [Commission Report](#)
[City Attorney Memorandum](#)
[Property Owner's Request to rescind Continuance](#)
[Property Owner's Response to Oct 24 PC Concerns](#)
[Property Owner's Corrections to Oct 24 Staff Report for January 9th Hearing](#)
[AN 16-03 Oct 24 Public Notice](#)
[AN 16-03 Vicinity Map](#)

3b. AN-16-0004 / ZC-16-0001: Annexation and Zoning of 35.65 Acres (Request for Continuance)

Staff: Community Development Director Laura Terway

Attachments: [Commission Report](#)
[Applicant's Attorney Letter 1.6.2017](#)
[Applicant's Continuance Request 12.29.2016](#)
[AN-16-0004 ZC-16-0001 Notice and Vicinity Map](#)
[ODOT Comments 12.23.2016](#)

4. Legal Training

4a. Legal Training

Staff: Community Development Director Laura Terway

Attachments: [Commission Report](#)
[July 26, 2016 Land Use Procedures Memorandum](#)

5. Communications**6. Adjournment**

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

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

Agenda Posted at City Hall, Pioneer Community Center, Library, and City Web site(oregon-city.legistar.com).

Video Streaming & Broadcasts: The meeting is streamed live on Oregon City's Web site at www.orcity.org and is available on demand following the meeting.

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



City of Oregon City

625 Center Street
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Staff Report

File Number: PC 17-001

Agenda Date: 1/9/2017

Status: Agenda Ready

To: Planning Commission

Agenda #: 2a.

From: Community Development Director Laura Terway

File Type: Planning Item

SUBJECT:

2017 Chair and Vice Chair Elections

RECOMMENDED ACTION (Motion): Staff recommends the Planning Commission elect a Chair and a Vice Chair to serve a one year term.

BACKGROUND: Chapter 2.24.060 of the Oregon City Municipal Code identifies that "The planning commission, at its first meeting in January, shall elect a chairperson and vice chairperson, who shall hold office for one year".

BUDGET IMPACT:

Amount:

FY(s):

Funding Source:



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Staff Report

File Number: PC 17-001

Agenda Date: 1/9/2017

Status: Agenda Ready

To: Planning Commission

Agenda #: 2a.

From: Community Development Director Laura Terway

File Type: Planning Item

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Amount:

FY(s):

Funding Source:



City of Oregon City

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Staff Report

File Number: 17-013

Agenda Date: 1/9/2017

Status: Agenda Ready

To: City Commission

Agenda #: 2b.

From: Community Development Director Laura Terway

File Type: Communication

SUBJECT:

Recognition of Chair Charles Kidwell for his Years of Public Service on the Planning Commission

RECOMMENDED ACTION (Motion):

BACKGROUND:

BUDGET IMPACT:

Amount:

FY(s):

Funding Source:



City of Oregon City

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

Staff Report

File Number: PC 17-004

Agenda Date: 1/9/2017

Status: Agenda Ready

To: Planning Commission

Agenda #: 3a.

From: Community Development Director Laura Terway

File Type: Planning Item

SUBJECT:

AN-16-0003: Annexation of Oregon City Golf Course

RECOMMENDED ACTION (Motion):

The property owner has requested to rescind the continuance request. The Planning Commission may decide to grant the request, or else hear from any members of the public present who wish to testify, then continue the public hearing for AN-16-0003 to a date certain.

BACKGROUND:

Please see attached memorandum from the City Attorney, as well as additional new testimony from the property owner.

On October 24th, the Planning Commission heard testimony on the proposed annexation. A number of concerns were raised both in writing and orally by the Planning Commission and members of the public requesting further details about the proposed impacts of the annexation, including more details about projects discussed in adopted public facilities plans, funding, timeliness of the annexation, and several other concerns.

As of December 30th, the applicant had not prepared any written response to these issues. Staff subsequently recommended a continuance, in order to allow time for the applicant to prepare responses and for staff to prepare a revised staff report and recommendation upon submittal of the responses. After the agenda was published on December 30th, 2016, the applicant requested to rescind the continuance request and provided additional testimony to respond to the Planning Commission.

This proposal is for annexation of the Oregon City Golf Course (117 acres) and approximately 2,000 square feet of Abutting Beaver Creek Road Right-of-Way into Oregon City.

Locations:

No Situs Address, APN 3-2E-10D -03500 (63.82 ac);
20124 S Beaver Creek Rd, APN 3-2E-15A -00290 (50.87 ac);
20118 S Beaver Creek Rd, APN 3-2E-15A -00201 (0.25 ac); and
20130 S Beaver Creek Rd, APN 3-2E-15A -00202 (0.29 ac).

The 117 acre site is within the Oregon City Urban Growth Boundary and has a Comprehensive Plan designation of FU- Future Urban with FU-10 and TBR zoning in

Clackamas County. The property is within the area of the Beaver Creek Road Concept Plan.



City of Oregon City

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

Staff Report

File Number: PC 17-004

Agenda Date: 1/9/2017

Status: Agenda Ready

To: Planning Commission

Agenda #: 3a.

From: Community Development Director Laura Terway

File Type: Planning Item

SUBJECT:

AN-16-0003: Annexation of Oregon City Golf Course

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Clackamas County. The property is within the area of the Beaver Creek Road Concept Plan.

MEMORANDUM

TO: Oregon City Planning Commission
FROM: Carrie A. Richter
DATE: January 6, 2017
RE: Annexation of Oregon City Golf Course and Abutting Right-of-Way
City File No. AN-16-0003

It has been many months since the Planning Commission considered this matter and as a result, this memo is to provide a recap of the events since the last Planning Commission hearing and to start to frame the policy issues presented for the Commission's consideration in this request.

Recent Factual Background

On October 24, 2016, the Planning Commission opened the public hearing for consideration of the Oregon City Golf Course property for annexation. At that hearing, a number of Commissioners raised concerns about the adequacy of public utilities necessary to support an urban-scaled development. One concern was regarding the status of the Beavercreek Road Concept Plan and the remaining steps to be undertaken for the plan to be acknowledged by DLCD and implemented through adoption of comprehensive plan map amendments, zoning and development standards. You asked for greater explanation about how utilities will be extended to serve the proposed development and questioned whether the various utility master plan identified projects would be in place in advance of development. You asked whether the identification of public facilities contained within the utility master plans was sufficient to justify annexation and instead suggested that the facilities must either be in place or be imminent before annexation may be approved. Whether the extension of utilities necessary to serve this annexation area is economically viable and whether the public or development should or will be responsible the cost associated with expansion or extension, were also raised. Finally, the relationship between annexation and the adoption of alternative mobility measures necessary to address the Highway 213 / Beavercreek Road intersection was discussed. At that point, the hearing was continued to November 14, 2016.

At the applicant's request, the hearing scheduled for November 14, 2016 was continued to January 9, 2017. During this time, city staff reached out to the applicant and its representatives to coordinate the timing for filing a written response to the Commissioners' questions and concerns. On December 19, 2016, the applicant's representatives filed a request to continue the hearing to February 13, 2017 to allow a sufficient time to circulate responsive materials in advance of the hearing. Later that same day, the continuance request was rescinded and the January 9 hearing date preserved. With the hearing back on, City staff reached out again to the applicant and its representatives to determine when additional

responsive materials would be provided. On December 30, the applicant emailed city staff asking that the hearing be continued to February 13. As a result, city staff published the agenda for the January 9 meeting noting the request for a continuance. Again, a few hours after the request was given and the agenda published, the applicant rescinded its continuance request.

Nature of the Request

The subject property is included within the Metro Urban Growth Boundary and as a result, the City has an obligation to urbanize it in order to accommodate projected population and employment growth throughout the region. In order to fulfill this obligation, the City had to adopt a long-term land use development plan for this area, which was accomplished through the adoption of the Beaver Creek Concept Plan (BRCP). The BRCP identifies certain development objectives for the area and quantifies the various utility demands necessary to support those objectives. These utility demands resulting from BRCP development at urban densities were included in the utility master plans for the various utilities including a 2013 Transportation System Plan, a 2012 Water Distribution System Master Plan, a 2014 Sanitary Sewer Master Plan and the 2015 Stormwater and Low Impact Storm Water and Erosion Control Standards. All of these plans were adopted and have become part of the City's comprehensive plan and land use regulations. As a result, before any development could be approved within the annexation area, or anywhere else within the BRCP, the site would have to be served by utilities as prescribed by these various utility plans. If the Planning Commission determines that greater utility capacity is necessary to accomplish BRCP objectives or the BRCP objectives are no longer desired, amendments must be made to these plans.

As the Planning Commission is aware, the BRCP was re-adopted on remand in the spring of 2016 and that decision was appealed to LUBA. In late November 2017, LUBA affirmed the City's decision. LUBA's decision has been appealed to the Oregon Court of Appeals. The parties are briefing the case now and it is anticipated that the Court will reach a decision in the spring of 2017.

In order for the BRCP to take effect, the City must apply Comprehensive Plan designations, amend its zoning regulations to create zoning categories necessary to implement the BRCP, and adopt a zoning map amendment re-zoning all of the BRCP property to urban densities. All of these actions must be done in accordance with the adopted utility master plans as well as with the statewide land use goals. It is anticipated that through the process of adopting implementing zoning that the City will gain greater specificity as to permitted uses, densities, lot coverage and design limitations (which could affect utility infrastructure demand.) As a result, this effort will provide greater clarity and certainty for development and the utility demand that will result.

In addition to adopting plan and zoning designations for the BRCP area, the City must also deal with the limited capacity of the Highway 213 corridor between Redland Road and Molalla Ave, including the intersection of Highway 213 / Beaver Creek Road. Before any development in the BRCP area may occur, the City must adopt alternative mobility measures, as required by OCMC 12.04. The alternative mobility measures process is largely a policy-making effort to identify capacity limitations based balancing of community objectives including movability for various modes as well as improvement costs.

Once alternative mobility measurements for the intersections along Highway 213 and the BRCP zoning are in place, then BRCP-affected property owners may begin to file development applications, such as land divisions and site plan approvals. Every applicant seeking a subdivision or site plan approval must establish that utilities necessary to serve the use are either in place or will be in place before the development may occur. For example, if the Oregon City Golf Course property filed a subdivision application and the water and sewer lines necessary to serve had not yet been extended down Beaver Creek Road, the subdivision would have to be denied. In no circumstance could the City allow urban-scaled development to occur before the infrastructure identified within the various adopted utility master plans is in place to serve the use.

With this background, it is important to remember the limited nature of this request – it is for an annexation only. Annexation does nothing more than allow the City to take jurisdiction over the property such that it can collect property taxes and provide the existing club house and two existing single-family homes with city utilities and services. The only additional development that could occur, without first proceeding with the steps identified above and guided by the BRCP, would be the subdivision and creation of 8 additional 10-acre residential lots. City staff has determined that the City's existing infrastructure would accommodate an additional 8 residential homes, in the event that the property never redevelops to urban densities.

Utility Adequacy for Annexation

Given the dearth of additional information necessary to respond to the Planning Commissioners' more detailed questions as to how utilities will be extended, it is important to understand what the applicable approval criteria require with regard to infrastructure adequacy in order to approve the annexation. OCMC 14.04.060 sets forth a series of "factors" that are to be considered as part of an annexation approval decision. The key factor raised by a number of Planning Commissioners is the "adequacy and availability of public facilities and services to service potential development." OCMC 14.04.060(3). Therefore, it is up to the Planning Commission to interpret the terms "adequacy and availability" and then determine, based on the facts presented, how it will balance the factors to determine whether the annexation should be approved. The Planning Commission's interpretation must be reasonable when considering the plain language of the standard as well as contextual support that may come from other parts of the code or comprehensive plan.

In other words, the Planning Commission must decide, in cases where no "development" is proposed, to what degree is a finding of "adequacy and availability" required? This task is difficult for a number of reasons. First, determining when something is "adequate" requires high degree of discretionary decision-making. The Planning Commission could conclude that there are too many unknowns with regard to the substance of the alternative mobility measures to conclude that transportation utility adequacy can be achieved. Or it could conclude that necessary utility extensions and facilities are feasible, based on the adopted master planning documents along with the additional planning steps needed before development. The second challenge is that the existing annexation policies presumed actions that are not present in this case. For example, it assumed the City decision-makers decision on annexation would precede referral to the voters. This matter will not be considered by the voters. Also, some portions of the code presume that annexation will occur after the zoning designation is in place.

For example OCMC 17.68.025 requires rezoning upon annexation when urban planning designations are in place.

Assuming that the implementing zone and urban-scaled utilities need not actually be in place, particularly when the intensity of the development is not certain, “adequacy and availability” must impose some lesser requirement. The City’s Comprehensive Plan supports an interpretation of “adequacy and availability” that focuses on the City’s ability to provide services rather than a requirement that the services are actually available or imminent. For example, the plan explains:

Once inside the Urban Growth Boundary, areas can be proposed for annexation. The Oregon City zoning code lists factors for evaluating a proposed annexation. The Planning Commission and City Commission should not consider issues related to annexations that are better suited to development reviews. The City should consider its ability to adequately provide public facilities and services to an area and leave development plans and related issues to the site development/design review process. P. 118

However, the Comprehensive Plan also provides:

The zoning of the property should be considered when the Planning Commission and City Commission review the annexation request. Applications for annexation, whether initiated by the City or by individuals, are based on specific criteria contained in the City of Oregon City Municipal Code. An annexation may not be approved because the City cannot provide public services to the area in a timely fashion, as required by state and metro regulations. Therefore, an annexation plan that identifies where and when areas might be considered for annexation can control the expansion of the city limits and services to help avoid conflicts and provide predictability for residents and developers. Other considerations are consistency with the provisions of this Comprehensive Plan and the City’s public facility plans, with any plans and agreements of urban service providers, and with regional annexation criteria. P. 118

Comprehensive Plan Policy 14.4.2 is also relevant to the City’s ability to provide services:

Include an assessment of the fiscal impacts of providing public services to unincorporated areas upon annexation, including the costs and benefits to the city as a whole as a requirement for concept plans.

Based on the foregoing, it appears that compliance with annexation factor 3 does not require that urban-scaled infrastructure necessary to serve development must be in place or imminent before lands can be annexed to the City. This is particularly true given the number of additional steps necessary for the Oregon City Golf Course to be developed. Instead, this factor likely requires some evaluation of the likely potential development resulting from annexation and the adequacy and availability of utilities to serve that development at the time that development occurs along with some discussion of the costs associated with extending services and an evaluation of who will bear those costs. In other words, a

determination that necessary services could be extended to serve the use and that the costs associated with those improvements have been evaluated.

There are a number of LUBA cases supporting this result. For example, in *Just v. City of Lebanon*, LUBA held that neither Goal 11 or 14 required development approval or the provision of all urban facilities and services at the time of annexation. Rather, reliance on the City's utility master plans along with an explanation of how various utility systems will be improved and funded to provide capacity to serve the proposed development area was deemed sufficient. Similarly, in *Cutsforth v. City of Albany*, LUBA held that when a city's annexation criteria require that adequate infrastructure "is available, or will be made available in a timely manner," that criteria is satisfied by showing that urban services can be readily extended into the annexation territory, as development occurs. 49 Or LUBA 559, 565 – 566 (2005).

Taken together, the Comprehensive Plan and LUBA cases suggest that a reasonable interpretation of "adequacy and availability" would be to identify the intensity of the development contemplated by the BRCP and with that, evaluate whether the utility infrastructure called for in the master plan, if installed in advance of development, their timing for extension will be sufficient to support the use.

Conclusion

Although this memo does not respond to the more detailed utility adequacy questions raised at the last hearing, it provides some guidance for determining the extent to which utility adequacy must be assured, considering the procedural posture of this case along with the applicable approval standard. The staff report explains that the BRCP identified this area as suitable for mixed-use residential development, small-scale employment and retail uses and parks. The staff report summarizes the key components of the various utility master plans that will be required to support these identified uses including a water reservoir, a pump station, water transmission mains, sewer lines, transportation improvements, schools and parks, police, emergency and fire protection services. Staff believes that this analysis is sufficient to satisfy the applicable criteria and approve this request.

However, you may certainly interpret the utility adequacy criterion differently, take another approach to balancing the various factors, or simply find that the evidence presented by the applicant is insufficiently detailed to establish that utilities will be adequate to justify the annexation.

We look forward to discussing this matter in greater detail with you on Monday evening.

From: [Rose Holden](#)
To: [Pete Walter](#); [Laura Terway](#)
Cc: [Randy@Brownstonehomes.net](#); [DDerby@aol.com](#); [mayroseherb@gmail.com](#); "John Herberger"
Subject: Planning Commission Hearing
Date: Tuesday, January 03, 2017 10:10:35 AM
Attachments: [2008 BCRCP Impact Multipliers.pdf](#)

January 3, 2017

Pete and Laura,

I understand that:

- Unless we ask for a continuance, you will ask the Planning Commission for one against our wishes.
- If we do not respond to Commissioner Espe and the other Planning Commission's concerns regarding issues that are not relevant to our annexation by Friday December 30, 2016 staff support for our annexation will be withdrawn.
- Our developer, Randy Meyers, sent you a request shortly before the close of business on December 30, 2016 requesting the continuance.

The request from the Planning Commission for a more detailed and documented approach for annexation is new to this SB 1573 annexation request and beyond the scope of our proposal.

I understand the developer wants to work with staff in any way possible and appreciate the position he is in, However, To be very clear, there is to be no continuance. I will appear at the January 9, 2017 Planning Commission hearing and expect the staff and city attorney to "educate" the planning commission on their legal duties of this annexation and keep them within their scope of authority which is, "Statutes require a land use decision to be based on approval criteria. The decision must apply the approval criteria to the facts. See ORS 227.173."

227.173 Basis for decision on permit application or expedited land division; statement of reasons for approval or denial. (1) Approval or denial of a discretionary permit application shall be based on standards and criteria, which shall be set forth in the development ordinance and which shall relate approval or denial of a discretionary permit application to the development ordinance and to the comprehensive plan for the area in which the development would occur and to the development ordinance and comprehensive plan for the city as a whole.

(2) When an ordinance establishing approval standards is required under ORS 197.307 to provide only clear and objective standards, the standards must be clear and objective on the face of the ordinance.

(3) Approval or denial of a permit application or expedited land division shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

(4) Written notice of the approval or denial shall be given to all parties to the proceeding. [1977 c.654 §5; 1979 c.772 §10b; 1991 c.817 §16; 1995 c.595 §29; 1997 c.844 §6; 1999 c.357 §3]

Staff Report's findings demonstrate our annexation application meets all approval criteria therefore must be approved. The recently re-adopted Beavercreek Road Concept Plan covers all Planning Commission and Commissioner Espe's concerns. It is our position that the Concept Plan document speaks for itself and we are relying on that document to answer all concerns of Planning Commission and Commissioner Espe. My expectation is approval of our annexation so we can meet the February 1, 2017 City Commission hearing.

Goal 1 of the Concept Plan states, "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.”

Mayor Holladay, at the October 27, 2015 Caufield Neighborhood Association meeting shared his vision of Beavercreek Road as Oregon City’s economic future. In support of that vision, the City Commission passed Resolution No. 16-31 in November 2016 acknowledging and pledging support for the Beavercreek Employment Area Marketing and Development Initiative. The city has over 100 acres designated as an Enterprise Zone by the state of Oregon that will provide an incentive for businesses who are looking for a place to invest in relocating, expanding, or starting a new business. This Enterprise Zone includes areas of Beavercreek Road.

Looking at the Beavercreek Road Concept Plan area as a conventional development does a great dis-service to all the visioning, extensive research, and work done by numerous community stakeholders, technical advisors, and city staff.

Conventional methods were developed during a time when most new development was single use, stand alone, highway oriented, and suburban. Applying those same practices to the BCRCP does not account for and overlooks the benefits of a mixed-use complete community that demonstrates “smart growth.” The following is from The American Planning Association, ***“Getting Trip Generation Right Eliminating the Bias Against Mixed Use Development.”***

“Empirical evidence and research provides evidence that mixed-use, infill, and transit-oriented developments generate fewer external vehicle trips than equivalent stand-alone uses. Standard traffic engineering practices are blind to the primary benefits of smart growth. A plan’s development density, scale, design, accessibility, transit proximity, demographics, and mix of uses all affect traffic generation in ways unseen to prescribed methods. The Institute of Transportation Engineers (ITE) *Trip Generation Manual* and *Handbook* overestimate peak traffic generation for mixed-use development by an average of 35 percent. For conventional suburban stand-alone development, ITE rates portray the average for such sites; so hedging mixed-use analysis toward more conservative assumptions creates a systematic bias in favor of single-use suburban development.

ITE overestimation of traffic impacts reduces the likelihood of approval of mixed use and related forms of smart growth such as infill, compact, and transit-oriented development. Such overestimation escalates development costs, skews public perception, heightens community resistance, and favors isolated single-use development.

The methods of evaluating mixed use development described in this report represent a substantial improvement over conventional traffic-estimation methods. They improve accuracy and virtually eliminate overestimation bias, and they are supported by the substantial evidence of surveys and traffic counts at 266 mixed use sites across the U.S. The MXD+ analysis method explains 97 percent of the variation in trip generation among mixed use sites and all but eliminates the ITE systematic overestimation of traffic.” (Bochner, 2013)

The city has spent a lot of money, human capital, staff time for appeal defense, and energy on this concept plan area. Development of this area is needed to revitalize the city. Development of approximately 250 acres by one developer is the largest, feasible, and tangible project the city has going at this time. Help me understand why the commission, staff and leadership isn’t falling all overthemselves to be solution makers instead of barriers to this project. Enclosed with this letter is a 2008 BCRCP development impact multiplier statement. If it were updated to 2017, I am sure the numbers would demonstrate an even more dramatic positive gain.

I have issue with some parts of the Staff Report that I will discuss with you in a follow up phone call later today. If necessary, I will put them in writing for you.

Once again, rescind the developer's request for a continuance. I will be at the January 9, 2017 Planning Commission hearing.

Thank you.

Rose Holden

January 5, 2017

Planning Commission and Commissioner Espe,

The answer to your questions concerning this annexation reside within the recently re-adopted Beavercreek Road Concept Plan which has had extensive public Involvement and has gone through a thorough and substantive review process by yourselves, staff, and City Commission. This commission, along with numerous community members, stakeholders, business owners, and City Commission has made the recommendations, set the priorities, policies, and guidelines contained within this document. Requesting the property owner or developer to duplicate the work contained in the city's own work product marginalizes all involved.

AN-16-0003-Page 27 of the Oregon City Staff Report Findings state, "The Beavercreek Road Concept Plan serves as the principal guiding land use document for annexation and urbanization of the area, and as mentioned in this report, has been relied upon and incorporated into the legislative review and approval of four recent major public facilities master plan updates which are part of the City's Capital Improvement Program; the Water System Master Plan (2012), the Sanitary Sewer Plan (2014), the Transportation System Plan (2014), and the Storm water and Grading Design Standards (2015)."

This Concept Plan is the principal guiding land use document for annexation and urbanization of the area, and as the city has relied upon it to serve as such, so to should the property owners and developers of the Concept Plan area also be able to rely on its contents with confidence and surety of what is contained within its pages.

In response to concerns raised both oral and written, please find attached documents in answer to trepidations expressed as well as criteria contained in SB 1573 and under which this annexation proposal is submitted.

Governor Brown signed Senate Bill 1573 into law on March 15, 2016 as an emergency law that became effective immediately upon her signature. This new law affects annexation procedures as explained below.

(1) This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city.

RESPONSE: *The City's laws require voter approval of annexation requests. This application meets Senate Bill 1573's requirements, those requirements do not apply to this application.*

(2) Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:

(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;

RESPONSE: The property is within the City's acknowledged UGB.

(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city.

RESPONSE: The territory proposed to be annexed is subject to the City's acknowledged Comprehensive Plan.

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and

RESPONSE: The territory proposed to be annexed is contiguous to the City limits.

(d) The proposal conforms to all other requirements of the city's ordinances.

This annexation does not request a zone change, or development the property at this time and no change in use.



Rose Holden

From: Espe, Paul [mailto:pespe@ci.oswego.or.us]

Sent: Monday, October 24, 2016 3:16 PM

To: Pete Walter <pwalter@ci.oregon-city.or.us>

Subject: AN-16-0003

Hello Pete

I apologize for the late comments. In general, I do not believe the public services are not adequate to serve site. In my opinion, the city needs to find that public facilities are available to serve the territory at future urbanizable levels to approve the annexation. I do not believe the city can claim that that public facilities are adequate merely by identifying them the Beavercreek Master Plan Public Facilities Plan, TSP or other adopted plans. These facilities either need to be in place or will be eminent in the very near future in order for the annexation to be approved. The annexation request is premature and cannot be supported by the Planning Commission until the Beavercreek Master plan has been adopted and specific development agreements with Clackamas County, Tri Cities Sewer District, the School District and other service providers for these public facilities have been made. Additional specific comments I made while reading the staff report are listed below:

1. Transportation facilities (ie., Beavercreek and Hwy 213) are not adequate for future urbanization of this area. The report does not discuss these future improvements identified in the Transportation Master Plan, or their timing. *See pg 5*
2. Sanitary Sewer Facilities: Not enough information has been provided to determine if Sewer facilities are adequate. Are the current houses and facilities out at the golf course on septic. Is their system function properly? How far away is the existing sewer from the property now? Is it within 300 feet? What is the size of the sewer line in Beavercreek road Will future development on this site impact existing flows relative to the schools and existing development in the area and is there adequate capacity for future development? What is the capacity of the Tri Cities Sewer District and how will the future urbanization of this area affect this capacity?
3. Are the property owners willing to follow the Beavercreek Master Plan? Do we have any guarantees that they will? Are they willing to sign and record a revocable annexation contract for them to follow the plan, even though it hasn't been adopted yet? How much open space are they willing to provide?
4. Beavercreek is a regional highway and serves many more people in surrounding communities than Oregon City traffic. Before I can support this annexation, the City needs to negotiate for more roadway improvements to Beavercreek – and the intersection with 213 - before the City agrees to annex or change the maintenance jurisdiction of this roadway, not afterward. A 2 inch lift is not adequate for this roadway or other in this vicinity that are likely in need of major road bed improvements. *IGA w/ City – UGMA Agreement*
5. Water: It does not appear that the water system is adequate for the future urbanization of this area. Does the property owner need to install more pipeline or upsize the pump station. How much of these improvements is the property owner willing to do? What kind of guarantees and agreements does the City have in hand today to ensure that the system will be upgraded to adequately serve future development of this territory?–
6. Specific quantative information on the burden to Fire and Police is needed for the annexation and future urbanization of this 114 acre site. Have they specifically said that they will be accommodate development at the future urbanizable levels?
7. Provide a discussion under OCMC Chapter 14.04.050-C (Neighborhood Contact) of the discussion and major issues raised in this meeting.
8. School Capacity: Provide more information on how annexation of the territory will have existing capacity and future capacity of the schools.
9. OCMC 14.04.050(E)(7)(a-g): (Available Public Facilities and Services): c - "Statement of additional facilities" I believe that this criteria *is* applicable. Provide more information on the public facilities needed to support the current and future urbanization of this site, once the territory is annexed.

Thanks,

Paul

PUBLIC RECORDS LAW DISCLOSURE

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Management Agreement (UGMA) between the City and the County does address these requirements as discussed above.

f. Any applicable concept plan; and

Finding: The proposal is consistent with this requirement. As discussed above, the Beaver Creek Road Comprehensive Plan will ultimately be the concept plan that will guide future development in the proposed annexation area. The Concept Plan has been adopted by the city but due to a current second appeal at LUBA is not yet effective and therefore does not provide any applicable approval criteria. The appeals notwithstanding, the Beaver Creek Road Concept Plan has served as the principal guiding land use document for annexation and urbanization of the area, and as mentioned in this report, has been relied upon and incorporated into the legislative review and approval of four recent major public facilities master plan updates; the Water System Master Plan (2012), the Sanitary Sewer Master Plan (2014), the Transportation System Plan (2014), and the Stormwater and Grading Design Standards (2015).

The applicant has not applied for a comprehensive plan amendment or zone change at this time, but has relied referenced the status of the concept plan and acknowledges the land use designations within the Beaver Creek Road Concept Plan.

Consideration under Metro Code 3.09.045(D)(2) for Expedited Decisions

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

Finding: The proposal is consistent with this requirement. The proposed annexation site is inside the UGB, contiguous with the city limits, and directly adjacent to developed areas that currently receive public facilities and services. Public facilities (water, sewer and transportation) are available near the proposed annexation site and the city has adopted public facilities plans that provide for extension of those facilities to serve the site to accommodate future development.

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

Finding: The proposal is consistent with this requirement. The city has updated its sewer, water and transportation facilities master plans to plan for future extension of those services into the proposed annexation area. Fire protection is provided by Clackamas Fire District #1; the fire district will continue to serve this area after annexation and will need to adjust service levels as development occurs. Parks and open spaces will be provided in accordance with the city's parks requirements and the guidance provided in the Concept Plan, which identifies an interconnected system of green corridors, parks, and natural areas. Transit service within the annexation area is currently not available; however, transit is available near the subject site at Clackamas Community College, and the Concept Plan anticipates transit-supportive levels of development for the Beaver Creek area and anticipates eventual extension of transit service.

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

Finding: The proposal is consistent with this requirement. The city notified all applicable service providers of this annexation request for their review and comment. Annexation to, or withdrawal from, service provider districts has been addressed in this report as part of the final recommendations, and will be done concurrent or subsequent to this proposed annexation.

SUMMARY OF PROPOSAL

Brownstone Development, Inc. (applicant) is requesting annexation of four tax lots located on or near S. Beaver Creek Road. The subject properties are part of the Beaver Creek Road Concept Plan area and are within Oregon City's urban growth boundary (UGB). No development or City zoning or Comprehensive Plan designation is being proposed concurrent with this annexation request. The future application of zoning designations will be required concurrent or before a formal land division or development application can be submitted. All four private properties are under the same ownership or ownership representatives while the adjacent right-of-way is under the ownership of Clackamas County. Properties proposed for annexation are shown in Figure 1.

There is not a proposal to develop this site at the present time. Until issues regarding transportation planning impacting the Hwy. 213 corridor are resolved through adoption of alternative mobility standards, the City is unable to approve zone changes that would allow for increased traffic impacting this area. For this reason, the proposed annexation will bring the subject property into the city limits, but will leave the property with Clackamas County's Future Urbanizable 10 acre zoning (FU-10) on 51.42 acres and Timber (TBR) zoning on the northern 63.82 acres. The FU-10 zone is a holding zone that precludes creating parcels smaller than 10 acres until urban services can be provided by the City. The TBR zone is a resource zone district that predates the golf course use of the property. At such time as the traffic issues are resolved, a separate application to rezone the properties to an appropriate Oregon City residential and mixed use zoning will be filed. Zoning regulations to implement the Beaver Creek Road Concept Plan have not been developed at this time.

EXISTING CONDITIONS

The site is located in east Oregon City, on the east side of S. Beaver Creek Road within the southern limits of the Beaver Creek Road Concept Plan area. The site is comprised of four tax lots that total approximately 117 acres. The entire area is currently zoned FU-10 on 51.42 acres and TBR on 63.82 acres by Clackamas County. The site is the current location of the Oregon City Golf Club, which includes a club house facility with associated parking area and an 18-hole golf course. Two single-family homes and a number of accessory buildings are also located on the site. The eastern edge of the proposed annexation area is within a natural resource area associated with Thimble Creek and is undeveloped. Much of the site is relatively flat, with slopes ranging from 1% to 8% (there are limited areas of up to 15% slope).

Uses surrounding the site are described below.

North: Land uses to the north include a natural resource area associated with Thimble Creek and, further north, some low-density residential development. Although properties to the north are inside the city limits, no city plan or zoning designations have been applied to those properties. The area is zoned Timber (TBR) and Rural Residential Farm Forest (RRFF) by Clackamas County.

Positive Development Impacts of the Beaver Creek Annexation

	Units/SF	Lower Cost per unit	Upper Cost per unit	Total Cost Lower Range	Total Cost Upper Range
Residential	1,020	\$ 110,000	\$ 144,000	\$ 112,200,000	\$ 146,900,000
Industrial	788,000	\$ 78	\$ 98	\$ 61,500,000	\$ 77,200,000
Commercial	1,212,000	\$ 95	\$ 125	\$ 115,100,000	\$ 151,500,000
Total Construction Cost				\$ 288,800,000	\$ 375,600,000

	Avg Const Wage	Labor %	Lower Range	Upper Range
Construction Jobs	\$ 30,000	50%	4,813	6,260
Construction Jobs Income			\$ 144,400,000	\$ 187,800,000

	SF Employment	Jobs/1K SF	Low Multiplier	High Multiplier
BC Permanent Jobs	2,000,000	2.5	5,000	5,000
Multiplier			0.7	2.0
Indirect Jobs			3,500	10,000
Total Permanent Jobs			8,500	15,000

	Avg. Wage	Range of Income
BC Permanent Jobs Income	\$ 30,000	\$ 150,000,000 \$ 150,000,000
Indirect Jobs Income	\$ 18,000	\$ 63,000,000 \$ 180,000,000
Total Annual Jobs Income		\$ 213,000,000 \$ 330,000,000

Positive Impacts for Oregon City”

- Between 4,800 and 6,300 construction jobs over the duration of the buildout, or for a ten year buildout, between 480 and 630 construction jobs per year.
- Location of 5,000 permanent jobs in Oregon City.
- Indirect impact of another 3,500 to 10,000 jobs resulting from economic activity from permanent jobs, depending on the industries represented in permanent employment.
- While many indirect jobs will not be local, permanent employment will boost demand for retail and services in Oregon City and may generate jobs in other industries locally.
- Income from direct and indirect jobs ranging from \$213 million to \$330 million.
- Income from construction activity and permanent jobs and additional households will also have a multiplier effect locally.
- Addition of public open space to Oregon City at no cost to the city.
- Restoration of natural areas at no cost to the city.

1. Transportation facilities (ie., Beaver Creek and Hwy 213) are not adequate for future urbanization of this area. The report does not discuss these future improvements identified in the Transportation Master Plan, or their timing.

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.

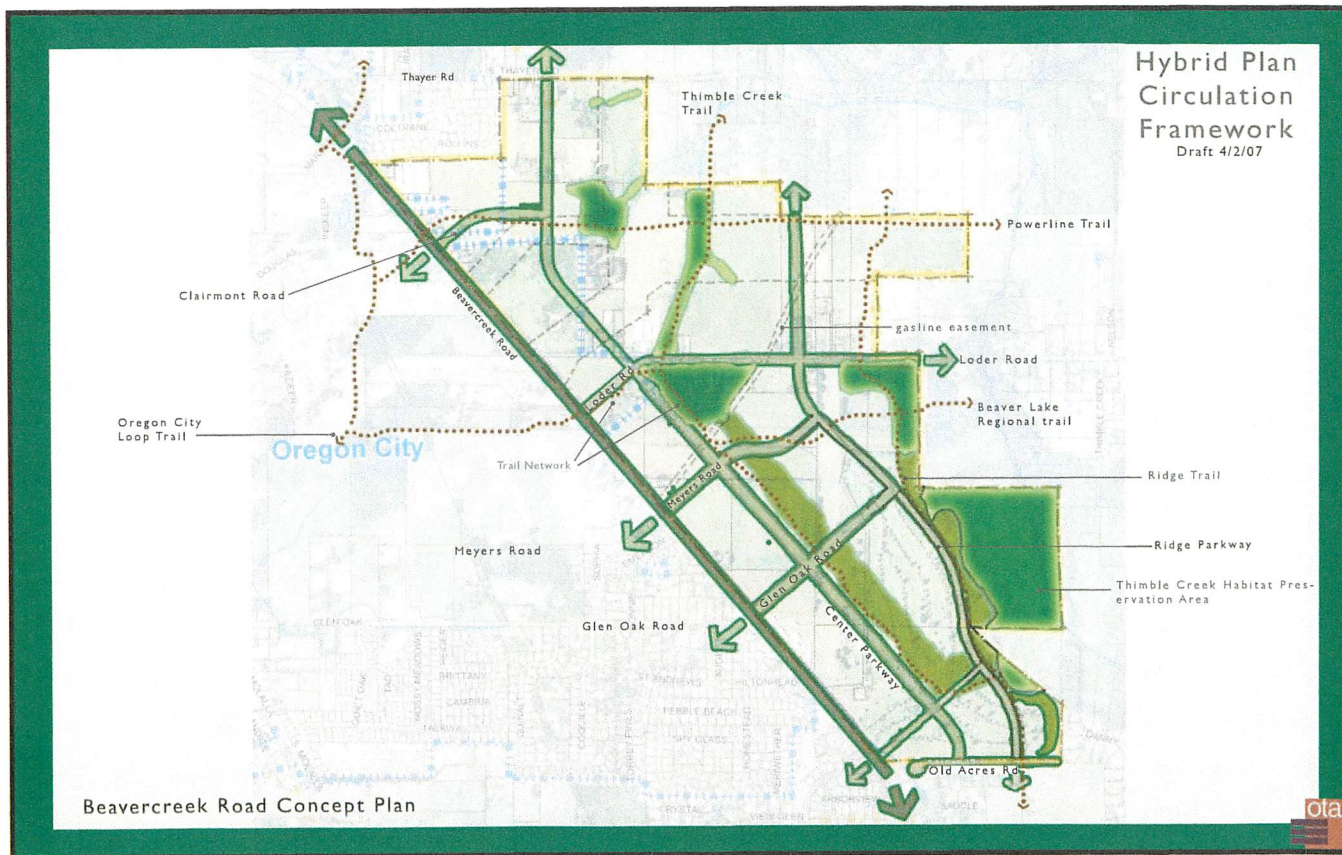


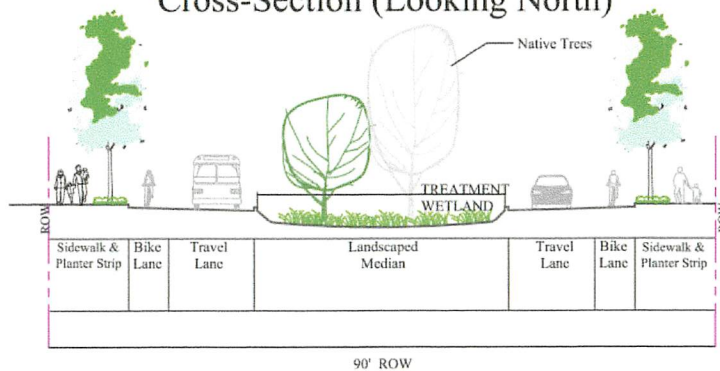
Figure 14 - Circulation Framework



Figure 20 - Connectivity Diagrams

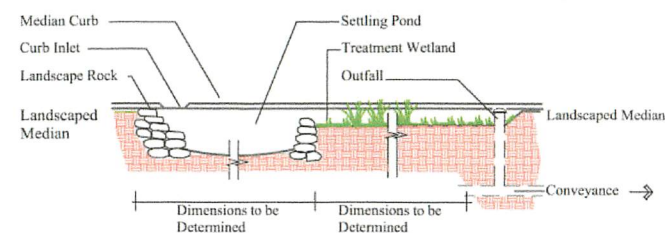
Conceptual only - See Figure 14 for recommended access points to Beaver Creek Road.

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

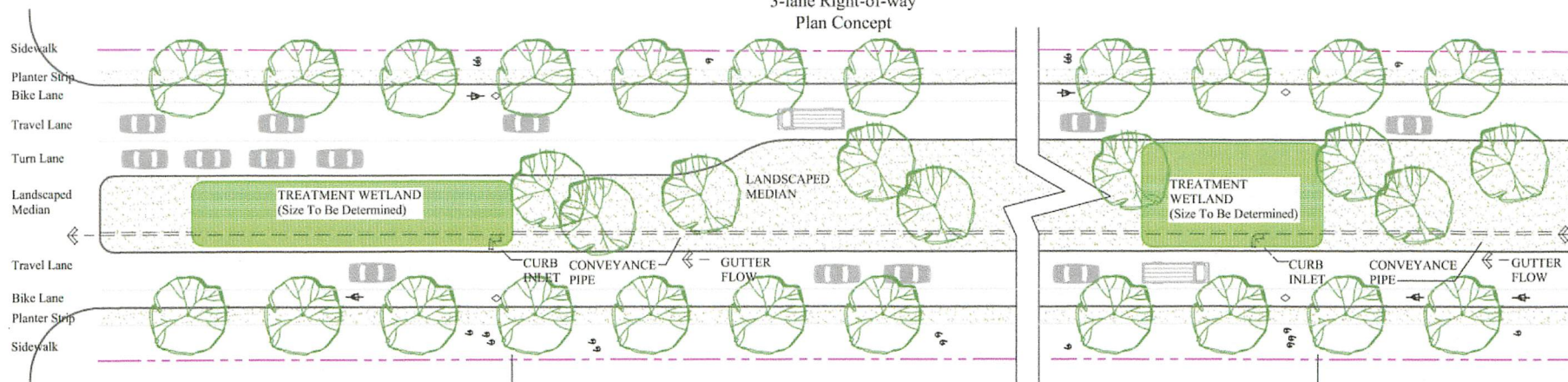


Figure 15 - Beavercreek Road Green Street

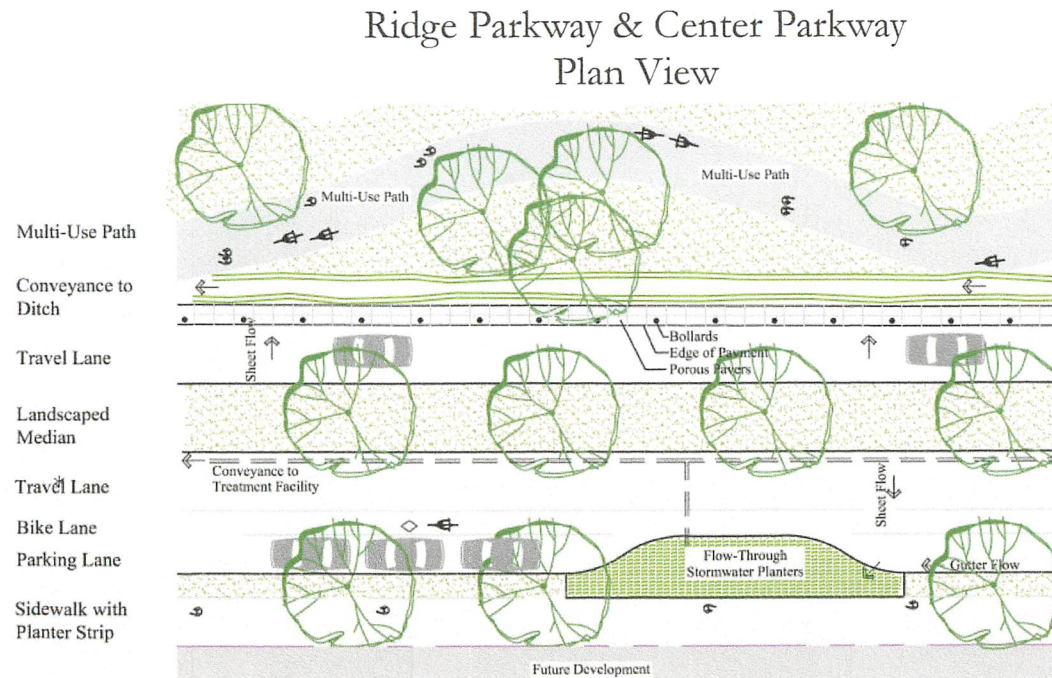
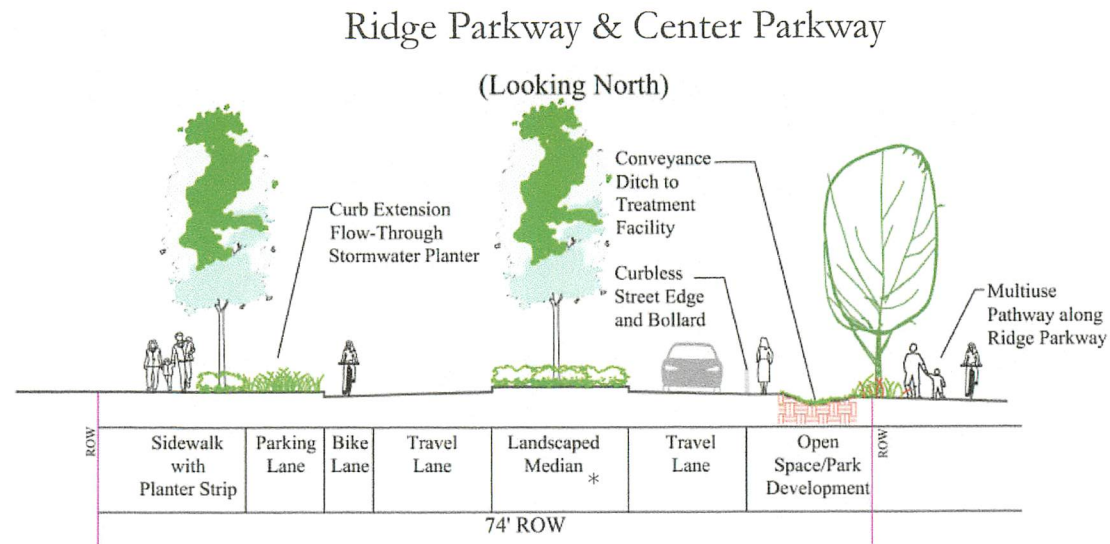
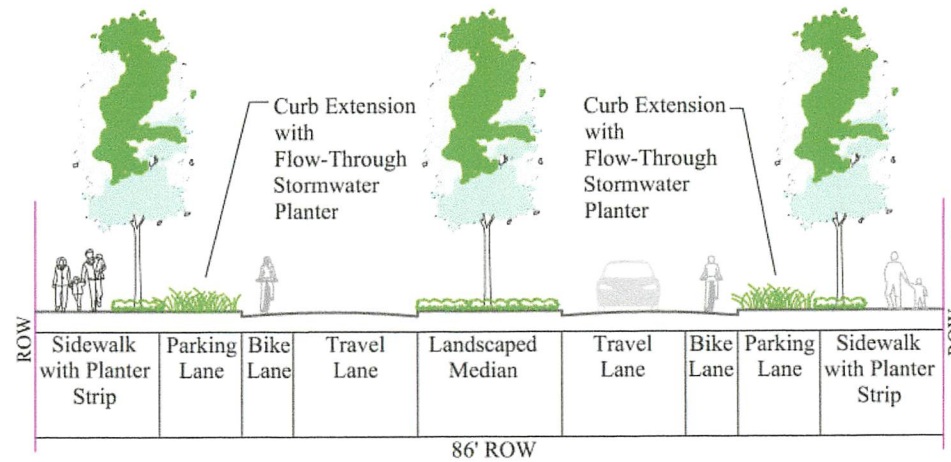


Figure 16 - Ridge Parkway and Central Parkway Green Streets

*Center median is optional for Ridge Parkway.

Collector Greenstreet (Looking North)



Collector Greenstreet Plan View

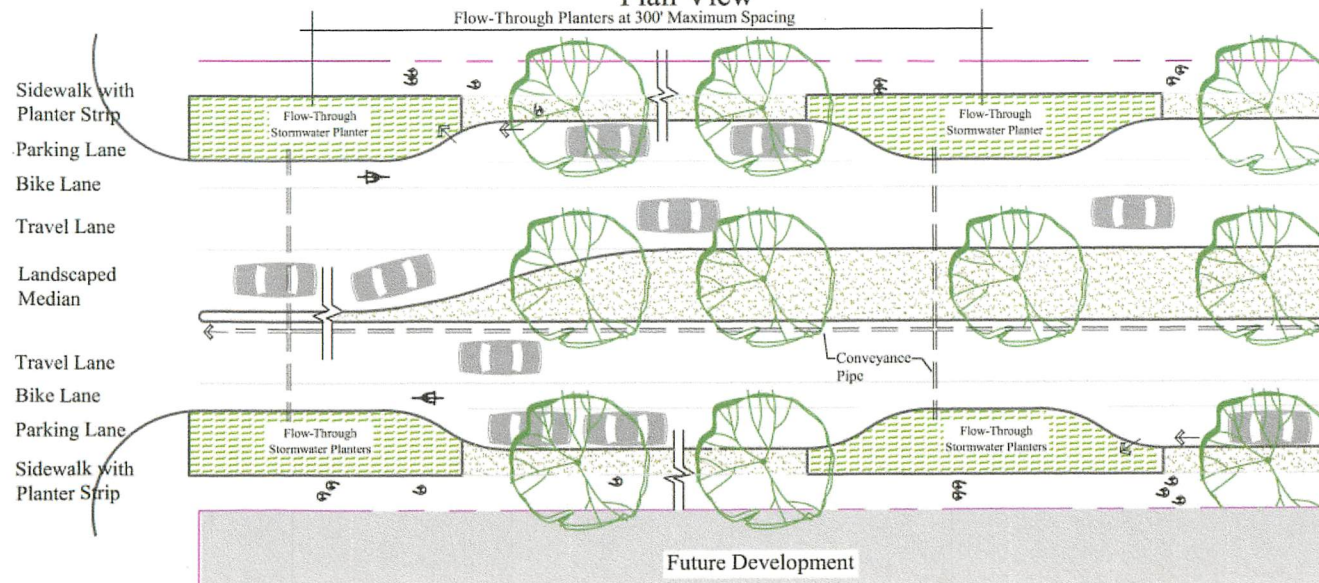
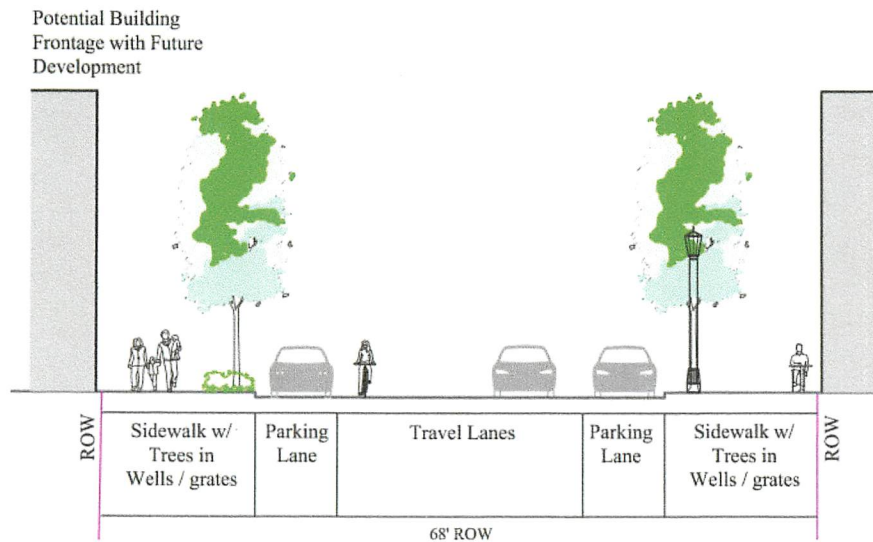


Figure 17 - Collector Green Street

Main Street Collector



Main Street Collector Plan View

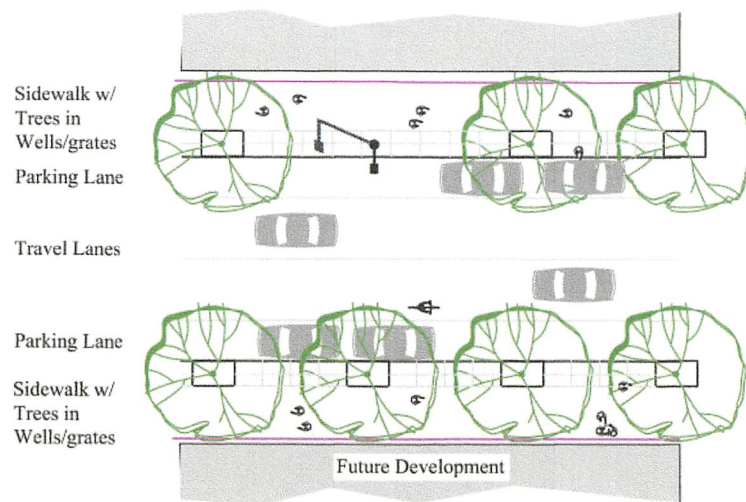
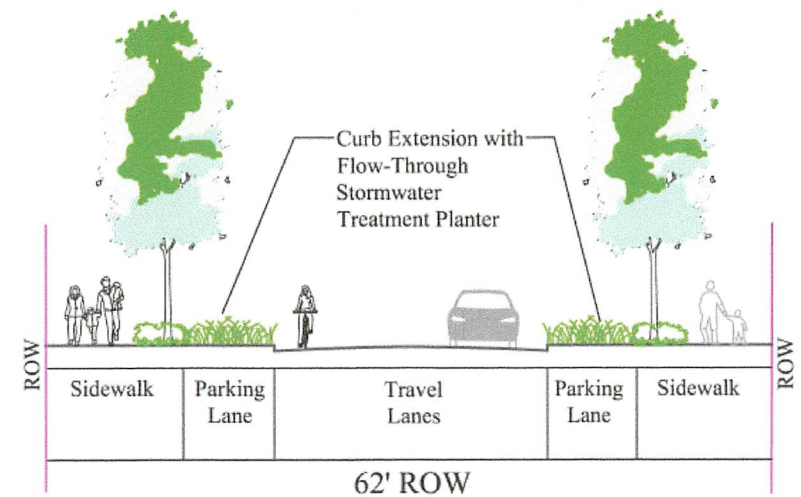


Figure 18 - Main Street Green Street

Neighborhood Greenstreet



Neighborhood Greenstreet Plan View

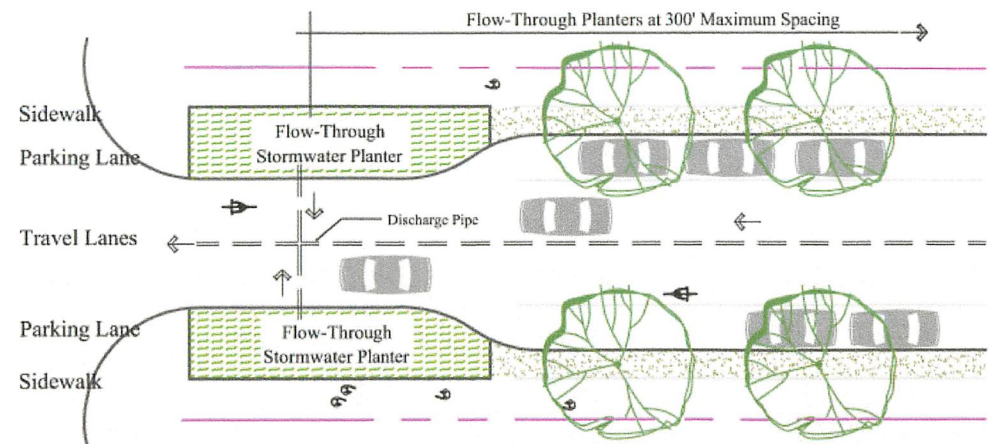


Figure 19 - Neighborhood Green Street

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

2. **Sanitary Sewer Facilities:** Not enough information has been provided to determine if Sewer facilities are adequate. Are the current houses and facilities out at the golf course on septic. Is their system function properly? How far away is the existing sewer from the property now? Is it within 300 feet? What is the size of the sewer line in Beavercreek road. Will future development on this site impact existing flows relative to the schools and existing development in the area and is there adequate capacity for future development? What is the capacity of the Tri Cities Sewer District and how will the future urbanization of this area affect this capacity

Response:

The houses and golf facilities are on a currently functioning septic system.

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 Beaver Creek 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 Beaver Creek 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 Beaver Creek 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 Beaver Creek 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.

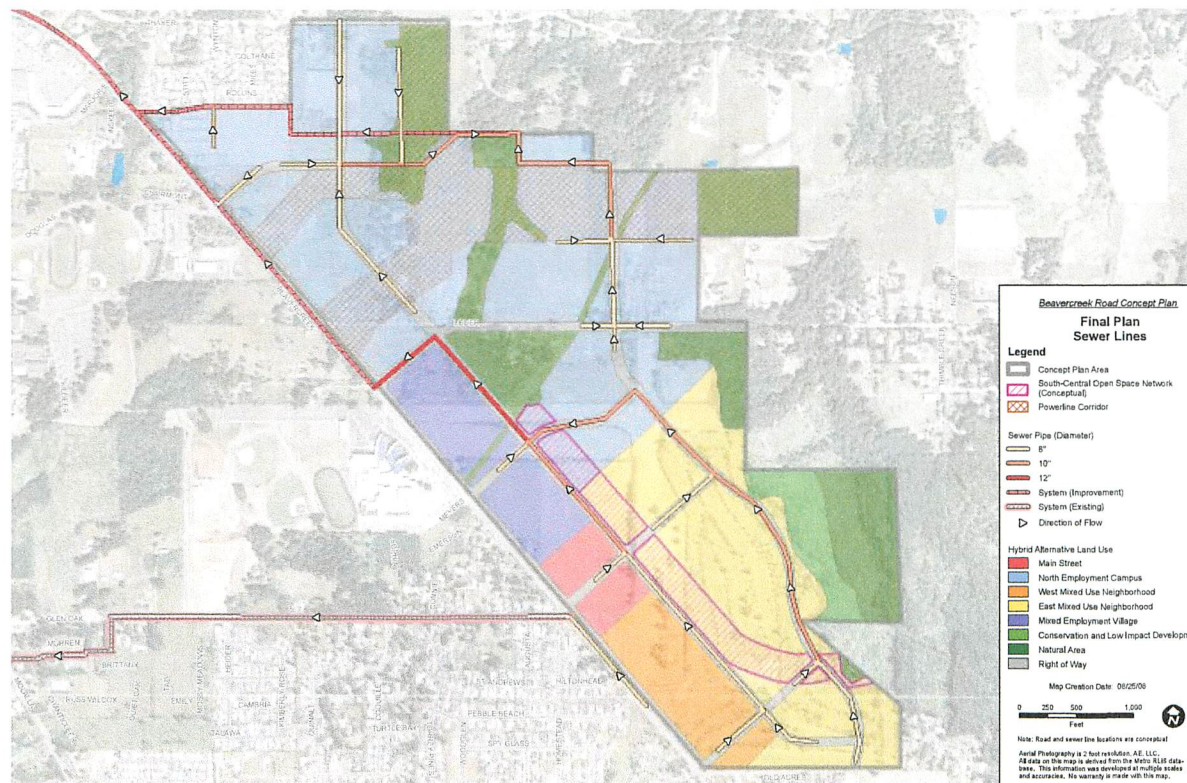


Figure 23 - Sewer Plan

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 development 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.

3. **Are the property owners willing to follow the Beavercreek Master Plan? Do we have any guarantees that they will?** Are they willing to sign and record a revocable annexation contract for them to follow the plan, even though it hasn't been adopted yet? How much open space are they willing to provide?

Project Participants

Citizen Advisory Committee

Dave Prideaux	Natural Resources
Elizabeth Graser-Lindsey	The Hamlet of Beavercreek
Dan Lajoie	Planning Commission
Mike Riseling	Oregon City School District
Mary Smith	Transportation Advisory Committee
Bill Leach	Clackamas Community College
Lynda Orzen	Resident, Caufield Neighborhood
Ron Estes	Resident, Caufield Neighborhood
Rose Holden	Property Owner, Oregon City Golf Course
Ken Allen	Development Interest, Representing Hall family
Richard Mudgett/Patty Jacobs (alt)	Representing Hall family
Phil Gentemann	Development Interest, Property Owner
Renate Mengelberg	Clackamas County, Economic Development
Beverly Thacker	State of Oregon, Economic Development
Amber Holveck	Oregon City Chamber of Commerce, Business
Doug Neeley	Transportation Advisory Committee

Technical Advisory Committee

Ray Valone	Metro
Ben Baldwin	Tri-Met
Gail Curtis	Oregon Department of Transportation
Stacy Humphrey	Department of Land Conservation and Development
Joe Marek	Clackamas County Transportation
Nancy Kraushaar	Oregon City Public Works Department
Renate Mengelberg	Clackamas County
Lorranine Gonzales	Clackamas County
Dan Drentlaw	Oregon City Community Development

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Laura Butler, Planner

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Martin Glastra van Loon, Urban Designer
Chunlin Yang, Urban Designer
Del Leu, GIS
Dan Antonson, GIS
Jerry Markisino, PE, Engineer
Amanda Owings, PE, Engineer
Kevin Timmins, PE, Water Resource Engineer
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Terry Moore
Anne Fifield
Sarah Graham
Radcliffe Dacanay
Jacob Holcombe

Environmental Sciences Associates

Wallace Leake

Kittelson and Associates

Phillip S.D. Worth
Nick Foster

Jeanne Lawson Associates

Kristin Hull
Kalin Schmoldt

4. Beaver Creek is a regional highway and serves many more people in surrounding communities than Oregon City traffic. Before I can support this annexation, the City needs to negotiate for more roadway improvements to Beaver Creek – and the intersection with 213 - before the City agrees to annex or change the maintenance jurisdiction of this roadway, not afterward. A 2 inch lift is not adequate for this roadway or other in this vicinity that are likely in need of major road bed improvements.

5. City Annexations

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

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

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

Finding: The proposal is consistent with this requirement. The required notice was provided to Clackamas County at least 20 days before the Planning Commission hearing. The UGMA requires that adjacent road rights-of-way be included within annexations. The Beaver Creek Road right-of-way adjacent to the subject site is included in the initial legal description provided with this application. Since Beaver Creek Road is an arterial, transfer of jurisdiction to the city would fall under the case-by-case basis, subject to negotiation. The County has agreed to consent to the annexation of the Beaver Creek Road Right-of-Way and has signed the Petition and Land Use application, but the transfer in ownership of the roadway is not proposed with this application. Beaver Creek Road shall be included in the final legal description for annexation.

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

Finding: The proposal is consistent with this requirement. The proposed annexation is consistent with adopted public facility plans, as described below.

Water: The city's 2012 *Water Distribution System Master Plan* identifies recommended improvement projects intended to serve the proposed annexation area. Those projects include:

- Pipeline project no. F-CIP-4 – New 8-inch and 12-inch pipelines (total of 5,875 feet in length) that connect to the existing system along S. Beaver Creek Road and travel north through the proposed annexation area. The project description states it is “intended to supply future growth in the area and will likely be developer driven.” Total estimated cost is \$1,133,720.
- Pipeline project no. F-CIP-14 – A new 2 MG water storage facility and 10,750 feet of 16-inch pipeline extending from the storage facility on S. Wilson Road to the Fairway Downs Pump Station along S. Beaver Creek Road. This project is intended to create storage for a newly created pressure zone in the Fairway Downs areas. A siting study will be required prior to design. Total estimated cost is \$5,687,500.

5. Water: It does not appear that the water system is adequate for the future urbanization of this area. Does the property owner need to install more pipeline or upsize the pump station. How much of these improvements is the property owner willing to do? What kind of guarantees and agreements does the City have in hand today to ensure that the system will be upgraded to adequately serve future development of this territory?



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 Beaver Creek 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 Beaver Creek 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 Beaver Creek Road.

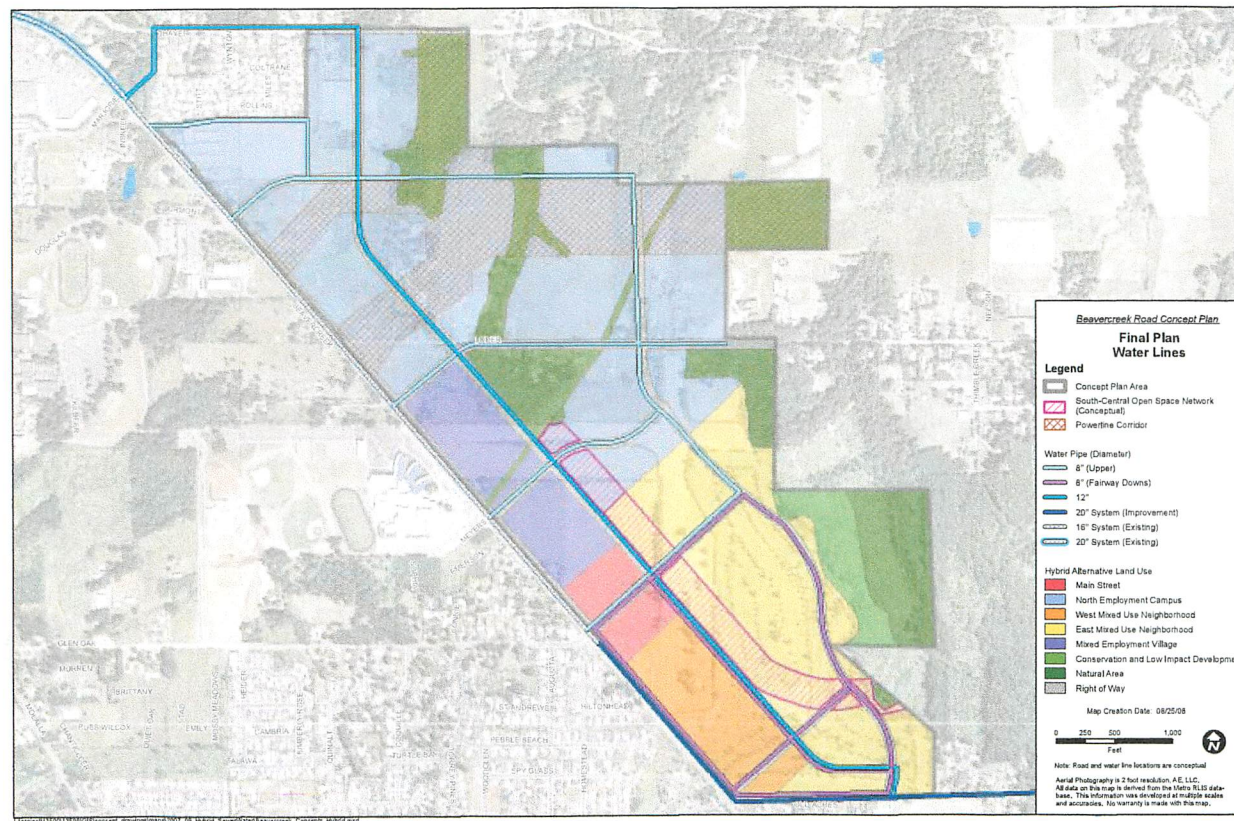


Figure 22 - Water Plan

In the Fairway Downs Pressure Zone, the majority of the water mains will be installed in the proposed public rights-of-way. However, a small portion of the system may need to be in strip easements along the perimeter of the zone at the far southeast corner of the concept plan area. The system layout shown is preliminary and largely dependent on future development and the final system of internal (local) streets. Additional mains may be needed or some of the water mains shown may need to be removed. For instance, if the development of the residential area located at the southeast end of the site, adjacent to Old Acres Road, includes internal streets, the water mains shown along the perimeter of the site may be deleted because service will be provided from pipes that will be installed in the internal street system.

Some of the planned streets in the Fairway Downs Pressure Zone will contain two water mains. One water main will provide direct water service to the area from the booster pump system. The other water main will carry water to the lower elevation areas in the Upper Pressure Zone.

The Upper Pressure Zone will serve the north two-thirds of the concept plan area. The “backbone” network for the Upper Pressure Zone will have water mains that are pressured from the Henrici and Boynton reservoirs. A single 12-inch water main will run parallel with Beaver Creek Road through the middle of concept plan area. This water conduit will serve as the “spine” for the Upper Pressure Zone. A network of 8-inch water pipes will be located in the public rights-of-way and will provide water to the parcels that are identified for development. The system can be extended easterly on Loder Road, if needed.

The preliminary design ensures that the system is looped so that there are no dead-end pipes in the system. Along a portion of the north perimeter, approximately 1,600 feet of water pipe will be needed to complete a system loop and provide water service to adjacent lots. This pipe will share

a utility easement with a gravity sanitary sewer and a pressure sewer. There may also be stormwater facilities in this same alignment.

In the Water Master Plan, under pipeline project P-201, there is a system connection in a strip easement between Thayer Road and Beaver Creek Road at the intersection with Marjorie Lane. Consideration should be given to routing this connection along Thayer Road to Maple Lane Road and then onto Beaver Creek Road. This will keep this proposed 12-inch main in the public street area where it can be better accessed.

The estimated total capital cost for the “backbone” network within the concept plan area will be in the area of \$5,400,000. This estimate is based on the one derived for Alternative D, which for concept planning purposes, is representative of the plan and costs for the final Concept Plan. This is in addition to the \$6.9 million of programmed capital improvement projects that will extend the water system to the concept plan area. All estimates are based on year 2003 dollars. Before the SDC can be established, the estimates will need to be adjusted for the actual programmed year of construction.

For additional information, please see Technical Appendix, Sections C6 and H3.

6. Specific quantative information on the burden to Fire and Police is needed for the annexation and future urbanization of this 114 acre site. Have they specifically said that they will be accommodate development at the future urbanizable levels?



OREGON CITY

Police Department

320 Warner Milne Road | Oregon City OR 97045
Ph (503) 657-4964 | Fax (503) 655-0530 | Non Emergency Police Dispatch: (503) 655-8211

November 12, 2015

Oregon City Police Department appreciates the opportunity to comment on the Beavercreek Road Concept Plan.

OCPD already provides police services to several properties within and adjacent to the concept plan area within the city limits, including Oregon City High School.

When land within the concept plan area is annexed to Oregon City, the properties will be removed from the jurisdiction of the Clackamas County Enhanced Law Enforcement District and served by OCPD.

Currently our officer force is 44, and our reserve officer force is 4, providing a ratio of 1.25 officers / per 1000 population.

OCPD does not anticipate any problems being able to patrol and serve the concept plan area with police officers as development occurs. We anticipate that as urbanization occurs, our response times will remain within acceptable industry standards.

OCPD already works closely with the Planning Division to review new development applications to assure continued public safety.

Sincerely,

Jim Band, Chief
Oregon City Police Department

Clackamas Fire District #1 — Fire Prevention Division



Oregon City Planning Commission:

Clackamas Fire District #1 appreciates the opportunity to comment on the Beaver Creek Road Concept Plan. The Beaver Creek Road Concept Plan area is within Clackamas Fire District #1 and the Fire District provides fire and ALS (advanced life support) services to all areas served including this proposed site.

The Beaver Creek Road Concept Plan area is served by the Hilltop Fire Station #16, which is located at 19340 Molalla Avenue in Oregon City. Based on our Standards of Cover document our prescribed total response time to this area is approximately 8 minutes 14 seconds.

Clackamas Fire District #1 does not anticipate any problems being able to serve the concept plan area with fire and EMT services in the future as development occurs. We anticipate that as urbanization occurs, our response times will remain within acceptable industry standards. Clackamas Fire District #1 already works closely with Oregon City to review new development applications to assure continued fire and life safety.

Sincerely,

Doug Whiteley
Fire Marshal

7. Provide a discussion under OCMC Chapter 14.04.050-C (Neighborhood Contact) of the discussion and major issues raised in this meeting

A packed house tonight to hear about the proposed annexation of the Oregon City Golf Club into Oregon City. New state law allows annexation if 100% of the property owners whose property would be annexed agree to it. The property is already inside the urban growth boundary. Future planning would build a mix of homes, parks, trails and employment opportunities in the new community.



[Like](#) [Show more reactions](#)

[Comment](#)

[Share](#)

10 [Shelly Parini](#), [Gary Conkling](#) and 8 others

1 share

Comments



[Susan Kerr Shawn](#) I thought this one was settled a few years ago. Sigh.

[Like](#) · [Reply](#) · [June 28, 2016 at 10:28pm](#)



[Carlotta Collette](#) The concept plan was adopted but there was voter opposition to annexing it into Oregon City. The area next to it already is inside Oregon City. The change in the law will enable development to go forward.

[Like](#) · [Reply](#) · [June 29, 2016 at 8:43am](#)



Write a reply...



[William Gifford](#) When and where was this held? Surprised I hadn't heard anything about it.

[Like](#) · [Reply](#) · [1](#) · [June 28, 2016 at 11:06pm](#)



[Carlotta Collette](#) At the golf club last night. Neighbors were invited.

[Like](#) · [Reply](#) · [June 29, 2016 at 8:29am](#)



Write a reply...



Nick Veroske It's about time the UGB could be used as a reliable tool for meeting the housing and employment needs of a city!

[Like](#) · [Reply](#) · [3](#) · [June 28, 2016 at 11:57pm](#)



Carlotta Collette There's a lot of fear that it will be "Section 8 housing" or "crime center." The housing planned is all market rate or higher, a mix of attached and detached single family homes, a "Main Street" with coffee shop type amenities, employment area on the w... [See More](#)

[Like](#) · [Reply](#) · [1](#) · [June 29, 2016 at 8:50am](#)



Write a reply...



Kirstin Greene This is great news. A dream many many years in the making. Can I put an option in on a home now? Beaver Creek and the CCC OC campus rules. Not to mention proximate to the Red Soils County hub. Kudos!

[Like](#) · [Reply](#) · [3](#) · [June 30, 2016 at 12:28pm](#) · Edited



Shelly Parini Carlotta thank you for your leadership! It's so important on so many levels.

[Like](#) · [Reply](#) · [1](#) · [June 29, 2016 at 3:22pm](#)



Paul F Shirey Let's hope it doesn't happen...

[Like](#) · [Reply](#) · [June 29, 2016 at 5:47pm](#)



William Gifford It will happen. Let's work to make it the best it can be.

[Like](#) · [Reply](#) · [1](#) · [June 29, 2016 at 5:50pm](#)



Write a reply...



Paul F Shirey Sorry! I mis-read. Thought it was the Langdon Farms Golf Course. I support the Oregon City annexation.

[Like](#) · [Reply](#) · [3](#) · [June 29, 2016 at 5:48pm](#)



[Carlotta Collette replied · 1 Reply](#)



[Gary Conkling](#) Thanks, Carlotta, for attending the meeting.

[Like · Reply · 1 · June 30, 2016 at 9:24am](#)



[Kirstin Greene](#) I had to edit my too-short, gleeful comment above. This really is happy news, indeed, for the Holden family and generations to come. Proximate to CCC. Jealous!

[Like · Reply · June 30, 2016 at 12:29pm](#)



[Daphne Eppler Wuest](#) I am so happy to hear of this legislative change. It is about time.

8. **School Capacity:** Provide more information on how annexation of the territory will have existing capacity and future capacity of the schools.



Oregon City School District No. 62

Learning to be our Best

P.O. Box 2110 (1417 12TH St.), Oregon City, Oregon 97045-5010 • OCSD62.org
Larry Didway, Superintendent • Telephone: (503) 785-8430 • FAX: (503) 657-2492

November 17, 2015

Peter Walter, Associate Planner
City of Oregon City
221 Molalla Avenue, Ste. 200
Oregon City, Oregon 97045

RE: Beaver Creek Road Concept Plan

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry Didway", is written over a horizontal line.

Larry Didway
Superintendent
Oregon City School District
PO Box 2110
Oregon City, OR 97045
503-785-8000

OREGON CITY SCHOOL DISTRICT

ENROLLMENT FORECASTS

2016-17 TO 2025-26



Portland State
UNIVERSITY

Population Research
Center



March, 2016

**OREGON CITY SCHOOL DISTRICT
ENROLLMENT FORECASTS
2016-17 TO 2025-26**

**Prepared By
Population Research Center
Portland State University**

March, 2015

Project Staff:

Charles Rynerson, Research Associate

Scott Stewart, Research Associate

ENROLLMENT TRENDS

Note: District-run charter schools, Oregon City Service Learning Academy (OCSLA), and the Clackamas Academy of Industrial Sciences (CAIS), are included in district-wide enrollment. Springwater Environmental Sciences School and Alliance Charter Academy are not included.

After reaching almost 8,000 students during the early 2000s, K-12 enrollment in the Oregon City School District decreased for seven straight years between 2005-06 and 2012-13. In 2013-14 the District experienced its largest growth in nine years, a gain of 162 students. The next two years seesawed, with decline of 80 students in 2014-15 and an increase of 66 in 2015-16. The K-12 total in fall 2015 was 7,535 students, five percent lower than enrollment in 2004-06.

After declining for five straight years through 2012-13 the District's elementary (K-5th) increased to 3,290 in 2013-14 and has remained above its 2012-13 low for each of the past three years. Over the 10 year period between 2005-06 and 2015-16, K-5 enrollment declined by 11 percent. Middle (6th-8th) grades enrollment fell by 229 students (12 percent) during the same period, while high school (9th-12th) grades added 201 students (eight percent).

The long-term trends in OCSD of K-8 decline and significant high school growth differ from the statewide experience. For Oregon overall between 2005-06 and 2015-16, K-8th grades enrollment grew by 4.7 percent, while 9th-12th grades added just one percent. The statewide K-12th grade total has grown very slowly, just 3.5 percent in 10 years, and many districts in Oregon have experienced enrollment decline due to lower fertility rates and an aging population.

EXECUTIVE SUMMARY

This report presents a range of three scenarios of district-wide enrollment forecasts by grade level for the Oregon City School District (OCSD) for the 10 year period between 2016-17 and 2025-26. Each enrollment forecast scenario is related to population forecasts that incorporate different assumptions about growth within the District, with the primary differences being the contribution of net migration to the District's population and age distribution. Individual school forecasts consistent with the middle range scenario are also presented for the 10 year period.

Population and Economic Trends

- Between 2000 and 2010, total population within the OCSD grew by 14 percent, while school-age population grew by only seven percent.
- OCSD population under age five *decreased* by 8.5 percent between 2000 and 2010.
- In 2014 the number of births to women living in the OCSD spiked to 667, approaching its pre-recession 2007-2008 peak of 682. This earlier peak precipitated the large incoming kindergarten enrollment in fall 2013. In 2008-2009 births declined as the recession took hold, leading to a decrease in fall 2014 kindergarten enrollment. It remains to be seen if the 2014 birth level is an anomaly or the beginning of an upward trend.
- Clackamas County's unemployment rate rose from 4.6 percent in 2007 to 10.2 percent in 2009. In 2014 it fell to 6.2 percent, equaling the U.S. rate.

Enrollment Trends

- After reaching almost 8,000 students during the early 2000s, K-12 enrollment in the Oregon City School District decreased for seven straight years between 2005-06 and 2012-13. In 2013-14 the District experienced its largest growth in nine years, a gain of 162 students. The next two years seesawed, with decline of 80 students in 2014-15 and an increase of 66 in 2015-16.
- The K-12 total in fall 2015 was 7,535 students, five percent lower than enrollment in 2004-05.

- After declining for five straight years through 2012-13 the District's elementary (K-5th) increased to 3,290 in 2013-14 and has remained above its 2012-13 low for each of the past three years.
- Over the 10 year period K-5 enrollment declined by 11 percent. Middle (6th-8th) grades enrollment fell by 229 students (12 percent) during the same period, while high school (9th-12th) grades added 201 students (eight percent).

District-wide Enrollment Forecast: Middle Range

- K-12 enrollment increases by 595 students (eight percent) in the next 10 years.
- K-5 enrollments grow by 154 students in the first five years and accelerate to an increase of 220 in the second five, for a total increase of 374 students (11 percent) over the forecast period.
- Over the ten year forecast period grade 6-8 grow by 180 students (10.8 percent).
- High school enrollment falls by 90 students in the first five years but grows by 131 in the second five years for a total growth of 41 students (1.6 percent) in ten-years.

District-wide Enrollment Forecast: Low Range

- The *low range* forecast depicts a scenario under which net migration remains near its recent low levels.
- K-12 enrollment declines through the first two years of the forecast, stabilizes, and then grows to a net increase of 178 over the ten year period.
- K-5 enrollment is fairly flat through the first four forecast years and then begins increasing in 2020-21. It ends the forecast period in 2025-26 with an overall increase of 206 students (6.3 percent).
- Middle school grades add 66 students during the first five years and ten in the second five, for a total increase of 76 (4.5 percent) over 10 years.
- Enrollment decline occurs in high school in the first five years of the forecast period: a loss of 162 students (6.3 percent). After 2019-20, 9th-12th grade enrollment increases,

but not enough to overcome the earlier losses. High school enrollment ends the ten year forecast period with a 104 student loss.

District-wide Enrollment Forecast: High Range

- The *high range* forecast includes net migration consistently near the higher levels observed in the mid-2000s.
- K-12 enrollment grows at an average of 1.3 percent annually and is expected to increase by 991 students (13 percent) over the 10 year period.
- Most of the enrollment increase occurs in the elementary grades, which add 550 students (17 percent) over the 10 year period.
- Enrollment in middle grades grows by 11 percent during the first five years, and then slows, ending the ten year forecast period with an overall 268 student (16 percent) increase.
- High school grades are flat for the first five years of the forecast and then increase by 171 students in the second five years, for a total increase of 173 (7 percent) for the ten year forecast period.

Table 1 summarizes recent and forecast K-12 enrollments by five year intervals under the three scenarios. Chart 1 depicts the District’s 10 year K-12 enrollment history and the 10 year K-12 forecasts. Table 2 details the *Middle Range* forecast by grade level groups. More details of the forecasts are presented in the “Enrollment Forecasts” section and in Appendix A.

Table 1
Historic and Forecast K-12 Enrollment
Low, Middle, and High Scenarios
Oregon City School District

School Year	LOW		MIDDLE		HIGH	
	Enroll-ment ¹	5 year growth	Enroll-ment ¹	5 year growth	Enroll-ment ¹	5 year growth
2005-06	7,953		7,953		7,953	
2010-11	7,559	-394	7,559	-394	7,559	-394
2015-16	7,535	-24	7,535	-24	7,535	-24
2020-21 (fcst.)	7,489	-46	7,730	195	8,014	479
2025-26 (fcst.)	7,713	224	8,130	400	8,526	512
AAEG ² , 2015-16 to 2025-26	0.2%		0.8%		1.2%	

1. Includes OCSLA and CAIS. Does not include Alliance Academy or Springwater

2. Average Annual Enrollment Growth.

Source: Historic enrollment, Oregon City School District; Enrollment forecasts, Population Research Center, PSU. February 2016.

Chart 1
OCSD K-12 Enrollment History and Forecast
2005-06 to 2025-26

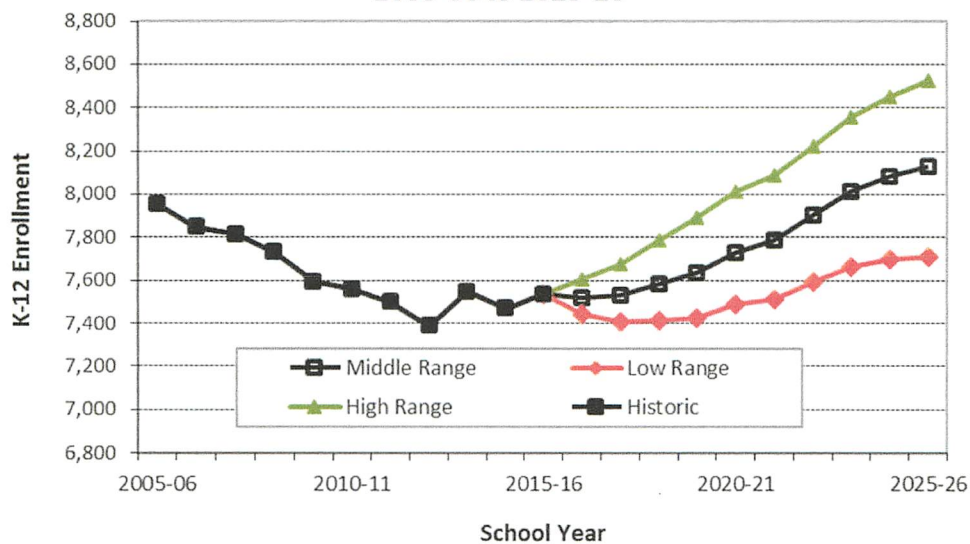


Table 2
Historic and Middle Range Forecast Enrollment
by School Level (K-5, 6-8, 9-12)
Oregon City School District

	Actual			Forecast	
	2005-06	2010-11	2015-16	2020-21	2025-26
Grades K-5	3,679	3,321	3,289	3,443	3,663
5 year change		-358	-32	154	220
		-9.7%	-1.0%	4.7%	6.4%
Grades 6-8	1,900	1,903	1,671	1,802	1,851
5 year change		3	-232	131	49
		0.2%	-12.2%	7.8%	2.7%
Grades 9-12	2,374	2,335	2,575	2,485	2,616
5 year change		-39	240	-90	131
		-1.6%	10.3%	-3.5%	5.3%
Total	7,953	7,559	7,535	7,730	8,130
5 year change		-394	-24	195	400
		-5.0%	-0.3%	2.6%	5.2%

Includes OCSLA and CAIS. Does not include Alliance Academy or Springwater

Actual: Oregon City School District, September 30 quarterly report information.

Forecast: Population Research Center, PSU, February 2016.

9. OCMC 14.04.050(E)(7)(a-g): (Available Public Facilities and Services): c - "Statement of additional facilities" I believe that this criteria *is* applicable. Provide more information on the public facilities needed to support the current and future urbanization of this site, once the territory is annexed.

More recently (May 2016), the city has provided an updated assessment of future water facilities that will be needed to serve the Concept Plan area. To serve areas above a ground elevation of 480 feet, which includes the subject annexation site, the city has identified the following future facilities: a reservoir, pump station, transmission main and main extensions to serve the Fairway Downs Pressure Zone. The city anticipates that a phasing plan for construction of these water facilities will be completed in the next two years (2016 – 2017).

Sewer: The *Oregon City Sanitary Sewer Master Plan* (2014) also identifies recommended improvements intended to accommodate future demand in the proposed annexation area. Those improvements consist of gravity sewer extensions throughout the annexation area connecting to an existing line in S. Beaver Creek Road.

Transportation: The TSP identifies the following planned improvements intended to serve the Beaver Creek area:

- Project D39 – A new roundabout at the intersection of S. Beaver Creek Road and Glen Oak Road.
- Project D47 – Extension of Meyers Road (planned minor arterial) through the Beaver Creek area, north of the proposed annexation site.
- Project D55 – Extension of Glen Oak Road through the annexation area from Beaver Creek Road to the Meadow Lane extension. Street will be built to the Residential Collector cross section, which has three travel lanes, sidewalk/landscape strip on both sides, on-street parking and a 6-foot bike lane.
- Project D56 – New east-west collector (Timbersky Way extension) connecting Beaver Creek Road to the Meadow Lane extension. Street will be built to the Residential Collector cross section.
- Project D59 – New north-south collector (Holly Lane extension) through the annexation area, parallel to S. Beaver Creek Road. Street will be built to the Mixed-Use Collector cross section, which has three travel lanes, 10.5-foot sidewalks with tree wells on both sides, on-street parking and a 6-foot bike lane.
- Project D60 – new north-south collector (Meadow Lane extension) through the annexation area. Street will be built to the Mixed-Use Collector cross section.
- Project D82 – Planned street upgrade to S. Beaver Creek Road from Meyers Road south to the edge of the UGB. Beaver Creek will be improved to the Residential Major Arterial cross-section, which has five travel lanes, sidewalk/landscape strip on both sides, on-street parking, a median and a 6-foot bike lane.

With the exception of the roundabout in Project D39, all improvements are designated as Likely to be Funded System Projects. The TSP also identifies a shared-use path extending throughout the annexation area and generally following the collector street alignments. That project is considered a Not Likely to be Funded System Project but it could be provided as development occurs.

Stormwater: On-site or sub-regional stormwater drainage, water quality, and detention facilities will be required at the time of development. The Beaver Creek Road Concept Plan has extensive language on the recommended methodology to capture and treat stormwater. Additionally, the City has adopted new a Stormwater and Grading Design Standard Manual and Low Impact Development (LID) standards. When development is proposed for the subject site, the owner will be required to design a stormwater drainage plan that is consistent with these standards.

Police, Emergency and Fire Protection:

The area to be annexed lies within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The combination of the county-wide service and the service provided through the Enhanced Law Enforcement CSD results in a total level of service of approximately 1

officer per 1000 population. According to ORS 222.120 (5) the City may provide in its approval ordinance for the automatic withdrawal of the territory from the District upon annexation to the City. If the territory were withdrawn from the District, the District's levy would no longer apply to the property.

Upon annexation, the Oregon City Police Department will serve the subject site. Oregon City fields approximately 1.41 officers per 1,000 people. The Police Department has a goal of four-minute emergency response, 7 to 9 minute actual, and twenty-minute non-emergency response times. As no zone change or additional development is proposed as part of this annexation application, this annexation will have a minimal impact on police services.

The proposed annexation area is currently, and will remain, within the Clackamas Fire District #1. The Clackamas Fire District provides all fire protection for Oregon City since the entire city was annexed into their district in 2007. As no zone change or additional development is proposed as part of this annexation application, this annexation will have no impact on fire protection services. Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from the District upon approval of the annexation; however, based on the November 2007 fire district annexation approval, staff recommends that the properties remain within the fire district.

Emergency Medical Services to the area are provided through American Medical Response (AMR) through a contract with Clackamas County. Oregon City and the unincorporated areas surrounding Oregon City are all part of the AMR contract service area. Clackamas Fire District#1 provides EMS service to all areas they serve include ALS (advanced life support) staffing. This means all fire apparatus are staffing with a minimum of one firefighter/paramedic; usually there are more than one. Additionally, Clackamas Fire does provide ambulance transport when an AMR unit is not readily available. Therefore EMS services are provided from Clackamas Fire #1 with AMR being dispatched as well.

e. Any applicable comprehensive plan;

Finding: The proposal is consistent with this requirement. The Beaver Creek Road Concept Plan will ultimately be the concept plan that will guide future development in the proposed annexation area, once acknowledged by State Department of Land Conservation and Development and following the resolution of the current LUBA appeal. The Concept Plan has been adopted by the city and has been adopted as an ancillary document to the Comprehensive Plan, but is not yet effective and therefore does not provide any applicable approval criteria. The Beaver Creek Road Concept Plan serves as the principal guiding land use document for annexation and urbanization of the area, and as mentioned in this report, has been relied upon and incorporated into the legislative review and approval of four recent major public facilities master plan updates; the Water System Master Plan (2012), the Sanitary Sewer Master Plan (2014), the Transportation System Plan (2014), and the Stormwater and Grading Design Standards (2015). The applicant has not applied for a comprehensive plan amendment or zone change at this time, but has relied upon and referenced the status of the concept plan and acknowledges the land use designations within the Beaver Creek Road Concept Plan. In the meantime the current adopted Oregon City Comprehensive Plan for the area is addressed below:

Clackamas County Comprehensive Plan Finding: The annexation area zoning designation of FU-10 and TBR is consistent with Clackamas County's Comprehensive Plan. The Clackamas County Comprehensive Plan implements the Oregon City Comprehensive Plan for lands within the Urban Growth Boundary. The plan

designation for these properties on the County's Urban Area Land Use Plan the properties as Urban. According to the County's Plan,

"Urban areas include all land inside urban growth boundaries. Urban areas are either developed or planned to be developed with adequate supportive public services provided by cities or by special districts. Urban areas have concentrations of people, jobs, housing, and commercial activity."

The Land Use section of the Clackamas County Comprehensive Plan, Chapter 4, further distinguishes Urban Areas into Immediate Urban Areas and Future Urban Areas.

Immediate Urban Areas: Immediate urban areas are lands that are within urban growth boundaries, are planned and zoned for urban uses, and meet at least one of the following conditions:

1. Served by public facilities, including sanitary sewage treatment, water, storm drainage, and transportation facilities;
2. Included within boundaries of cities or within special districts capable of providing public facilities and planned to be served in the near future; or
3. Substantially developed or surrounded by development at urban densities.

The County's plan and map 4-1 identifies the territory proposed for annexation as a future urban area, which is defined as:

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

Section 4.A of the County's Plan includes several policies that address the conversion of Future Urbanizable lands to Immediate Urban lands to "Provide for an orderly and efficient transition to urban land use." and "Encourage development in areas where adequate public services and facilities can be provided in an orderly and economic way."

Further, County Land Use Policy 4.A.1 requires that the County "Coordinate with Metro in designating urban areas within Metro's jurisdiction. Recognize the statutory role of Metro in maintenance of and amendments to the Portland Metropolitan Urban Growth Boundary."

Finally, 4.C. the County's Future Urban Policy 4.C.1. requires that the County control premature development (before services are available) by:

4.C.1.1. Applying a future urban zone with a 10-acre minimum lot size within the Portland Metropolitan UGB except those lands identified in Subsection 7.1.b.

The subject site is adjacent to the City limits of Oregon City. As demonstrated within this report, public facilities and urban services can be orderly and economically provided to the subject site. Nothing in the County Plan speaks directly to criteria for annexation of property from the County to the City, although the Urban Growth

Changes to Oregon City Staff Report for January 9, 2015 Hearing:

Page 4

Remove verbiage relating to SB1573 and replace with the following:

COMPLIANCE WITH SENATE BILL 1573 (2016). Governor Brown signed Senate Bill 1573 into law on March 15, 2016 as an emergency law that became effective immediately upon her signature. This new law affects annexation procedures as explained below.

1. SECTION 2.

(1) This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city. **RESPONSE:** The City's laws require voter approval of annexation requests. This application meets Senate Bill 1573's requirements, those requirements do not apply to this application.

(2) Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:

(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015; **RESPONSE:** The property is within the City's acknowledged UGB.

(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city. **RESPONSE:** The territory proposed to be annexed is subject to the City's acknowledged Comprehensive Plan.

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and **RESPONSE:** The territory proposed to be annexed is contiguous to the City limits..

(d) The proposal conforms to all other requirements of the city's ordinances.

RESPONSE: As demonstrated below, this application complies with other applicable requirements of the City ordinances.

At the bottom of page 4:

"If a necessary party raises concerns prior to or at the City Commission's public hearing, the necessary party may appeal the annexation to the Metro Appeals Commission within 10 days of the date of the City Commission's decision." —Why Metro?

Remove this Paragraph

Page 8-Site History and Beaver Creek Road Concept Plan

It is incorrect to state the remainder of the site was brought into the UGB in two separate expansions.

The southern portion of the site was included in the original UGB when it was established by Metro in 1979. The remainder of the site was brought into the UGB in 2004.

On the same page the staff report says the city began the concept planning effort in 2007, however the citizen and technical advisory committees met June 2006 through June 2007. The Concept Plan was originally adopted in September 2007 not September 2008.

Page 16-Compliance with Oregon City Municipal Code

OCMC Chapter 14.04 14.04.050-Annexation Procedures

- A. Application Filing Deadlines –Finding: *“The proposal is consistent with this requirement. Annexation of these properties may not be subject to vote approval...”*

The ambiguity in the above findings should be removed by stating the findings as, “The proposal is consistent with this requirement. Annexation of these properties **are not** subject to vote approval.”

Page 25-Policy 2.6.8-In the staff report findings staff says, “The northern location of this employment area is important because its proximity to Clackamas Community College and Oregon City High School is intended to foster connections and relationships among the employers that site in the employment area and these two educational institutions. The proposed annexation site is located in the southern portion of the Concept Plan area and is identified for mixed-use residential neighborhoods that will support the nearby employment uses. Therefore, the territory subject to this annexation application *has no impact on the city’s ability to meet its employment goals under this policy either before or after annexation.*”

The above finding is a blatant error on the part of staff and inconsistent with the BCRCP. Goal 1 of the Beaver Creek Road Concept Plan states, **“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;”**

The above findings need to be corrected to properly reflect the true context of Policy 2.6.8 and the BCRCP.

Page 36 contains a typographical error at the bottom of the page. Staff calls **Thimble Creek** *Trimble Creek*.

Page 40 number 10 needs to be changed, *“The City Commission concurs with Tri-County Service District’s annexation of the subject property in the enacting City ordinance upon voter approval of the city annexation.”*

There will not be voter-approved annexation in this case and the words **“upon voter approval”** should be removed to reflect clarity.

Our annexation **page 40-Section IV-Staff Recommendation:** *“Based on the study and the Proposed Findings and Reasons for Decision for this annexation, the staff recommends that the Planning Commission:*

*Make a recommendation on **Proposal No. AN-16-0003** to the City Commission regarding how the proposal **has or has** not complied with the factors set forth in Section 14.04.060. Staff has prepared draft finding and stands ready to adjust them as needed.”*

For **AN-16-0001 Page 19** , the previous SB 1573 annexation, Staff Recommendation says, *“Based on the findings made in this report and the applicant’s petition, staff recommends that the City Commission approve Planning File AN-16-0001, and adopt as its own this Staff Report and Exhibits. Staff makes the following recommendations, which have been included in the attached findings, reasons for decision and recommendations attached hereto.”*

The discrepancy in context and message between the two annexations is disturbing. Staff should change AN-16-0003 language to reflect same message contained in AN-16-0001 or be prepared to explain why they feel compelled to slant our annexation in a negative direction.

Note: See page 27 of the Staff Findings relating to the commissions and P Espe’s concerns:

“...The Beavercreek Road Concept Plan, serves as the principal guiding land use document for annexation and urbanization of the area, and as mentioned in this report, has been relied upon and incorporated into the legislative review and approval of four recent major public facilities master plan updates...”

This statement in and of itself should be all the commission needs to satisfy its concerns relating to our annexation.

I believe the above corrections to the staff report are all I have for you at this time. Please let me know if there are any problems with them.

Thank you.

Rose Holden-



NOTICE OF ANNEXATION PUBLIC HEARING

Mailed to all Owners within 300 feet of the Subject Property on or before: October 4th, 2016

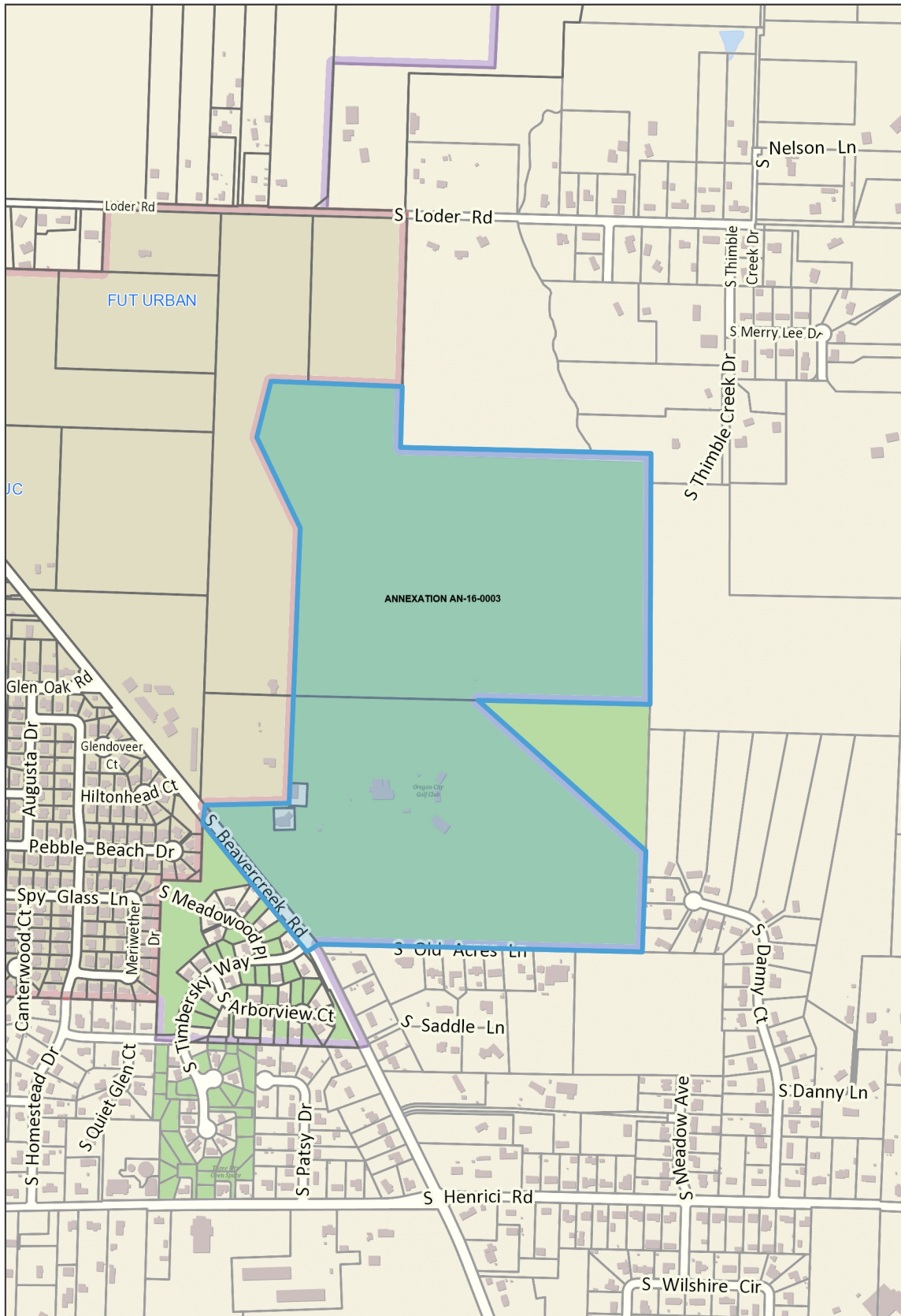
(Notices to affected parties & agencies, DLCD, Neighborhoods, and Newspaper provided separately)

COMMENT DEADLINE:	On Monday, October 24th, 2016 , the Planning Commission will conduct a public hearing at 7:00 pm in the Commission Chambers at City Hall, 625 Center Street, Oregon City, Oregon 97045, and; On Wednesday, November 16th, 2016 , the City Commission will conduct a public hearing at 7:00 pm in the Commission Chambers at City Hall, 625 Center Street, Oregon City, Oregon 97045 on the following annexation application. Any interested party may testify at either or both of the public hearings or submit written testimony at the Planning Commission or City Commission hearings prior to the close of the hearing.
FILE NUMBER:	AN-16-0003: Annexation of Oregon City Golf Course and Abutting ROW
APPLICANT:	Brownstone Development, Inc., 47 South State St, Lake Oswego, OR 97934
OWNER:	Herberger Fam Ltd Ptnrshp / Herberger May Rose Co-Trste / Rosemary S Holden
REPRESENTATIVE:	DOWL, 720 SW Washington Street, Ste. 750, Portland, OR 97205
REQUEST:	Annexation of Oregon City Golf Course (117 acres) and approximately 2000 square feet of Abutting Beaver Creek Road Right-of-Way into Oregon City. (See attached map.) The 117 acre site is within the Oregon City Urban Growth Boundary and has a Comprehensive Plan designation of FU- Future Urban. The property is within the area of the Beaver Creek Road Concept Plan. No zone change is proposed at this time, and no changes in use are proposed or will be authorized by this application.
WEBPAGE:	https://www.orcity.org/planning/project/16-0003
LOCATION:	No Situs Address, APN 3-2E-10D -03500 (63.82 ac); 20124 S Beaver Creek Rd, APN 3-2E-15A -00290 (50.87 ac); 20118 S Beaver Creek Rd, APN 3-2E-15A -00201 (0.25 ac); and 20130 S Beaver Creek Rd, APN 3-2E-15A -00202 (0.29 ac) (See attached map.)
STAFF CONTACT:	Pete Walter, AICP, Associate Planner, (503) 496-1568. Email: pwalter@orcify.org
NEIGHBORHOOD ASSOC. / CPOs:	City - Caufield N.A. (Upon Annexation) County - Hamlet of Beaver Creek CPO
CRITERIA:	Oregon City Comprehensive Plan Chapters 11 and 14, Metro Code 3.09 - <i>Local Government Boundary Changes</i> , Oregon City Municipal Code (OCMC) Title 14 - <i>Annexations</i> , ORS 222 - <i>City Boundary Changes</i> , the Land Use Chapter of the <i>Clackamas County Comprehensive Plan</i> , and the <i>City/County Urban Growth Boundary Management Agreement (UGMA)</i> .

The applicant and all documents submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, 221 Molalla Avenue, Oregon City, Oregon 97045, from 8:30am to 3:30pm Monday thru Friday. The staff report, with all the applicable approval criteria, will also be available for inspection 7 days prior to the hearings. Copies of these materials may be obtained for a reasonable cost in advance.

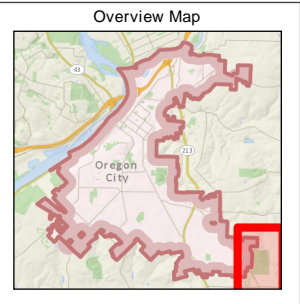
Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the City Commission hearing, in person or by letter, with sufficient specificity to afford the City Commission and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. The City Commission will make a determination as to whether the application has or has not complied with the factors set forth in section 14.04.060 of the Oregon City Municipal Code.

ANNEXATION PROPOSAL AN-16-0003



- ### Legend
- All Streets - 9600 - RLIS
 - Taxlots
 - Taxlots (Outside UGB)
 - Unimproved ROW
 - City Limits
 - UGB
 - Basemap

Notes
Annexation of approx. 117 acres + Abutting Right-of-Way of Beaver Creek Road to the City of Oregon City



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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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 17-005

Agenda Date: 1/9/2017

Status: Agenda Ready

To: Planning Commission

Agenda #: 3b.

From: Community Development Director Laura Terway

File Type: Planning Item

SUBJECT:

AN-16-0004 / ZC-16-0001: Annexation and Zoning of 35.65 Acres (Request for Continuance)

RECOMMENDED ACTION (Motion):

Staff recommends that the Planning Commission open the Public Hearing on January 9, 2017, not take testimony, and continue the public hearing for AN-16-0004 / ZC-16-0001 to February 13, 2017.

BACKGROUND:

The applicant requests a continuance of the Planning Commission public hearing to February 13, 2017. The applicant's letter requesting the continuance is attached, as well as a discussion of the applicant's proposal to comply with the Statewide Transportation Planning Rule (TPR). The applicant makes this request in order to facilitate further discussion between the Applicant, City staff and the Oregon Department of Transportation (ODOT) and to allow staff the time in which to prepare a staff report.

This proposal is for annexation and rezoning of property north of Holcomb Boulevard (35.65 acres) into Oregon City. The property is located at Clackamas County Map 2-2E-28A, Tax Lots 500, 580, and 590 and 2-2E-21D, Tax Lots 2100, 2190 & 2100 and is within the Oregon City Urban Growth Boundary.

With this request, the applicant has also granted an extension of 34 days to the 120-day Decision Deadline (until May 3, 2017).



City of Oregon City

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

Staff Report

File Number: PC 17-005

Agenda Date: 1/9/2017

Status: Agenda Ready

To: Planning Commission

Agenda #: 3b.

From: Community Development Director Laura Terway

File Type: Planning Item

SUBJECT:

AN-16-0004 / ZC-16-0001: Annexation and Zoning of 35.65 Acres (Request for Continuance)

RECOMMENDED ACTION (Motion):

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This proposal is for annexation and rezoning of property north of Holcomb Boulevard (35.65 acres) into Oregon City. The property is located at Clackamas County Map 2-2E-28A, Tax Lots 500, 580, and 590 and 2-2E-21D, Tax Lots 2100, 2190 & 2100 and is within the Oregon City Urban Growth Boundary.

With this request, the applicant has also granted an extension of 34 days to the 120-day Decision Deadline (until May 3, 2017).

January 6, 2017

Michael C. Robinson
MRobinson@perkinscoie.com
D. +1.503.727.2264
F. +1.503.346.2264**VIA EMAIL**Mr. Charles Kidwell, Chair
City of Oregon City Planning Commission
221 Molalla Ave, Suite 200
Oregon City, OR 97045**Re: City of Oregon City File Nos. AN-16-0004 and ZC-16-0001**

Dear Chair Kidwell and Members of the Oregon City Planning Commission:

This office represents the Applicant. As the Planning Commission knows, the Applicant has asked that the Planning Commission continue the public hearing scheduled for January 9, 2017 until February 13, 2017 at 7 p.m. As the Applicant explained in its December 29, 2016 letter, staff asked that the Applicant request the continuance and extend the 120-day period. The purpose of the continuance is to allow staff adequate time to prepare the staff report, and to allow the Applicant, staff, and the Oregon Department of Transportation (“ODOT”) to continue their discussion regarding satisfaction of the Oregon Transportation Planning Rule (the “TPR”) at OAR Chapter 660, Division 0060. While the Applicant will submit a more detailed response demonstrating how the application satisfies the TPR, it is appropriate to describe the current status of discussions between the Applicant, city staff, and ODOT.

ODOT staff attended the pre-application meeting on November 30, 2016. The Applicant explained why it believed that the zoning map amendment is subject to OAR 60-012-0060(9) and further analysis under OAR 660-012-0060(1) and (2) is not required. ODOT submitted a letter on the Applicant’s satisfaction of the TPR on December 23, 2016 asking for additional analysis. Staff met with ODOT on December 27, 2016 to discuss the letter. Staff and the Applicant are working on an appropriate response to ODOT’s questions. Further, the Applicant’s traffic engineer will coordinate with the City’s Traffic Engineer before the Applicant submits its response.

The Applicant can satisfactorily address the TPR, either through OAR 660-012-0060(9), or through OAR 660-012-0060(1) and (2) with a mitigation condition of approval under OAR 660-012-0060(2)(e). Oregon City Municipal Code 17.68.050 authorizes the Planning Commission to impose conditions of approval on zoning map amendments. Regardless of how the TPR is satisfied, the Applicant’s goal is to assure both ODOT and the City that the zoning map amendment will meet the TPR’s requirements.

Mr. Charles Kidwell, Chair
January 6, 2017
Page 2

I have asked Mr. Walter to place this letter before you at the beginning of the public hearing on January 9, and in the official Planning Department file for this application. I have copied ODOT on this letter.

Very truly yours,



Michael C. Robinson

MCR:rsr

cc: Mr. Peter Walter (via email)
Ms. Laura Terway (via email)
Ms. Carrie Richter (via email)
Mr. Mark Handris (via email)
Mr. Rick Givens (via email)
Mr. Michael Ard (via email)
Mr. Seth Brumley (via email)
Mr. Avi Tayar (via email)
Mr. John Replinger (via email)

December 29, 2016

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

VIA EMAIL

Mr. Pete Walter
City of Oregon City
221 Molalla Ave, Suite 200
Oregon City, OR 97045

Re: Oregon City File Nos. AN-16-0004 and ZC-16-0001

Dear Mr. Walter:

This office represents the Applicant. At the request of staff, the Applicant requests that the Oregon City Planning Commission continue the public hearing from January 9, 2017 until February 13, 2017, a period of thirty-four (34) days. The Applicant extends the 120-day period in ORS 227.178(1) by thirty-four (34) days, the period of the continuance. The Applicant makes this request in order to facilitate further discussion between the Applicant, City staff and the Oregon Department of Transportation ("ODOT") and to allow staff the time in which to prepare a staff report.

The Applicant requests that the Planning Commission open the public hearing on January 9, 2017, not take testimony and continue the public hearing to the date and time certain of February 13, 2017 at 7 p.m.

Please place this letter in the official Planning Department file for these Applications and before the Planning Commission at the January 9, 2017 public hearing.

Very truly yours,



Michael C. Robinson

MCR:rsr

cc: Mr. Mark Handris (via email)
Mr. Rick Givens (via email)
Ms. Laura Terway (via email)
Ms. Carrie Richter (via email)



NOTICE OF ANNEXATION AND ZONE CHANGE (Revised Notice)

Emailed to Affected Agencies, Special Districts, Utilities, and Affected Parties – December 1, 2016

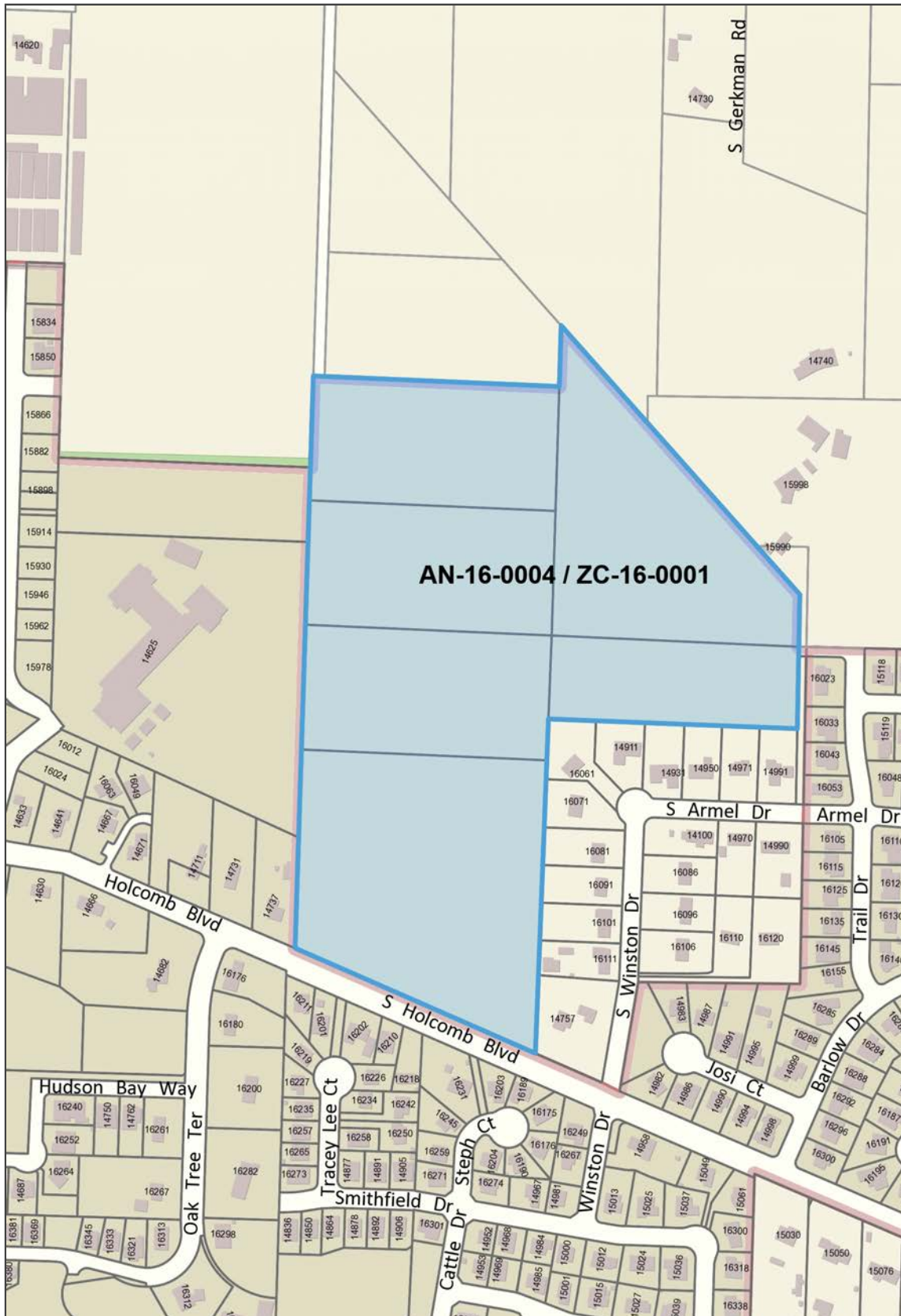
(List of Recipients is on file with Planning Division)

COMMENT DEADLINE:	On Monday, January 9th, 2016 , the Planning Commission will conduct a public hearing at 7:00 pm in the Commission Chambers at City Hall, 625 Center Street, Oregon City, Oregon 97045, and; On Wednesday, February 1st, 2017 , the City Commission will conduct a public hearing at 7:00 pm in the Commission Chambers at City Hall, 625 Center Street, Oregon City, Oregon 97045 on the following annexation application. Any interested party may testify at either or both of the public hearings or submit written testimony at the Planning Commission or City Commission hearings prior to the close of the hearing.
FILE NUMBER:	AN-16-0004: Annexation of 35.65 acres into Oregon City limits ZC-16-0001: Zone Change from County FU-10 to City R-10 Single Family Dwelling
APPLICANT:	Serres Family H, LLC, 15207 S Forsythe Rd, Oregon City, OR 97045
OWNER:	Same as Applicant
REPRESENTATIVE:	Rick Givens, 18680 Sunblaze Dr, Oregon City, OR 97045
REQUEST:	Annexation and Zone Change of six properties on N. side of Holcomb Blvd totaling 35.65 acres into Oregon City. (See attached map.) The subject territory is within the Oregon City Urban Growth Boundary, and has a Comprehensive Plan designation of LR – Low Density Residential. Applicant has requested zone change to R-10 Single Family Residential.
WEBPAGE:	https://www.orcity.org/planning/project/16-0004
LOCATION:	Six tax lots - No Situs Address - APN 2-2E-28A, Tax Lots 500, 580, and 590 and APN 2-2E-21D, Tax Lots 2100, 2190 & 2100 (See attached map.)
STAFF CONTACT:	Pete Walter, AICP, Associate Planner, (503) 496-1568. Email: pwalter@orcify.org
NEIGHBORHOOD ASSOC. / CPOs:	City – Park Place N.A. (Upon Annexation) County – Holcomb-Outlook CPO
CRITERIA:	Oregon City Comprehensive Plan Chapters 11 and 14, Metro Code 3.09 - <i>Local Government Boundary Changes</i> , Oregon City Municipal Code (OCMC) Title 14 - <i>Annexations</i> , OCMC 17.50 <i>Administration and Procedures</i> , OCMC 17.68 <i>Zoning Changes and Amendments</i> , OCMC 17.06 <i>Zoning District Classifications</i> , ORS 222 - <i>City Boundary Changes</i> , the Land Use Chapter of the <i>Clackamas County Comprehensive Plan</i> , and the <i>City/County Urban Growth Boundary Management Agreement (UGMA)</i> .

The applicant and all documents submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, 221 Molalla Avenue, Oregon City, Oregon 97045, from 8:30am to 3:30pm Monday thru Friday. The staff report, with all the applicable approval criteria, will also be available for inspection 7 days prior to the hearings. Copies of these materials may be obtained for a reasonable cost in advance.

Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the City Commission hearing, in person or by letter, with sufficient specificity to afford the City Commission and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. The City Commission will make a determination as to whether the application has or has not complied with the factors set forth in section 14.04.060 of the Oregon City Municipal Code.

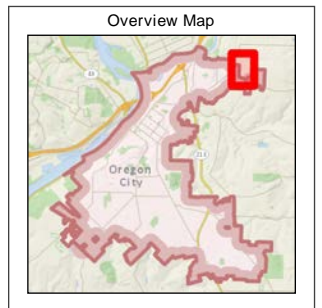
AN-16-0004 / ZC 16-0001



Legend

- All Streets (labels only) - 4800
- Taxlots
- Taxlots (Outside UGB)
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes



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



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





Oregon

Kate Brown, Governor

Department of Transportation

Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

12/23/16

City of Oregon City
PO Box 3040
Oregon City, OR 97045

ODOT Case No: 7458

Subject: PA-16-57: 35.65 Acre Annexation and Zone Change
I-205/OR 213 Interchange and OR 213/Redland Rd Intersection

Attn: Pete Walter, Associate Planner

We have reviewed the applicant's proposal for the annexation of six properties on the north side of Holcomb Blvd totaling 35.65 acres into Oregon City and Zone Change from County FU-10 to City R-10 Single Family Dwelling. The site is in the vicinity of I-205 and OR 213. ODOT has an interest in assuring that the proposed zone change/comprehensive plan amendment is consistent with the identified function, capacity and performance standard for these facilities.

For zone changes and comprehensive plan amendments, local governments must make a finding that the proposed amendment complies with the Transportation Planning Rule (TPR), OAR 660-012-0060. There must be substantial evidence in the record to either make a finding of "no significant effect" on the transportation system or, if there is a significant effect, to provide assurance that the land uses to be allowed are consistent with the identified function, capacity, and performance standard of the transportation facilities.

The current Oregon City TSP identifies the OR213/Redland Rd intersection as part of the OR 213/Beavercreek Road Refinement Plan area because the intersection is not meeting the Oregon Highway Plan (OHP) mobility standards within the planning horizon. The intent of the refinement plan is to identify options to reduce congestion and explore alternative mobility targets. However, the City's current refinement plan effort only addresses the OR 213/Beavercreek intersection, and not the remainder of OR 213 in the vicinity of Redland Road. The I-205/OR 213 Interchange also does not meet OHP mobility targets, and will be addressed as part of a regional I-205 Refinement Plan or regional alternative mobility target efforts. The TSP did identify a project at Redland Road, but it is not likely to be funded and is not in the financially constrained RTP. Moreover, even with the project in place, the OR 213/Redland Road intersection will still operate above the OHP mobility standard within the planning horizon.

In situations where the highway facility is operating above the OHP mobility standard and transportation improvements to bring performance to standard are not anticipated within the planning horizon, the performance standard is to avoid further degradation. If

the proposed zone change or comprehensive plan amendment increases the volume-to-capacity ratio further, it will significantly affect the facility (OHP Action 1F6).

The applicant asserts that no significant effect exists based on compliance with OAR 660-012-0060(9). However, this section of the TPR does not apply because the TSP did not include solutions that help bring this segment of OR 213 below the OHP mobility standards, hence the need for a refinement plan. Until such time that a refinement plan that identifies funded solutions or adopts alternative mobility targets has been completed for the entire length of OR 213 the OHP standard of “no further degradation” applies. Refinement plans provide a way to resolve unfinished transportation system decisions about mode, function, and the general location and nature of improvements, per OAR 660-0012-0025 (3). In essence, the fact that a refinement plan is called for means that the TSP was not complete, and therefore not acknowledged, for the area not meeting mobility standards.

Moreover, ODOT strongly advises against deferral of compliance with section -0060 of the TPR until a future date. There is existing case law that makes it clear that TPR compliance for a zone change decision cannot be deferred until development occurs (*Willamette Oaks v. City of Eugene*, 232 Or App29 (2009)). This case is different from the adoption of a concept plan, where Comprehensive Plan and Zoning designations will be applied at a future date, at which time -0060 compliance would be addressed. This application is for an actual zone change and therefore subject to TPR, section -0060.

Therefore, in order to determine whether or not there will be a significant effect on the State transportation system, ODOT requests that the City of Oregon City require the applicant to prepare a traffic impact study (TIS) prepared by a transportation engineer registered in Oregon, and recommend reasonably likely to be funded mitigation measures to avoid degrading State Highway performance. The analysis should address the following:

1. A comparison between the land use with the highest trip generation rate allowed outright under the proposed zoning/comp plan designation and the land use with the highest trip generation rate allowed outright under the existing zoning/comprehensive plan designation (this is commonly referred to as the “reasonable worst case” traffic analysis). The analysis should utilize the current edition of Institute of Transportation Engineers (ITE) *Trip Generation* manual, unless otherwise directed. To determine the maximum amount of building square footage that could be put on the site the analyst should look at the number of parking spaces, building height, and required landscaping in the local development code.

Note: It is important that the applicant’s transportation engineer provide ODOT the opportunity to review and concur with the mix of land uses and square footage they propose to use for the “reasonable worst case” traffic analysis for both existing and proposed zoning prior to commencing the traffic analysis, particularly if the applicant

chooses to perform their analysis using a trip generation rate determined by any means other than ITE *Trip Generation*.

2. Analysis may rely on existing and planned transportation improvements in which a funding mechanism is in place including but not limited to projects identified in:
 - State Transportation Improvement Program (STIP),
 - Local/County Capital Improvement Plans (CIP),
 - Financially constrained Regional Transportation System Plan (RTP),
3. The analysis should apply the highway mobility standard (volume-to-capacity ratio) identified in the OHP over the planning horizon in the adopted Oregon City transportation system plan (OHP Action 1F2).

Prior to commencing the TIS, the applicant should contact Avi Tayar, P.E., ODOT Region 1 Traffic at 503.731.8221 to obtain ODOT concurrence with the scope of the study.

The City is undoubtedly aware that it will by no means be easy for the applicant to identify technically and financially feasible mitigation measures, since none were identified in the recently adopted TSP. At least one local project that would help divert traffic off the State Highway is outside the City boundary but not in the County's TSP, and has met with resistance from area residents.

Thank you for providing ODOT the opportunity to participate in this land use review. If you have any questions regarding this matter, please contact me at 503.731.8234.

Sincerely,

A handwritten signature in cursive script, reading "Seth Brumley".

Seth Brumley
Development Review Planner

Avi Tayar, P.E., ODOT Region 1 Traffic



City of Oregon City

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

Staff Report

File Number: PC 17-002

Agenda Date: 1/9/2017

Status: Agenda Ready

To: Planning Commission

Agenda #: 4a.

From: Community Development Director Laura Terway

File Type: Planning Item

SUBJECT:

Legal Training

RECOMMENDED ACTION (Motion): No action of the Planning Commission is requested.

BACKGROUND: The Assistant City Attorney, Carrie Richter will provide a presentation reviewing the legal requirements of the Planning Commission.

BUDGET IMPACT:

Amount:

FY(s):

Funding Source:



City of Oregon City

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

Staff Report

File Number: PC 17-002

Agenda Date: 1/9/2017

Status: Agenda Ready

To: Planning Commission

Agenda #: 4a.

From: Community Development Director Laura Terway

File Type: Planning Item

SUBJECT:

Legal Training

RECOMMENDED ACTION (Motion): No action of the Planning Commission is requested.

BACKGROUND: The Assistant City Attorney, Carrie Richter will provide a presentation reviewing the legal requirements of the Planning Commission.

BUDGET IMPACT:

Amount:

FY(s):

Funding Source:



GARVEY SCHUBERT BAREER
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

PORTLAND OFFICE
eleventh floor
121 sw morrison street
portland, oregon 97204-3141

TEL 503 228 3939 FAX 503 226 0259

anchorage, alaska
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new york, new york
seattle, washington
washington, d.c.

GSBLAW.COM

please reply to CARRIE A. RICHTER
crichter@gsblaw.com
Direct Dial 503 553 3118

MEMORANDUM

TO: City of Oregon City Staff
FROM: Carrie A. Richter, Deputy City Attorney
DATE: July 26, 2016
RE: Land Use Procedures Update

There are a number of state and regional noticing and decision requirements that apply to land use decisions, in addition to those set forth in the Oregon City Municipal Code (OCMC) Chapter 17.50. Given the recent increase and complexity of the development applications filed, along with a number of staff changes within the Planning Department, the City Attorney's office offered to provide a summary of these requirements, keying them in to the Permit Approval Process Table, set forth in OCMC 17.50.030, which identifies where these obligations apply to the various local reviews.

Legislative and Quasi-Judicial Distinction – The procedures to be followed when making a land use decision depend on the nature of the decision being made. A legislative decision typically involves the adoption or amendment of policy or regulations that apply to a large area or group of people. A quasi-judicial decision applies existing criteria to a particular land use proposal to a single tract of land. Three factors a court uses to determine if a decision is legislative or quasi-judicial include: (1) is the process bound to result in a decision – if it is subject to 120-day decision limit, it is bound to result in a decision; (2) does the decision require the application of pre-existing criteria; and (3) is the action directed to a closely circumscribed factual situation or a small number of persons? *Strawberry Hill 4 Wheelers v. Board of Comm'rs*, 287 Or 591, 602-603, 601 P2d 769 (1979).

Procedures Controlling Legislative Decision-Making -

Measure 56 Notice – Notice must be provided when legislative amendment (1) changes the base zoning classification of the property or (2) adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone. ORS 227.186(3)-(4), (6), (9). Notice must be given at least 20 days but not more than 40 days in advance of the first hearing.

Metro Notices – The two Metro-imposed notice requirements are: 1) a 35-day mailed notice to Metro of all amendments to the comprehensive plan and/or land use regulations; and 2) a 45-day mailed notice to Metro for a proposed new or amended ordinance or regulation relating to



protection of, or mitigation of damage to, habitat, trees or other vegetation under Title 13 Nature in Neighborhoods. Metro Code 3.07.1360(c)(2).

Both of these Metro notice deadlines are different and much earlier than the notice provided to Metro under OCMC 17.50.090(C), which requires giving notice of legislative proposals to Metro, along with Tri-Met, ODOT and affected neighborhoods, at least 20 days prior to a public hearing.

DLCD Notice Requirements – Except in two limited circumstances, City staff must give DLCD written notice of a proposed change to an acknowledged comprehensive plan or a land use regulation¹ at least 35 days before the initial evidentiary hearing. OAR 660-018-0020(1). The two exceptions are: (1) where no goals, commission rules, or land use statutes apply to a particular proposed change; or (2) emergency circumstances exist beyond the control of the local government. OAR 660-018-0022. This will include zone changes in cases where one or more of the statewide planning goals apply, for example Goal 12 and the Transportation Planning Rule. City staff must give DLCD notice of the adopted change within 20 days of the decision adopting the change, even when those decisions are subject to an exception. OAR 660-018-0040(2) and -0022(3).

Procedures Controlling Quasi-Judicial Decision-Making - Quasi-judicial decisions require compliance with decision-making procedures of ORS 197.763 including: (1) mailed notice 20 days in advance of the hearing; (2) notice listing the applicable criteria from both the zoning regulations and the comprehensive plan (need not include statewide planning goals but may do so); (3) any staff report used at the hearing must be available 7 days in advance of the hearing; (4) includes the oral hearing disclosures including impartial decision-maker questions; (5) requires continuance or to leave the record open if requested at the initial hearing; and (6) unless waived, applicant gets 7 days after record is closed to submit final written argument. These procedures do not apply to legislative decisions.

120-Day Decision Time Limit – The city must take final action on an application for a “permit” or a zone change within 120 days of the date the application is deemed complete. ORS 227.178(1). A “permit” is a discretionary approval of a proposed development of land under land use regulations. ORS 227.160.

Consolidated Review – ORS 227.175(1) requires that the City provide a consolidated procedure for all permits and zone changes. When a permit and zone change are consolidated for review, they will be subject to the 120-day time limit. When review is consolidated with a plan amendment and the zoning and permits are contingent on the plan change, the consolidated decision is not subject to the 120-day rule. An annexation that includes a zone change would

¹ The City’s zoning map is adopted as part of the City’s zoning regulation (OCMC 17.06.020). Accordingly, any zone change is an amendment to the City’s land use regulations and is subject to this requirement.



likely be subject to the 120-day limit because the zone change must be accomplished within that deadline.

Statewide Planning Goal Applicability – The Statewide Planning Goals apply to an amendment of an acknowledged comprehensive plan or land use regulation. ORS 197.175(2)(a) and 197.835(5). Additionally, when a goal or administrative rule are amended, the amendment applies directly to all land use decisions until the amendment is included in the City's plan or regulations and acknowledged. ORS 197.646(2). Any amendment to an acknowledged land use regulation must comply with all applicable statewide planning goals, if the comprehensive plan "does not contain specific policies or other provisions which provide the basis for the regulation." ORS 197.835(5)(b). In other words, where the City's comprehensive plan is not acknowledged with regard to a particular statewide goal, it will apply directly. For example, a zone change that is otherwise compatible with the comprehensive plan will have to independently consider Goal 12 (TPR) may require adoption of the alternative mobility standards before it can be approved. With regard to annexation, OAR 660-014-0060 requires local governments to apply acknowledged plans and land use ordinances, rather than statewide planning goals, unless plans and ordinance do not control the annexation.

Applying these rules to the decision-making process chart set forth in OCMC 17.50.030 would typically require additional actions as noted below. Further additions and deletions to the chart are noted in underlined and strikethrough text.

Permit Type	I	II	III	IV	Expedited Land Division	DLCD/M56 Metro Notice	QJ or Leg or Facts Will Determine	Subject to 120-Day Limit
Annexation w/out Zone Change				X			Depends, likely QJ	
Compatibility Review	X							
Code Interpretation			X				Depends	X
General Development Plan			X				QJ	X
Conditional Use			X				QJ	X
Detailed Development Plan ¹		X	X				QJ	X
Extension		X					QJ	X
Final Plat	X							
Geologic Hazards		X					QJ	X
Historic Review			X				QJ	X
Lot Line Adjustment and Abandonment	X							

¹ If any provision or element of the master plan requires a deferred Type III procedure, the detailed development plan shall be processed through a Type III procedure.



Permit Type	I	II	III	IV	Expedited Land Division	DLCD/M56 Metro Notice	QJ or Leg or Facts Will Determine	Subject to 120-Day Limit
Major Modification to a Prior Approval ²	X	X	X	X	X		QJ	X
Minor Modification to a prior Approval	X							
Minor Partition		X					QJ	X
Nonconforming Use, Structure and Lots Review	X	X					QJ	X
<u>Plan or Code Amendment</u>				<u>X</u>		<u>X, where zone change or action limits uses allowed in zone</u>	<u>Leg</u>	
Reconsideration	X							
Revocation				X			QJ	X
Site Plan and Design Review		X					QJ	X
Subdivision		X			X		QJ	X
Variance		X	X				QJ	X
<u>Zone Change Consistent With Acknowledged Comp Plan</u>				<u>X</u>		<u>X, except for DLCD, in cases where plan fully implements goals</u>	<u>Depends</u>	<u>X</u>
<u>Zone Change Upon Annexation with No Discretion³</u>	<u>X</u>			<u>X</u>				
Zone Change Upon Annexation with Discretion				X		X	Depends	
Natural Resource Exemption	X							
Natural Resource Review		X					QJ	X

GSB:7940175.3 [34758.00400]

² A major modification to a prior approval shall be considered using the same process as would be applicable to the initial approval.

³ Given the need to determine utility and service infrastructure adequacy, it is unlikely that the facts will result in a non-discretionary annexation decision opportunity.

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting

1-9-17

Item Number From Agenda

36

AN-16-0004

Series

NAME:

James J. Nizich

ADDRESS:

Street:

302 B. B. St

City, State, Zip:

Oregon City, OR

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

[Handwritten Signature]

2

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting Jan 9, 2017

Item Number From Agenda 3A - AN-16-0003 Golf Course

NAME: Rose Holden

ADDRESS: Street: _____

City, State, Zip: Oregon City

PHONE NUMBER: 503 807 8865

E-MAIL ADDRESS: _____

SIGNATURE: Rose Holden

(Signature) Land Use Planner

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting Jan 9, 2017

Item Number From Agenda 3a

APPLICANT'S

NAME: Joseph Schaefer Land Use Planner

ADDRESS: Street: 2 Centerpointe, 6th Floor

City, State, Zip: Lake Oswego OR 97035

PHONE NUMBER: 503 598-5584

E-MAIL ADDRESS: joseph.schaefer@jordansamit.com

SIGNATURE: (Signature)

1

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting 09 JAN 16

Item Number From Agenda 3a Golf Course

NAME: WILLIAM GIFFORD

ADDRESS: Street: 1324 BEAVER LN

City, State, Zip: OC OR 97045

PHONE NUMBER: 503.723.3456

E-MAIL ADDRESS: William@smallflags.com

SIGNATURE: William Gifford



COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting

1/9/2017

Item Number From Agenda

AN-16-0003 ANNEXATIONS

NAME:

PAUL EDGAR

ADDRESS:

Street:

City, State, Zip:

OC

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting 9-9-17

Item Number From Agenda 3a Golf Course Annexation

NAME: CHRISTINE KOSINSKI

ADDRESS: Street: HOLLY LN

City, State, Zip: _____

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

SIGNATURE: Christine Kosinski

③ ✓

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting 9 JAN 2017

Item Number From Agenda 3a Golf Course

NAME: Steve Callistini

ADDRESS: Street: 15588 b. Saddle Lane

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER: 971 223 2905

E-MAIL ADDRESS: steve @ cascadejets.com

SIGNATURE: [Signature]

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting

1-9-17

Item Number From Agenda

39.

Golf Course

NAME:

James J Nicita

ADDRESS:

Street:

302 Bluff St.

City, State, Zip:

Oregon City, OR

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

[Handwritten Signature]

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting

1-9-17

Item Number From Agenda

~~69~~ 3a
8

Graser-Lindsey

NAME:

Elizabeth Graser-Lindsey

ADDRESS:

Street:

21391 S. Ferguson Rd

City, State, Zip:

Beavercreek, OR 97007

PHONE NUMBER:

(503) 632-5568

E-MAIL ADDRESS:

egraserlindsey@gmail.com

SIGNATURE:

Elizabeth Graser-Lindsey

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to **3 MINUTES**.
- Give to the Clerk in Chambers **prior** to the meeting.

Date of Meeting 1-9-13

Item Number From Agenda 3A

Golf Course

NAME:

Tom O'Brien

ADDRESS:

Street: 19364 HAZELGROVE

City, State, Zip: OR CITY, OR 97045

PHONE NUMBER:

503-723-3334

E-MAIL ADDRESS:

SIGNATURE:

Tom O'Brien

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to **3 MINUTES**.
- Give to the Clerk in Chambers **prior** to the meeting.

Date of Meeting 1/9/17

Item Number From Agenda 3a

Golf Course

NAME: Jesse Buss

ADDRESS: Street: OC

City, State, Zip: _____

PHONE NUMBER: _____

E-MAIL ADDRESS: jessebuss@gmail.com

SIGNATURE: [Signature]



City of Oregon City

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

Staff Report

File Number: PC 17-001

Agenda Date: 1/9/2017

Status: Agenda Ready

To: Planning Commission

Agenda #: 2a.

From: Community Development Director Laura Terway

File Type: Planning Item

SUBJECT:

2017 Chair and Vice Chair Elections

RECOMMENDED ACTION (Motion): Staff recommends the Planning Commission elect a Chair and a Vice Chair to serve a one year term.

BACKGROUND: Chapter 2.24.060 of the Oregon City Municipal Code identifies that "The planning commission, at its first meeting in January, shall elect a chairperson and vice chairperson, who shall hold office for one year".

BUDGET IMPACT:

Amount:

FY(s):

Funding Source:



City of Oregon City

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

Staff Report

File Number: PC 17-002

Agenda Date: 1/9/2017

Status: Agenda Ready

To: Planning Commission

Agenda #: 4a.

From: Community Development Director Laura Terway

File Type: Planning Item

SUBJECT:

Legal Training

RECOMMENDED ACTION (Motion): No action of the Planning Commission is requested.

BACKGROUND: The Assistant City Attorney, Carrie Richter will provide a presentation reviewing the legal requirements of the Planning Commission.

BUDGET IMPACT:

Amount:

FY(s):

Funding Source:



Community Development - Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045

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

OREGON CITY PLANNING COMMISSION

Tally of Votes

Planning Commission Hearing Date: 1/9/2017

Board Members Present

Staff Present

ALL

Walter
Terway
Richter

Agenda Item: Rich a chair & vice for 1 term
Denise Chair Kidwell

Decision: Approve with Conditions Approve Deny Continue to _____

	Motion:	Second:	Aye:	Nay:	Abstain:	Comments:
Commissioner Geil			✓			
Commissioner McGriff				✓		
Commissioner Mabee	✓	✓	✓			
Commissioner Henkin			✓			
Commissioner Espe			✓			
Commissioner Mahoney			✓			
Chair Kidwell			✓			

Agenda Item: Paul Espe vice chair

Decision: Approve with Conditions Approve Deny Continue to _____

	Motion:	Second:	Aye:	Nay:	Abstain:	Comments:
Commissioner Geil	1		✓			
Commissioner McGriff			✓			
Commissioner Mabee			✓			
Commissioner Henkin		2	✓			
Commissioner Espe			✓			
Commissioner Mahoney			✓			
Chair Kidwell			✓			

CITY OF OREGON CITY PLANNING COMMISSION TRAINING

January 9, 2017

By Carrie A. Richter



Bateman Seidel Miner Blomgren Chellis & Gram, P.C.

LEGAL LIMITATIONS ON DECISION-MAKING

FEDERAL

United States Constitution

United States Code

STATE

Oregon Constitution

Oregon Revised Statutes

DLCD/LCDC

19 Statewide Land Use Goals

Oregon Administrative Rules
Division 660-

OREGON CITY

Oregon City Comprehensive Plan including
Transportation System Plan, Utility Plans and Master
Plans

Oregon City Municipal Code



TYPES OF LAND USE REVIEW IN OREGON CITY

Administrative Decisions

- **Type I** – No discretionary decision-making and no notice, hearing or appeal.

Quasi-Judicial Decisions

- **Type II** – Limited discretion in decision-making. Notice to neighbors, written comment, Director decision, and appeal rights to the City Commission.
- **Type III** – Discretionary review to determine compliance with criteria. Notice, public hearing by Planning Commission or Historic Review Board, and appeal rights to the City Commission.

Legislative Decisions

- **Type IV** – Typically, plan amendments and zone changes. Notice, public hearing by Planning Commission with recommendation and final decision by the City Commission.

QUASI-JUDICIAL VS. LEGISLATIVE DECISION-MAKING

Quasi-Judicial

- Adjudicative: Application of the criteria to the facts
- ORS 197.763: opportunity to present and rebut evidence.
- Impartial Tribunal
- Raise it or Waive It
- Commission review of appeals on the record.
- Adequate Findings and Conclusions
- Decision must be made 120 days after application is complete.

Legislative

- Making policy
- No legal formalities in terms of hearing disclosures
- Decision-makers are expected to communicate with interested parties as part of making policy.
- Commission review of recommended amendments on the record.
- No decision-making timeline.

QUASI-JUDICIAL HEARING DISCLOSURES

- A list of the applicable criteria is provided.
- Staff report prepared 7 days in advance and is available.
- Testimony must be directed to the criteria.
- Failure to raise an issue precludes raising it before LUBA.
- Failure to raise constitutional issues precludes an action for damages in circuit court.
- Right to an impartial tribunal.

IMPARTIAL TRIBUNAL

Decisions must be based on the testimony and evidence that is part of the record:

- Disclose ex parte contacts on the record giving the public an opportunity to question decision-maker further.
- Ex parte contacts are facts gleaned outside the record from newspaper articles or site visits, for example.
- An objection must be made in order to preserve a challenge at LUBA on that basis.

Decisions must be free of actual bias:

- A predisposition rendering it impossible to make a decision based on the evidence and argument presented.
- No actual conflict of interest - If the decision is likely to have a direct pecuniary benefit or detriment to the decision-maker or a family member of the decision-maker, the decision-maker may not participate.
- Potential conflict of interest – Announce and determine whether to participate.

PUBLIC HEARING PROCEDURES

- Staff Report – Available 7 days before initial hearing
- Applicant's Presentation
- Testimony by Interested Parties – Proponents and opponents
- Applicant Rebuttal
- At any time during the initial hearing, a party requests a continuance, the Planning Commission must hold off in making a decision at that meeting. The Planning Commission may:
 - Continue the meeting to a date certain and resume the proceedings where the Commission left off allowing additional testimony with rebuttal.
 - Leave the record open for at least 7 days for all parties, an additional 7 days for all parties to respond to the evidence and finally an additional 7 days for the applicant to submit final written argument (not new evidence).

THE HEARING RECORD – BE CLEAR ABOUT WHAT IS IN AND WHAT IS OUT.

PUBLIC MEETINGS AND RECORDS REQUIREMENTS

“Public Meeting” – Majority or a quorum – may include meeting substitutes such as conference calls or emails.

- General rule is that they are open to the public
- Notice and minutes
- Enforcement

“Public Records” – Almost any writing, data storage or other record.

- General rule is that they are available to the public
- Enforcement

DELIBERATION AND THE DECISION

DETERMINATION OF WHETHER THE STANDARDS ARE MET INCLUDES:

Interpreting the Applicable Criteria – Apply meaning to ambiguous standards in the purpose or policy of the provision. Focus on the plain meaning of terms taken in context.

Adequate findings – An explanation of how the facts satisfy the criteria.

- Findings must explain why and should not amount to mere conclusions.
- Findings should resolve conflicts in facts and explain why one fact was deemed more reliable than another.
- Findings must address all of the applicable criteria. If the criteria is not applicable, the findings should explain why this is the case.

Based on Substantial Evidence – Is there evidence in the record to support the conclusions identified in the findings.

- The decision-maker can weigh the evidence and make a choice when the evidence is in conflict.

Conditions of Approval – may be attached to ensure that all applicable approval standards are or can be met.