City of Oregon City

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

Meeting Agenda

Planning Commission

Monday, January 25, 2016 | **7:00 PM** | **Commission Chambers**

1. Call to Order

2. Public Hearing

2a. ZC 15-03: Zone Change and PZ 15-01: Comprehensive Plan Amendment for Property Located near Beavercreek Road, Highway 213 and Maple Lane Road

Attachments:
Commission Report
Revised ZC 15-03 and PZ 15-01 Staff Report
Exhibit 1 Vicinity Map
Exhibit 2 Application Form
Exhibit 2 Applicants Narriative
Exhibit 2 Rezoning Area
Exhibit 2 Lot Concept Plan
Exhibit 2 Example Structures on a Lot
Exhibit 2 Present Comprehensive Plan Designations
Exhibit 2 Present Zoning
Exhibit 2 TPR Analysis
Exhibit 2 Trip Cap Analysis
Exhibit 2 Trip Cap Memorandum
Exhibit 2 Neighborhood Meeting
Exhibit 2 Geologic Hazards Memorandum
Exhibit 2 Property Trios
Exhibit 2 Information which has Since been Revised
Exhibit 3 Comments from John Replinger of Replinger and Associates, City Consultant
Exhibit 4 Comments from Wes Rodgers, Director of Operations at the Oregon City School District
Exhibit 5 Comments from Ken Kent, Land Use Review Coordinator for Clackamas County
Exhibit 6 Comments from Mike Roberts, Building Official for the City of Oregon City
Exhibit 7 Comments from Joshua Brooking, Assistant Planner at ODOT
Exhibit 8. Staff Report for L 13-01 and L 13-02, Adoption of the
Exhibit 9 Information submitted from the November 9, 2015 Planning Commission Hearing

Exhibit 9. Video of the November 9, 2015 Planning Commission Hearing
Exhibit 10 Housing Technical Report (2002)

Information submitted from the January 11, 2016 Planning Commission Hearing
Historic Properties Final Written Argument

2b. Re-adoption of the Beavercreek Road Concept Plan (Planning File LE 15-03)

Attachments: Commission Report

PC Summary Memorandum 1.18.2015

Revised Findings

John Lewis Comments on Draft TriMet SE Plans

PC Minutes April 22 2013

PC Minutes April 8 2013

CCTSP Fig 5-1b Urban Minor Arterial Cross Section

CCTSP Map 5-4a_FunctionalClassUrban

Items Entered at Hearing 1.11.2016

BRCP Agenda Packet 1.11.2016

Items Entered at Hearing 11.23.2015

BRCP Agenda Packet 11.23.2015

3. Communications

4. 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.

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Staff Report

File Number: PC 16-015

Agenda Date: 1/25/2016

Status: Agenda Ready

To: Planning Commission

Agenda #: 2a.

From: Planner Laura Terway

File Type: Land Use Item

SUBJECT:
ZC 15-03: Zone Change and PZ 15-01: Comprehensive Plan Amendment for Property Located near Beavercreek Road, Highway 213 and Maple Lane Road

RECOMMENDED ACTION (Motion):
Staff recommends the Planning Commission recommend approval of ZC 15-03 and PZ 15-01 to the City Commission for their review on February 17, 2016.

BACKGROUND:
The applicant is seeking approval for a Zone Change from “R-3.5” Dwelling District, “R-6” Single-Family Dwelling District and “R-10” Single-Family Dwelling District to “MUC-2” Mixed-Use Corridor 2 and an amendment to the Comprehensive Plan Map from Low Density Residential and Medium Density Residential to “MUC” Mixed Use Corridor for property located near Beavercreek Road, Maplelane Road and Highway 213. The proposal includes restricting some uses within the MUC-2 District as well as implementation of a trip cap.

BUDGET IMPACT:
Amount:
FY(s):
Funding Source:

OREGON CITY

Community Development – Planning

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

TYPE IV APPLICATION
STAFF REPORT AND RECOMMENDATION
January 4, 2016

FILE NUMBER:	PZ 15-01: Comprehensive Plan Amendment ZC 15-03: Zone Change
APPLICANT/ OWNER:	Historic Properties 1300 John Adams Street, Oregon City, Oregon 97045
REPRESENTATIVE:	Sisul Engineering, c/o Tom Sisul 375 Portland Avenue, Gladstone, Oregon 97027
REQUEST:	The applicant is seeking approval of an amendment to the Comprehensive Plan Map from Low Density Residential and Medium Density Residential to "MUC" Mixed Use Corridor and a Zone Change from "R-3.5" Dwelling District, "R-6" Single-Family Dwelling District and "R-10" Single-Family Dwelling District to "MUC-2" Mixed-Use Corridor 2.
LOCATION:	14228, 14268, 14275, 14289, 14297, 14338 & 14362 Maplelane Ct, 14375 Maplelane Rd, 3391 Beavercreek Rd Clackamas County Map 32E04C, Tax Lots 700, 702, 900, 1201, 1300, 1400, 1500, 1600 and Clackamas County Map 32E04CD, Tax Lots 3300, 5900, 6000
REVIEWERS:	Laura Terway, AICP, Planner Wendy Marshall, P.E., Development Projects Manager
RECOMMENDATION:	Approval with Conditions

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

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

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

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

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

1. In addition to the prohibited uses identified in OCMC 17.29.040 the following uses are prohibited on the subject site:
    a. Museums, libraries and cultural activities
    b. Postal Services
    c. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoe and small appliances and equipment.
    d. Restaurants, eating and drinking establishments without a drive through.
    e. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar.
    f. Ancillary drive-in or drive through facilities and
    g. Gas stations (P)
2. Future development on the site shall be limited to uses that in aggregate produce no more than 128 trips during the AM peak hour and no more than 168 trips during the PM peak hour. No development shall be permitted that exceeds either value. For each land use application and business license submitted, the applicant shall provide an accounting of trips generated through previously approved land use actions for the entire subject site associated with this proposal and demonstrate that the proposal complies with both the maximum AM and PM peak hour trip caps. *(P)*
3. Prior to approval of any future development on site, the applicant shall submit a layout of the roadway and intersection configurations within and adjacent to the subject site (including the proposed new street network internal to the site, Maplelane Court, Beavercreek Road from Highway 213 to Maplelane Road, and Maplelane Road from Beavercreek Road to the applicant's north property boundary). The plan shall identify all transportation infrastructure as well as a phasing schedule of when the infrastructure will be installed coupled with a finance plan identifying reasonable funding sources for the infrastructure. *(P)*
4. Once the necessary studies are compiled and Chapter 12.04.205.D of the Oregon City Municipal Code is amended to adopt new performance measures that identify alternative mobility targets addressing Highway 213 and Beavercreek Road, the applicant may amend this application to amend or remove the trip cap, through a minor modification of conditions application processed through a Type II procedure. *(P)*

I. BACKGROUND:

1. Existing Conditions

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

Figure 1. Vicinity Map

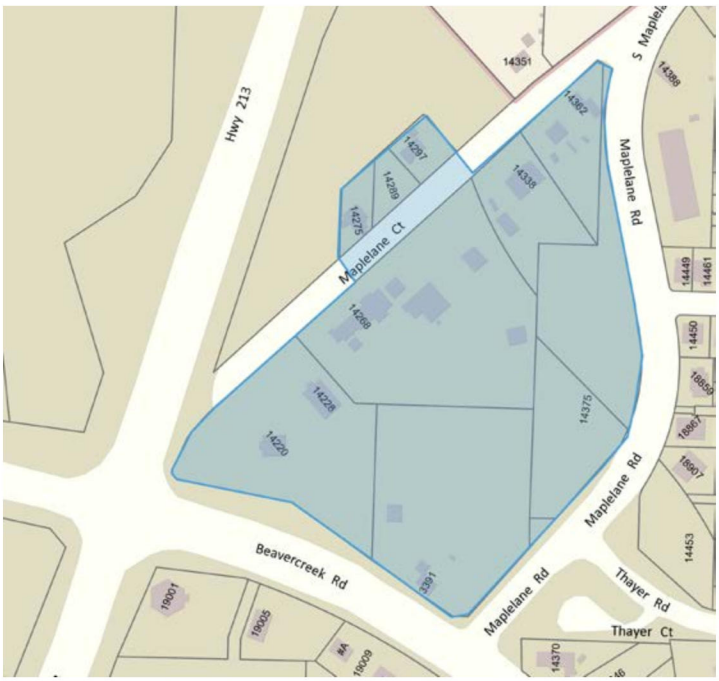


Figure 2: Existing Conditions – Aerial Image

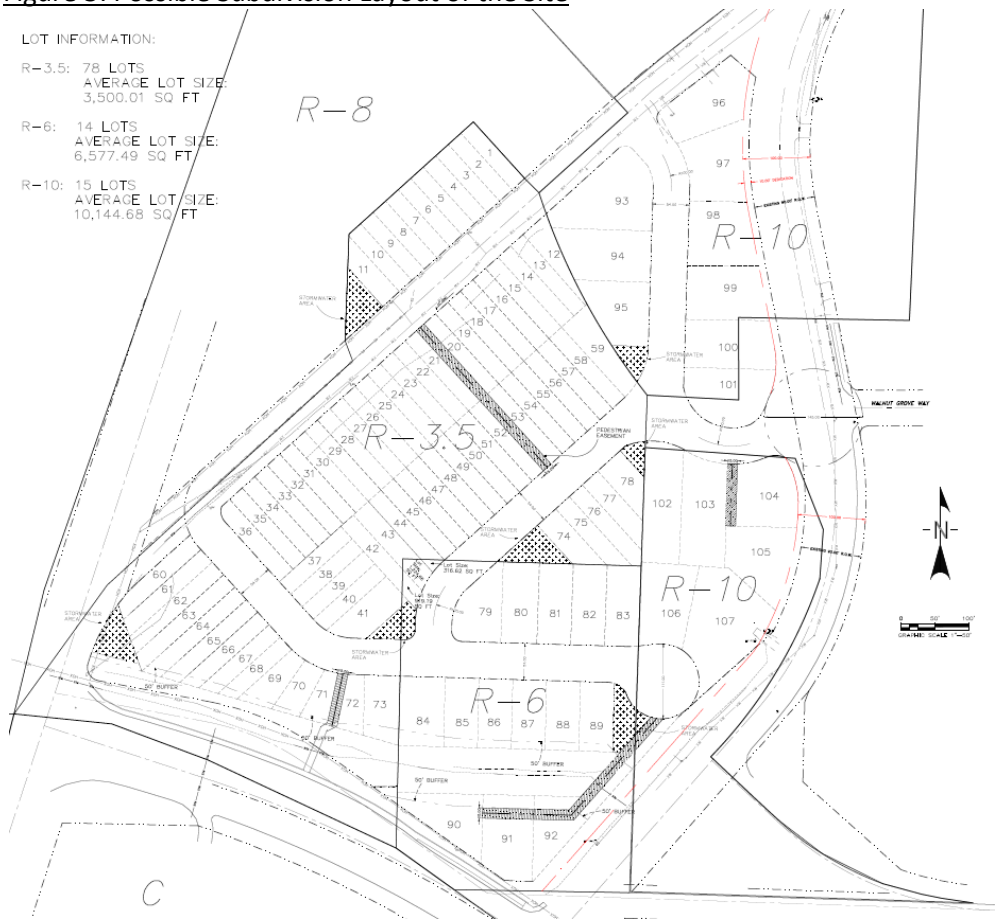


2. Project Description

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

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

Figure 3: Possible Subdivision Layout of the Site



This application is being processed as a Type IV application which will go before the Planning Commission and City Commission for a decision. The applicant proposed a trip cap to limit the transportation impact allowed onsite. As identified in OCMC 12.04.007, one reason for the trip cap is that when the Transportation System Plan was adopted, the City was not able to identify a reasonable transportation solution for the intersection of Highway 213 and Beavercreek Road which would result in compliance with mobility standards. The City is obligated to conduct and adopt a corridor study or alternate mobility standard to identify a reasonable solution to congestion at this location. Once complete, the study would be reviewed by the Planning and City Commission and would include amendments to the mobility standards in Chapter 12.04 of the Oregon City Municipal Code. The Oregon City Municipal Code requires any future amendments to this application, including removing or adjusting the trip cap, to be reviewed again before the Planning and City Commissions as a Type IV application. The applicant submitted a request that would allow the condition of approval associated with the trip cap to

be amended through a Type II or Type III process if the Oregon City Municipal Code is amended to allow additional vehicular trips through the aforementioned intersections (specifically Highway 213 and Beavercreek Road).

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

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

Figure 4: Current Zoning Map

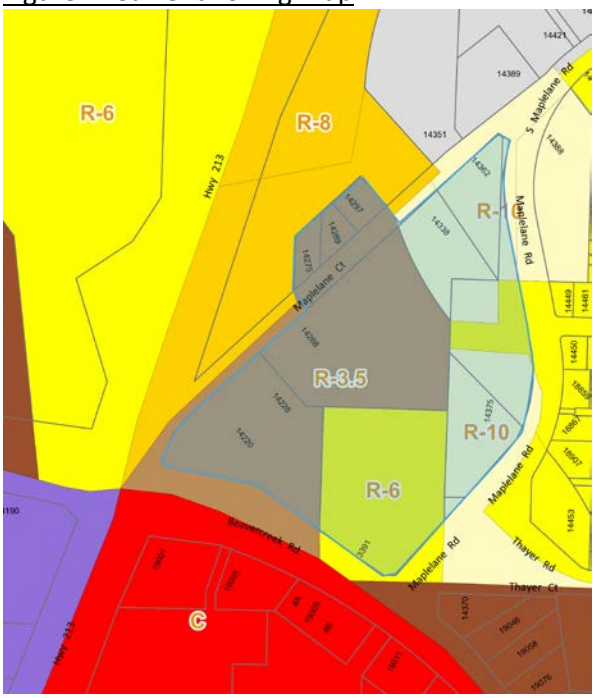
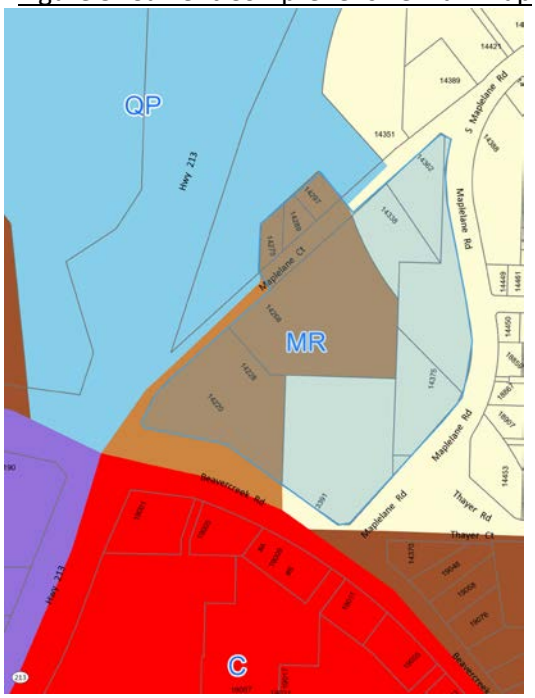


Figure 5: Current Comprehensive Plan Map



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

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

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

II. ANALYSIS AND FINDINGS:

CHAPTER 17.29 - "MUC-2" MIXED USE CORRIDOR DISTRICT

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

A. Banquet, conference facilities and meeting rooms;
B. Bed and breakfast and other lodging facilities for up to ten guests per night;
C. Child care centers and/or nursery schools;
D. Indoor entertainment centers and arcades
E. Health and fitness clubs;
F. Medical and dental clinics, outpatient; infirmary services;
G. Museums, libraries and cultural facilities;
H. Offices, including finance, insurance, real estate and government;
I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
J. Postal services;
K. Parks, playgrounds, play fields and community or neighborhood centers;
L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
N. Residential units, multi-family;
O. Restaurants, eating and drinking establishments without a drive through;
P. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
Q. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet;
R. Seasonal sales, subject to OCMC Chapter 17.54.060
S. Assisted living facilities; nursing homes and group homes for over 15 patients
T. Studios and galleries, including dance, art, photography, music and other arts;
U. Utilities: basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.
V. Veterinary clinics or pet hospitals, pet day care.
W. Home occupations
X. Research and development activities
Y. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
Z. Residential care facility
AA. Transportation facilities

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

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

The applicant has not proposed a use at this time. Review of a future use will occur once proposed. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

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

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

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

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

The following uses are prohibited in the MUC District:

A. Distributing, wholesaling and warehousing;
B. Outdoor sales or storage
C. Correctional Facilities.
D. Heavy equipment service, repair, sales, storage or rental[2] (including but not limited to construction equipment and machinery and farming equipment)
E. Kennels
E. Motor vehicle and recreational vehicle sales and incidental service
F. Motor vehicle and recreational vehicle repair / service
G. Outdoor sales or storage,
H. Self-service storage facilities

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

17.29.060 Dimensional Standards--MUC-2

A. Minimum lot area: None.
B. Minimum floor area ratio: 0.25.
C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
D. Maximum building height: Sixty feet.

E. Minimum required setbacks if not abutting a residential zone: None.
F. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
G. Maximum Allowed Setbacks.
1. Front yard: Five feet (may be expanded with Site Plan and Design Review Section 17.62.055).
2. Interior side yard: None.
3. Corner side yard abutting street: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
4. Rear yard: None.
H. Maximum site coverage of building and parking lot: Ninety percent.
I. Minimum landscaping requirement (including parking lot): Ten percent.
Finding: Not Applicable. The applicant has not proposed to alter the size of the properties associated with this application.

CHAPTER 17.68 ZONE CHANGES AND AMENDMENTS

17.68.010 *Initiation of the Amendment.*
A text amendment to this title or the Comprehensive Plan, or an amendment to the zoning map or the Comprehensive Plan map, may be initiated by:
A. A resolution request by the City Commission;
B. An official proposal by the Planning Commission;
C. An application to the Planning Division presented on forms and accompanied by information prescribed by the planning commission.
D. A Legislative request by the Planning Division
All requests for amendment or change in this title shall be referred to the Planning Commission.
Finding: Complies as Proposed. The applicant submitted this application to initiate a Zone Change and amendment to the Comprehensive Plan for the subject site in accordance with OCMC 17.68.010.c.

17.68.020.A *The proposal shall be consistent with the goals and policies of the comprehensive plan.*
Finding: Please refer to the analysis below.

Goal 1: Citizen Involvement
Goal 1.1 Citizen Involvement Program Implement a Citizen Involvement Program that will provide an active and systematic process for citizen participation in all phases of the land-use decisionmaking process to enable citizens to consider and act upon a broad range of issues affecting the livability, community sustainability, and quality of neighborhoods and the community as a whole.
Policy 1.1.1 - Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, PWF Medical Center Master Plan Modification and Comprehensive Plan/Zone Change Application 20 *Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.*
Goal 1.2 Community and Comprehensive Planning - Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.
Policy 1.2.1 - Encourage citizens to participate in appropriate government functions and land-use planning.
Goal 1.3 Community Education - Provide education for individuals, groups, and communities to ensure effective participation in decision-making processes that affect the livability of neighborhoods.
Goal 1.4 Community Involvement - Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.
Policy 1.4.1 - Notify citizens about community involvement opportunities when they occur.
Finding: Complies as Proposed. Chapter 17.50 of the Oregon City Municipal Code includes provisions to ensure that citizens, neighborhood groups, and affected property owners have ample opportunity for participation in this application. The applicant met with the Caufield Neighborhood Association prior to submitting this application and after the application was deemed complete. Twice, the City noticed the application to property owners within 300 feet of the subject site, neighborhood association, Citizens Involvement Committee, a general

circulation newspaper, and posted the application on the City's website. In addition, the applicant posted signs on the subject site. All interested persons have the opportunity to comment in writing or in person through the public hearing process. This goal is met.

Goal 2: Land Use

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

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

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

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

Goal 2.4 *Neighborhood Livability - Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.*
Policy 2.4.2 Strive to establish facilities and land uses in every neighborhood that help give vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.
Policy 2.4.4 Where environmental constraints reduce the amount of buildable land, and/or where adjacent land differs in uses or density, implement Comprehensive Plan and zoning designations that encourage compatible transitional uses.
Policy 2.4.5 - Ensure a process is developed to prevent barriers in the development of neighborhood schools, senior and childcare facilities, parks, and other uses that serve the needs of the immediate area and the residents of Oregon City.

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

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

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

Finding: Complies with Condition. The subject site is currently within the "LR" Low Density Residential Development Comprehensive Plan designation as well as the "MR" Medium Density

Residential Comprehensive Plan designation. As demonstrated within the findings in this report, the development proposal would amend the Comprehensive Plan designation to "MUC" Mixed-Use Corridor in compliance with the goals and policies within the Comprehensive Plan. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Goal 3: *Agricultural Land: requires local governments "to preserve and maintain agricultural lands."*
Finding: Not Applicable. The subject site is within the Oregon City limits and is not designated as agricultural. This goal is not applicable.

Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources
Finding: Not Applicable. The Oregon City Municipal Code implements the principals of protecting fish and wildlife habitat as well as scenic vistas though the Natural Resource Overlay District as well as the Geologic Hazards Overlay District, which includes protection of sensitive lands. Portions of the subject site are within each overlay district which will be addressed upon submittal of a future application for development of the site. The development proposal does not include construction onsite. Future development will include a public review process to verify compliance with all applicable standards within the Oregon City Municipal Code. There are no historic structures or resources located on or adjacent to the subject site. This goal is not applicable.

Goal 6: Quality of Air, Water and Land Resources
Goal 6.1.1: Promote land-use patterns that reduce the need for distance travel by single-occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.
Finding: Complies as Proposed. This goal promotes land use patterns that reduce travel by single occupancy vehicles and promote travel by walking, bicycling, and transit to destinations including employment, shopping and education. The subject site is located across the street from a commercial center, near a transit stop, and within a half-mile of a college. The proposed zoning designation allows a variety of uses including a variety of residential, employment opportunities for nearby residences. The potential mix of uses within the site as well as the proximity of the subject site to existing residences, will increase access to amenities by bicycle or by foot thus reducing the dependence on single occupancy vehicles. This goal is met.

Policy 6.1.2: *Ensure that development practices comply with or exceed regional, state, and federal standards for air quality.*
Finding: Not Applicable. Preservation of air quality is implemented in Chapter 17.62.050.A.13 of the Oregon City Municipal Code. Future development of the site will be reviewed upon submittal of a development application. This policy is not applicable.

Policy 6.1.4: *Encourage the maintenance and improvement of the city's tree canopy to improve air quality.*
Finding: Not Applicable. The preservation and mitigation for removed trees is addressed in Chapter 17.41, 17.44 and 17.49 of the Oregon City Municipal Code. Tree removal is not proposed with this application. Future development of the site will be reviewed upon submittal of a development application. This policy is not applicable.

Policy 6.2.1 *Prevent erosion and restrict the discharge of sediments into surface and groundwater by requiring erosion prevention measures and sediment control practices.*
Finding: Not Applicable. Future development of the site will be reviewed upon submittal of a development application, whereby erosion prevention and sediment control measures will be implemented during construction. No construction is proposed with this development application. This policy is not applicable.

Goal 6.3: *Nightlighting: Protect the night skies above Oregon City and facilities that utilize the night sky, such as the Haggart Astronomical Observatory, while providing for nightlighting at appropriate levels to ensure safety for residents, businesses, and users of transportation facilities, to reduce light trespass onto neighboring properties, to conserve energy, and to reduce light pollution via use of night-friendly lighting.*
Finding: Not Applicable. Light pollution is limited in Chapter 17.62.065 of the Oregon City Municipal Code. Future development of the site will be reviewed upon submittal of a development application. This policy is not applicable.

Goal 6.4: *Noise: Prevent excessive noise that may jeopardize the health, welfare, and safety of the citizens or degrade the quality of life.*
Finding: Not Applicable. Noise is addressed in Chapter 17.62.050.A.13 of the Oregon City Municipal Code, as well as in adopted Nuisance standards. Future development of the site will be reviewed upon submittal of a development application. This policy is not applicable.

Goal 7 – Natural Hazards - *Policy 7.1.8*
Provide standards in City Codes for planning, reviewing, and approving development in areas of potential landslides that will prevent or minimize potential landslides while allowing appropriate development.
Finding: Not Applicable. Portions of the subject site are within the Geologic Hazards Overlay District as well as the Natural Resources Overlay District, which will subject development to subsequent review to minimize landslide risk as well as to protect the natural resources onsite such as decreased density and vegetated corridors.

The applicant submitted the following:

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

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

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

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

The Hart Crowser memorandum found:

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

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

(Hart Crowser memorandum at pages 2 and 3.)

Based on the Hart Crowser memorandum, the Planning Commission can first find that this Application is not in a high hazard area. Notwithstanding this finding, the Applicant has provided a site-specific report that is appropriate for the level and type of hazard; in this case, a geotechnical report prepared by a licensed professional. Mr. Blackwood is an Oregon-registered professional engineer. The Hart Crowser memorandum evaluated the risk to the site based on the deep-seated landslide and the potential for landsliding within the headscarp. The Hart Crowser memorandum concluded that with respect to the deep-seated landslide potential, the entire deep-seated landslide to move is "low," but did not recommend mitigation measures.
With respect to the potential for landslides within the headscarp, the Hart Crowser memorandum found the potential to be moderate and, therefore, recommended mitigation with setbacks from the headscarp slope and controls for on-site water infiltration.
Finally, with respect to impact to nearby properties, the Hart Crowser memorandum analyzed the moderate hazard posed by the headscarp slope. The Hart Crowser memorandum notes that mitigation in the form of control of stormwater through stormwater detention rather than infiltration is an appropriate means of mitigation.

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

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

Public comments were submitted identifying concerns for compliance with this Goal in OCMC 17.50.090.

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

Goal 8 – Parks and Recreation
Finding: Complies as Proposed. This goal is designed to provide recreation for all residents of Oregon City. The proposed amendment would not have a significant effect on this goal. All future development of the site is subject to pay system development charges (SDC's) for parks. If the site is developed to include multi-family, the site is subject to open space requirements and if the site is developed with non-residential uses, the impact on parks is not expected to be significant. This goal is met.

Goal 9 – Economic Development
Finding: Complies as Proposed. The potential uses within the MUC-2 District will result in the increased opportunity to provide employment (uses other than residential). Once development occurs, taxes will be levied for support of services and facilities. This goal is met.

Goal 10: *Housing*
Goal 10.1, Provide for the planning, development and preservation of a variety of housing types and lot sizes.
Finding: Complies as Proposed. Policy 10.1.3 seeks to "designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development". The City's Comprehensive Plan identifies the need for 6,075 units through 2017. According to the Housing Resource Document for the City of Oregon City Comprehensive Plan in Exhibit 10 (referred to as the "Housing Technical Report (2002)") full buildout of the available buildable lands in 2002 would have only resulted in 4,593 additional dwelling units. The Housing Technical Report (2002) called for land use policies that would move the mix of housing from 80% single-family dwellings and 20% multi-family dwellings to a 75% and 25% mix, respectively.

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

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

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

- The City created and approved concept plans for three areas (South End, Beavercreek, Park Place) recently brought into the UGB. The Park Place Concept Plan provides capacity for 1,091 dwelling units, the South End Concept Plan provides capacity for 1,210 dwelling units and the Beavercreek Road Concept Plan provides capacity for 1,023 dwelling units for a total of 3,324 units within the urban growth boundary.
- Since October 1, 2002, the City has granted permits for 2,438 dwelling units.[2]

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

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

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

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

Goal 10.2 *Provide and maintain an adequate supply of affordable housing.*
Finding: Complies as Proposed. The proposal would change the Comprehensive Plan designation and zoning designation to "MUC-2" Mixed Use Corridor for the subject site which includes a variety of uses including multi-family and/or assisted living facilities. Though the applicant is not obligated to implement either option, the availability of land for such multi-family uses increases the potential for more affordable housing options.

[2] 2,136 new single-family dwelling units; 253 new townhouses; 23 accessory dwelling units; and 26 multi-family units.

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

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

Figure 6: Median Sale Prices from Zillow.com

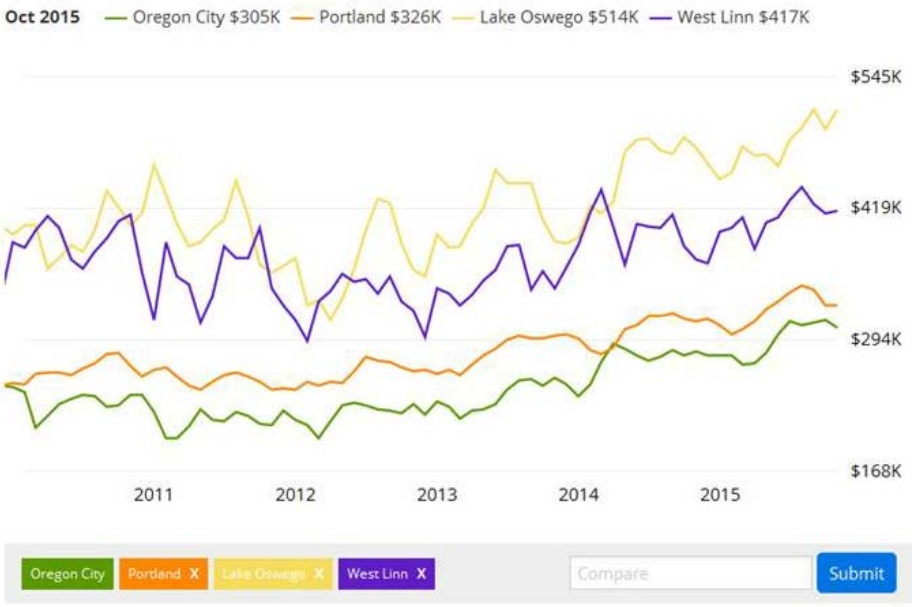
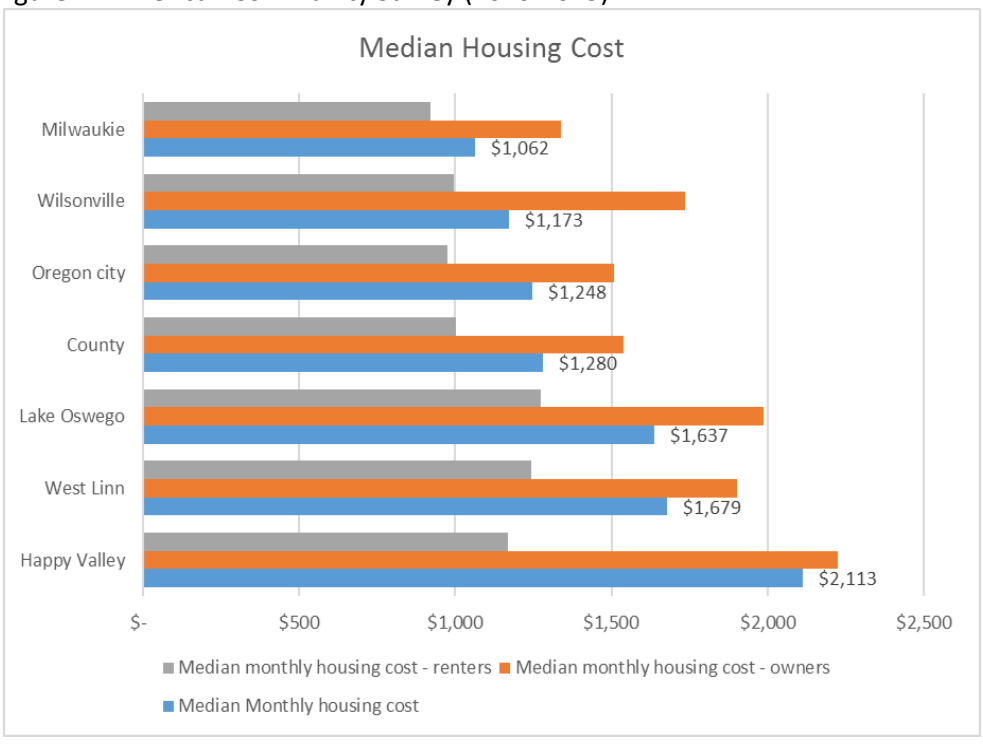


Figure 7: American Community Survey (2010-2015)



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

Goal 11: Public Facilities

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

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

Policy 11.1.3: *Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land-use planning goals and regulations. Facilities that serve the public will be centrally located and accessible, preferably by multiple modes of transportation.*

Policy 11.1.4: *Support development on underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land-use compatibility can be found relative to the environment, zoning, and Comprehensive Plan goals.*

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

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

Finding: Complies as Proposed. The subject area is presently served or capable of being served adequately by extension of nearby facilities. Utility extensions to serve future development on the subject site will be required with future development applications. The provision of public facilities and services will be consistent with goals, policies and implementing measures of the Comprehensive Plan, and, because the site is within the city limits, the integrity of local public facility plans will be maintained. Public comments were submitted identifying concerns for compliance with this Goal in OCMC 17.50.090. The subject site is an infill re-development opportunity. This goal is met.

11.2, *Wastewater,* ***11.3,*** *Water Distribution,* ***11.4,*** *Stormwater Management,* ***11.5,*** *Solid Waste,* ***11.6,*** *Transportation Infrastructure,* ***11.7,*** *Private Utility Operations,* ***11.8,*** *Health and Education,* ***11.9,*** *Fire Protection,* ***11.10,*** *Police Protection,* ***11.11,*** *Civic Facilities and* ***11.12,*** *Library*

Finding: Complies with Condition. The proposal will not negatively impact public facilities and services within the City. Public comments were submitted identifying concerns for compliance with this Goal in OCMC 17.50.090. The amendment is accompanied by a trip cap that will directly affect the potential impact on the transportation system. It can be reasonably assumed that the cap placed on trip generation will have a similar limiting effect on all other elements of the public infrastructure. With the transportation trip cap and elimination of some of the permitted and conditional uses that would otherwise be permitted or considered, the following Goals and their associated Policies will all be fully satisfied and fulfilled without any undo or significant impact on these facilities and services as a result of the proposed comprehensive plan amendment and zone change. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Goal 12: Transportation

Goal 12.1 Land Use-Transportation Connection

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

Policy 12.1.1

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

Policy 12.1.2

Continue to develop corridor plans for the major arterials in Oregon City, and provide for appropriate land uses in and adjacent to those corridors to optimize the land use-transportation connection.
Policy 12.1.3
Support mixed uses with higher residential densities in transportation corridors and include a consideration of financial and regulatory incentives to upgrade existing buildings and transportation systems.
Policy 12.1.4
Provide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth.
Goal 12.5 Safety
Develop and maintain a transportation system that is safe.
Policy 12.5.1
Identify improvements that are needed to increase the safety of the transportation system for all users.
Policy 12.5.2
Identify and implement ways to minimize conflict points between different modes of travel.
Policy 12.5.3
Improve the safety of vehicular, rail, bicycle, and pedestrian crossings.
Goal 12.6 Capacity
Develop and maintain a transportation system that has enough capacity to meet users' needs.
Policy 12.6.1
Provide a transportation system that serves existing and projected travel demand.
Policy 12.6.2
Identify transportation system improvements that mitigate existing and projected areas of congestion.
Policy 12.6.3
Ensure the adequacy of travel mode options and travel routes (parallel systems) in areas of congestion.
Policy 12.6.4
Identify and prioritize improved connectivity throughout the city street system.

Finding: Complies with Condition. The applicant submitted a Transportation Planning Rule Analysis Letter (AL) prepared by Michael T. Ard, PE of Lancaster Engineering and dated August 28, 2015. The analysis utilizes the 107 lot subdivision layout to identify the transportation impacts of the site if it were developed as a permitted use. The analysis assumes single-family homes and accessary dwelling units (ADU) will be constructed on each lot, uses permitted within each applicable zoning designation. The analysis projects the traffic impacts of each lot with the Institute of Transportation Engineers' (ITE) Trip Generation Manual, using ITE land use code 210. The ADUs, utilized a rate of one-half of that of a single-family home because the city's transportation system development charge for ADUs is half that for a single-family home. The study concluded that the total trip generation potential of the 107 single-family homes and 107 ADUs would be 128 AM peak hour trips and 168 PM peak hour trips.

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

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

Mr. Replinger recommended the following:

- The trip cap should be measured for both the AM peak and PM peak periods.

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

Staff concurs with the above conclusions as well as the analysis of the subdivision layout and the modification to the mobility standards within this report. OCMC 12.04.205(D) allows development permitted outright to proceed so long as the improvements identified in the TSP which improve intersection mobility are provided to mitigate the transportation impact of proposed construction. The Oregon City Municipal Code requires implementation of the improvements with development of the site. Any traffic generation exceeding that anticipated by permitted development is prohibited until a solution such as a corridor study or alternative mobility standards are adopted. Therefore, the development proposal complies with Goal 12 because the application does not have any increased impact on the transportation system.

Public comments were submitted identifying concerns for compliance with this Goal in OCMC 17.50.090.

Ken Kent, Land Use Review Coordinator for Clackamas County submitted comments regarding the transportation analysis (Exhibit 5). The applicant revised the original transportation analysis based upon the comments by Clackamas County. Mr. Relplinger's comments above are based on the revised analysis. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Goal 13 *– Energy Conservation*
Finding: Complies with Condition. The proposed amendment will result in efficient land use pattern by providing a variety of potential uses (such as non-residential and multi-family) within such close proximity to existing residential, employment and other existing amenities such as Clackamas Community College and nearby shopping and restaurants.

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

Goal 14 *– Urbanization*
Finding: Complies as Proposed. This proposed Comprehensive Plan amendment and Zone Change will increase the re-development potential within the City limits. Future development of the site will result in an increased street network with improvements to public utilities. Public comments were submitted identifying concerns for compliance with this Goal in OCMC 17.50.090. This goal is met.

Goal 15 *– Willamette River Greenway*
Finding: Not Applicable. The subject site is not within the Willamette River Greenway Overlay District. This goal is not applicable.

17.68.020.B. *That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed in the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.*
Finding: Complies with Conditions. This standard requires that public facilities and services are presently capable of supporting uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy. The applicant has not proposed any development at this time. As demonstrated below, the range of uses within the "MUC-2" Mixed Use Corridor 2 District may be served by public facilities and services.

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

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

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

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

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

Police: This proposal was transmitted to the Oregon City Police Department for comment whom did not identify any concerns regarding this application.

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

Public comments were submitted identifying concerns for compliance with this Goal in OCMC 17.50.090. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.68.020.C *The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.*
Finding: Complies with Condition. Please refer to the analysis in 17.68.020.B. Public comments were submitted identifying concerns for compliance with this Goal in OCMC 17.50.090. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

> ***Statewide Planning Goal 1****: Citizen Involvement. Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.*
> **Finding:** Please refer to the analysis in Goal 1 of the Comprehensive Plan.
>
> ***Statewide Planning Goal 2:*** *Land Use Planning. Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed.*
> **Finding: Complies as Proposed.** The comprehensive plan amendment and zone change requests are being reviewed for consistency with all applicable City Code sections, the City Comprehensive Plan, and Statewide Planning Goals within this report. The analysis provides a factual base to which the application is being reviewed. City staff has coordinated with affected agencies by providing written notice of the application and identification of the public hearing dates.
>
> ***Statewide Planning Goal 3:*** *Agricultural Lands. Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.*
> **Finding: Not Applicable.** The subject site is within the Oregon City limits and is not designated as agricultural. This goal is not applicable.
>
> ***Statewide Planning Goal 4:*** *Forest Lands. This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."*
> **Finding: Not Applicable.** The subject site is within the Oregon City limits and is not designated as forest lands. This goal is not applicable.
>
> ***Statewide Planning Goal 5:*** *Open Spaces, Scenic and Historic Area, and Natural Resources.*
> *Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.*
> **Finding:** Please refer to the analysis in Goal 5 of the Comprehensive Plan.

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

Finding: Not Applicable. The development application does not include construction onsite. The proposed zone change and comprehensive plan amendment do not alter existing city protections provided by overlays for natural resources, stormwater rules, or other environmental protections which have been previously deemed consistent with Statewide Planning Goal 6. Upon submittal of a development application for the subject site, the property will be reviewed for compliance with all applicable development standards. As a result, all stormwater discharged from this site before entering public waters will be detained and treated so that water leaving the site will meet applicable state and federal standards. Goal 6 is satisfied where there is a reasonable expectation that the uses will be able to comply with applicable state and federal environmental regulations.

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

Finding: Please refer to the analysis in Goal 7 of the Comprehensive Plan.

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

Finding: Please refer to the analysis in Goal 8 of the Comprehensive Plan.

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

Finding: Please refer to the analysis in Goal 9 of the Comprehensive Plan.

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

Finding: Please refer to the analysis in Title 10 of the Comprehensive Plan above.

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

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

Statewide Goal 12: Transportation. *The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."*
Finding: Please refer to the analysis in Title 12 of the Comprehensive Plan.

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

Statewide Planning Goal 14: Urbanization. T*his goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.*
Finding: Not Applicable. The site is located within the urban growth boundary and no expansion of the boundary is requested. Goal 14 does not apply.

Statewide Planning Goal 15: *Willamette River Greenway. Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.*
Finding: Not Applicable. The site is not located with the Willamette River Greenway. Goal 15 does not apply.

Statewide Planning Goal 16: Estuarine Resources
Statewide Planning Goal 17: Coastal Shorelands
Statewide Planning Goal 18: Beaches and Dunes
Statewide Planning Goal 19: Ocean Resources
Finding: Not Applicable. The site is not located within any of these coastal resource areas. None of these remaining Statewide Planning Goals apply.

OAR 660-012-0060(1)-(3) Transportation Planning Rule (TPR)
The purpose of the TPR is "to implement Statewide Planning Goal 12 (Transportation) and promote the development of safe, convenient and economic transportation systems that are designed to reduce reliance on the automobile so that the air pollution, traffic and other livability problems faced by urban areas in other parts of the country might be avoided." A major purpose of the Transportation Planning Rule (TPR) is to promote more careful coordination of land use and transportation planning, to ensure that planned land uses are supported by and consistent with planned transportation facilities and improvements.
Finding: Complies with Condition. The applicant proposed to limit the transportation impact of the proposed development with a trip cap equal to the transportation impact of a permitted use, as demonstrated in the analysis in Chapter 12.04.007. Thus, the proposed zone change would not increase the allowable traffic on the transportation system. An analysis demonstrating that the traffic impact of the permitted use does not conflict with these standards is provided in the staff report for the 2013 Transportation System Plan in Exhibit 8. Future development of the site shall demonstrate that the trip cap is not exceeded.

The applicant submitted the following:

The TPR requires a two-step analysis. First, an applicant must determine whether the application creates a "significant affect." If no "significant affect" is created, then the second step is unnecessary. If a "significant affect" is created, then the applicant must determine if mitigation is appropriate under OAR 660-012-0060(2) to mitigate the "significant affect." The Planning Commission can find that evidence in the record for this application demonstrates that by imposing a condition of approval and eliminating certain uses, there will be no "significant affect" caused by the application on surrounding streets.

The public submitted comments regarding this criteria in OCMC 17.50.090.

The applicant proposed prohibiting some of the allowed and conditional uses in the MUC-2 zoning district, which, according to the transportation analysis provided by Mike Ard of Lancaster Engineering, will mitigate the "significant affect" created by the proposed map amendment. John Replinger of Replinger and Associates concurs with this analysis. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies as Proposed. The applicant wrote:

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

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

Regional Transportation Plan

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

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

Metro Functional Plan

3.07.810.C

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

Metro Functional Plan

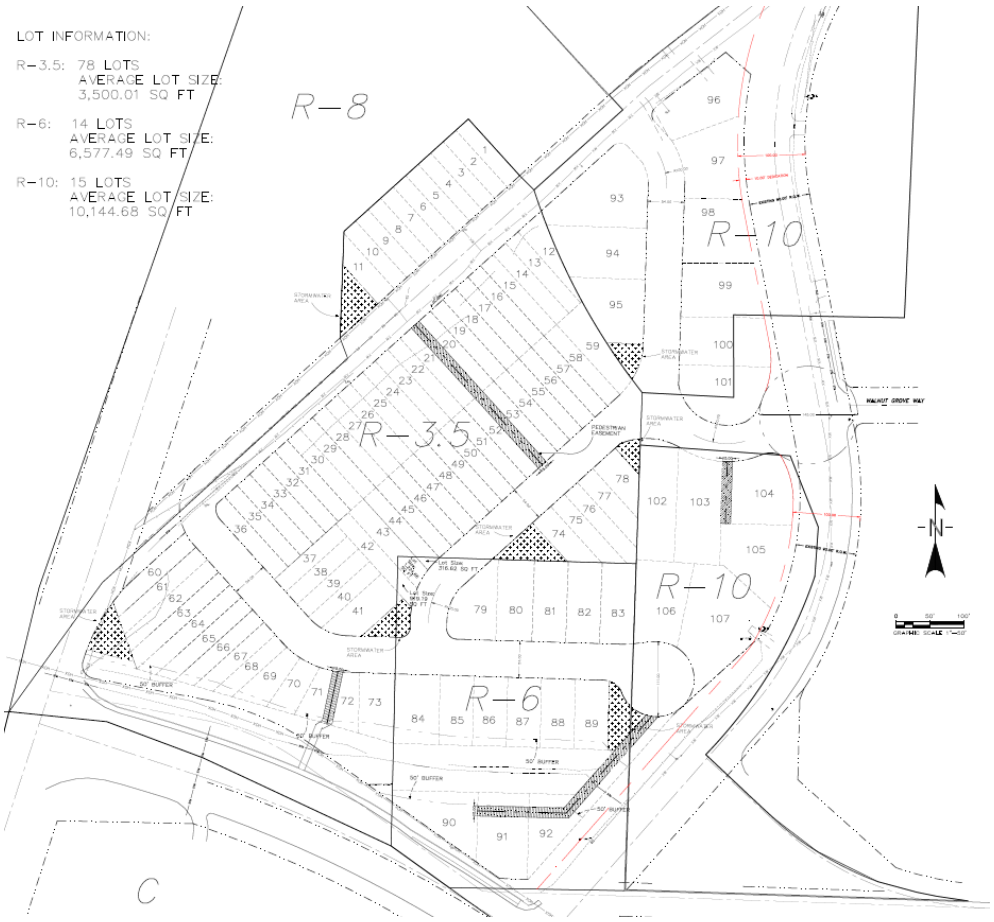
3.07.120, "Housing Capacity"

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

CHAPTER 16.08 – SUBDIVISIONS PROCESS AND STANDARDS

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

Figure 6: Proposed Subdivision Layout for the Site



16.08.045 *- Building site—Frontage width requirement.*
Each lot in a subdivision shall abut upon a cul-de-sac or street other than an alley for a width of at least twenty feet.
Finding: Appears to Comply. As shown in the preliminary plans, each proposed lot's street frontage is in excess of twenty feet.

16.08.050 *- Flag lots in subdivisions.*
Flag lots shall not be permitted within subdivisions except as approved by the community development director and in compliance with the following standards.
Finding: Appears to Comply. No flag lots are proposed in the conceptual layout.

CHAPTER 16.12 – MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS
A subdivision layout was submitted in order to determine the appropriate number of lots which may be developed onsite and thus determine the number of automobile trips allowed under the current zoning designations. An excerpt of the applicable criteria is analyzed below to determine if the layout complies with the dimensional standards within the Oregon City Municipal Code.

16.12.020 *Blocks-Generally*
The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.
Finding: Appears to Comply. The subdivision layout results in improved pedestrian, bicycle and motor vehicular circulation in this area. The applicant indicated that "The proposed lot concept plan would utilize the existing streets, Maplelane Road and Maplelane Court, and provide street and pathways between the two. The traffic circle at Maplelane Road and Walnut Grove is accounted for and designed around in this concept. No direct lot access to Maplelane Road, other than at the traffic circle, is a part

of this concept plan. A street pattern meeting the maximum block lengths is proposed with a pedestrian connections being proposed in the R-3.5 zoned area for meeting the standard. The cul-de-sac noted near the Thayer Road – Maplelane Road intersection is a conservative aspect of the concept plan. While the City may allow a right-in / right-out intersection and thus a cul-de-sac would not be needed, we cannot be sure. The extension of the street, in this case a cul-de-sac though would provide pedestrian access to Maplelane Road and possibly provide for emergency vehicle access as well" (Exhibit 2).

16.12.030 *Blocks—Width.*
The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed.
Finding*:* Appears to Comply. The proposed development generally results in the formation of new blocks which provide two tiers of lots, where practicable.

16.12.040 *Building sites.*
The size, width, shape and orientation of building sites shall be appropriate for the primary use of the land division, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:
A. Where property is zoned and planned for commercial or industrial use, the community development director may approve other widths in order to carry out the city's comprehensive plan. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
B. Minimum lot sizes contained in Title 17 are not affected by those provided herein.
Finding: Appears to Comply. The buildings sites proposed are appropriate in size, width, shape, and orientation for residential development, as the dimensional standards for blocks and lot sizes are met. The applicant indicated that "The minimum lot sizes, depth and width dimensions were reviewed for each existing zoning category and the minimums are met in the concept plan. For example the R-3.5 zoning allows lots as narrow as 25 feet and no concept lot in that zoning district is proposed to average less than 25 feet in width. With respect to lot sizing the average lot size meet the code requirement for each zoning district, i.e. all the lots in R-3.5 average 3,500 SF; R-6 zoning lot areas average 6,577 SF; and R-10 zoning lot areas average 10,567 SF. (We note that three concept lots in the R-3.5 area also have some area within the R-6 zoned area, but for averaging purposes only the lot area within the R-3.5 zoned area is counted.) There are two lots split between the R-6 and R-10 zoning but the sizing purposes the two lots were sized to be meet R-10 standards" (Exhibit 2).

16.12.045 *Building sites—Minimum density.*
All subdivision layouts shall achieve at least eighty percent of the maximum density of the base zone for the net developable area as defined in Chapter 17.04.
Finding: Appears to Comply. The proposed development appears to comply with the minimum density.

16.12.050 *Calculations of lot area.*
A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may include lots that are up to twenty percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots. Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space, stormwater tracts, or access ways.
A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision.
When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.
Finding: Appears to Comply. The applicant submitted information identifying the size of all of the lots sizes if a subdivision were pursued.

16.12.055 *Building site—Through lots.*

Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterials or to overcome specific disadvantages of topography of existing development patterns. A reserve strip may be required. A planting screen restrictive covenant may be required to separate residential development from major arterial streets, adjacent nonresidential development, or other incompatible use, where practicable. Where practicable, alleys or shared driveways shall be used for access for lots that have frontage on a collector or minor arterial street, eliminating through lots.

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

16.12.060 *Building site—Lot and parcel side lines.*

The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

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

16.12.075 *Building site—Division of lots.*

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

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

CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES

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

12.04.007 Modifications.

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

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

The City proposed to temporarily exempt permitted and conditional uses from complying with the mobility standards identified in Chapter 12.04.205 of the Oregon City Municipal Code for the interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center, provided the associated projects identified in the TSP are completed. Corridor studies or alternate mobility standards are anticipated to be completed for each of the

identified intersections to find reasonable solutions for the identified intersections but this work has not yet been completed.

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

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

12.04.007.B. *The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;*
Finding: Please refer to the analysis in 12.04.007.A.

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

12.04.007.D. *The modification is complementary with a surrounding street design; or, in the alternative;*
Finding: Not Applicable. The Modification does not include an amendment of a street design.

12.04.007.E. *If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The city shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.*
Finding: Not Applicable. The applicant has not indicated that the modification is requested for constitutional reasons.

12.04.175 *Street Design--Generally.*

The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:

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

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

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

***12.04.180** Street Design.*

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

Table 12.04.180 Street Design

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

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

1. Pavement width includes, bike lane, street parking, travel lanes and median.

2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.

3. A 0.5' foot curb is included in landscape strip or sidewalk width.
4. Travel lanes may be through lanes or turn lanes.
5. The 0.5' foot public access provides access to adjacent public improvements.
6. Alleys shall have a minimum right-of-way width of 20 feet and a minimum pavement width of 16 feet. If alleys are provided, garage access shall be provided from the alley.

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

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

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

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

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

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

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

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

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

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

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

1. *For signalized intersections:*

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

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

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

a. *For unsignalized intersections, during the peak hour, all movements serving more than 20 vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than 20 vehicles during the peak hour.*

D. Until the City adopts new performance measures that identify alternative mobility targets, the City shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:

I-205 / OR 99E Interchange
I-205 / OR 213 Interchange
OR 213 / Beavercreek Road
State intersections located within or on the Regional Center Boundaries

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

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

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

2. *Development which does not comply with the mobility standards for the intersections identified in 12.04.205.D shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.*

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

12.04.225 *Street Design--Cul-de-sacs and Dead-End Streets.*
The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, dedicated open space, existing development patterns, arterial access restrictions or similar situation as determined by the Community Development Director. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of 25 dwelling units and a maximum street length of two hundred feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face. In addition, cul-de-sacs and dead end roads shall include pedestrian/bicycle accessways as required in this Chapter. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.
Where approved, cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with Fire District and City adopted street standards. Permanent dead-end streets other than cul-de-sacs shall provide public street right-of-way / easements sufficient to provide turn-around space with appropriate no-parking signs or markings for waste disposal, sweepers, and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker. Driveways shall be encouraged off the turnaround to provide for additional on-street parking space.

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

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

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

CHAPTER 17.08 - R-10 SINGLE FAMILY DWELLING DISTRICT

17.08.040. Dimensional Standards
A. Minimum lot areas, ten thousand square feet;
B. Minimum lot width, sixty-five feet;
C. Minimum lot depth, eighty feet;

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

Though the applicant did not propose any development onsite, a subdivision layout was included in the application to determine the transportation impact of developing under the current zoning designation. The subdivision layout contains lots within the "R-10" Single-Family Dwelling District which appear to comply with the minimum lot width and depth and are feasible.

CHAPTER 17.12 - "R-6" SINGLE-FAMILY DWELLING DISTRICT

17.12.040. Dimensional Standards

A. Minimum lot areas, six thousand square feet;

B. Minimum lot width, fifty feet;

C. Minimum lot depth, eighty feet;

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

Though the applicant did not propose any development onsite, a subdivision layout was included in the application to determine the transportation impact of developing under the current zoning designation. The subdivision layout contains lots within the "R-6" Single-Family Dwelling District which appear to comply with the minimum lot width and depth and are feasible.

CHAPTER 17.16 - "R-3.5" DWELLING DISTRICT

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

Though the applicant did not propose any development onsite, a subdivision layout was included in the application to determine the transportation impact of developing under the current zoning designation. The subdivision layout contains lots within the "R-3.5" Dwelling District which appear to comply with the minimum lot width and depth and are feasible.

CHAPTER 13.12 - STORMWATER CONVEYANCE, QUANTITY AND QUALITY

Finding: Appears to Comply. Stormwater management facilities will be designed and sized concurrent with subsequent development applications. Though the applicant did not propose any development onsite, a subdivision layout was included in the application to determine the transportation impact of developing under the current zoning designation. The conceptual plan includes several stormwater facility tracts which appear reasonably sized for purposes of this evaluation of allowable lot yield.

CHAPTER 17.49 – NATURAL RESOURCE OVERLAY DISTRICT

Finding: Likely to Comply. Though the applicant did not propose any development onsite, a subdivision layout was included in the application to determine the transportation impact of developing under the current zoning designation. The applicant did not complete a study to determine the exact location of the Natural Resource Overlay District, though the general design may potentially comply with the standards in Chapter 17.49 of the Oregon City Municipal Code.

CHAPTER 17.44 – GEOLOGIC HAZARDS OVERLAY DISTRICT

Finding: Likely to Comply. Though the applicant did not propose any development onsite, a subdivision layout was included in the application to determine the transportation impact of developing under the current zoning designation. City records indicate limited areas impacted by the Geologic Hazards Overlay District. The applicant did not complete a study to determine the exact location of the Overlay, though the general design appears to potentially comply with the standards in Chapter 17.44 of the Oregon City Municipal Code.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

***17.50.010** Purpose.*

This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS Chapters 92, 197 and 227. These permits include all form of land

divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City comprehensive plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

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

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

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

17.50.050 *Preapplication Conference*

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

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

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

17.50.055 *Neighborhood Association Meeting*

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

17.50.060 *Application Requirements.*

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

17.50.070 *Completeness Review and 120-day Rule.*
Finding: Complies as Proposed. The application was deemed complete on September 10, 2015. The City has until January 8, 2016 to make a final determination.

17.50.080 *Complete Application--Required Information.*
Finding: Please refer to the analysis in 17.50.50 of this report.

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

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

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

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

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

Bob Nelson provided testimony before the Planning Commission on November 9, 2015 (Exhibit 9) that the subject site is within a landslide hazard zone and expressed concern about future stormwater on the site and indicated that the site is susceptible to landslides.
City Response: As identified within this report, the City has adopted landslide protection measures in Chapter 17.44 of the Oregon City Municipal Code which include measures such as decreased density and protection buffers. The applicant proposed a Comprehensive Plan Amendment and a Zone Change and has not submitted an application for development onsite which is subject to demonstrate compliance with OCMC 17.44. Future development of the site will be subject to demonstrate compliance with the standards in a public review process. The applicant provided responses to the testimony in Exhibit 2.

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

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

City Response: The applicant has not proposed construction with this development application. Prior to future construction of the site, the applicant will be subject to demonstrate compliance with the applicable and standards for stormwater detention and water quality facilities adopted to protect such water features. Please refer to the analysis in Goal 6 and 5.

- The development does not comply with Goal 7 as it is close to many mature trees in an area which is susceptible to wildfires.
  City Response: This goal is directed at local government obligations to adopt regulations to protect development from landslide and other natural areas. The development proposal does not include any construction onsite. An analysis of compliance with the overlay districts is performed upon submittal of a development application. Please refer to the analysis in Goal7.

The applicant provided responses to the testimony in Exhibit 2.

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

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

City Response: Concurrency is not an approval criterion. OCMC 17.68.020.B requires public facilities and services to be presently capable of supporting the use allowed by the zone, or made available prior to issuing a certificate of occupancy.

- There is an inadequate domestic water supply.
  City Response: As demonstrated within this report the site is capable of being served adequately for water services.
- The sewer capacity is questionable.
  City Response: As demonstrated within this report the site is capable of being served adequately for sewer services.

The applicant provided responses to the testimony in Exhibit 2.

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

- The City's notice was insufficient because it did not reference applicable Goals.
  City Response: Though the City is not required to reference the applicable Goals, the City listed the goals on a revised notice.
- Goal 2, Goal 6, Goal 7, Goal 9, Goal 10, and Goal 12 were not addressed.
  City Response: The staff report has been revised to include findings for all goals.
- The application fails to satisfy that part of the Transportation Planning Rule (the "TPR") found in OAR 660-012-0060.
  City Response: As demonstrated within this report the TPR is satisfied because the applicant self-imposed a trip cap so the proposal would not create a "significant affect", in addition the mobility standards within the Oregon City Municipal Code are satisfied.
- The trip cap is not accurate because it does not consider the natural hazards of the site or future street improvements and it assumes the trips from the permitted uses would be allowed.
  City Response: Please refer to the analysis within this report.
- A modification of the trip cap should be subject to the same process as this approval to verify that the roadways are not negatively impacted.
  City Response: As identified in Chapter 17.50 of this report, the process for adopting a solution will go before the Planning Commission and the City Commission and thus there is no need to go back to amend this approval to implement a solution which would have already been adopted. Please refer to the analysis within this report.
- The transportation system is already over capacity.
  City Response: The analysis within this report demonstrates that the applicant can comply with the applicable transportation standards.
- The applicant must demonstrate compliance with OCMC 17.62.015.
  City Response: The applicant proposed a Comprehensive Plan Amendment and a Zone Change and has not submitted an application for development onsite which is subject to demonstrate compliance with the Site Plan and Design Review criteria in 17.62.015. Future development of the site will be subject to demonstrate compliance with the standards in a public review process.
- The application violates Plan Policy 14.3.2 which "ensure[s] that the extension of new services does not diminish the delivery of the same services to existing areas and residents in the City." She asserts that this Plan policy is violated because road capacity will impact existing areas and residents in the City.
  City Response: As demonstrated within this report the TPR is satisfied because the applicant self-imposed a trip cap so the proposal would not create a "significant affect", in addition the mobility standards within the Oregon City Municipal Code are satisfied.
- The sewer is not sufficient to support the development.
  City Response: The analysis within this report demonstrates that the site may be served.

- The Policy The application violates OCMC 17.68.020.B which requires public facilities and services are presently capable of supporting uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy.
  City Response: As demonstrated within this report, City facilities are capable of supporting uses within the "MUC-2" Mixed Use Corridor 2 District.
- The application violates OCMC 17.68.020.C which requires that the land uses authorized by the Application be consistent with the existing or planned functional capacity and level of service of the transportation system.
  City Response: As demonstrated within this report, the proposal and associated conditions comply with the Transportation Planning Rule and the applicable sections of the Oregon City Municipal Code.

The applicant provided responses to the testimony in Exhibit 2.

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

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

- The site is a landslide hazard.
  City Response: As identified within this report, the City has adopted landslide protection measures in Chapter 17.44 of the Oregon City Municipal Code which include measures such as decreased density and protection buffers. The applicant proposed a Comprehensive Plan Amendment and a Zone Change and has not submitted an application for development onsite which is subject to demonstrate compliance with OCMC 17.44. Future development of the site will be subject to demonstrate compliance with the standards in a public review process.
- The proposal would create traffic issues.
  City Response: The analysis within this report demonstrates that with the conditions of approval, the proposal can comply with all applicable standards.

The applicant provided responses to the testimony in Exhibit 2.

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

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

17.50.130.D *Modification of Conditions. Any request to modify a condition of permit approval is to be considered either minor modification or a major modification. A minor modification shall be processed as a Type I. A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. However, the decision-maker may at their sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.*
Finding: Complies with Condition. This application is being processed as a Type IV application which will go before the Planning Commission and City Commission for a decision. The Oregon City Municipal Code requires any future aments to this application to also go before the Planning and City Commissions as a Type IV application. The applicant proposed a trip cap to limit the transportation impact allowed onsite. The Oregon City Municipal Code requires any future amendments to this application, including removing or adjusting the trip cap, to be reviewed again before the Planning and City Commissions as a Type IV application. The applicant submitted a request that would allow the applicant to exceed the limited vehicular trip cap once the necessary studies are compiled and the Oregon City Municipal Code

is amended to allow additional vehicular trips through the aforementioned intersections (specifically Highway 213 and Beavercreek Road) by a Type III or Type II review.

The City believes this is a reasonable request provided the following:

- As identified in OCMC 12.04.007, one of the reasons the trip cap is proposed is because the City had not previously identified a reasonable solution resulting in compliance with the mobility standards at the intersection of Highway 213 and Beavercreek Road. The City is obligated to complete a corridor study or alternate mobility standard to identify a reasonable solution to congestion at this location. Once complete, the study would likely be adopted through a Legislative process before the Planning and City Commission and include amendments to the mobility standards in Chapter 12.04 of the Oregon City Municipal Code which would allow an increased transportation impact. As the solution will be reviewed by the Planning Commission and City Commission, the applicant should not be required to go before both Commissions a third time to modify the trip cap and implement the adopted solutions.
- Infrastructure for the site is required to be developed in a comprehensive manner. Prior to approval of any future development on site, the applicant shall submit a layout of the roadway and intersection configurations within and adjacent to the subject site (including but not limited to Beavercreek Road from Highway 213 to Maplelane Road, and Maplelane Road from Beavercreek Road to the applicant's north property boundary). The design shall comply with the Oregon City Municipal Code and be based upon a transportation impact analysis for all permitted and conditional uses identified within the "MUC-2" Mixed Use Corridor 2 District, without a trip cap. The plan shall identify all transportation infrastructure as well as a phasing schedule of when the infrastructure will be installed coupled with a finance plan identifying reasonable funding sources for the infrastructure. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

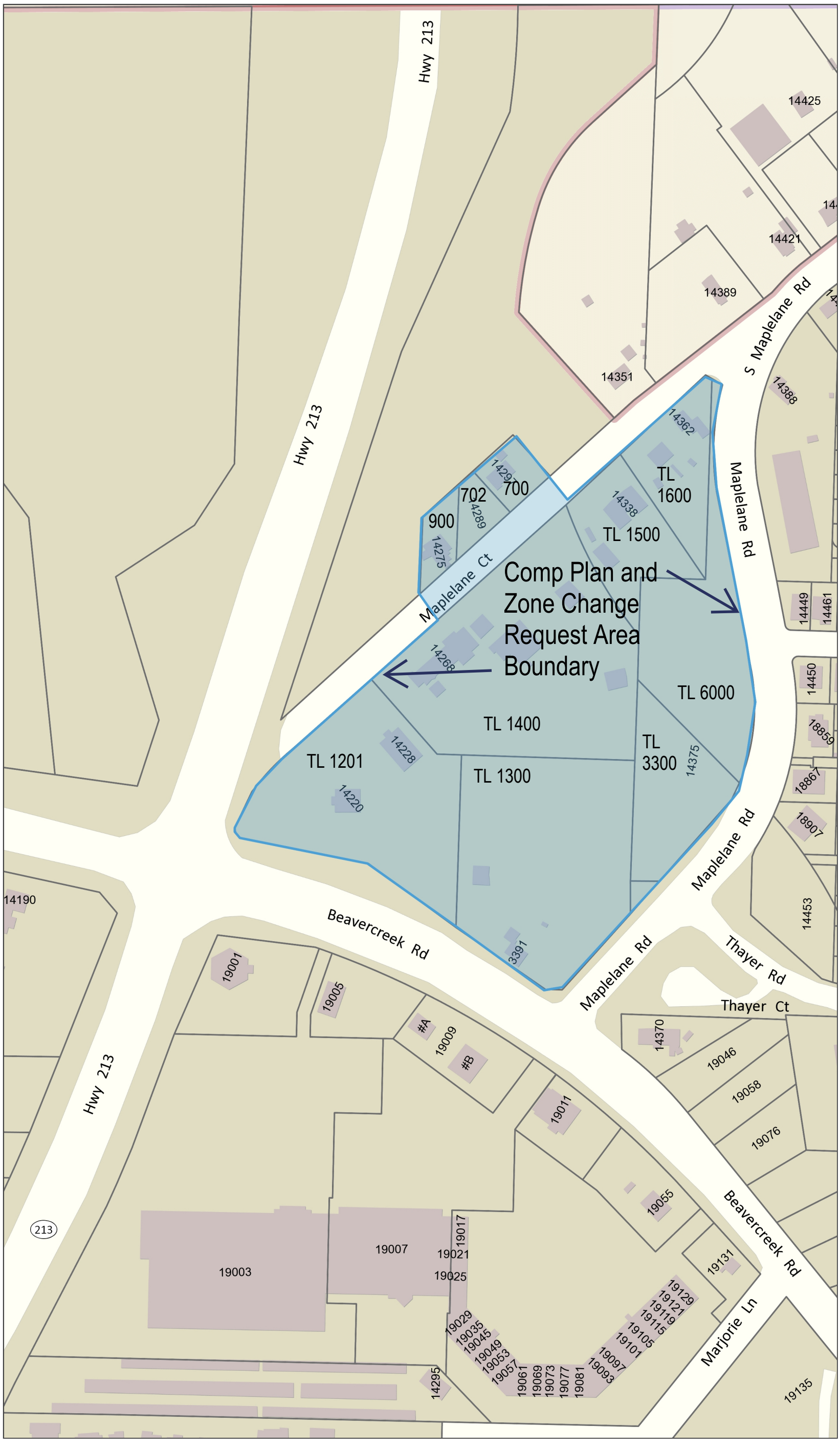
CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above, Staff concludes that the proposed Zone Change and Comprehensive Plan Amendment located at Clackamas County 32E04C, Tax Lots 700, 702, 900, 1201, 1300, 1400, 1500, 1600 and Clackamas County Map 32E04CD, Tax Lots 3300, 5900, 6000, can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director recommends the Planning Commission and City Commission approve ZC 15-03 and PZ 15-01 with conditions, based upon the findings and exhibits contained in this staff report.

EXHIBITS:

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

Oregon City GIS Map

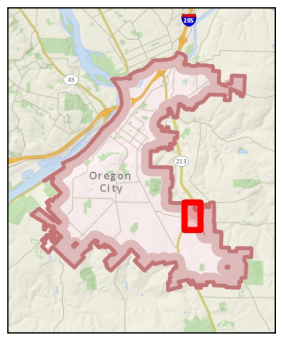


Legend

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

Notes

Overview Map



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

N

0 200 400 600 Feet

1: 2,400

Map created 7/24/2015

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

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

OREGON CITY

Community Development – Planning

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

LAND USE APPLICATION FORM

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

File Number(s): PA 15-02

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

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

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

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

Applicant(s):

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

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

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

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

Property Owner(s):

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

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

Mailing Address: Same

Phone: _____ Fax: _____ Email: _____

Representative(s):

Representative(s) Signature: Thomas Sisul

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

Mailing Address: 375 Portland Avenue, Gladstone, OR 97027

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

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

Application for Comprehensive Plan Amendment and Zone Change

Applicant	Historic Properties, LLC 1300 John Adams Street Oregon City, OR 97045 Contact: Dan Fowler
Representative	Sisul Engineering. 375 Portland Avenue Gladstone, OR 97027 (503) 657-0188 Contact: Tom Sisul
Location	14228, 14268, 14275, 14289, 14297, 14338, & 14362 Maplelane Court, 14375 Maplelane Road and 3391 Beavercreek Road
Legal Description	Tax Lots 700, 702, 900, 1201, 1300, 1400, 1500, 1600; Assessor Map 3 2E 04C and Tax Lots 3300, 5900, 6000; Assessor Map 3 2E 04CD
Zoning	R-10 (TL 1500, 1600, 3300 and 5900); R-6 (TL 1300 and 6000) and R-3.5 (TL 700, 702, 900,1201 and 1400)
Comprehensive Plan	R-10 and R-6 Low Density Residential R-3.5 Medium Density Residential
Site Size	Total Area – 693,200 SF (15.69 AC); R-10 parcels – 135,600 SF, R-6 parcels – 224,800 SF and R-3.5 parcels – 332,800 SF
Proposal	1. Comprehensive Plan Amendment to change CP designations from Low and Medium Density Residential (LR and MR) to Mixed Use Corridor (MUC) 2. Zone change from R-10, R-6 and R-3.5 to Mixed Use Corridor (MUC-2) 3. Cap evening peak hour trips from/to the proposed rezoning site area, as a whole, at 152, per the Trip Generation Analysis of Lancaster Engineering. 4. Eliminate the following permitted and conditional uses from the proposed zone change area a) Permitted Uses i. Medical or dental clinics, outpatient infirmary services ii. Museums, libraries and cultural activities

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

b) Conditional Uses
   i. Ancillary drive-in or drive through facilities.
   ii. Gas stations.

Site Description

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

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

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

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

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

Proposal

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

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

Permitted Uses

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

Conditional Uses

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

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

Comprehensive Plan Amendment and Zone Change Standards and Requirements

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

Chapter 17.68 Zoning Changes and Amendments

17.68.010 Initiation of the Amendment

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

17.68.020 Criteria

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

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

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

Section (Goal) 1 – Citizen Involvement

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

Section (Goal) 2 – Land Use

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section (Goal) 7 – Natural Hazards

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

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

Section (Goal) 8 – Parks and Recreation

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

Section (Goal) 9 – Economic Development

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

Section (Goal) 10 – Housing

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

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

Section (Goal) 11 – Public Facilities

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

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

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

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

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

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

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

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

Section (Goal) 12 – Transportation
Goal 12.1, Land Use-Transportation Connection, seeks to "*ensure that the mutually supportive nature of land use and transportation is recognized in planning for the future of Oregon City*". The various Policies contained within this Goal are supported by the proposed comprehensive plan amendment. This will be a walkable neighborhood, connected to and becoming a part of the Caulfield Neighborhood. It will support the development of trails and pedestrian ways to connect the area east of Maplelane Road to the Metro Park site along Hwy 213. The new local street within the subdivision will be built with sidewalks and they will connect to existing sidewalks along S. Beavercreek Road and allow future connection to trails and walkways when the adjoining Metro Park is developed. Therefore, this particular Goal will be satisfied.

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

Section (Goal) 13 – Energy Conservation
As necessary and appropriate, the proposed comprehensive plan amendment and zone change will satisfy this Section (Goal) because there will be an increase in local density on this re-development site, allowing a mixed of land uses and compatibility of such uses with the existing neighboring commercial uses across Beavercreek Road from the site. Eventually street and sidewalk connectivity will be provided, and new development on the subject site will contribute to energy efficiency by using energy efficient methods and materials. Where possible, new energy efficient sources and practices will be employed to the greater benefit of the general public and the City of Oregon City.

Section (Goal) 14 – Urbanization
This proposed comprehensive plan amendment will contribute to achieving this Section (Goal) by increasing re-development potential within the City limits, via allowing a more flexible and appropriate uses to be developed on the subject parcel. Through these measures, some pressure may be removed from the need to expand the urban growth boundary. Because the site is within the city limits of Oregon City, and re-development of the subject site will contribute to the urbanization of the city. This is in keeping with Policies 14.1.1, 14.2.1, 14.2.2, 14.3.1, and 14.3.4. As such, this Section (Goal) and its related Goals and Policies are satisfied and fulfilled.

Section (Goal) 15 – Willamette River Greenway
Directly, this Section (Goal) does not apply because the subject site is not within the designated Willamette River Greenway. However, all development in Oregon City impacts the Willamette River in one or more ways. Through land development practices that are best management practices, through the maintaining of as much tree cover on the site as possible, through the control of runoff and stormwater management, and through proper land use development patterns, the re-development of the subject site will provide a positive influence on the Willamette River, thus meeting the spirit of the Willamette River Greenway Plan.

B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed in the zone, or can be made available prior to issuing certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.
Finding: The availability and level of facilities and services required for the proposed rezoning area have been discussed in Section (Goal) 11 – Public Facilities under Criterion A. above. All necessary facilities and services to serve the proposed development under the MUC designation, are in place or can be made available to the subject site without difficulty. The re-development of the subject site is in the best interests of the City of Oregon City, and the local Caulfield Neighborhood. With the proposed trip cap the increase in vehicles trips over what could be expected under current zoning and it those possible negative impacts are eliminated, and therefore all necessary and required facilities and services can be accommodated, thus satisfying this criterion.

C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.
Finding: Through the *Trip Cap Analysis Letter* prepared by Lancaster Engineering, it has been determined what the transportation system impacts are from existing zonings on the site area. So as to not negatively impact the transportation system with proposed rezoning a trip cap matching the maximum evening peak hour trips possible under the existing zonings is proposed and in conjunction with the trip cap, it is proposed to eliminate several of the permitted

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

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

Supplemental Narrative
to address
Maximized Lot Concept

Chapter 16.08 – Subdivisions Process and Standards

16.08.045 - Building site—Frontage width requirement.
Each lot in a subdivision shall abut upon a cul-de-sac or street other than an alley for a width of at least twenty feet.
All proposed concept lots as shown would be in excess of 20 feet. As drawn the minimum lot frontage for any lot would be 25 feet.

16.08.050 - Flag lots in subdivisions.
Flag lots shall not be permitted within subdivisions except as approved by the community development director and in compliance with the following standards.
No flag lots are a part of the concept lot plan, all lots would have frontage of at least 25 feet on existing rights-of-way or concept rights-of-way, although shared accesses are required on some lots because of access restrictions to such streets as Beavercreek Road and Maplelane Road.

Chapter 16.12 – Minimum Improvements and Design Standards for Land Divisions

16.12.020 Blocks-Generally
The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.
The proposed lot concept plan would utilize the existing streets, Maplelane Road and Maplelane Court, and provide street and pathways between the two. The traffic circle at Maplelane Road and Walnut Grove is accounted for and designed around in this concept. No direct lot access to Maplelane Road, other than at the traffic circle, is a part of this concept plan. A street pattern meeting the maximum block lengths is proposed with a pedestrian connections being proposed in the R-3.5 zoned area for meeting the standard. The cul-de-sac noted near the Thayer Road – Maplelane Road intersection is a conservative aspect of the concept plan. While the City may allow a right-in / right-out intersection and thus a cul-de-sac would not be needed, we cannot be sure. The extension of the street, in this case a cul-de-sac though would provide pedestrian access to Maplelane Road and possibly provide for emergency vehicle access as well.

16.12.030 Blocks—Width.
The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed.
Block widths in concept plan attempted to provide for two rows of lots to the maximum extend practical.

16.12.040 Building sites.
The size, width, shape and orientation of building sites shall be appropriate for the primary use of the land division, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:
B. Minimum lot sizes contained in Title 17 are not affected by those provided herein.
The minimum lot sizes, depth and width dimensions were reviewed for each existing zoning category and the minimums are met in the concept plan. For example the R-3.5 zoning allows lots as narrow as 25 feet and no concept lot in that zoning district is proposed to average less than 25 feet in width. With respect to lot sizing the average lot size meet the code requirement for each zoning district, i.e. all the lots in R-3.5 average 3,500 SF; R-6 zoning lot areas average 6,577 SF; and R-10 zoning lot areas average 10,567 SF. (We note that three concept lots in the R-3.5 area also have some area within the R-6 zoned area, but for averaging purposes only the lot area within the R-3.5 zoned area is counted.) There are two lots split between the R-6 and R-10 zoning but the sizing purposes the two lots were sized to be meet R-10 standards.

16.12.045 Building sites—Minimum density.
All subdivision layouts shall achieve at least eighty percent of the maximum density of the base zone for the net developable area as defined in Chapter 17.04.
The maximum density per Chapter 17.04 appears would be approximately 128 lots based upon calculations for each zoning area. The concept plan shows 107 lots or approximately 84% of the maximum density.

16.12.050 Calculations of lot area.
A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may include lots that are up to twenty percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.
Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space, stormwater tracts, or access ways.
A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision.
When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.
See the table of Lot Areas on the updated Concept Lot Plan

16.12.055 Building site—Through lots.
Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterials or to overcome specific disadvantages of topography of existing development patterns. A reserve strip may be required. A planting screen restrictive covenant may be required to separate residential development from major arterial streets, adjacent nonresidential development, or other incompatible use, where practicable.

Where practicable, alleys or shared driveways shall be used for access for lots that have frontage on a collector or minor arterial street, eliminating through lots.
No through lots are proposed. Some lots have streets on either side as direct access to Maplelane Road is not permitted, but such lots are not consider through lots as the rear portion of the lots cannot be accessed from the public street.

16.12.060 Building site—Lot and parcel side lines.
The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.
In the concept plan lot line configurations were placed at right angles to the rights-of-way, existing and proposed to the maximum extent practical.

16.12.075 Building site—Division of lots.
Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the community development director shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future right-of-way or building sites.
In the concept plan, no lot would be large enough to be redivided. Therefore this requirement is not applicable.

CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES

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

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

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

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

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

12.04.175 Street Design--Generally.
The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:
A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;
B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with section 12.04 shall be required to preserve the objectives of street extensions.

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

12.04.180 Street Design.
All development regulated by this Chapter shall provide street improvements in compliance with the standards in Figure 12.04.180 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The standards provided below are maximum design standards and may be reduced with an alternative street design which may be approved based on the modification criteria in 12.04.007. The steps for reducing the maximum design below are found in the Transportation System Plan.
Table 12.04.180 Street Design
To read the table below, select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation on either side of the street differs, the wider right-of-way standard shall apply.
1. Pavement width includes, bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
3. A 0.5' foot curb is included in landscape strip or sidewalk width.
4. Travel lanes may be through lanes or turn lanes.
5. The 0.5' foot public access provides access to adjacent public improvements.
6. Alleys shall have a minimum right-of-way width of 20 feet and a minimum pavement width of 16 feet. If alleys are provided, garage access shall be provided from the alley.
For concept plan the specific details within the right-of-way are not shown as for the purposes of the concept the specific features within the concept rights-of-way are not of concern. The rights-of-way widths though have been added to the concept plan.

12.04.190 Street Design--Alignment.
The centerline of streets shall be:
A. Aligned with existing streets by continuation of the centerlines; or
B. Offset from the centerline by no more than five (5) feet, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the offset intersection will not pose a safety hazard.
The concept streets in the concept lot plan would meet the City code with respect to alignment.

12.04.195 Spacing Standards.
12.04.195.A. All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in Figure 8 in the Transportation System Plan. The maximum block spacing between streets is 530 feet and the minimum block spacing between streets is 150 feet as measured between the right-of-way centerlines. If the maximum block size is exceeded, pedestrian accessways must be provided every 330 feet. The spacing standards within this section do not apply to alleys.
A pedestrian connection is proposed to break a block length of more than 530 feet that in the concept configuration that would lie easterly of the Maplelane Court. A pedestrian connection through the south block parallel with Beavercreek Road has been added as well. Pedestrian connections are an allowable feature to break up block lengths.

12.04.225 Street Design--Cul-de-sacs and Dead-End Streets.
The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, dedicated open space, existing development patterns, arterial access restrictions or similar situation as determined by the Community Development Director. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of 25 dwelling units and a maximum street length of two hundred feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face. In addition, cul-de-sacs and dead end roads shall include pedestrian/bicycle accessways as required in this Chapter. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.
Where approved, cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with Fire District and City adopted street standards.
Permanent dead-end streets other than cul-de-sacs shall provide public street right-of-way / easements sufficient to provide turn-around space with appropriate no-parking signs or markings for waste disposal, sweepers, and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker. Driveways shall be encouraged off the turnaround to provide for additional on-street parking space.
A cul-de-sac is show as part of the Concept Lot Plan in the southeast portion of the Concept development. While it is possible that the City might allow a right-in / right-out type of intersection where the cul-de-sac is located on the concept plan we were not confident that this would be case and more conservatively showed a cul-de-sac as it requires more land area than a standard street intersection would at the same location. The Thayer Road intersection with Maplelane Road has at times congestion issues for vehicles making left turn lanes onto Maplelane Road. That is why the Transportation Master Plan called for a traffic circle at Walnut Grove and Maplelane Road, to allow for drivers wanting to get to Beavercreek Road to make a right turn from Thayer and go around the circle to gain access to Beavercreek Road. In the Concept Lot Plan the cul-de-sac is pushed tight to the Maplelane Road right-of-way (an arterial street) to allow for pedestrian connections and if needed emergency vehicles.

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

12.04.255 Street design--Alleys.
Public alleys shall be provided in the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. The corners of alley intersections shall have a radius of not less than ten feet.
No alleys are proposed in the concept plan.

CHAPTER 13.12 - STORMWATER CONVEYANCE, QUANTITY AND QUALITY

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

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

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

Those facilities exempted from the stormwater conveyance requirements by the above subsection will remain subject to the requirements of the Oregon Uniform Plumbing Code. Those exempted facilities shall be reviewed by the building official.
The concept plan if were truly developed would have to meet the stormwater conveyance requirements of this section.

Chapter 16.04 - GENERAL PROVISIONS AND ADMINISTRATION OF LAND DIVISIONS

16.08.030 - Preliminary subdivision plat—Narrative statement.
In addition to the plans required in the previous section, the applicant shall also prepare and submit a narrative statement that addresses the following issues:

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

1. Water,
2. Sanitary sewer,

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

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

CHAPTER 17.49 – NATURAL RESOURCE OVERLAY DISTRICT

17.49.070 - Prohibited uses.

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

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

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

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

17.49.080 - Uses allowed outright (exempted).
The following uses are allowed within the NROD and do not require the issuance of an NROD permit:

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

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

CHAPTER 17.44 – GEOLOGIC HAZARDS OVERLAY DISTRICT

17.44.050 - Development—Application requirements and review procedures and approvals.
Except as provided by subsection B. of this section, the following requirements apply to all development proposals subject to this chapter:

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

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

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

Hi Laura,

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

Again thank you for working to check this completed,

Dan

Dan Fowler
Historic Properties, LLC
503.655.1455 | 503.650.1970 fax | 503.351.4500 cell

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December 24, 2015

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VIA EMAIL

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

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

Dear Ms. Terway:

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

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

Thank you in advance for your courtesy and assistance.

Very truly yours,

Michael C. Robinson

MCR:rsr
Enclosure

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

BEFORE THE PLANNING COMMISSION
FOR THE CITY OF OREGON CITY

In the Matter of an Application by Historic Properties, LLC for a Comprehensive Plan Map Amendment from LDR and MDR to MUC and a Zoning Map Amendment from R-3.5, R-6 and R-10 to MUC-2 on 15.69 Acres Located at the intersection of Beavercreek Road and Maplelane Road	**SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW IN SUPPORT OF THE APPLICATION FOR ZC 15-03 AND PZ 15-01**

I. INTRODUCTION.

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

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

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

II. APPLICABLE GOALS.

A. Goal 1, "The Citizen Involvement":

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

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

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

The Planning Commission can find that Goal 1 is satisfied.

B. Goal 2, "Land Use Planning":

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

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

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

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

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

The Planning Commission can find that Goal 2 is satisfied.

C. Goal 6, "Air, Water and Land Resource Quality":

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

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

The Planning Commission can find that Goal 6 is satisfied.

D. Goal 7, "Areas Subject to Natural Hazards":

"To protect people and property from natural hazards."

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

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

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

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

The Hart Crowser memorandum found:

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

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

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

(Hart Crowser memorandum at pages 2 and 3.)

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

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

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

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

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

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

The Planning Commission can find that Goal 7 is satisfied.

E. Goal 9, "Economic Development":

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

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

The Planning Commission can find that Goal 9 is satisfied.

F. Goal 10, "Housing":

> **"To provide for the housing needs of the citizens of the state."**

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

The Planning Commission can find that Goal 10 is satisfied.

G. Goal 11, "Public Facilities and Services":

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

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

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

The Planning Commission can find that Goal 11 is satisfied.

H. Goal 12, "Transportation":

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

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

The Planning Commission can find that Goal 12 is satisfied.

I. Conclusion.

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

III. APPLICABLE OARs.

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

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

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

The Planning Commission can find that the TPR is satisfied.

B. OAR Chapter 660, Division 7, "Metropolitan Housing Rule".

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

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

IV. METRO FUNCTIONAL PLAN.

A. Functional Plan 3.07.810.C.

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

B. Functional Plan 3.07.120, "Housing Capacity".

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

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

C. Conclusion.

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

V. APPLICABLE PLAN POLICY.

A. Oregon City Plan Policy 6.2:

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

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

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

A. Testimony from Jim Nicita.

1. Notice.

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

2. Goal 6.

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

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

B. Testimony from Bob Nelson.

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

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

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

C. Testimony by Elizabeth Graser-Lindsey.

1. Goals.

Ms. Graser-Lindsey argues that six (6) Goals are not addressed, including Goal 2, Goal 6, Goal 7, Goal 9, Goal 10, and Goal 12. The Planning Commission can find, based on the above findings, that the Applicant has satisfactorily addressed the applicable Goals.

2. Transportation Planning Rule.

Ms. Graser-Lindsey asserts the Application fails to satisfy that part of the Transportation Planning Rule (the "TPR") found in OAR 660-012-0060. The TPR requires a two-step analysis. First, the Application must determine whether there will be a "significant affect" under OAR 660-012-0060(1). If the Application determines there is no "significant affect", then the analysis ends. If the Application determines there will be a "significant affect", then the second step of the analysis is required, which is whether the "significant affect" can be mitigated under OAR 660-012-0060(2). In this case, the Application determines there will be a "significant affect" and has proposed mitigation. OAR 660-012-0060(2)(d) allows as mitigation: "Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided."

The Application proposes prohibiting allowed uses in the MUC zoning district, which, according to the transportation analysis provided by Mr. Mike Ard of Lancaster Engineering, will mitigate the "significant affect" created by the proposed map amendment.

3. Oregon City Municipal Code ("OCMC") 17.62.015.

Ms. Graser-Lindsey asserts that this standard is applicable. However, this standard is in Chapter 17.62, "Site Plan and Design Review". Because a Site Plan and Design Review application is not before the Planning Commission, this standard is not applicable.

4. OCMC 17.68.020.A.

This standard requires that the Application be consistent with the Plan's Goals and Policies. The Application contains findings addressing applicable Plan Goals and Policies. The staff report contains similar findings. Ms. Graser-Lindsey asserts that the Application violates Plan Policy 14.3.2, which provides: "Ensure that the extension of new services does not diminish the delivery of the same services to existing areas and residents in the City." She asserts that this Plan policy is violated because road capacity will impact existing areas and residents in the City.

The Planning Commission must reject Ms. Graser-Linsey's argument because the Application demonstrates that the TPR is satisfied and will not create a "significant affect". Because of the evidence and findings regarding the lack of a "significant affect", the Planning Commission can find the transportation services will not be diminished to existing areas and residents in the City.

5. OCMC 17.68.020.B.

This standard requires that public facilities and services are presently capable of supporting uses allowed by the zone, ***or*** can be made available prior to issuing a certificate of occupancy. The Planning Commission can find that substantial evidence in the whole record demonstrates that public facilities and services are presently capable of supporting the uses by the MUC zone. Alternatively, it is clear that this requirement can be satisfied prior to issuing a certificate of occupancy. The Planning Commission must reject this argument.

6. OCMC 17.68.020.C.

This standard requires that the land uses authorized by the Application be consistent with the existing or planned functional capacity and level of service of the transportation system. Because the Application demonstrates compliance with the TPR, the Planning Commission can find that this standard is satisfied.

The Planning Commission must reject Ms. Graser-Lindsey's arguments.

D. Testimony from Kristi Beyer.

1. Landslide Hazard.

Ms. Beyer's letter asserts that the site poses a landslide hazard. The Planning Commission must reject her argument based on substantial evidence found in the Hart Crowser memorandum.

2. Traffic Issues.

Ms. Beyer raises traffic issues. However, she cites no applicable approval criteria nor any substantial evidence demonstrating that the Application fails to satisfy applicable standards regarding transportation.

E. Testimony by Christine Kosinski.

1. Goal 7.

Ms. Kosinski asserts that the Application fails to satisfy Goal 7. Based on the findings addressing Goal 7, the Planning Commission must reject her argument.

2. ORS 105.462.

Ms. Kosinski argues that the City has not "upheld" ORS 105.462. However, ORS 105.462 is a definitions section and contains no substantive requirements. Ms. Kosinski may be referring to ORS 105.464, which is entitled "Form of Sellers Property Disclosure Statement". However, ORS 105.464 is a requirement for a disclosure from seller to buyer. ORS 105.464 is not an applicable approval standard for this application nor does it apply to the City. The Planning Commission must reject this argument.

3. Insurance.

Ms. Kosinski argues that property owners will be unable to obtain insurance. However, this is not relevant to the approval criteria; this is an issue between buyer and seller of property.

4. Landslides.

Ms. Kosinski raises the City's "Unstable Soils and Hillside Constraint Overlay District". OCMC Title 17 contains no such overlay district. However, this site is not in an overlay district nor is it warranted to be in such an overlay district. The Planning Commission should reject this argument.

5. Holly Lane.

Ms. Kosinski argues that Holly Lane should be "taken out" of the TSP. There is no basis for amending the TSP but, in any event, the TSP was not amended to remove Holly Lane at the time the Applicant submitted the Application.

6. Failure to Use Concurrency to Guarantee Infrastructure before Development.

Ms. Kosinski asserts that the City must apply "concurrency". However, OCMC 17.68.020.B provides for approval of this Application if public facilities and services are presently capable of supporting the use allowed by the zone, ***or*** can be made available prior to issuing a certificate of occupancy. The Planning Commission must reject his argument because concurrency at this stage is not an approval standard.

7. Shortage of Water.

Ms. Kosinski asserts that there is inadequate domestic water supply. However, she provides no substantial evidence to support her assertion.

8. Inadequate Sanitary Sewer Service.

Ms. Kosinski asserts that sewer capacity is "questionable". However, she provides no substantial evidence to support her assertion.

9. Goal 7.

Ms. Kosinski asserts that Goal 7 is not satisfied. However, the findings above addressing Goal 7 show that the Application satisfies Goal 7.

For these reasons, the Planning Commission must reject Ms. Kosinski's arguments because they are not supported by substantial evidence in the whole record, and in many cases, fail to address relevant approval criteria.

VII. Conclusion.

For the reasons contained in these supplemental findings, the Application and the staff report, the Planning Commission can find that the applicable approval criteria for this Application are satisfied.

From: Dan Fowler
To: Laura Terway
Cc: Michael C. Robinson (mrobinson@perkinscoie.com)
Subject: FW: Attached Image
Date: Thursday, December 03, 2015 1:55:43 PM
Attachments: 0328_001.pdf

Hi Laura,

I wanted to make you aware of an invitation we sent out to the neighborhood and to the people who spoke at the November 9th Planning Commission meeting. We are hoping to dialogue with them and answer some of their questions. I wanted you to have it for the record.

Thank you,

Dan

HISTORIC PROPERTIES, LLC
1300 JOHN ADAMS ST.
OREGON CITY, OR 97045

December 2, 2015

Christine Kosinski
18370 S Holly Lane
Oregon City, Oregon 97045

Christine,

You recently spoke in regards to a Comp Plan Amendment and Zone Change we are seeking from the City of Oregon City. We would like to personally invite you to a meeting we are holding to listen to people and provide information. We would like to make an attempt to address any of your concerns that we are able to. Below you will find the information on the meeting:

Who: Historic Properties, LLC

What: Is inviting any interested person to come to a meeting

When: Monday, December 14th, 2015 at 7pm

Where: BCT Community Room, 15223 Henrici Rd., Oregon City, OR 97045

Why: To answer questions about the proposed zone change and future development. To listen to any concerns and to try to address them. To provide you information on the project.

We take your questions and concerns seriously and ask that you come and get your information first hand.

Thank you,

Historic Properties, LLC

Dan Fowler & Mark Foley

cc: Laura Terway – City of Oregon City

HISTORIC PROPERTIES, LLC
1300 JOHN ADAMS ST.
OREGON CITY, OR 97045

December 2, 2015

Elizabeth Graser Lindsey
21341 S Ferguson Road
Beavercreek, Oregon 97004

Elizabeth,

You recently spoke in regards to a Comp Plan Amendment and Zone Change we are seeking from the City of Oregon City. We would like to personally invite you to a meeting we are holding to listen to people and provide information. We would like to make an attempt to address any of your concerns that we are able to. Below you will find the information on the meeting:

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Thank you,

Historic Properties, LLC

Dan Fowler & Mark Foley

cc: Laura Terway – City of Oregon City

HISTORIC PROPERTIES, LLC
1300 JOHN ADAMS ST.
OREGON CITY, OR 97045

December 2, 2015

James J. Nicita
302 Bluff Street
Oregon City, Oregon 97045

James,

You recently spoke in regards to a Comp Plan Amendment and Zone Change we are seeking from the City of Oregon City. We would like to personally invite you to a meeting we are holding to listen to people and provide information. We would like to make an attempt to address any of your concerns that we are able to. Below you will find the information on the meeting:

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Thank you,

Historic Properties, LLC

Dan Fowler & Mark Foley

cc: Laura Terway – City of Oregon City

HISTORIC PROPERTIES, LLC
1300 JOHN ADAMS ST.
OREGON CITY, OR 97045

December 2, 2015

Bob Nelson
18090 Holly Lane
Oregon City, Oregon 97045

Bob,

You recently spoke in regards to a Comp Plan Amendment and Zone Change we are seeking from the City of Oregon City. We would like to personally invite you to a meeting we are holding to listen to people and provide information. We would like to make an attempt to address any of your concerns that we are able to. Below you will find the information on the meeting:

Who: Historic Properties, LLC

What: Is inviting any interested person to come to a meeting

When: Monday, December 14th, 2015 at 7pm

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Why: To answer questions about the proposed zone change and future development. To listen to any concerns and to try to address them. To provide you information on the project.

We take your questions and concerns seriously and ask that you come and get your information first hand.

Thank you,

Historic Properties, LLC

Dan Fowler & Mark Foley

cc: Laura Terway – City of Oregon City

HISTORIC PROPERTIES, LLC
1300 JOHN ADAMS ST.
OREGON CITY, OR 97045

December 2, 2015

Kristi Beyer
18251 S Holly Lane
Oregon City, Oregon 97045

Kristi,

You recently spoke in regards to a Comp Plan Amendment and Zone Change we are seeking from the City of Oregon City. We would like to personally invite you to a meeting we are holding to listen to people and provide information. We would like to make an attempt to address any of your concerns that we are able to. Below you will find the information on the meeting:

Who: Historic Properties, LLC

What: Is inviting any interested person to come to a meeting

When: Monday, December 14th, 2015 at 7pm

Where: BCT Community Room, 15223 Henrici Rd., Oregon City, OR 97045

Why: To answer questions about the proposed zone change and future development. To listen to any concerns and to try to address them. To provide you information on the project.

We take your questions and concerns seriously and ask that you come and get your information first hand.

Thank you,

Historic Properties, LLC

Dan Fowler & Mark Foley

cc: Laura Terway – City of Oregon City

From: Dan Fowler
To: Laura Terway
Cc: Michael C. Robinson (mrobinson@perkinscoie.com); Tom Sisul; Mike Ard (mike@lancasterengineering.com); Mark Foley (MarkF@fandfstructures.com)
Subject: Meeting with Neighborhood
Date: Wednesday, December 16, 2015 11:38:34 AM
Attachments: 0350_001.pdf

Hi Laura,

Attached is an attendance list of the people who attended a meeting we had at the BCT meeting room on Monday December 14th. We had invite the neighborhood and all the people who had spoken in opposition to our project at the November 9th Planning Commission meeting. We had time to listen to concerns and explain in detail more information about the traffic improvements that we see our future development needing to make as well as a greater explanation of the geo-tech report. One of the biggest things we stressed is the fact that our geologist is recommending that we do not do any ground water infiltration. This will allow of project to not contribute to making the ground wet. The conditions will actually be better than they are today. It was a very cordial and respectful meeting.

I wanted you to have this for the record.

Thank you,

Dan

Dan Fowler
Historic Properties, LLC
1300 John Adams St.
Oregon City, OR 97045
503.655.1455 | 503.650.1970 fax | 503.351.4500 cell

Please Sign-in

Name	Address
Mark Folk	1300 John Aa
Mike Mitchell	mike.kmitchell@
~~Bob~~ Nelson	
Wendy Nelson	wen_n@msn.
Tom Sisal - Engineer	
Mike ARD - Traffic Eng.	
Paul Glaunert - Senior Facility	
Dan Fowler	

From:	Dan Fowler
To:	Robinson, Michael C. (Perkins Coie); "Carrie Richter"
Cc:	Laura Terway
Subject:	RE: Historic properties Application
Date:	Monday, January 11, 2016 8:24:48 AM
Attachments:	image001.png image002.png

I am fine with the new language and also the type IV for future amendments to the trip cap.

Dan

From: Robinson, Michael C. (Perkins Coie) [mailto:MRobinson@perkinscoie.com]
Sent: Sunday, January 10, 2016 9:27 AM
To: 'Carrie Richter'
Cc: 'Laura Terway (lterway@ci.oregon-city.or.us)'; Dan Fowler
Subject: RE: Historic properties Application

Thank you, Carrie

Michael C. Robinson | Perkins Coie LLP
PARTNER
1120 N.W. Couch Street Tenth Floor
Portland, OR 97209-4128
D. +1.503.727.2264
C. +1.503.407.2578
F. +1.503.346.2264
E. MRobinson@perkinscoie.com



Selected as 2014 "Law Firm of the Year"
in Litigation - Land Use & Zoning by
U.S. News – Best Lawyers® "Best Law Firms"

From: Carrie Richter [mailto:crichter@gsblaw.com]
Sent: Sunday, January 10, 2016 8:54 AM
To: Robinson, Michael C. (Perkins Coie)
Cc: 'Laura Terway (lterway@ci.oregon-city.or.us)'; 'Dan Fowler'
Subject: RE: Historic properties Application

Confirmed.

Sent from my Verizon Wireless 4G LTE smartphone

-------- Original message --------
From: "Robinson, Michael C. (Perkins Coie)" <MRobinson@perkinscoie.com>
Date: 1/10/2016 8:36 AM (GMT-08:00)
To: Carrie Richter <crichter@gsblaw.com>

Cc: "'Laura Terway (lterway@ci.oregon-city.or.us)'" <lterway@ci.oregon-city.or.us>, 'Dan Fowler' <DanF@abernethycenter.com>, "Robinson, Michael C. (Perkins Coie)" <MRobinson@perkinscoie.com>
Subject: RE: Historic properties Application

Thank you, Carrie. I don't want to speak for Dan but I find the revsied condition of approval to be acceptable. Dan, let us know what you think.

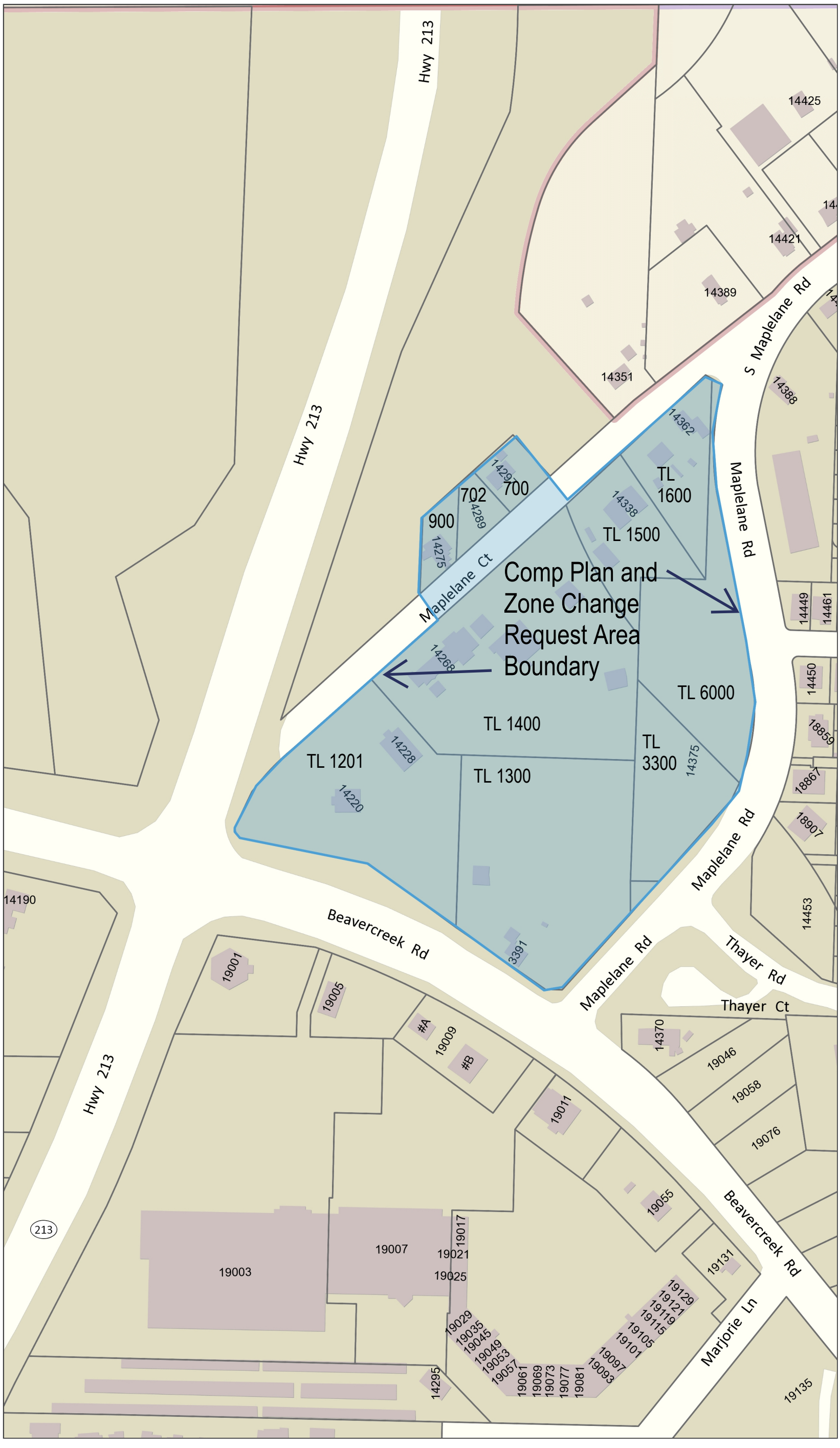
Also confirming that staff agrees with us that an amendment to the trip cap should be through a Type IV process. Will staff make this change as well?

Michael C. Robinson | **Perkins Coie LLP**
PARTNER
1120 N.W. Couch Street Tenth Floor
Portland, OR 97209-4128
D. +1.503.727.2264
C. +1.503.407.2578
F. +1.503.346.2264
E. MRobinson@perkinscoie.com



Selected as 2014 "Law Firm of the Year"
in Litigation - Land Use & Zoning by
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Oregon City GIS Map

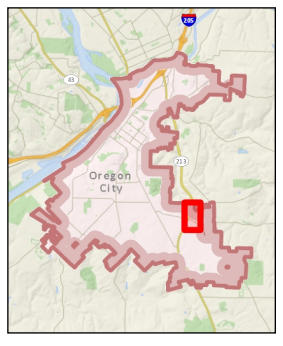


Legend

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

Notes

Overview Map



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Map created 7/24/2015

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

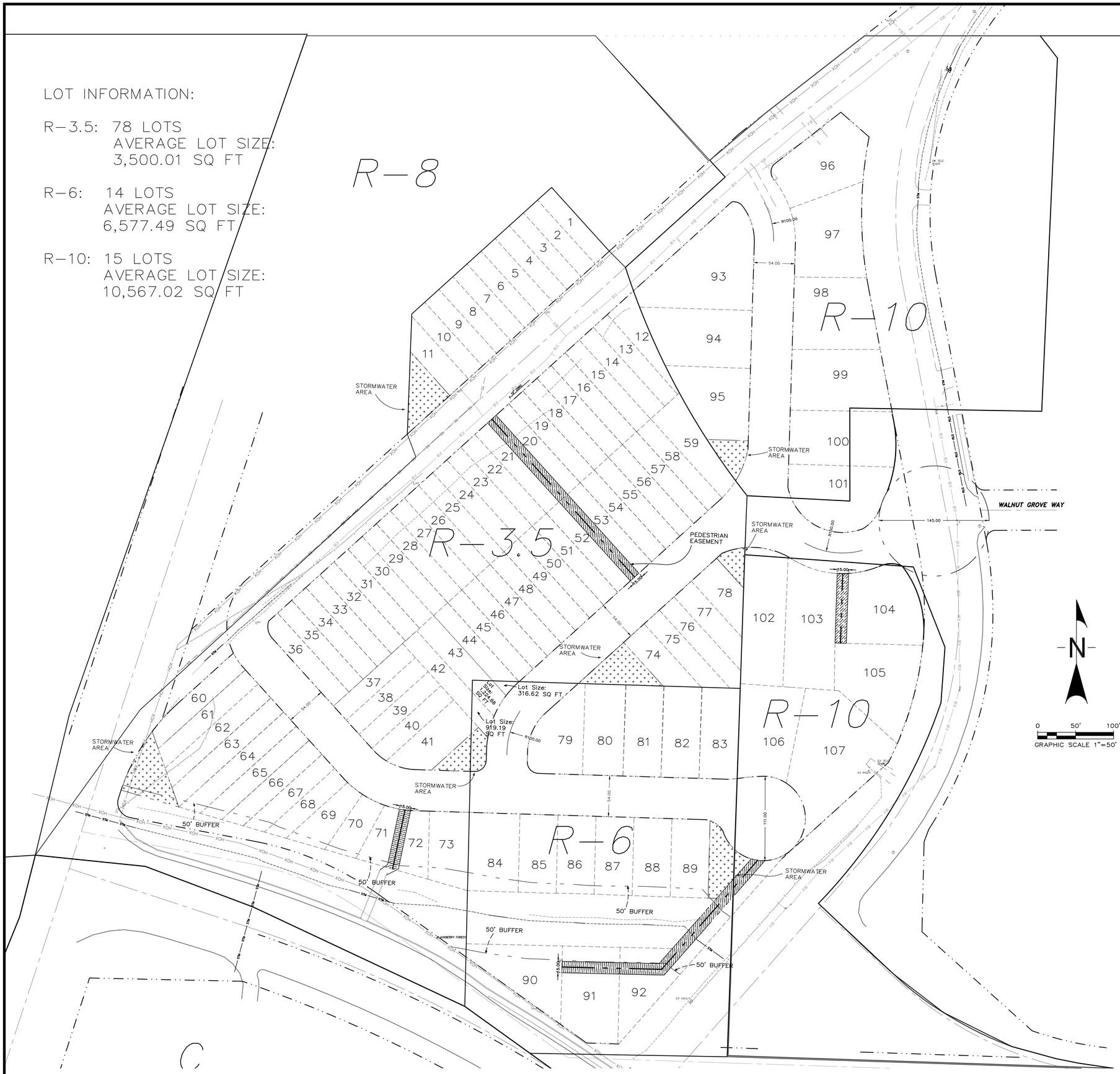
City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orcity.org

LOT INFORMATION:

R-3.5: 78 LOTS
AVERAGE LOT SIZE:
3,500.01 SQ FT

R-6: 14 LOTS
AVERAGE LOT SIZE:
6,577.49 SQ FT

R-10: 15 LOTS
AVERAGE LOT SIZE:
10,567.02 SQ FT



LOT SIZE PER ZONING		
ZONING	LOT #	AREA (SF)
R3.5	1	2828.25
	2	2828.25
	3	2828.25
	4	2828.25
	5	2828.25
	6	2828.25
	7	2828.25
	8	2828.25
	9	2828.25
	10	2828.35
	11	3083.08
	12	3171.79
	13	3352.14
	14	3495.79
	15	3500.00
	16	3500.00
	17	3500.00
	18	3500.00
	19	3500.00
	20	4200.00
	21	4200.00
	22	3500.00
	23	3500.00
	24	3500.00
	25	3500.00
	26	3500.00
	27	3500.00
	28	3500.00
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	30	3500.00
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	32	3500.00
	33	3500.00
	34	3500.00
	35	3500.00
	36	3780.38
	37	3062.47
	38	3062.48
	39	3062.48
	40	3040.95
	41	5123.66
	42	3046.92*
	43	3155.85*
	44	3196.24*
	45	3500.00
	46	3500.00
	47	3500.00
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	49	3500.00
	50	3500.00
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	58	3500.00
	59	5224.45
	60	3951.13
	61	3994.70
	62	4255.59
	63	4516.49
	64	4455.17
	65	4071.61
	66	3688.06
	67	3306.36
	68	2919.09
	69	3522.89
	70	3042.52
	71	3034.53
	72	3346.63
	73	5027.05
	74	3437.11
	75	3382.84
	76	3656.47
	77	3525.22
	78	3423.60
R6	79	6615.04
	80	6415.42
	81	5999.88
	82	5999.88
	83	6028.46
	84	6856.24
	85	5143.17
	86	5121.44
	87	5130.79
	88	5140.51
	89	5143.50
	90	7632.04
	91	9197.97
	92	11917.25
R10	93	14195.77
	94	9952.83
	95	8050.85
	96	9542.53
	97	9874.54
	98	9979.79
	99	10071.37
	100	9959.52
	101	9772.03
	102	10046.65
	103	10559.74
	104	10873.33
	105	10383.77
	106	9203.48
	107	16039.09

* AREA DENOTED DOES NOT INCLUDE THE PORTION OF THE SITE INSIDE THE R6 ZONING.

REGISTERED PROFESSIONAL ENGINEER 12,820 OREGON FEB 14, 1985 THOMAS J. SISUL

EXPIRES: 6/30/16

REVISIONS	BY
REVISED 10/19/15	JDM

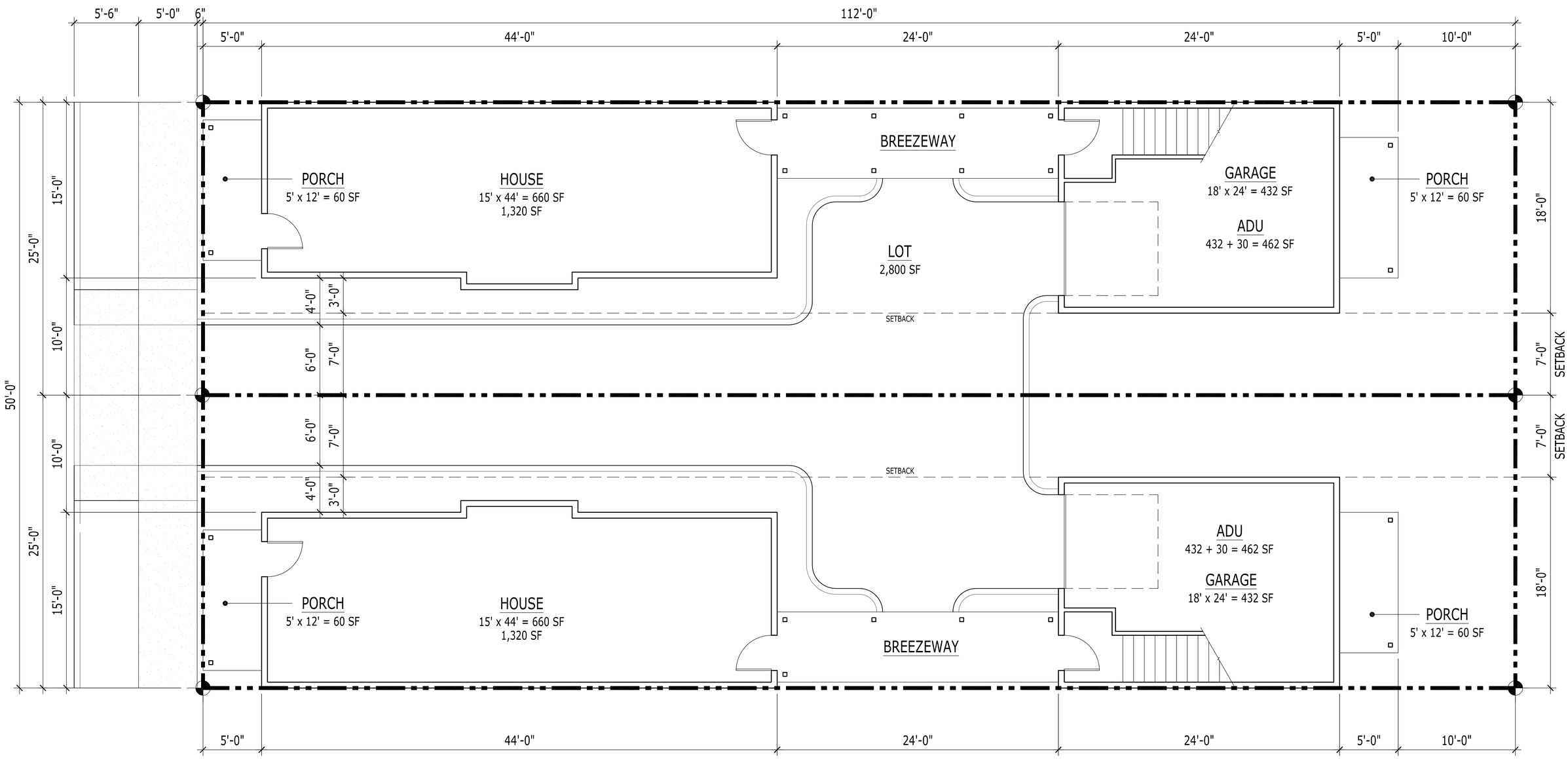
HILL TOP MASTER PLAN

LOT LAYOUT

SISUL ENGINEERING
375 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 657-0188

DRAWING:

DATE	AUGUST 2015
SCALE	1" = 50'
DRAWN	JDM
JOB	SGL12-045
SHEET	1
OF	1 SHEETS



SITE			HOUSE		ADU / GARAGE	
ZONE	R-3.5		FOOTPRINT	660 SF	FOOTPRINT	432 SF
LOT AREA	2,800 SF		AREA	660 X 2 = 1,320 SF 2 BR 2.5 BATH	ADU AREA	432 SF + 30 SF = 462 SF
LOT COVERAGE	660 + 432 = 1,092 SF	(39%)			COVERAGE	462/1,320 SF = (35%)

0 2' 4' 8'

HILLTOP MASTER PLAN

OREGON CITY, OREGON

HILL ARCHITECTS

CONCEPTUAL SITE PLAN
R-3.5 ZONE 2,800 SF LOT W/ ADU **2.1**

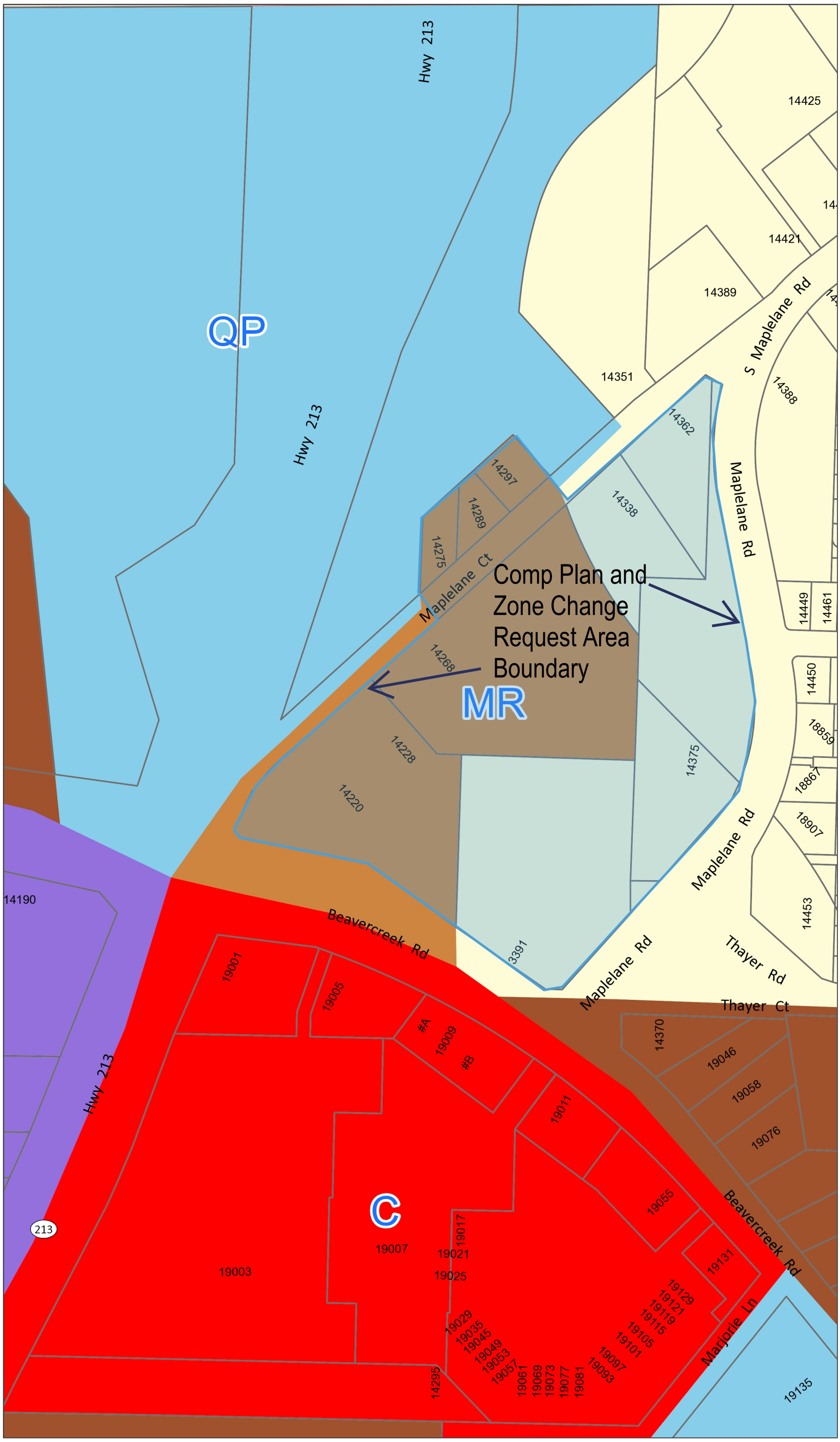
AUGUST 17, 2015

1750 BLANKENSHIP ROAD • SUITE 400 • WEST LINN • OREGON 97068

#11619

© 2014

Oregon City GIS Map

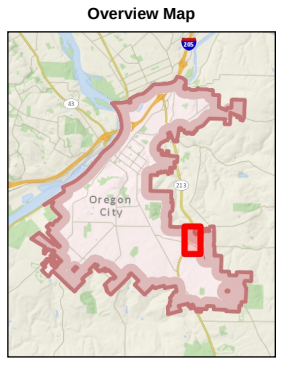


Legend

- Taxlots
- Unimproved ROW
- Comprehensive Plan
  - LR - Low Density Residential
  - MR - Medium Density Reside
  - HR - High Density Residentia
  - Mixed Use-Corridor
  - Mixed Use-Downtown
  - C - Commercial
  - Mixed Use-Employment
  - I - Industrial
  - QP - Public/Quasi Public
  - P - Parks
  - Future Urban
- City Limits
- UGB
- Basemap

Notes

Overview Map



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N

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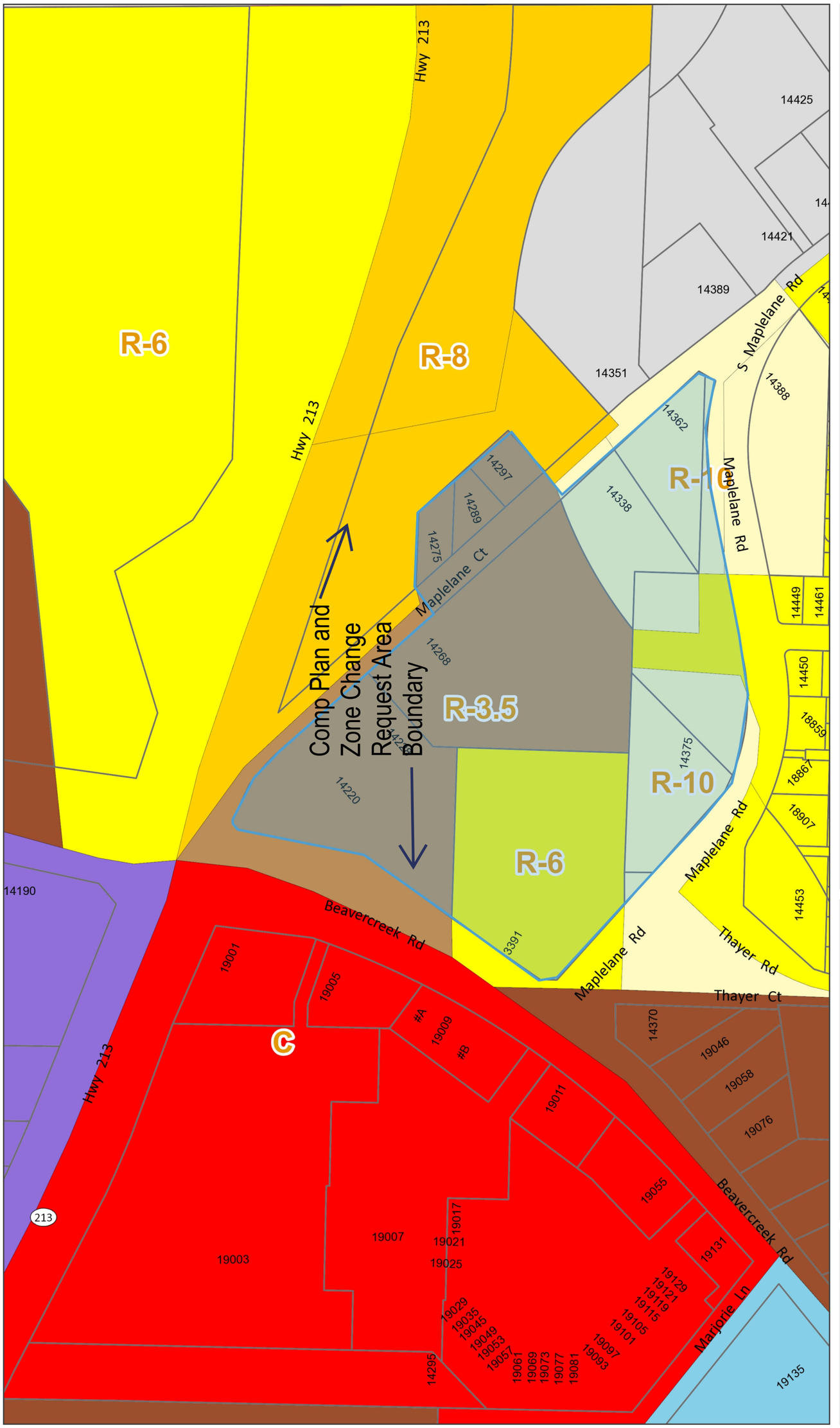
1: 2,400

Map created 7/24/2015

CPA-ZC Boundary Area overlaid on Existing Comp Plan Designations

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

Oregon City GIS Map

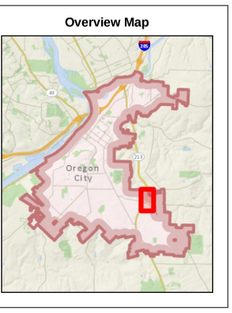


Legend

- Taxlots
- Unimproved ROW
- Zoning
  - R-10 - Single Family Dwelling
  - R-8 - Single Family Dwelling
  - R-6 - Single Family Dwelling
  - RC-4 - McLoughlin Conditiona
  - RD4-MDP - Manufactured Dv
  - R-3.5 - Medium Density Resi
  - R-2 - Multi-Family Dwelling
  - C - General Commercial
  - MUC-2 - Mixed Use Corridor
  - MUC-1 - Mixed Use Corridor
  - LO - Limited Office
  - NC - Neighborhood Commerc
  - HC - Historic Commercial
  - WFDD - Willamette Falls Dow
  - MUD - Mixed Use Downtown
  - MUE - Mixed Use Employme
  - GI - General Industrial
  - CI - Campus Industrial
  - I - Institutional
  - FU-10 - County Zoning
  - County
- City Limits
- UGB
- Basemap

Notes

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0 200 400 600 Feet

1: 2,400

Map created 7/24/2015

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

August 28, 2015



LANCASTER
ENGINEERING

321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

Dan Fowler
Historic Properties, LLC
1300 John Adams Street, Suite 100
Oregon City, OR 97045

Dear Dan,

This letter is written to provide information regarding a proposed zone change for several properties located on the west side of S Maplelane Road north of Beavercreek Road in Oregon City, Oregon. The properties have been proposed for a zone change, however the zone change will be proposed with a trip cap limiting site traffic to a level that would be permitted under the existing zoning.

The subject properties currently fall under a mixture of R3.5, R6 and R10 zoning as follows:

R3.5 Zoning

14297 Maplelane Road – 0.28 acres
14289 Maplelane Road - 0.24 acres
14275 Maplelane Road – 0.25 acres
14268 Maplelane Court – 4.03 acres
14228 Maplelane Court – 2.84 acres

Total R3.5 = 7.64 acres

R6 Zoning

3391 Beavercreek Road – 3.33 acres
Tax Lot 06000 – 0.62 acres

Total R6 = 3.95 acres

R10 Zoning

Tax Lot 06000 – 1.21 acres
Tax Lot 05900 – 0.04 acres
14375 Maplelane Court – 1.17 acres
14338 Maplelane Court – 1.02 acres
14362 Maplelane Court – 0.89 acres

Total R10 = 4.33 acres

A shadow plat was prepared for the subject properties in order to accurately assess the development potential under the existing zoning. The shadow plat is attached to this letter. Based on the plat, a total of 107 residential lots could be developed on the subject properties.

Trip Generation Analysis

In order to assess the traffic impacts of full development under the existing zonings, an estimate of trip generation was prepared for the reasonable worst case development scenario. The trip estimates were calculated using data from the *TRIP GENERATION MANUAL, 9TH EDITION*, published by the Institute of Transportation Engineers. For each lot, development of one single-family dwelling and one accessory dwelling unit was assumed, since both primary and accessory dwelling units are permitted outright under the existing zonings. Trip rates for the single-family dwellings were assessed based on data for land use code 210, *Single-Family Detached Housing*. Although initially trip generation for the accessory dwelling units was intended to be calculated using trip rates for land use code 220, *Apartments*, it was noted that Oregon City requires payment of system development charges for accessory dwelling units at half the rate of single-family dwellings. This approach yields slightly lower trip estimates than utilization of apartment trip rates for the accessory dwelling units, and it therefore conservative as well as consistent with prior decisions related to trip generation of accessory dwelling units within Oregon City.

A summary of the trip generation estimate is provided in the tables below. Detailed trip generation worksheets are provided in the attached technical appendix.

WEEKDAY TRIP GENERATION SUMMARY
Existing Development Potential

		AM Peak Hour			PM Peak Hour			Weekday		
	Units	In	Out	Total	In	Out	Total	In	Out	Total
Single-Fmaily Residential Home	107	20	60	80	67	40	107	509	509	1018
Accessory Dwelling Unit	107	10	30	40	34	20	54	255	255	510
Total		***30***	***90***	***120***	***101***	***60***	***161***	***764***	***764***	***1,528***

The reasonable worst case development of the subject properties would result in a total of 120 site trips during the morning peak hour, 161 site trips during the evening peak hour, and 1,528 daily trips.

Based on the analysis, a trip cap of 161 PM peak hour trips is recommended for the subject properties.

TRANSPORTATION PLANNING RULE ANALYSIS

The Transportation Planning Rule (TPR) is in place to ensure that the transportation system is capable of supporting possible increases in traffic intensity that could result from changes to adopted plans and land use regulations. The applicable portions of the TPR are quoted in *italics* below, with responses directly following.

660-012-0060

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

The proposed zone change will not necessitate changes to the functional classification of existing or planned transportation facilities. Accordingly, this section is not triggered.

(b) Change standards implementing a functional classification system; or

The proposed zone change will not change any standards implementing the functional classification system. Accordingly, this section is also not triggered.

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

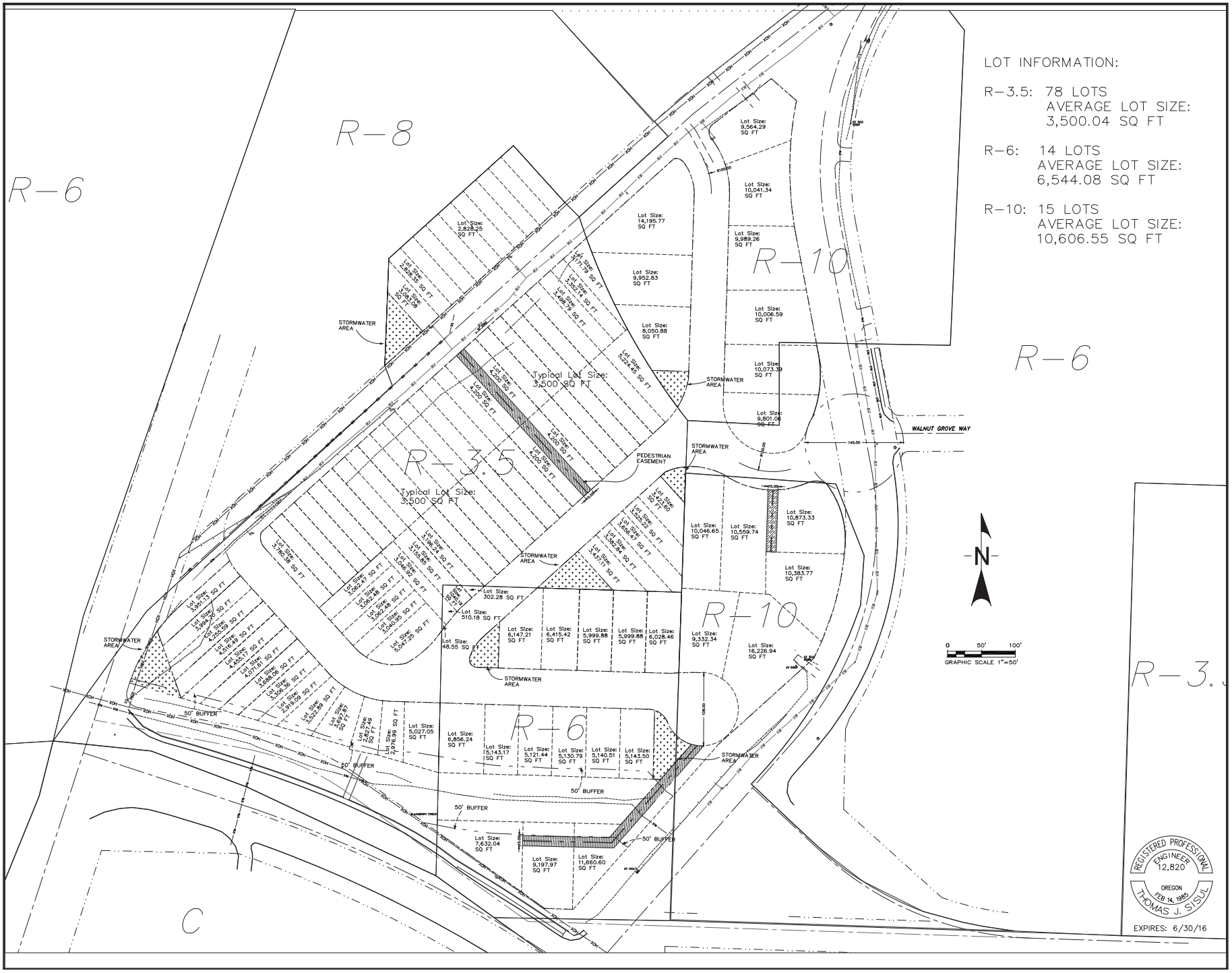
In this instance the proposed zone change cannot result in degradation of performance of area roads and intersections as compared to allowed uses in the existing zones since the proposed trip cap limits traffic levels to no greater than the levels permitted under the existing zoning.

Based on the analysis, the proposed zone change will not result in increased traffic volumes in the site vicinity and the Transportation Planning Rule is satisfied. No additional mitigations are necessary or recommended in conjunction with the proposed zone change and trip cap.

Sincerely,

Michael Ard, PE
Senior Transportation Engineer

APPENDIX



REVISIONS	BY

HILL TOP MASTER PLAN

LOT LAYOUT

SISUL ENGINEERING
375 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 657-0188

REGISTERED PROFESSIONAL ENGINEER
12,820
OREGON
FEB 14, 1985
THOMAS J. SISUL
EXPIRES: 6/30/16

DRAWING	
DATE	AUGUST 2015
SCALE	1" = 50'
DRAWN	JDM
JOB	SGL12-045
SHEET	1
OF	1 SHEETS

TRIP GENERATION CALCULATIONS

Land Use: Single-Family Detached Housing
Land Use Code: 210
Variable: Dwelling Units
Variable Value: 107

AM PEAK HOUR

Trip Rate: 0.75

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	**20**	**60**	**80**

PM PEAK HOUR

Trip Rate: 1.00

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	**67**	**40**	**107**

WEEKDAY

Trip Rate: 9.52

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**509**	**509**	**1,018**

SATURDAY

Trip Rate: 9.91

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**530**	**530**	**1,060**

Source: TRIP GENERATION, Ninth Edition

TRIP GENERATION CALCULATIONS

Land Use: Apartment
Land Use Code: 220
Variable: Dwelling Units
Variable Value: 107

AM PEAK HOUR

Trip Rate: 0.51

	Enter	Exit	Total
Directional Distribution	20%	80%	
Trip Ends	**11**	**44**	**55**

PM PEAK HOUR

Trip Rate: 0.62

	Enter	Exit	Total
Directional Distribution	65%	35%	
Trip Ends	**43**	**23**	**66**

WEEKDAY

Trip Rate: 6.65

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**356**	**356**	**712**

SATURDAY

Trip Rate: 6.39

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**342**	**342**	**684**

Source: TRIP GENERATION, Ninth Edition

October 28, 2015



LANCASTER
ENGINEERING

321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

Dan Fowler
Historic Properties, LLC
1300 John Adams Street, Suite 100
Oregon City, OR 97045

Dear Dan,

This letter is written to provide information regarding a proposed zone change for several properties located on the west side of S Maplelane Road north of Beavercreek Road in Oregon City, Oregon. The properties have been proposed for a zone change, however the zone change will be proposed with a trip cap limiting site traffic to a level that would be permitted under the existing zoning.

The subject properties currently fall under a mixture of R3.5, R6 and R10 zoning as follows:

R3.5 Zoning

14297 Maplelane Road – 0.28 acres
14289 Maplelane Road - 0.24 acres
14275 Maplelane Road – 0.25 acres
14268 Maplelane Court – 4.03 acres
14228 Maplelane Court – 2.84 acres

Total R3.5 = 7.64 acres

R6 Zoning

3391 Beavercreek Road – 3.33 acres
Tax Lot 06000 – 0.62 acres

Total R6 = 3.95 acres

R10 Zoning

Tax Lot 06000 – 1.21 acres
Tax Lot 05900 – 0.04 acres
14375 Maplelane Court – 1.17 acres
14338 Maplelane Court – 1.02 acres
14362 Maplelane Court – 0.89 acres

Total R10 = 4.33 acres

A shadow plat was prepared for the subject properties in order to accurately assess the development potential under the existing zoning. The shadow plat is attached to this letter. Based on the plat, a total of 107 residential lots could be developed on the subject properties.

Trip Generation Analysis

In order to assess the traffic impacts of full development under the existing zonings, an estimate of trip generation was prepared for the reasonable worst case development scenario. The trip estimates were calculated using data from the *TRIP GENERATION MANUAL, 9TH EDITION*, published by the Institute of Transportation Engineers. For each lot, development of one single-family dwelling and one accessory dwelling unit was assumed, since both primary and accessory dwelling units are permitted outright under the existing zonings. The trip generation estimate for the single-family dwellings was prepared based on the equations provided for land use code 210, *Single-Family Detached Housing*. Although initially trip generation for the accessory dwelling units was intended to be calculated using trip rates for land use code 220, *Apartments*, it was noted that Oregon City requires payment of system development charges for accessory dwelling units at half the rate of single-family dwellings. This approach yields slightly lower trip estimates than utilization of apartment trip rates for the accessory dwelling units, and is therefore conservative as well as consistent with prior decisions related to trip generation of accessory dwelling units within Oregon City.

A summary of the trip generation estimate is provided in the tables below. Detailed trip generation worksheets are provided in the attached technical appendix.

WEEKDAY TRIP GENERATION SUMMARY
Existing Development Potential

		AM Peak Hour			PM Peak Hour			Weekday		
	Units	In	Out	Total	In	Out	Total	In	Out	Total
Single-Family Residential Home	107	21	64	85	71	41	112	553	553	1106
Accessory Dwelling Unit	107	11	32	43	35	21	56	276	276	552
Total		***32***	***96***	***128***	***106***	***62***	***168***	***829***	***829***	***1,658***

The reasonable worst case development of the subject properties would result in a total of 128 site trips during the morning peak hour, 168 site trips during the evening peak hour, and 1,658 daily trips.

Based on the analysis, a trip cap of 168 PM peak hour trips is recommended for the subject properties.

TRANSPORTATION PLANNING RULE ANALYSIS

The Transportation Planning Rule (TPR) is in place to ensure that the transportation system is capable of supporting possible increases in traffic intensity that could result from changes to adopted plans and land use regulations. The applicable portions of the TPR are quoted in *italics* below, with responses directly following.

660-012-0060

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(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

The proposed zone change will not necessitate changes to the functional classification of existing or planned transportation facilities. Accordingly, this section is not triggered.

(b) Change standards implementing a functional classification system; or

The proposed zone change will not change any standards implementing the functional classification system. Accordingly, this section is also not triggered.

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

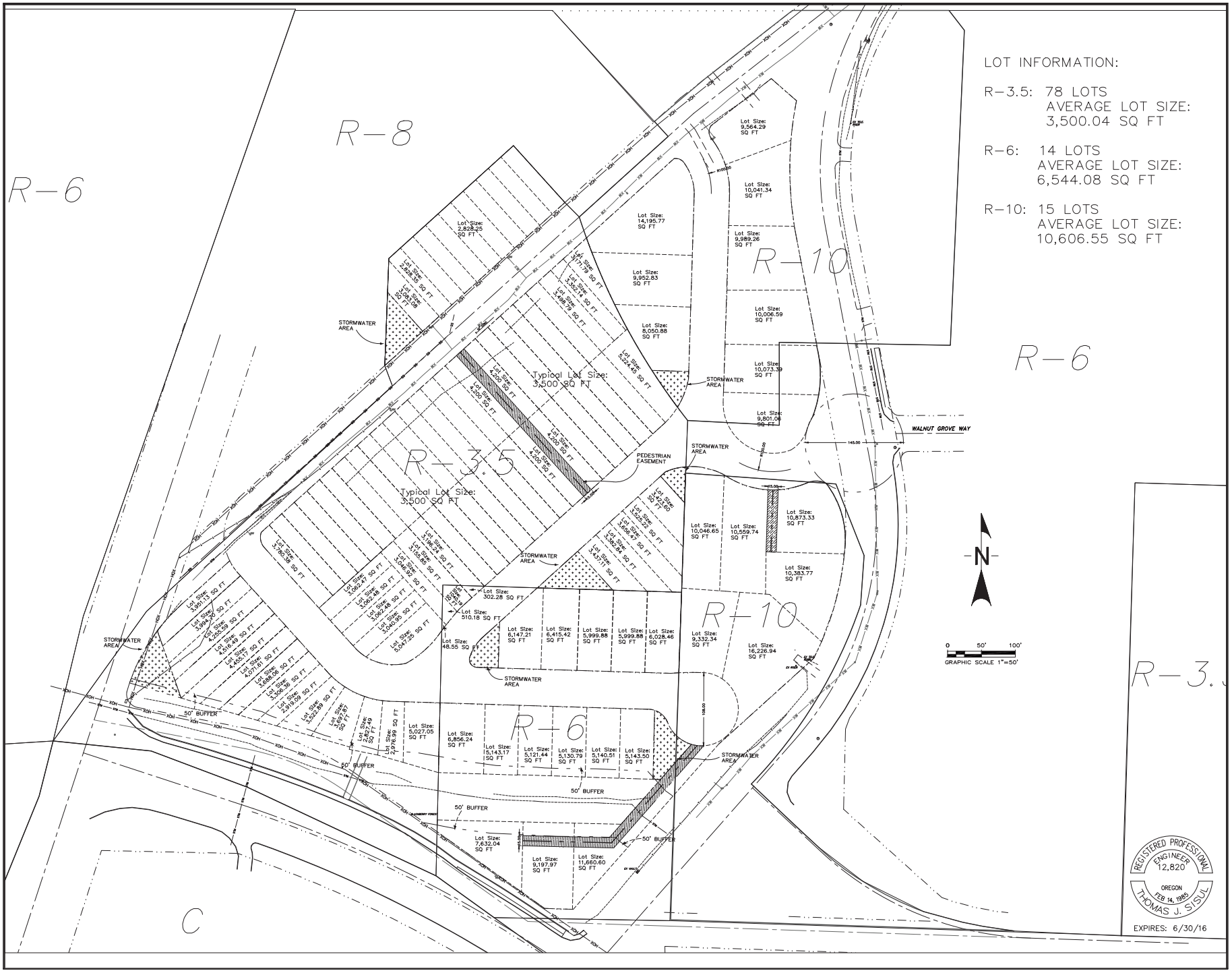
In this instance the proposed zone change cannot result in degradation of performance of area roads and intersections as compared to allowed uses in the existing zones since the proposed trip cap limits traffic levels to no greater than the levels permitted under the existing zoning.

Based on the analysis, the proposed zone change will not result in increased traffic volumes in the site vicinity and the Transportation Planning Rule is satisfied. No additional mitigations are necessary or recommended in conjunction with the proposed zone change and trip cap.

Sincerely,

Michael Ard, PE
Senior Transportation Engineer

APPENDIX



REVISIONS	BY

HILL TOP MASTER PLAN

LOT LAYOUT

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375 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 657-0188

REGISTERED PROFESSIONAL ENGINEER
12,820
OREGON
FEB 14, 1985
THOMAS J. SISUL
EXPIRES: 6/30/16

DRAWING	
DATE	AUGUST 2015
SCALE	1" = 50'
DRAWN	JDM
JOB	SGL12-045
SHEET	1
OF	1 SHEETS

TRIP GENERATION CALCULATIONS

Land Use: Single-Family Detached Housing
Land Use Code: 210
Variable: Dwelling Units
Variable Value: 107

AM PEAK HOUR

Trip Equation: T = 0.70(X) + 9.74

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	**21**	**64**	**85**

PM PEAK HOUR

Trip Equation: Ln(T)=0.90Ln(X)+0.51

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	**71**	**41**	**112**

WEEKDAY

Trip Equation: Ln(T)=0.92Ln(X)+2.72

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**553**	**553**	**1,106**

SATURDAY

Trip Equation: Ln(T)=0.93Ln(X)+2.64

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**565**	**565**	**1,130**

Source: TRIP GENERATION, Ninth Edition

TRIP GENERATION CALCULATIONS

Land Use: Apartment
Land Use Code: 220
Variable: Dwelling Units
Variable Value: 107

Note: These trip generation calculations are provided for reference only. Actual trip generation for the accessory dwelling units was conservatively calculated as half the trip rate for single-family homes.

AM PEAK HOUR

Trip Rate: 0.51

	Enter	Exit	Total
Directional Distribution	20%	80%	
Trip Ends	**11**	**44**	**55**

PM PEAK HOUR

Trip Rate: 0.62

	Enter	Exit	Total
Directional Distribution	65%	35%	
Trip Ends	**43**	**23**	**66**

WEEKDAY

Trip Rate: 6.65

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**356**	**356**	**712**

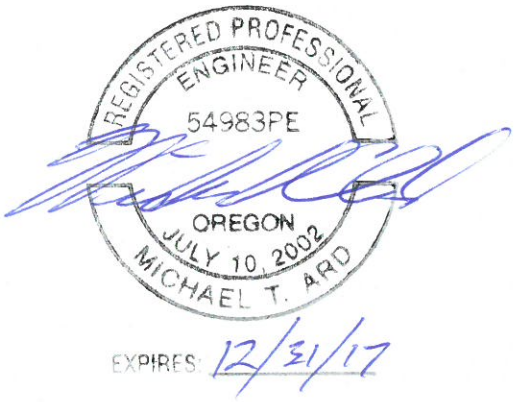
SATURDAY

Trip Rate: 6.39

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**342**	**342**	**684**

Source: TRIP GENERATION, Ninth Edition

January 11, 2016



LANCASTER ENGINEERING

321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

Dan Fowler
Historic Properties, LLC
1300 John Adams Street, Suite 100
Oregon City, OR 97045

Dear Dan,

This letter is written to provide information regarding a proposed zone change for several properties located on the west side of S Maplelane Road north of Beavercreek Road in Oregon City, Oregon. The properties have been proposed for a zone change from residential zoning to MUC-2 (Mixed-Use Corridor) zoning.

Specifically, the subject properties currently fall under a mixture of R3.5, R6 and R10 zoning as follows:

R3.5 Zoning

14297 Maplelane Road – 0.28 acres
14289 Maplelane Road - 0.24 acres
14275 Maplelane Road – 0.25 acres
14268 Maplelane Court – 4.03 acres
14228 Maplelane Court – 2.84 acres

Total R3.5 = 7.64 acres

R6 Zoning

3391 Beavercreek Road – 3.33 acres
Tax Lot 06000 – 0.62 acres

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Tax Lot 06000 – 1.21 acres
Tax Lot 05900 – 0.04 acres
14375 Maplelane Court – 1.17 acres
14338 Maplelane Court – 1.02 acres
14362 Maplelane Court – 0.89 acres

Total R10 = 4.33 acres

ENTERED INTO THE RECORD
DATE RECEIVED: 1/11/16
SUBMITTED BY: Applicant
SUBJECT: Z015-03
PZ15-01

A shadow plat was prepared for the subject properties in order to accurately assess the maximum development potential of the site under the existing zoning. The shadow plat is attached to this letter. Based on the plat, a total of 107 residential lots could be developed on the subject properties.

Under the current proposal, the full 15.92 acres will be rezoned to MUC-2 zoning.

Trip Generation Analysis

In order to assess the traffic impacts of full development under the existing and proposed zonings, an estimate of trip generation was prepared for the reasonable worst case development scenario. The trip estimates were calculated using data from the *TRIP GENERATION MANUAL, 9TH EDITION*, published by the Institute of Transportation Engineers.

Under the existing zoning, development of one single-family dwelling and one accessory dwelling unit per lot was assumed, since both primary and accessory dwelling units are permitted outright under the existing zonings. The trip generation estimate for the single-family dwellings was prepared based on the equations provided for land use code 210, *Single-Family Detached Housing*. Although initially trip generation for the accessory dwelling units was intended to be calculated using trip rates for land use code 220, *Apartments*, it was noted that Oregon City requires payment of system development charges for accessory dwelling units at half the rate of single-family dwellings. This approach yields slightly lower trip estimates than utilization of apartment trip rates for the accessory dwelling units, and is therefore conservative as well as consistent with prior decisions related to trip generation of accessory dwelling units within Oregon City.

A summary of the trip generation estimate is provided in the tables below. Detailed trip generation worksheets are provided in the attached technical appendix.

WEEKDAY TRIP GENERATION SUMMARY
Existing Development Potential

		AM Peak Hour			PM Peak Hour			Weekday		
	Units	In	Out	Total	In	Out	Total	In	Out	Total
Single-Family Residential Home	107	21	64	85	71	41	112	553	553	1106
Accessory Dwelling Unit	107	11	32	43	35	21	56	276	276	552
Total		***32***	***96***	***128***	***106***	***62***	***168***	***829***	***829***	***1,658***

The reasonable worst case development of the subject properties would result in a total of 128 site trips during the morning peak hour, 168 site trips during the evening peak hour, and 1,658 daily trips.

Development under the proposed MUC-2 zoning can include child care centers, health and fitness clubs, medical and dental clinics, libraries, offices, post offices, restaurants, retail stores, and residential care facilities. Many of these uses, such as restaurants and day car centers, have maximum sizes that would not effectively utilize the entire site. However, these uses could fit within the context of a shopping cen-

ter that would use the full area of the site. Accordingly, the highest trip generation rates for the site under the proposed MUC-2 zoning were determined to be associated with land use codes 720, *Medical-Dental Office Building* and 820, *Shopping Center*. Based on the trip generation data for these land uses, a development on 15.92 acres with 25 percent lot coverage can result in up to 414 site trips during the morning peak hour, 572 site trips during the evening peak hour and 8,624 daily trips. These trip estimates account for a 34 percent pass-by trip reduction for the shopping center land use.

Comparing the reasonable worst case development scenarios, the proposed zone change could result in a net increase of 286 site trips during the morning peak hour, 404 trips during the evening peak hour, and 6,966 daily trips.

Based on the potential increase in site trips under the proposed zoning, it is clear that the proposed zone change could have significant impacts on the surrounding transportation system, both in the near future and at the planning horizon. Since the intersection of Highway 213 at Beavercreek Road has previously been projected to fail to meet the performance standards identified by ODOT in the Oregon Highway Plan at the planning horizon, any potential negative impact from the proposed rezone will require identification of appropriate mitigation and/or mechanisms to ensure that the transportation system is not negatively impacted by future development within the property.

Proposed Mitigation

In order to ensure that the proposed zone change will not have a significant effect on the surrounding transportation system, a trip cap is proposed in conjunction with the requested zone change. The trip cap is to be established at a level commensurate with the development permissible under the existing zoning, thereby ensuring that traffic levels cannot increase in the site vicinity as a result of the zone change when compared to the traffic levels permitted under the current zoning.

Based on the analysis, a trip cap of 128 morning peak hour trips and 168 evening peak hour trips is recommended for the subject properties.

TRANSPORTATION PLANNING RULE ANALYSIS

The Transportation Planning Rule (TPR) is in place to ensure that the transportation system is capable of supporting possible increases in traffic intensity that could result from changes to adopted plans and land use regulations. The applicable portions of the TPR are quoted in *italics* below, with responses directly following.

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The proposed zone change will not necessitate changes to the functional classification of existing or planned transportation facilities. Accordingly, this section is not triggered.

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The proposed zone change will not change any standards implementing the functional classification system. Accordingly, this section is also not triggered.

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

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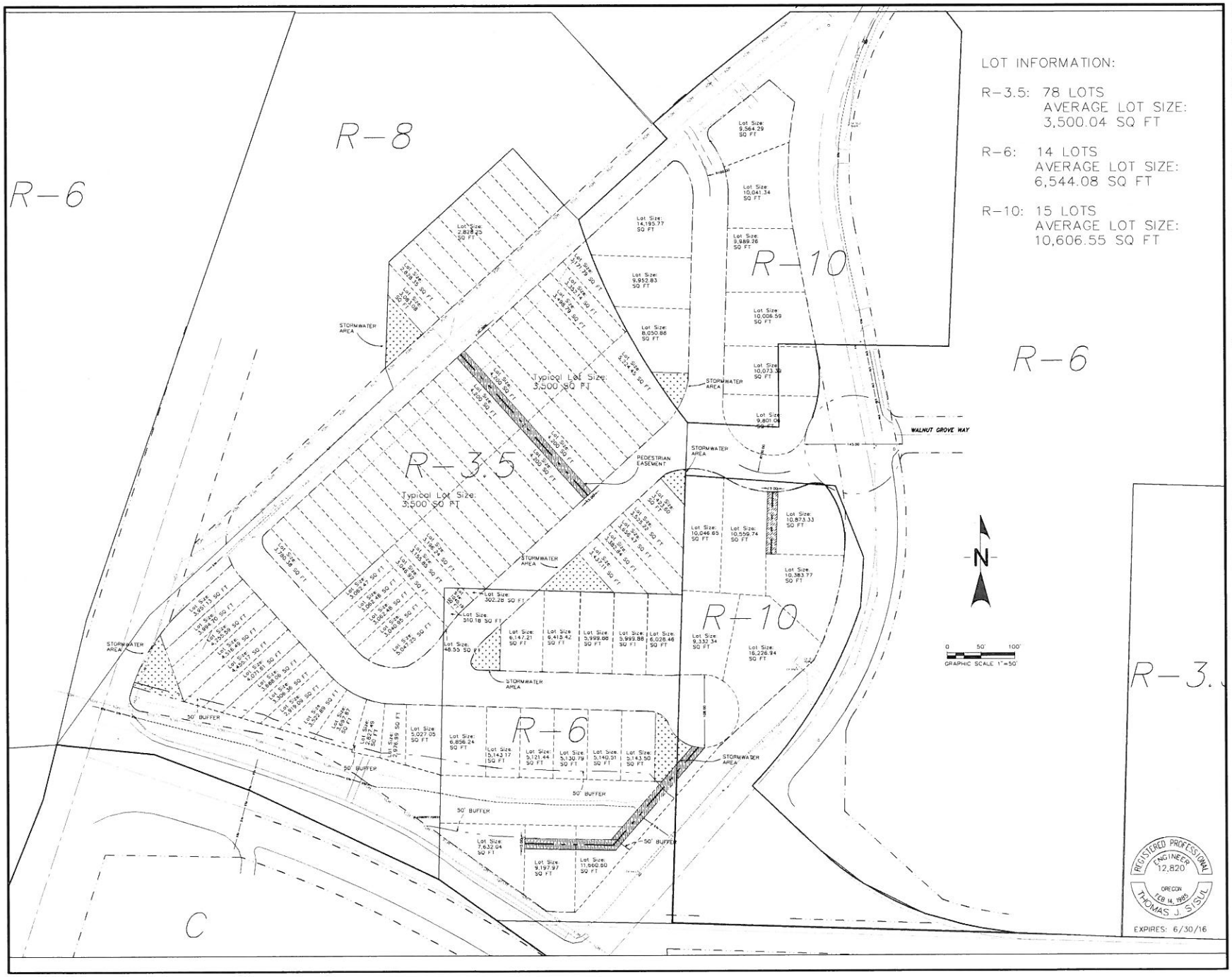
In this instance the proposed zone change cannot result in degradation of performance of area roads and intersections as compared to allowed uses in the existing zones since the proposed trip cap limits traffic levels to no greater than the levels permitted under the existing zoning.

Based on the analysis, the proposed zone change with trip cap will not result in increased traffic volumes in the site vicinity and the Transportation Planning Rule is satisfied. Accordingly, no changes to the City's adopted Transportation System Plan are needed and no additional mitigations are necessary or recommended in conjunction with the proposed plan amendment, zone change and trip cap.

Sincerely,

Michael Ard, PE
Senior Transportation Engineer

APPENDIX



REVISIONS | BY

HILLTOP MASTER PLAN

LOT LAYOUT

REGISTERED PROFESSIONAL ENGINEER
12,820
OREGON
FEB 14, 1985
THOMAS J. SISUL

EXPIRES: 6/30/16

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DATE AUGUST 2015
SCALE 1" = 50'
DRAWN JDM
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SHEET 1
OF 1 SHEETS

1e

TRIP GENERATION CALCULATIONS

Land Use: Single-Family Detached Housing
Land Use Code: 210
Variable: Dwelling Units
Variable Value: 107

AM PEAK HOUR

Trip Equation: T = 0.70(X) + 9.74

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	**21**	**64**	**85**

PM PEAK HOUR

Trip Equation: Ln(T)=0.90Ln(X)+0.51

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	**71**	**41**	**112**

WEEKDAY

Trip Equation: Ln(T)=0.92Ln(X)+2.72

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**553**	**553**	**1,106**

SATURDAY

Trip Equation: Ln(T)=0.93Ln(X)+2.64

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**565**	**565**	**1,130**

Source: TRIP GENERATION, Ninth Edition

1e

TRIP GENERATION CALCULATIONS

Land Use: Apartment
Land Use Code: 220
Variable: Dwelling Units
Variable Value: 107

AM PEAK HOUR

Trip Rate: 0.51

	Enter	Exit	Total
Directional Distribution	20%	80%	
Trip Ends	**11**	**44**	**55**

PM PEAK HOUR

Trip Rate: 0.62

	Enter	Exit	Total
Directional Distribution	65%	35%	
Trip Ends	**43**	**23**	**66**

WEEKDAY

Trip Rate: 6.65

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**356**	**356**	**712**

SATURDAY

Trip Rate: 6.39

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**342**	**342**	**684**

Source: TRIP GENERATION, Ninth Edition

1e

TRIP GENERATION CALCULATIONS

Land Use: Medical-Dental Office Building
Land Use Code: 720
Variable: 1,000 Sq Ft Gross Floor Area
Variable Quantity: 173.4

AM PEAK HOUR

Trip Rate: 2.39

	Enter	Exit	Total
Directional Distribution	79%	21%	
Trip Ends	**327**	**87**	**414**

PM PEAK HOUR

Trip Equation: Ln (T)=0.90Ln(X)+1.53

	Enter	Exit	Total
Directional Distribution	27%	73%	
Trip Ends	**129**	**349**	**478**

WEEKDAY

Trip Equation: T = 40.89(X) - 214.97

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**3,438**	**3,438**	**6,876**

SATURDAY

Trip Rate: 8.96

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**777**	**777**	**1,554**

Source: TRIP GENERATION, Ninth Edition

1e

TRIP GENERATION CALCULATIONS

Land Use: Shopping Center
Land Use Code: 820
Variable: 1,000 Sq Ft Gross Leasable Area
Variable Value: 173.4

AM PEAK HOUR

Trip Equation: Ln(T)=0.61Ln(X)+2.24

	Enter	Exit	Total
Directional Distribution	62%	38%	
Trip Ends	**135**	**83**	**218**

PM PEAK HOUR

Trip Equation: Ln(T)=0.67Ln(X)+3.31

	Enter	Exit	Total
Directional Distribution	48%	52%	
Trip Ends	**416**	**450**	**866**

WEEKDAY

Trip Equation: Ln(T)=0.65Ln(X)+5.83

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**4,856**	**4,856**	**9,712**

SATURDAY

Trip Equation: Ln(T)=.63Ln(X)+6.23

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**6,534**	**6,534**	**13,068**

Source: TRIP GENERATION, Ninth Edition

SISUL ENGINEERING

A Division of Sisul Enterprises, Inc.

375 PORTLAND AVENUE, GLADSTONE, OREGON 97027
(503) 657-0188
FAX (503) 657-5779

October 17, 2015

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

ATTN: Laura Terway

RE: Comprehensive Plan Amendment PZ 15-01- Zone Change Request ZC 15-03 (Maplelane Road at Beavercreek Road)

Dear Laura:

While this comprehensive plan amendment and zone change request is predicated on not exceeding the potential current maximum trips based on the present zoning, via a trip cap, we wish for the conditions of decision to allow for the possibly of increasing the trip cap without requiring a comprehensive planning review. If a mobility study or transportation improvements were to find or provide extra capacity to the critical intersections that are impacted by development on the subject site, we wish for consideration of increasing the maximum trip cap. Setting certain conditions with respect to that is acceptable to the applicant.

The applicants of this Comprehensive Plan Amendment and Zone Change request would be willing, and their eventual successors may be as well, to consider contributing to a mobility study or other appropriate studies or measures, once more is known about the costs of such a study and parameters that the study would entail.

If there are questions about this, please let us know.

Sincerely,

Thomas J. Sisul, P.E.

OREGON CITY

Caufield Neighborhood Association

MEETING AGENDA
January 27, 2015
Presiding – MIKE MERMELSTEIN, chairman

Name tags – Role Sheet – Refreshments – Raffle Tickets

1. *DAN FOWLER – Maple Lane development (7:00-7:30)*
2. *WES ROGERS, OC School District – New bus yard / Meyers Road extension (7:30-8:00)*
3. *BRAD PAXTON – Clackamas Fire District bond issue*
4. *Business meeting*
   - *4.1. Minutes from October 28*
   - *4.2. Election of officers for 2015*
   - *4.3. CIC report – MIKE MITCHELL*
   - *4.4. Planning meeting report – MARY JOHNSON*
   - *4.5. Police activity – Matt Paschell*
   - *4.6. Other reports*
5. *Community Concerns / Announcements*
6. *Raffle drawings*
7. *NEXT MEETING– April 28, 2015 @ Beaver Creek Telephone Cooperative*

OREGON CITY

JAN. 27, 2015
Meeting Date

Caufield Neighborhood Association

NAME	ADDRESS	PHONE	EMAIL
JOE & MARY JOHNSON	19921 BEAVERCREEK RD		
Gary & Jeannine Davis	20102 Kimberly Rose Rd.		
Mike Mermelstein	20114 Kimberly Rose Dr		
Brandon Paxton	CLOCKWORKS FILE		
Marylo & James Tyler	20006 Mossy Meadows		
Mike Fernandez	19028 E Hersan Dr.		
Ronald Lee	200 No. State St. Lake Oswego		
Maggie Grant	14946 Coquille Ct		
Parker Verhaeghe	2133 NW York, 97210		
Dan Fowler	1300 John Adams St. OC		
Lloyd Hill	1750 Blankenship Rd. #400		
Mike Mitchell	14582 Walnut Grove Way		
Ricardo Becerril	6216 Nicklaus Loop N. Keizer OR		
Mark Foley	14725 S. Bronson Rd. OC		
Wes Rogers	906 Summit St O.C.		
Kurt & Jane Radtke	20023 Quinalt Dr. O.C.		

DEAR MR. FOWLER,

HERE IS A COPY OF THE CNA ATTENDANCE REGISTER USED THE NIGHT OF YOUR GROUP'S PRESENTATION. THERE WERE ACTUALLY 30 NEIGHBORS PRESENT, AS SOME DID NOT GET A CHANCE TO SIGN THE REGISTER. THANK YOU FOR LETTING US KNOW YOUR IDEAS FOR THE MAPLE LANE/ BEAVERCREEK JUNCTION DEVELOPMENT PROPOSAL.

CORDIALLY,

ROBERT MALCHOW
CNA SECRETARY

OREGON CITY

Jan. 27, 2015
Meeting Date

Caufield Neighborhood Association

NAME	ADDRESS	PHONE	EMAIL
WAYNE & LAVERNE BAUER	19921 CONNIE CT O.C.		
LaRee Johnson	14980 Emerson Ct		
MATT PASCHALL	OREGON CITY PD		
Alex Bursheim	405 Linn Ave Oregon City		
Michael Ard	321 SW 4th Ave, Suite 400 Port		
ROBERT MALCHOW	20153 S. WOODGLEN WAY		

Caufield Neighborhood Association
20114 Kimberly Rose Drive
Oregon City, OR 97045

Mike Mermelstein – Chairman
Gary Davis – Co-Chairman
Robert Malchow – Secretary

February 10, 2015

Dan Fowler, Owner
Historic Properties, LLC
524 Main Street
Oregon City, OR 97045

Dear Dan:

The Caufield Neighborhood Association and I want to thank you for your presentation at our association meeting on January 27, 2015. Your presentation was excellent and very informative.

Although you answered our questions about the Maplelane project, we believe that it is too early in the process to give the project blanket support or rejection. Additionally, this was the first time we have seen the project and we do not know all of the implications at this time. As you know, projects have a way of changing from time to time and giving support or rejecting the project is not appropriate.

We would like to see what the Oregon City Planning Commission has to say about the Maplelane project. Then we would like to review the completed plans and studies before a decision.

Sincerely,

Mike Mermelstein

HILLTOP NEIGHBORHOOD
MEETING MINUTES
January 27, 2015

See Agenda
Meeting begin at 7:00 pm
Attendees: Dan Fowler, Mark Foley, Lloyd Hill and Mike ??
Dan Presentation:
- Intro to our business entities
- Property assembly over eight years
- Lloyd Hill to describe project
  - Topography
  - Aerial photography
  - Sunrise – Sunset
  - Newell Creek – Redevelopment
  - View Description
  - Walking paths w/Metro Newell Creek walk path
  - Traffic engineer here to answer questions
  - Traffic creeks circle city idea
  - Zone change to mixed use corridor zone
  - First time shown – solicit public input
  - Office hotel office – 2-4 stories tall
  - Senior housing – independent
  - Multi-family housing 3-story
  - Senior housing – assisted living – 100 beds – 2 to 3 story
  - 6-7 month process
  - 1-5 years from now development start
  - Trail master plan description

Question: Parking for trail users
Answer: On street parking and small lot for trailhead
Question: Traffic redirected Thayer right turn
Westbound – 213 Beavercreek
Back-up on 213 at pm
Answer: Make a forced right – describe circle impact
Analysis for 20-years out
Question: Widen Beavercreek for a free right turn lane
Answer: Uses as per traffic – best case and worst case – we plan on maybe do a trip ??
Question: One way in – any one way out?
Answer: Yes on existing intersection
Question: Property outside UGB
Answer: Would have to go north

Meeting ended at 7:30

MEMORANDUM

DATE: July 13, 2015

TO: Mr. Dan Fowler, Historic Properties, LLC

FROM: Tim Blackwood, PE, GE, CEG

RE: Hilltop Master Plan Commentary
154-018-001

CC: Mr. Tom Sisul, Sisul Engineering
Mr. Lloyd Hill, Hill Architects

Hart Crowser, Inc. presents this memorandum providing commentary for the proposed zone change/comprehensive plan amendment for the Hilltop Master Plan project, located at the northeast corner of the intersection of Highway 213 and Beavercreek Road, in Oregon City, Oregon.

Site Conditions

The site is an approximately 20-acre property situated at the top of a broad hill, with a maximum elevation of approximately 410 feet above mean sea level (MSL). The topography of this hilltop is mostly flat to gently sloping with gradients less than 20 percent except at the northwest boundary. Along the northwest boundary the grade steepens abruptly, sloping down at an approximately 50 percent gradient for approximately 100 feet off site to Highway 213. This steep slope is mapped within a geologic hazards overlay zone by the City of Oregon City. Except for this slope, no other significant landforms are present which would adversely impact development, such as internal drainages or streams, other steep slopes or other features.

Vegetation at the site has mostly been removed by past development of the existing roadways, parking lots, and commercial and residential structures, except along the steep northwest slope where a moderately dense mix of deciduous and coniferous trees are present. Elsewhere within the site, trees are present infrequently.

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Beaverton, OR 97008-7123
Fax 503.620.6918
Tel 503.620.7284

Geologic Mapping

Geologic conditions of the site have been documented in several publications. The site geology is mapped by the Oregon Department of Geology and Mineral Industries (DOGAMI) as Boring Volcanic field basalts overlying mudstone, claystone, and sandstone of the Troutdale formation. The soils are mapped by the Natural Resources Conservation Service (NRCS) as predominantly silty clay loam of the Jory soils and very steep Xerochrepts and Haploxerolls soils in the northwest corner.

Geologic hazards at or near the site are mapped in several publications by DOGAMI, and mentioned in documents from Portland State University and the Oregon Department of Transportation (ODOT). These publications suggest that the steep slope at the northwest corner of the site, coincident with the geologic hazards overlay zone, is the headscarp of a deep-seated landslide. This landslide is one of several deep-seated landslides within the hillslopes of the Newell Creek drainage that are described as Quaternary landslide deposits by DOGAMI and others. The headscarp of this ancient deep-seated landslide is just at the edge of the project site, while the slide body extends to the west, underneath Highway 213, and terminating at Newell Creek.

Geologic Hazard Evaluation

Hart Crowser completed a preliminary geotechnical and geologic evaluation of the area of the site within the geologic hazards overlay zone. Our evaluation included a geologic reconnaissance, a 75-foot-deep boring, and a slope stability analysis. We considered two landslide cases: 1) the potential movement of the entire deep-seated landslide and 2) localized landsliding within the northwest headscarp slope.

Our evaluation of the deep-seated landslide found that the potential for the entire deep-seated landslide to move is low, so no special development measures are recommended to address it.

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

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

Summary

Except for the moderate potential for localized slope instability, which can be mitigated by the measures noted above, no other geologic hazards were found to adversely affect the site and associated development. Seismic hazards away from the northwest slope are low, including from liquefaction, earthquake shaking, ground rupture, or instability, and no special measures for development will be required.

Site soils should adequately support structures with light to moderate loads on standard shallow foundations without adverse effects from bearing failure or settlement. Retaining walls, slabs, roadways, and other geotechnical components of site development can use conventional design and construction methods to meet planning and building codes. No other special mitigation measures to address geotechnical or slope conditions at the site are necessary.

PERKINSCOIE

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January 11, 2016

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

VIA EMAIL

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

Re: City of Oregon City File Nos. ZC 15-03 and PZ 15-01

Dear Ms. Terway:

This office represents the Applicant. Enclosed with this letter is a figure from the geotechnical analysis report submitted by Mr. Tim Blackwood on behalf of the Applicant. The figure shows the location of the apartments that have been subject to sliding compared to the proposed development site. The figure demonstrates why, in Mr. Blackwood's professional opinion, any landslide issues can be mitigated on the development site.

Would you please place this letter and the enclosure before the Planning Commission prior to the commencement of the initial evidentiary hearing on Monday, January 11, 2016? Thanks very much.

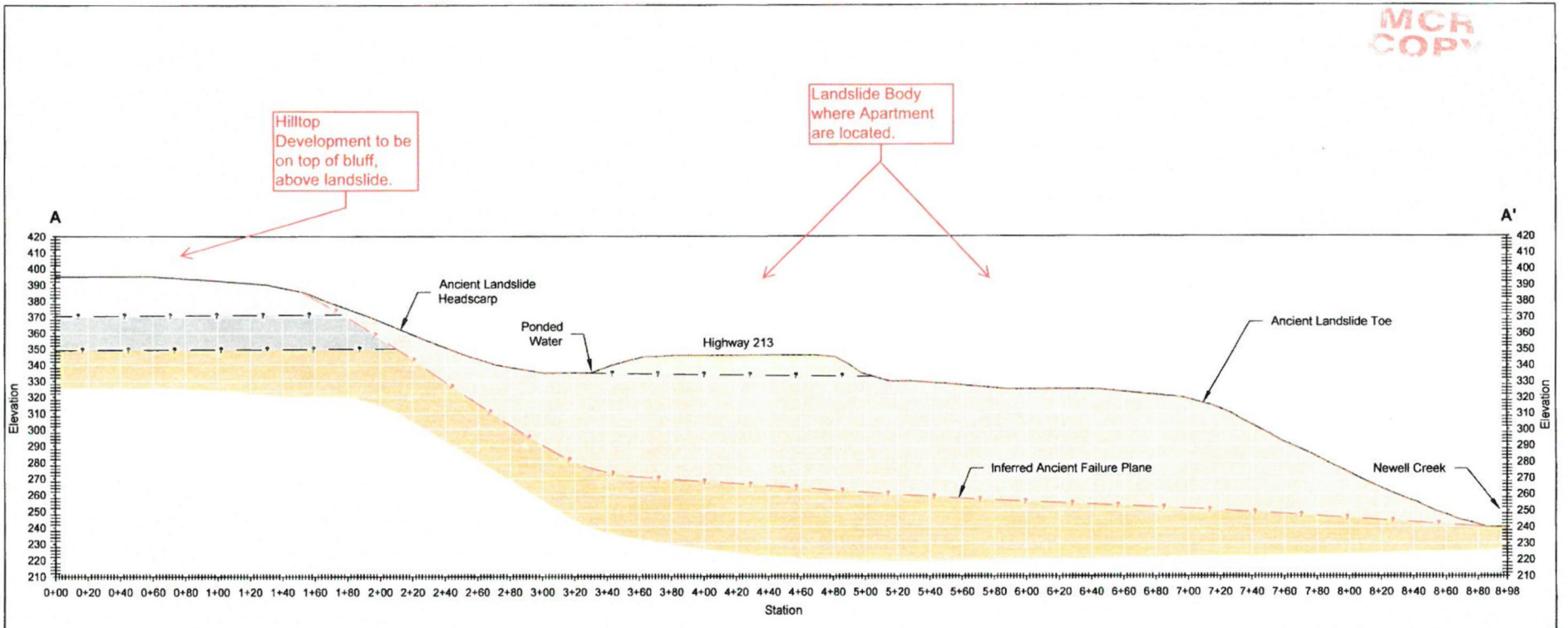
Very truly yours,

Michael C. Robinson

MCR:rsr
Enclosure

cc: Mr. Dan Fowler (via email) (w/ encl.)
Mr. Tom Sisul (via email) (w/ encl.)
Mr. Tim Blackwood (via email) (w/ encl.)

MCR COPY



LEGEND

- Highway Fill
- Boring Volcanics (Dense to Very Dense)
- Boring Volcanics (Soft to Medium Dense)
- Landslide Debris
- Troutdale Formation

Source: Surface profile line created from LiDar data.

0 60 120
Horizontal and Vertical Scale in Feet

Hilltop Master Plan
Oregon City, Oregon

Geologic Profile

154-018-001 6/15

HARTCROWSER

Figure 3

File: F:\Notebooks\154018001_Hilltop Development\CAD\154018001_Profile.dwg Layout:GeologicProfile Date: 06-23-2015 Author: ericlindquist

June 23, 2015

Mr. Dan Fowler
Historic Properties, LLC
1300 John Adams Street
Oregon City, OR 97045

Re: Geotechnical Assessment Services
Hilltop Development
Oregon City, Oregon
154018001

Dear Mr. Fowler:

Hart Crowser, Inc. (Hart Crowser) is pleased to present this report with the results of our preliminary geologic assessment for the above project in Oregon City, Oregon. The project location is shown on Figure 1 and the site and exploration plan with relevant features is shown on Figure 2.

Project Understanding

We understand that development of the approximately 20-acre site at the intersection of Highway 213 and Beavercreek Road in Oregon City may include a number of apartment and senior living structures on shallow foundations within the project area. Cuts and fills are anticipated to be a few feet over most of the site, but near the intersection of Maple Lane and Beavercreek Road fills will likely be 10 feet or more. Stormwater detention is anticipated on site with some infiltration, although infiltration will not be the primary method of stormwater disposal. Utilities will be at typical depths, on the order of 10 to 15 feet deep.

The site is within an area of gentle slopes, except the northwest side of the site that abruptly steepens at the edge of the project area. This steep slope is mapped as the headscarp of a deep-seated landslide by the Oregon Department of Geology and Mineral Industries (DOGAMI), and is coincident with the geologic hazards overlay zone. We recommended that you complete a preliminary evaluation of the stability of this slope for use in planning and eventually for permitting. This report provides the results of that evaluation.

Purpose and Scope

The purpose of our services were to evaluate the stability of the mapped landsliding adjacent to the site and its potential effect on the project. Our specific scope of services included the following tasks:

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Beaverton, OR 97008-7123
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Tel 503.620.7284

- Reviewed existing available subsurface, soil and groundwater information, geologic maps, and other available information including geotechnical reports and subsurface data from the Oregon Department of Transportation (ODOT), pertinent to the site.
- Conducted a site reconnaissance to evaluate existing conditions. The site visit included observing indications of instability, slope forms, vegetation conditions, springs or seeps, sags or depressions, and completing a field developed cross section through a representative area near the mapped potentially unstable slope.
- Coordinated clearance of existing site utilities and oversaw Western States Soil Conservation Inc. drill one boring to 76.5 feet below ground surface (bgs). Obtained samples at representative intervals from the exploration.
- Performed laboratory tests on soil samples obtained from the explorations to evaluate pertinent engineering characteristics.
- Conducted a numerical slope stability analysis of the headscarp slope using the information collected during the boring and from our laboratory testing.
- Evaluated the findings of our office, field reconnaissance, and subsurface exploration, including an evaluation of the stability of the adjacent mapped landslide, the likely effect of the development on the site, and potential adverse effects site conditions may have on the development.
- Prepared this report with our findings, evaluation, and results of the slope stability analysis related to the proposed development.

Site Description

Site Geologic and Geologic Hazards Mapping Soils Mapping

Geologic mapping of the site was compiled by Ian Madin of the Oregon DOGAMI and is described in the Geologic Map of the Oregon City 7.5' Quadrangle (Madin 2009). The mapping indicates that the majority of the site is underlain by the Pliocene age Basalt of Canemah rocks of the Boring volcanic field. This unit is described as flows of grey, medium-grained diktytaxitic olivine basalt. Underlying the basalt are Miocene-Ploiocene age mudstone, claystone, and sandstone of the Troutdale Formation (Hull 1979; Madin 2009). The hillslopes located in the northwest corner of the site are mapped as Troutdale Formation. These slopes are also coincident with the geologic hazard overlay, described as Quaternary headscarps and landslide deposits consisting of chaotically mixed and deformed masses of rock, colluvium, and soil that have moved downslope in one or more events (Madin 2009). The headscarp is located adjacent to the project site and the landslide body extends to the west, underneath Highway 213, terminating at Newell Creek (Madin and Burns 2006; DOGAMI Statewide Landslide Information Database for Oregon [SLIDO] 2015; Burns and Mickelson 2010). These landslide deposits are further described in the DOGAMI SLIDO viewer as part of a deep seated complex landslide that is greater than

150 years old (DOGAMI SLIDO 2015; Burns and Mickelson 2010). The approximate locations of these mapped landslide features are shown on Figure 2.

Previous reports and other mapping also indicate the presence of large landslides within the Newell Creek Canyon area and adjacent to the project site. An environmental geology report and related master's thesis, and a 1996 report on Landslides in the Portland area, resulting from the February 1996 storm, were completed by Portland State University which covered the Newell Creek area, including the site (Burns 1993; Burns et al. 1998; Burns 1999). These reports noted that deep-seated landslides are common throughout the Newell Creek Canyon area and interpret the causes of landsliding to be largely due to perched water tables and impermeable failure planes. Clay rich layers within the Troutdale Formation are thought to form the failure planes for many of these slides (Burns 1993). The environmental geology report interpreted landslide susceptibility within the project area. The report placed the majority of the subject site in the low risk category because most of the site is on top of Boring volcanic rocks. However, the report places all Troutdale Formation slopes greater than 8 degrees in the moderate risk category and all landslide deposits in the high risk category (Burns 1993). The site adjacent Troutdale Formation slopes and landslide areas would therefore be in the medium to high risk categories.

Highway 213 was constructed below the site in the 1980's and included a fill embankment across the flat portion of the landslide (the landslide body) below the site. Documents from the ODOT noted slope instability during construction of the highway west of the project site (ODOT 1984). The ODOT reports describe fill foundation and cutslope failures along the highway from Redland Road to Beavercreek Road, in general, and specifically noted a fill foundation failure just west of the project site. A shear key was designed to stabilize the embankment in this instance, however, the fill eventually had to be re-excavated and reconstructed (ODOT 1984). This work was done in 1983, and we understand there has been no further instability of the landslide. The approximate location is shown on Figure 2.

Soils Mapping

Soils within the project area are mapped by the Natural Resources Conservation Service (NRCS) (NRCS 2015). The mapping indicates predominately Jory silty clay loam within the project site. On the hillslopes in the northwest corner of the property, soils are described as Xerochrepts and Haploxerolls, and very steep. The Jory soils are described as forming on hillslopes with a colluvial parent material. The natural drainage class is described as well drained with a depth to water table of more than 80 inches. The Xerochrepts and Haploxerolls are described as forming on terraces with a colluvial parent material. The natural drainage class is well drained with a depth to water table given as 36 to 72 inches (NRCS 2015).

Groundwater

Water well records are available from the Oregon Water Resources Department (OWRD) website. A review of nearby well logs indicates the presence of shallow, likely perched, groundwater ranging

between 20 and 35 feet bgs. The regional groundwater table appears to be deeper with one adjacent water well log placing the static water level at approximately 240 feet bgs (OWRD, 2015).

Surface Conditions

Land use in the area is residential in the northwest corner of the property, where this report is focused, and adjacent to the deep-seated landslide. Elsewhere development includes parking and shop space for school buses and a former church. South Maple Lane Court traverses northwest of the site and headscarp, providing access to the homes and bus parking facilities, all of which are paved with asphaltic concrete (AC). The extent of impermeable surfaces and disposition of water collected off these surfaces was not determined. The headscarp slope is forested with conifer and deciduous trees, with decreasing vegetation near Highway 213.

Landforms within the project site include the hilltop where most of the site is located and the headscarp slope along the northwest side. The hilltop is generally flat to gently sloping and at an elevation of about 370 to 410 feet above mean sea level (MSL). The slopes steepen abruptly on the northwest side of the property, where it abuts the landslide headscarp. Slopes steepen to approximately 50 percent for about 120 feet down the headscarp and off the project site to the bottom of the scarp. West of the headscarp, slopes flatten for about 400 feet across the landslide body and across Highway 213, and then steepen again on the west side of Highway 213 to about 50 percent down to Newell Creek.

We conducted a geologic field reconnaissance May 19, 2015 to evaluate site conditions. Our reconnaissance noted site geotechnical conditions in the northwest corner of the site, where the deep-seated landslide is mapped, and then off-site to the northwest within the landslide feature. While on site we evaluated physical features that would indicate instability, including slope forms, vegetation conditions, springs or seeps, and sags or depressions. We traversed the headscarp slope for the full width of the property to observe conditions along the slope break, at and above the headscarp, and to complete a field developed cross section through the mapped landslide. Our cross section began at the headscarp, traversed through the body and toe of the landslide, through and west of Highway 213, and extended down to Newell Creek at the bottom of the slope. The location of our traverse is shown on Figure 2, with significant features noted as Traverse Points T-1 through T-7. Our interpreted cross section is shown on Figure 3. Specific features and landforms observed are described below. Photographs of some of the features are included in Appendix A.

The landslide headscarp was found to be generally concave with subdued topography, but varied from north to south. On the south end of the scarp, a series of small benches were noted near the crest of the slope and within areas of bare soil. The overall slope gradient was about 50 percent, but within the benched portions near traverse point T-2, slopes were approximately 70 percent. Vegetation within the south headscarp was dominated by deciduous trees and small brush, with occasional young conifer estimated to be less than 20 years old. The conifer showed tilting and bowing both in general (Photograph 1) and downslope of the benched topography (Photograph 2). A small pond of standing water was observed near traverse point T-3 between the highway fill embankment and base of the

headscarp slope. Boulders were observed on the slope near traverse point T-1 that likely rolled downhill from above. Large boulders were also observed at the base of the slope, adjacent to and within the constructed fill for Highway 213 (Photograph 3).

The north end of the headscarp, near the northern border of the site, slopes at a gentler gradient than the south end at approximately 33 percent at traverse point T-4. Trees are more widely spaced and mature in this portion of the headscarp, with large conifers approximately 2 feet in diameter. Several of the mature trees exhibited bowing of the trunks and some backtilting (Photograph 4). From the base of the headscarp to the highway, the topography of the slide body was gently hummocky, and exposed soil was not observed in this north end. The ancient slide headscarp in this area was defined by an old road which continued to the north and out of site boundaries (T-5). The cutslope side of the road was near vertical with exposed soil visible (Photograph 5) consisting of orange-brown silty sand. No pond or standing water was present between the base of the scarp and highway in this area.

The Highway 213 embankment occupies much of the landslide body. Just west of the embankment, the slope breaks sharply at the top of the landslide toe. At the crest of the toe, near traverse point T-6, bare and exposed soil was visible with moderate slopes at approximately 55 percent. Vegetation was a mixture of coniferous and deciduous trees and low shrubs. The coniferous trees included some with both bent and straight trunks (Photograph 6). Newell Creek runs along the base of the ancient landslide toe, near traverse point T-7. The channel was not well defined and water was observed to run around and through soil in multiple braided rivulets. Prior to reaching the stream, the landslide toe ended in an area of flat topography where vegetation was dominated by ferns, blackberry bushes, and grass.

Subsurface Conditions

We completed field explorations at the site on May 6, 2015. Our explorations consisted of one boring to a depth of 76.5 feet bgs, at the location shown on Figure 2. The boring was completed with a track-mounted drill rig using mud rotary drilling methods, subcontracted with Western States Soil Conservation Inc. of Hubbard, Oregon. A Hart Crowser staff member monitored the boring and completed a field log in general accordance with American Society for Testing and Materials (ASTM) standard D-2488. The boring log is included in Appendix B.

Samples were collected between 2.5 and 5 feet intervals in the boring. Disturbed samples were collected using both a split spoon and Dames and Moore samplers and undisturbed samples were collected using Shelby tube samplers. During split spoon sample collection, standard penetration testing (SPT) was completed in general accordance with ASTM D-1586. Laboratory testing was conducted on selected samples. The laboratory test results are included on the boring log and in Appendix C.

Subsurface materials encountered in the boring were divided into two dominant geologic units, the Boring Volcanics and the Troutdale Formation. Within the Boring Volcanics unit, soils can be grouped into two engineering categories, dense to very dense sandy residual soil, and soft to medium dense

clayey residual soil. A detailed description of soil conditions is presented in our boring log in Appendix B. A general description of the soil units is provided below:

- **Boring Volcanics (dense to very dense sandy residual soil)** – these soils generally consist of dense to very dense, dry to moist, fine silty sand with a residual rock texture. Blow counts within the unit ranged from 26 blows per foot (bpf) to refusal (greater than 100 blows for 12 inches) and averaged 42 bpf. Moisture contents in the unit ranged from 25 to 28 percent.

- **Boring Volcanics (soft to medium dense clayey residual soil)** – these soils generally consist of soft to very stiff, medium to high plasticity, silt and clay, with a layer of medium dense silty sand. Blow counts within the unit ranged from 3 to 19.5 bpf and averaged 12 bpf. Moisture contents in the unit ranged from 21 to 44 percent.

- **Troutdale Formation** – these soils generally consist of medium dense to dense, sand and silty sand, with minor stiff to very stiff silt and clay layers. Blow counts within the unit ranged from 13 to 33 bpf, and averaged 22 bpf. Moisture contents in the unit ranged from 25 to 34 percent.

Our interpretation of subsurface conditions, based on our research and information collected from our boring B-1, is shown on Figure 3. The location of the boring is shown on Figure 2.

Slope Stability Evaluation

General

Based on our field evaluation, our explorations, and our interpreted landslide cross section, potential landslide mechanisms that could affect the site include 1) remobilization of the deep seated ancient landslide extending to the site, and 2) shallow sliding within the steep headscarp upslope of the highway. Our evaluation of these mechanisms are presented separately below.

Ancient Landslide Movement

The ancient landslide extends from the headscarp slope to Newell Creek, and supports the Highway 213 road embankment. The landslide is mapped as being greater than 150 years old (DOGAMI SLIDO 2015). Although mapped as pre-historic, such landslides have been known to reactivate by natural conditions such as erosion at the toe by streams or extreme precipitation, or by anthropogenic causes such as changes to surface drainage or grading.

Our background review found that landsliding has occurred on the west side of the highway in this area during construction of Highway 213. However, this movement was within upper surface soils on the landslide toe and was repaired at that time with a rock key and structural fill. We did not find records of subsequent slope instability in the site-adjacent stretch of Highway 213 since construction was completed. This major highway has been in operation for 30 or so years and no damage or displacement of the highway crossing this landslide has been documented that we could find.

Our field reconnaissance also found little evidence of recent large scale movement of this ancient feature. Bowing and tilting of some larger conifers were observed and standing water was present between the highway embankment and the site at the south end of the scarp. However, overall landforms are weathered and subdued and no signs of movement were observed, such as surface cracks, slumps or other features, as well as damage to the curbs or hard surfaces of Highway 213. It is noteworthy that a large highway embankment was constructed across the body of this landslide. Such major grading can reactivate large landslides such as the subject slide. Since no sliding has occurred despite this large fill, we believe the landslide failure plain is likely relatively flat as shown on our cross section, Figure 3. The fill embankment, therefore, likely had little effect on the landslide and possibly provided an overall stabilizing effect due to the geometry. This model has not been verified, but would explain the long stability despite significant grading changes and numerous large storms, including the February 1996 storm that caused hundreds of landslides in the region.

Based on the large resisting mass of the toe portion of the deep-seated landslide, our interpreted geometry of the landslide, the absence of evidence of movement in several decades, and no adverse reactivation from highway construction, we believe that the risk of future movement of this large deep-seated landslide is low within the design life of anticipated structures. We also believe the potential for proposed activities related to development to affect it, to be low. Further numerical stability analyses were not, therefor, completed.

Headscarp Instability

Landsliding within the headscarp slope, initiating from within or above the top of the slope was considered in our evaluation. These landslides would be smaller and rotational in nature, compared to the very large and mostly translational movement that reactivation of the deep-seated landslide would cause. Because these landslides are smaller, they are more likely to be affected by smaller natural events and by anthropogenic causes. Extreme precipitation events are the most common natural cause of such landslides. Anthropogenic causes include stormwater runoff or water infiltration that reaches the headscarp slope, or surcharge loading such as from fill near the edge of the scarp.

To evaluate the stability of the headscarp slope from local failures, we completed slope stability analyses within this segment of the slope at the location of Cross Section A-A' as shown on Figure 2, which we believe to be representative of the most critical section of the landslide. Our analysis utilized the computer program Slope/W and was modeled as a rotational failure. Soil properties used in the analyses were based on direct shear testing of samples collected at the site, testing of similar soils from our files, and our experience with similar soils. The cross sectional geometry used was based on a LiDAR generated contour map, subsurface geometry utilized our interpretive model developed from our boring, and groundwater elevations were estimated from the OWRD well logs, our borings and typical conditions we see on similar sites.

We evaluated the stability of the existing slopes in their current condition and under a design earthquake to evaluate potential conditions from development. We modeled the stability with high

groundwater (to simulate infiltration from stormwater facilities) and with a surcharge to simulate 10 feet of fill placed near the edge. The program models the stability of the slope in terms of a factor of safety (FS) against sliding for a series of potential failure surfaces with different geometry. A greater FS presents a more stable slope and a lower FS a less stable slope. An FS of 1.0 reflects a condition where the resisting and driving forces are equal and a failure could occur from any changes in these forces. An FS below 1.0 means the slope will theoretically fail, as the forces resisting failure are less than those driving it. Changes in FS due to site development would reflect changes in the stability of site slopes. The results of our analyses are included in Appendix D and are summarized below.

Case	FS	Notes
1) Existing static – groundwater -25 feet	1.39	Groundwater based on high moisture contents at this depth and nearby well logs, not direct measurements.
2) Existing seismic – groundwater -25 feet	0.87	Predicts failure under design seismic event to edge of headscarp
3) Existing seismic – groundwater -25 feet, slip circle with FS = 1.1	1.1	Slip circle with FS of 1.1 at approximately 55 feet from the edge of the headscarp.
4) High groundwater - static	1.09	Models groundwater at ground surface, very extreme condition.
5) 10 feet fill - static	1.34	

Based on these results, the following are noted:

- Under static conditions and normal groundwater levels, the FS is about 1.4. Typical design target FS are 1.5 for constructed slopes and 1.3 for existing slopes. The static stability meets typical design requirements with the assumptions in our model.

- Under a design seismic event and normal groundwater conditions, the slope is expected to fail back to at least the slope crest. FS of 1.1 under seismic conditions are reached at about 55 feet back from the crest of the slope.

- Under extreme rise in groundwater (at the surface, about 25 feet), the FS reduces to approximately 1.1 or about a 30 percent reduction. As an estimation of the effect of increases in groundwater on stability the slope, this equates to about a 1 percent reduction in FS for each 1 foot increase in groundwater.

- Fill up to 10 feet deep had little effect on the stability of the slope under static conditions with normal groundwater levels.

These results are based on a single boring and limited laboratory testing. We assumed what we believe to be conservative assumptions in our soil strength modeling as described in Appendix C. Additional explorations will refine these results, but the relative values should remain consistent.

Conclusions

It is our opinion that an ancient deep-seated landslide is present adjacent to the site as mapped. This creates the potential of deep and shallow landsliding hazards to the property.

Our qualitative assessment found that deep-seated landsliding is unlikely to occur within the design-life of the project. The project is also unlikely to have an adverse effect on the deep-seated landslide. Grading will not occur within the body of the slide or where it could affect the large feature. Drainage and infiltration will be controlled and not significantly influence the deeper groundwater table affecting the deep landslide.

Shallow landsliding near the scarp slope is a potential hazard to the project. Our analysis found that under seismic conditions the slope is likely to fail which would affect any structures placed within 55 feet of the scarp. Increases in groundwater also decrease stability and with a sufficient elevation in groundwater levels could lead to failures near the headscarp. Requiring setbacks from the edge for development and controlling storm water run-off and groundwater infiltration will mitigate for these hazards to ensure landsliding doesn't adversely affect the proposed development and that the development doesn't decrease the stability of the scarp slope. These conditions can be accommodated for in project design, recommendations for which are provided below.

Recommendations

To ensure development does not affect the adjacent deep-seated landslide and adjacent headscarp slope and to ensure the deep-seated landslide does not affect site development, we recommend the following measures:

- Supplemental geotechnical explorations, testing and analyses should be completed for final design and to confirm and modify our findings as needed.
- Development should not place structures within a distance from the slope where the FS is below 1.1 under seismic conditions. A preliminary setback of 55 feet is recommended based on our analysis and this should be refined with additional explorations and testing as noted above.
- Piezometers should be installed and read over at least one full wet season or more, prior to design and development, so a baseline groundwater level can be determined.
- Stormwater system design should minimize stormwater infiltration, particularly near the headscarp slope.
- Other sources of water infiltration (i.e., septic systems) should not be allowed without detailed geotechnical review and approval.

- Stormwater infiltration, if utilized, should not increase groundwater levels to a point where the FS is below an acceptable level, anticipated to be 1.3.
- Stormwater infiltration should not exceed existing levels without a detailed hydrogeologic assessment.

Limitations

We have prepared this report for the exclusive use of Historic Properties, LLC and their authorized agents for the proposed Hilltop Master Plan site in Oregon City, Oregon. Our report is intended to provide our opinion of hazards to the site from mapped landsliding for design and construction of the proposed project based on exploration locations that are believed to be representative of site conditions. However, conditions can vary significantly between exploration locations and our conclusions should not be construed as a warranty or guarantee of subsurface conditions or future site performance.

Within the limitations of scope, schedule, and budget, our services have been executed in accordance with generally accepted practices in the field of geotechnical engineering in this area at the time this report was prepared. No warranty, express or implied, should be understood.

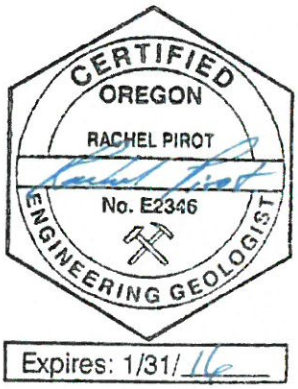
Any electronic form, facsimile, or hard copy of the original document (email, text, table, and/or figure), if provided, and any attachments are only a copy of the original document. The original document is stored by Hart Crowser and will serve as the official document of record.

Sincerely,

HART CROWSER, INC.



TIMOTHY W. BLACKWOOD, PE, GE, CEG
Principal, Geotechnical Engineer



RACHEL PIROT, CEG
Project Engineering Geologist

Attachments:
Figure 1 – Vicinity Map
Figure 2 – Site and Exploration Plan
Figure 3 – Geologic Profile

Appendix A – Photograph Log
Appendix B – Boring Log
Appendix C – Lab Testing
Appendix D – Slope W Results

References

Burns, S. F., 1993, Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon, Environmental Geology Class, Geology 561, Portland State University, Portland, Oregon

Burns, S.F., Burns, W.J., James, D.H., and Hinkle, J.C., 1998, Landslides in the Portland, Oregon Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation, Department of Geology, Portland State University, Portland, Oregon

Burns, W.J., 1999, Engineering Geology and Relative Stability of the Southern Half of Newell Creek Canyon, Oregon City, Oregon, (Master's Thesis), Department of Geology, Portland State University, Portland Oregon

Burns, W. J., and Mickelson, K. A., 2010, Landslide inventory maps of the Oregon City Quadrangle, Clackamas County, Oregon: Portland, OR, Oregon Department of Geology and Mineral Industries Interpretive Map 30, scale 1:8,000.

Madin, I.P., 2009, Geologic Map of the Oregon City 7.5' Quadrangle, Clackamas County, Oregon, Oregon Department of Geology and Mineral Industries, Geologic Map Series (GMS) 119

Madin, I.P. and Burns, W. J., 2006, "Map of Landslide Geomorphology of Oregon City, Oregon, and Vicinity Interpreted from LIDAR Imagery and Aerial Photographs", Oregon Department of Geology and Mineral Industries (DOGAMI) Open File Report O-06-27

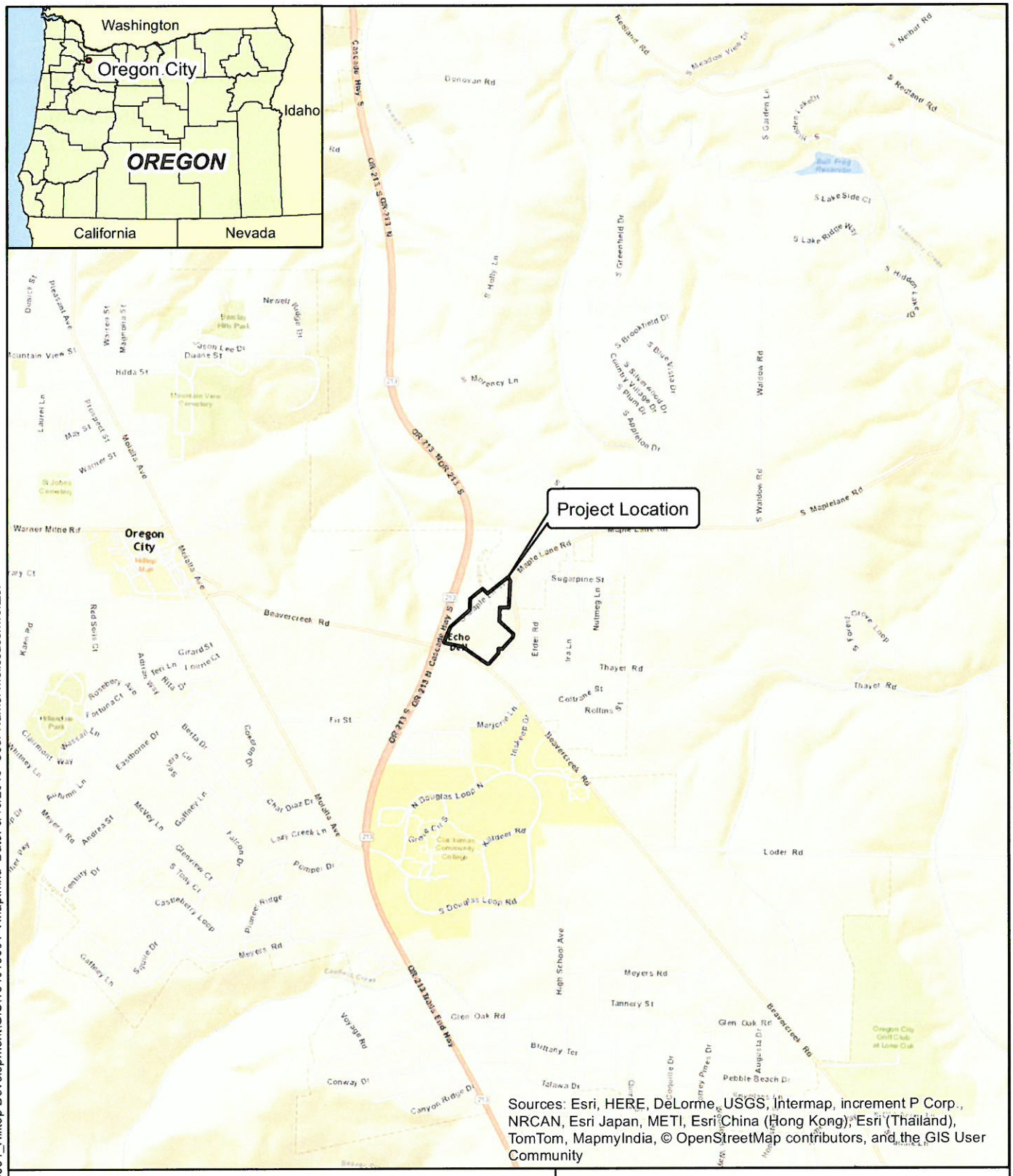
Natural Resources Conservation Service (NRCS), NRCS Web Soil Survey, accessed 6/9/15 at www.websoilsurvey.nrcs.gov/app/WebSoilSurvey.aspx

Oregon Department of Geology and Mineral Industries (DOGAMI), Statewide Landslide Information Database for Oregon (SLIDO), accessed 5/28/15 at http://www.oregongeology.org/sub/slido

Oregon Department of Transportation (ODOT), 1984, Park Place – Clackamas Community College Oregon City Bypass, Clackamas County, Geotechnical Status Report

Oregon Water Resources Department (OWRD), Well Log Query, accessed 6/9/15 at http://apps.wrd.state.or.us/apps/gw/well_log

Schlicker, H.G. and Finlayson, C.T., 1979, Geology and Geologic Hazards of Nortwestern Clackamas County, Oregon, Oregon Department of Geology and Mineral Industries, Bulletin 99.



0 1,000 2,000 4,000 Feet

N

Hilltop Development
Oregon City, Oregon

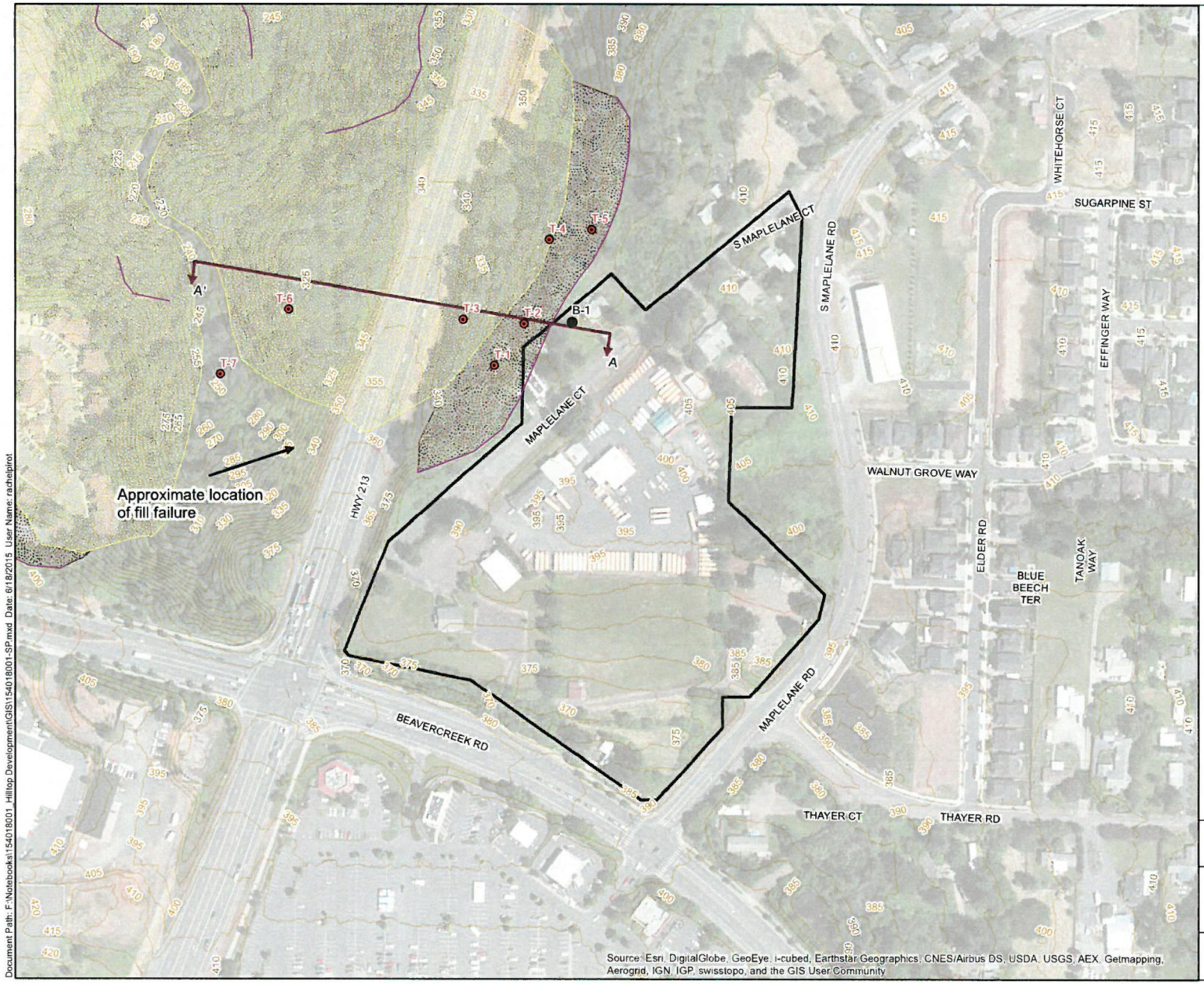
Vicinity Map

154-018-001 6/15

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Figure 1

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N

0 100 200 400 Feet

LEGEND

- Boring
- Traverse Point
- Cross Section
- Landslide Scarp (SLIDO)
- Landslide Deposit (SLIDO)
- Landslide Headscarp (SLIDO)
- Existing Surface Contour (LiDAR)
- Project Site

Hilltop Master Plan
Oregon City, Oregon

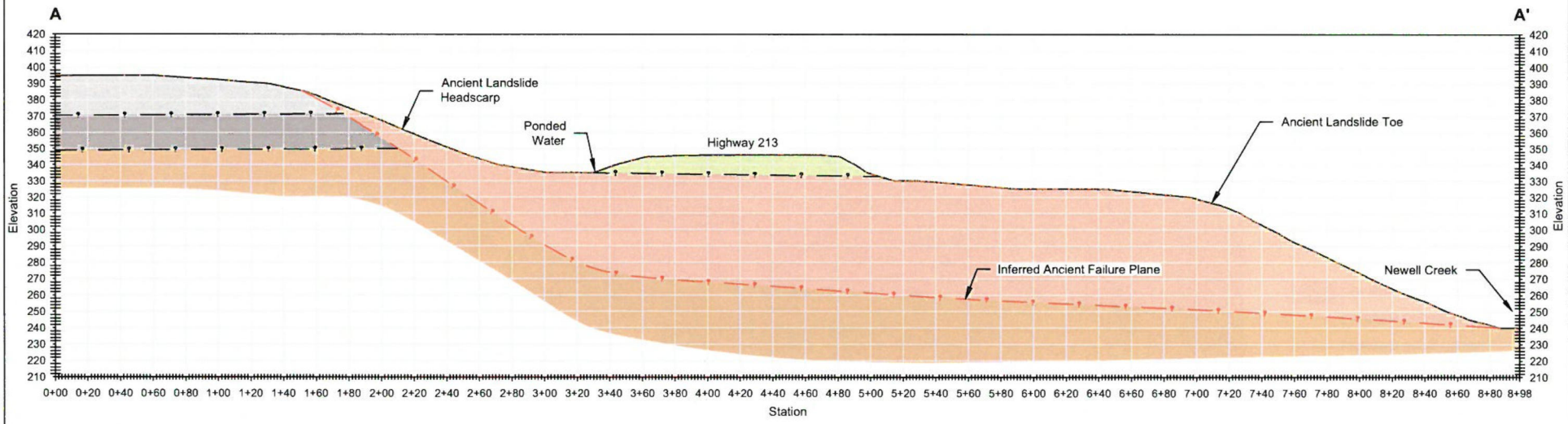
Site and Exploration Plan

154-018-001 6/15

HARTCROWSER

Figure 2

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LEGEND

- Highway Fill
- Boring Volcanics (Dense to Very Dense)
- Boring Volcanics (Soft to Medium Dense)
- Landslide Debris
- Troutdale Formation

0 60 120

Horizontal and Vertical Scale in Feet

Source: Surface profile line created from LiDar data.

Hilltop Master Plan
Oregon City, Oregon

Geologic Profile

154-018-001 6/15

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Figure **3**

File: F:\Notebooks\154018001_Hilltop Development\CAD\154018001_Profile.dwg Layout:GeologicProfile Date: 06-23-2015 Author: ericlindquist

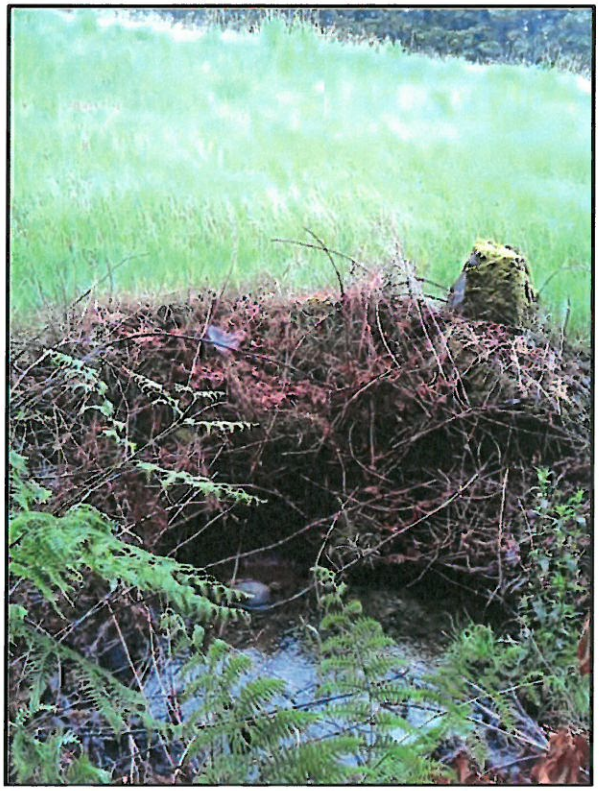
APPENDIX A
Photograph Log



Photograph A-1



Photograph A-2



Photograph A-3



Photograph A-4



Photograph A-5



Photograph A-6

APPENDIX B
Boring Log

Appendix B

Field Explorations

This appendix documents the processes Hart Crowser used to determine the nature (and quality) of the soil and groundwater underlying the project site addressed by this report. The discussion includes information on the explorations and their locations.

Explorations and their Locations

The subsurface exploration for this report consisted of one deep boring (B-1). The exploration log within this appendix shows our interpretation of the drilling, sampling, and laboratory test data. The log indicates the depths where the soil changes. Note that changes may be gradual. In the field, we classified the samples taken from the exploration according to the methods presented on the Key to Exploration Logs. This key also provides a legend explaining the symbols and abbreviations used in the log.

Figure 2 of this report shows the boring location of B-1, located using a handheld GPS unit. The method used determines the accuracy of the location and elevation of the explorations.

Borings

One exploration, designated B-1, was advanced on May 6, 2015 using a track-mounted CME-850 drill rig, owned and operated by Western States Soil Conservation Inc., subcontracted by Hart Crowser. The exploration was continuously observed by a geologist from Hart Crowser. A detailed field log was prepared for the exploration.

The log for the boring is presented at the end of this appendix.

KEY TO EXPLORATION LOGS

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SOIL CLASSIFICATION CHART

MATERIAL TYPES	MAJOR DIVISIONS		GROUP SYMBOL	SOIL GROUP NAMES & LEGEND
COARSE-GRAINED SOILS >50% RETAINED ON NO. 200 SIEVE	GRAVELS >50% OF COARSE FRACTION RETAINED ON NO 4. SIEVE	CLEAN GRAVELS <5% FINES	GW	WELL-GRADED GRAVEL
			GP	POORLY-GRADED GRAVEL
		GRAVELS WITH FINES, >12% FINES	GM	SILTY GRAVEL
			GC	CLAYEY GRAVEL
	SANDS >50% OF COARSE FRACTION PASSES ON NO 4. SIEVE	CLEAN SANDS <5% FINES	SW	WELL-GRADED SAND
			SP	POORLY-GRADED SAND
		SANDS AND FINES >12% FINES	SM	SILTY SAND
			SC	CLAYEY SAND
FINE-GRAINED SOILS >50% PASSES NO. 200 SIEVE	SILTS AND CLAYS LIQUID LIMIT<50	INORGANIC	CL	LEAN CLAY
			ML	SILT
		ORGANIC	OL	ORGANIC CLAY OR SILT
	SILTS AND CLAYS LIQUID LIMIT>50	INORGANIC	CH	FAT CLAY
			MH	ELASTIC SILT
		ORGANIC	OH	ORGANIC CLAY OR SILT
HIGHLY ORGANIC SOILS			PT	PEAT

OTHER MATERIAL SYMBOLS

- Concrete
- Asphalt
- Topsoil

Note: Multiple symbols are used to indicate borderline or dual classifications

MOISTURE MODIFIERS

- Dry - Absence of moisture, dusty, dry to the touch
- Moist - Damp, but no visible water
- Wet - Visible free water or saturated, usually soil is obtained from below the water table

SEEPAGE MODIFIERS

- None -
- Slow - < 1 gpm
- Moderate - 1-3 gpm
- Heavy - > 3 gpm

CAVING MODIFIERS

- None -
- Minor - isolated
- Moderate - frequent
- Severe - general

MINOR CONSTITUENTS

- Trace - < 5% (silt/clay)
- Occasional - < 15% (sand/gravel)
- With - 5-15% (silt/clay) in sand or gravel
  15-30% (sand/gravel) in silt or clay

SAMPLE TYPES

- Dames & Moore
- Standard Penetration Test (SPT)
- Shelby Tube
- Bulk or Grab

LABORATORY/ FIELD TESTS

- ATT - Atterberg Limits
- CP - Laboratory Compaction Test
- CA - Chemical Analysis (Corrosivity)
- CN - Consolidation
- DD - Dry Density
- DS - Direct Shear
- HA - Hydrometer Analysis
- OC - Organic Content
- PP - Pocket Penetrometer (TSF)
- P200 - Percent Passing No. 200 Sieve
- SA - Sieve Analysis
- SW - Swell Test
- TV - Torvane Shear
- UC - Unconfined Compression

GROUNDWATER SYMBOLS

- Water Level (at time of drilling)
- Water Level (at end of drilling)
- Water Level (after drilling)

STRATIGRAPHIC CONTACT

- ——— Distinct contact between soil strata or geologic units
- – – – Gradual or approximate change between soil strata or geologic units

Notes:

Blowcount (N) is recorded for driven samplers as the number of blows required to advance sampler 12 inches (or distance noted) per ASTM D-1586. See exploration log for hammer weight and drop.

When the Dames & Moore (D&M) sampler was driven with a 140-pound hammer (denoted on logs as D+M 140), the field blow counts (N-value) shown on the logs have been reduced by 50% to approximate SPT N-values.

Soil density/consistency in borings is related primarily to the Standard Penetration Resistance. Soil density/consistency in test pits and probes is estimated based on visual observation and is presented parenthetically on the logs.

Refer to the report text and exploration logs for a proper understanding of subsurface conditions. Descriptions on the logs apply only at the exploration locations at the time the explorations were made. The logs are not warranted to be representative of the subsurface conditoins at other locations or times.

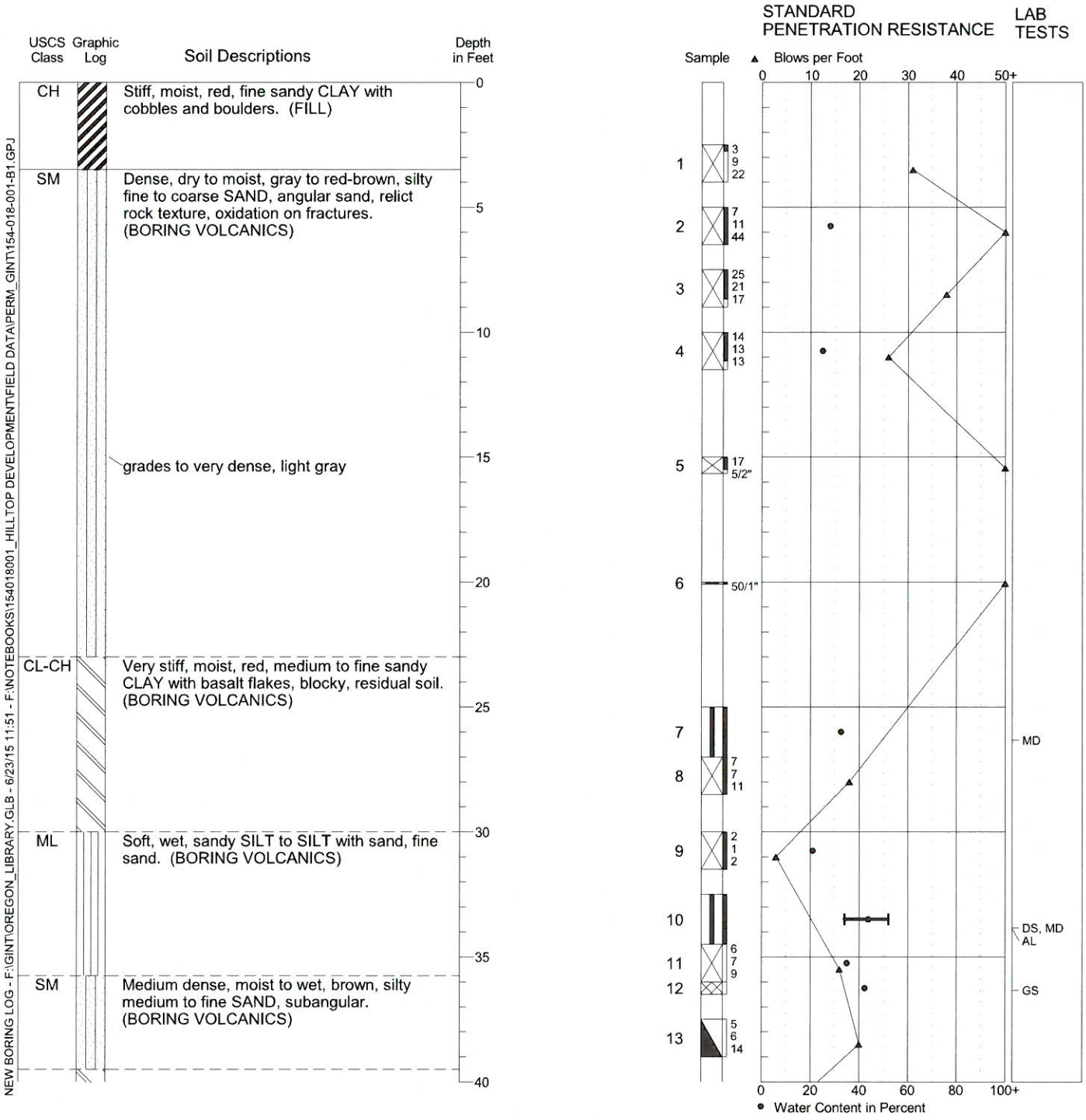
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Figure B-1

Boring Log B-1

Location: N 614745.775 E 7669096.0849
Approximate Ground Surface Elevation: 391.5 Feet
Horizontal Datum: NAD83 Oregon State Planes, North Zone, US Foot
Vertical Datum: NAVD 88

Drill Equipment: CME 850
Hammer Type: Auto
Hole Diameter: 4 7/8 inches
Logged By: A. Wade Reviewed By: R. Pirot



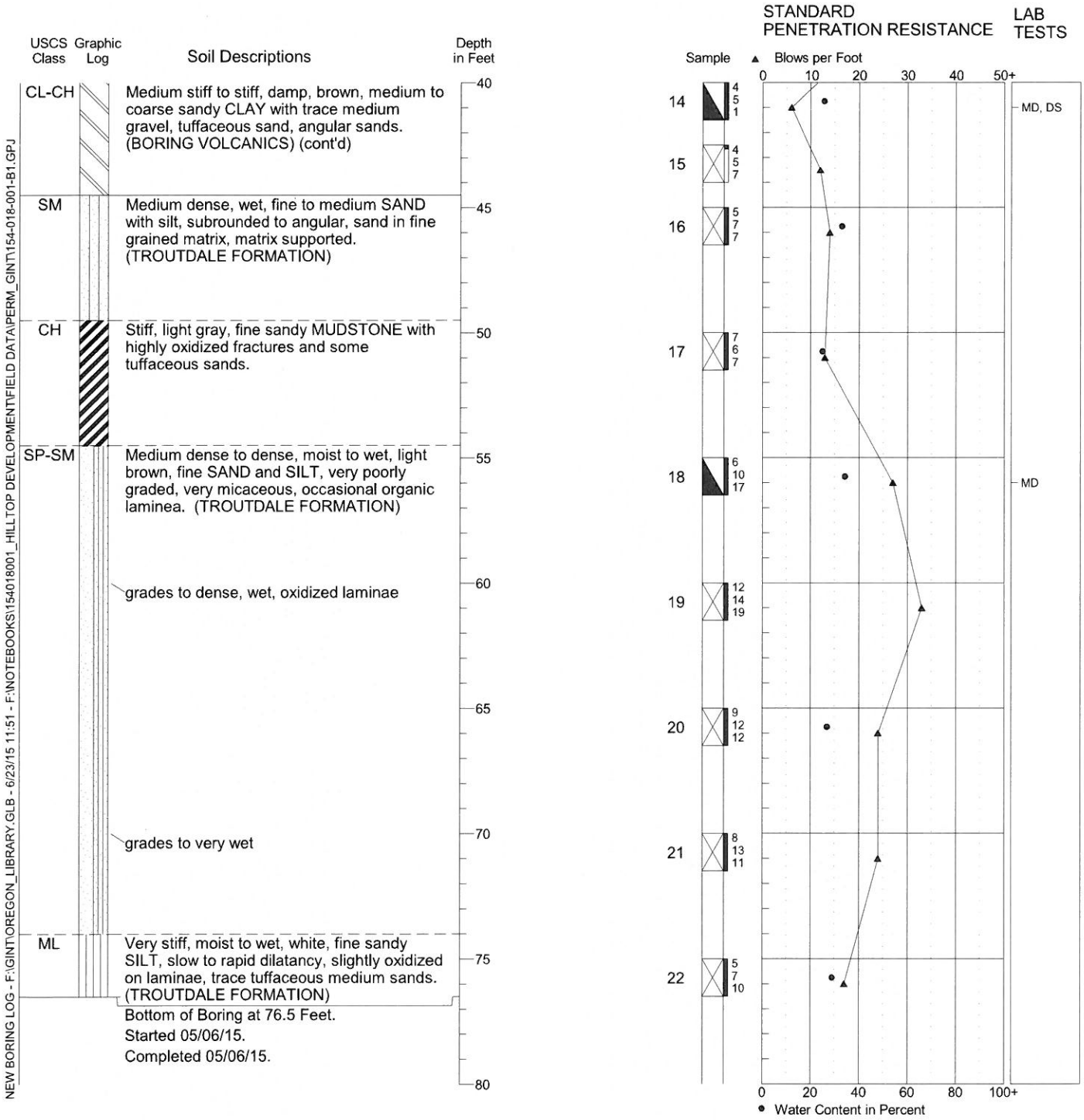
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1. Refer to Figure B-1 for explanation of descriptions and symbols.
2. Soil descriptions and stratum lines are interpretive and actual changes may be gradual.
3. USCS designations are based on visual manual classification (ASTM D 2488) unless otherwise supported by laboratory testing (ASTM D 2487).
4. Groundwater level, if indicated, is at time of drilling (ATD) or for date specified. Level may vary with time.

Boring Log B-1

Location: N 614745.775 E 7669096.0849
Approximate Ground Surface Elevation: 391.5 Feet
Horizontal Datum: NAD83 Oregon State Planes, North Zone, US Foot
Vertical Datum: NAVD 88

Drill Equipment: CME 850
Hammer Type: Auto
Hole Diameter: 4 7/8 inches
Logged By: A. Wade Reviewed By: R. Pirot



1. Refer to Figure B-1 for explanation of descriptions and symbols.
2. Soil descriptions and stratum lines are interpretive and actual changes may be gradual.
3. USCS designations are based on visual manual classification (ASTM D 2488) unless otherwise supported by laboratory testing (ASTM D 2487).
4. Groundwater level, if indicated, is at time of drilling (ATD) or for date specified. Level may vary with time.

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APPENDIX C
Lab Testing

APPENDIX C

Laboratory Testing

A geotechnical laboratory testing program was performed for this study to evaluate the basic index and geotechnical engineering properties of the site soil. Both disturbed and undisturbed samples were tested. The tests performed and the procedures followed are outlined below.

Soil Classification

Soil samples from the explorations were visually classified in the field and then taken to our laboratory where the classifications were verified in a relatively controlled laboratory environment. Field and laboratory observations include density/consistency, moisture condition, and grain size and plasticity estimates.

The classifications of selected samples were checked by laboratory tests, such as water content determinations, fines content analyses, Atterberg limit determinations, dry density determinations, and direct shear testing. Classifications were made in general accordance with the Unified Soil Classification (USC) System and ASTM D 2487.

Water Content Determinations

Water contents were determined for samples recovered in the exploration in general accordance with ASTM D 2216 as soon as possible following their arrival in our laboratory. The results of these tests are plotted at the respective sample depth on the exploration log included in Appendix B.

Fines Content Analyses

Fines content analyses were performed to determine the percentage of soils finer than the No. 200 sieve—the boundary between sand and silt size particles. The tests were performed in general accordance with ASTM D 1140. The test results are presented on the exploration log included in Appendix B.

Atterberg Limits

Atterberg limits (liquid limit, plastic limit, and plasticity index) of one fine-grained soil sample were obtained in general accordance with ASTM D 4318 02. The results of the Atterberg limits tests completed on the sample from the exploration are presented on the exploration log included in Appendix B and on Figure C-1 in this appendix.

Dry Density

We tested the *in-situ* dry density of four soil samples in general accordance with ASTM D 2937. The dry density is the ratio between the mass of the soil (not including water) and the volume of the intact sample. The density is expressed in units of pounds per cubic foot (pcf). The measured dry

densities range from 63.9 to 96.6 pcf, with an average value of approximately 83.5 pcf. The test values are shown on the attached report from Northwest Testing, Inc., Attachment C-1, at the end of this appendix.

Direct Shear Testing

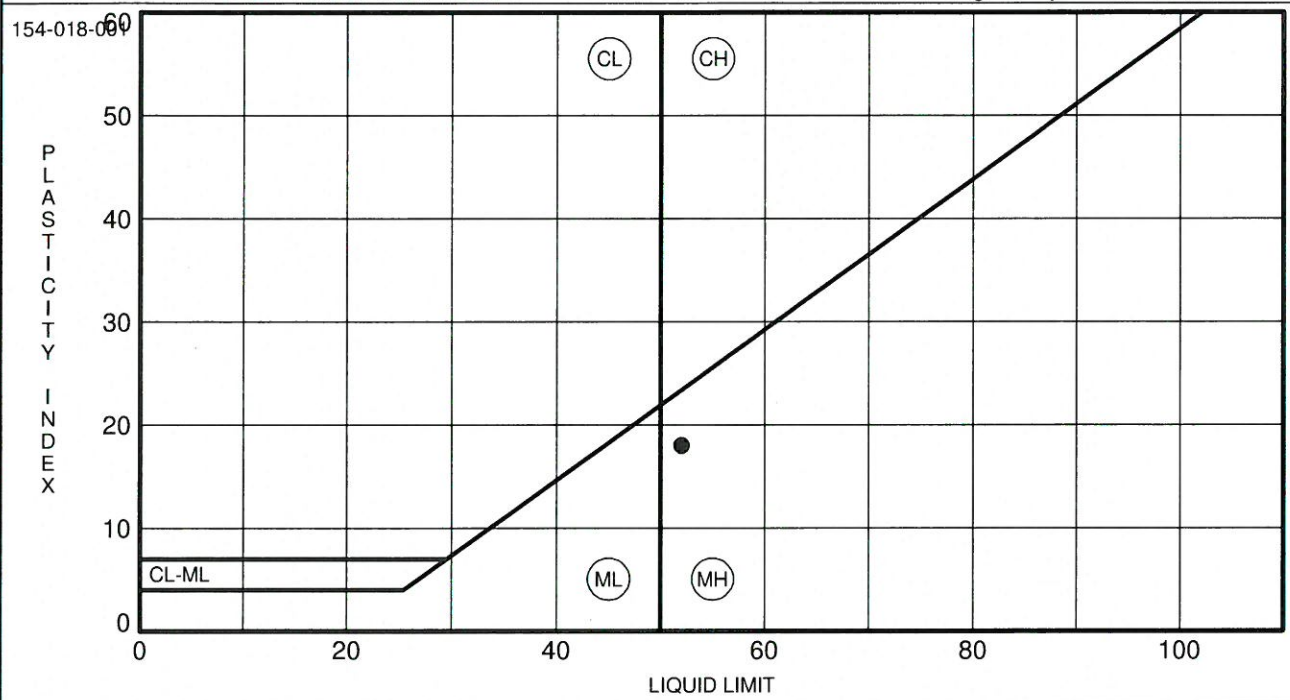
The drained direct shear test estimates the effective stress parameters of the soil. We tested the *in-situ* strength parameters of two soil samples by conducting direct shear tests in general accordance with ASTM D 3080. The data are presented on a diagram plotting shear stress versus normal stress in Attachment C-1 at the end of this appendix.

ATTERBERG LIMITS' RESULTS

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CLIENT Historic Properties, LLC **PROJECT NAME** Hilltop Development

PROJECT NUMBER 154018001 **PROJECT LOCATION** Oregon City



	BOREHOLE	DEPTH	LL	PL	PI	Fines	Classification
●	**B-1**	**32.5**	**52**	**34**	**18**		

ATTERBERG LIMITS - J:\DRAFTING\GINT\PORTLAND LIBRARIES\OREGON_LIBRARY.GLB - 6/23/15 12:34 - \\PDXSRV\DATA\NOTEBOOKS\154018001_HILLTOP DEVELOPMENT\FIELD DATA\PERM_GINT\154-018-001-B1-AL.GPJ

FIGURE C-1

Northwest Testing, Inc.
A Division of Northwest Geotech, Inc.
9120 SW Pioneer Court, Suite B • Wilsonville, Oregon 97070 503/682-1880 FAX 503/682-2753

TECHNICAL REPORT

Report To:	Ms. Rachel Pirot Hart Crowser 8910 S.W. Gemini Drive Beaverton, Oregon 97008	**Date:** **Lab No.:**	6/2/15 15-113
Project:	Laboratory Testing – 154-018-001	**Project No.:**	2736.1.1

Report of: Atterberg limits, moisture content, dry density, amount of material passing the number 200 sieve, and direct shear of soil

Sample Identification

NTI completed the Atterberg limits, moisture content, dry density, amount of material passing the number 200 sieve, and direct shear of soil testing on samples of soil delivered to our laboratory on May 20, 2015. Testing was performed in accordance with the standards indicated. Our laboratory test results are summarized on the following tables.

Laboratory Test Results

Atterberg Limits (ASTM D4318)			
Sample ID	**Liquid Limit**	**Plastic Limit**	**Plasticity Index**
B-1 S-10 @ 32.5 ft.	52	34	18

Amount of Material Finer than the No. 200 Sieve (ASTM D1140)		
Sample ID	**Moisture Content (%)**	**Percent Passing the No. 200 Sieve**
B-1 S-12 @ 36 ft.	42.4	34.9

Copies: Addressee

This report shall not be reproduced except in full, without written approval of Northwest Testing, Inc. BKA

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TECHNICAL REPORT

Report To:	Ms. Rachel Pirot Hart Crowser 8910 S.W. Gemini Drive Beaverton, Oregon 97008	**Date:** **Lab No.:**	6/2/15 15-113
Project:	Laboratory Testing – 154-018-001	**Project No.:**	2736.1.1

Laboratory Test Results

Moisture Content of Soil and Dry Density (ASTM D7263)		
Sample ID	**Moisture Content (Percent)**	**Dry Density (pcf)**
B-1 S-7 @ 25 ft.	32.6	88.4
B-1 S-10 @ 32.5 ft.	43.8	63.9
B-1 S-14 @ 40 ft.	25.7	96.6
B-1 S-18 @ 55 ft.	34.3	85.0

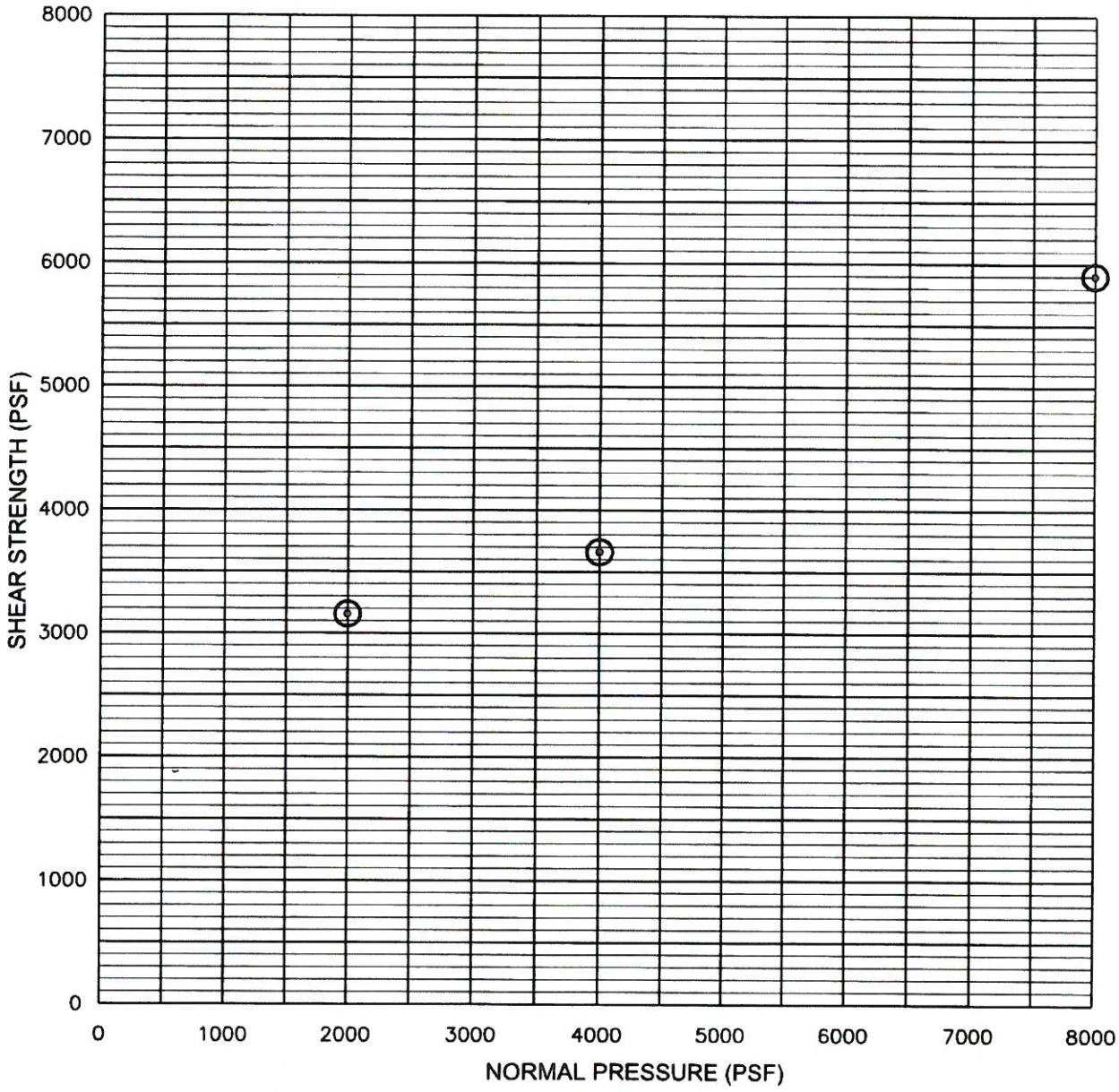
Sample ID: B-1 S-10 @ 32.5 ft.

Direct Shear Test of Soils Under Consolidated Drained Conditions – Sample Data (ASTM D 3080)			
Test	**2000 psf Normal Load Initial Conditions**	**4000 psf Normal Load Initial Conditions**	**8000 psf Normal Load Initial Conditions**
Moisture Content, (%)	43.8	45.4	42.2
Dry Unit Weight, (pcf)	63.8	64.6	63.3

Sample ID: B-1 S-14 @ 40 ft.

Direct Shear Test of Soils Under Consolidated Drained Conditions – Sample Data (ASTM D 3080)			
Test	**4000 psf Normal Load Initial Conditions**	**6000 psf Normal Load Initial Conditions**	**8000 psf Normal Load Initial Conditions**
Moisture Content, (%)	25.2	25.4	26.4
Dry Unit Weight, (pcf)	96.1	96.7	96.9

This report shall not be reproduced except in full, without written approval of Northwest Testing, Inc.

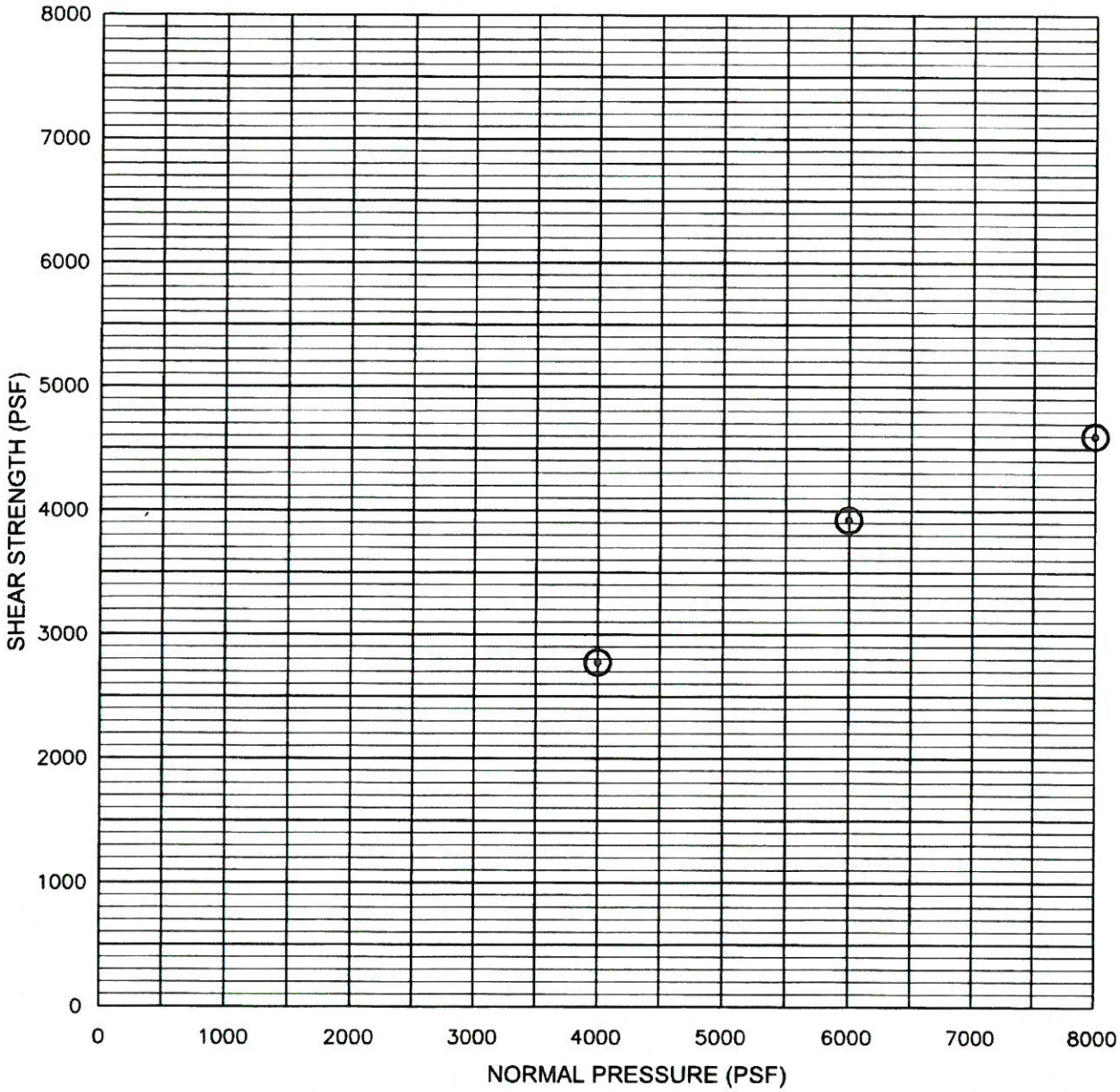


SYMBOL	SAMPLE LOCATION	COHESION (psf)	FRICTION ANGLE	REMARKS
⊙	B-1 S-10 @ 32.5 FT.	--	--	SATURATED; UNDISTURBED

DIRECT SHEAR TEST RESULTS - ASTM D3080

PROJECT NO. 2736.1.1	HART CROWSER, INC. LABORATORY TESTING	LAB NO. 15-113

Northwest Testing, Inc.
A Division of Northwest Geotech, Inc.



SYMBOL	SAMPLE LOCATION	COHESION (psf)	FRICTION ANGLE	REMARKS
⊙	B-1 S-14 @ 40 FT.	--	--	SATURATED; UNDISTURBED

DIRECT SHEAR TEST RESULTS – ASTM D3080

PROJECT NO. 2736.1.1	HART CROWSER, INC. LABORATORY TESTING	LAB NO. 15-113

APPENDIX D
Slope W Results

APPENDIX D

Slope Stability Analysis

This appendix summarizes our stability analysis as discussed in the Headscarp Instability section of this report. Our stability analysis was completed using the program Slope/W by Geo-Slope International, Ltd. Slope/W performs two-dimensional limiting equilibrium analysis to compute static slope stability and determine a factor of safety (FS).

The FS is simplistically defined as the ratio of forces resisting slope movement (e.g., soil strength, soil mass) to the forces driving slope movement (e.g., gravity, earth pressure, earthquake shaking). The program predicts the location and geometry of "critical failure planes". Critical failure planes are the zones with the lowest factor of safety. A FS of 1.0 is a condition where the forces driving and resisting movement are balanced. FS greater than 1.0 indicate stable slopes, with progressively higher values indicating more a more stable condition. FS less than 1.0 infer the forces are not in equilibrium and movement is likely to occur. Progressively lower FS infer progressively more unstable conditions.

Our analysis was completed for the headscarp slope at the location of Cross Section A-A' on report Figure 2, which we believe to be representative of the most critical section of the landslide. Our analysis used Morgenstern – Price method, which is a rotational failure model, the type of mechanism we would expect under site conditions. The cross sectional geometry used was based on a LiDAR generated contour map at the location of A-A'. Subsurface geometry utilized the interpretive model we developed from our boring B-1. Groundwater elevations were estimated from nearby water well logs and conditions noted on boring B-1. Soil properties used in the analyses were based on our laboratory of samples collected at the site, testing of similar soils from our files, and our experience with similar soils.

Of most significance to the soil properties are the direct shear testing which provide the soil strength. Direct shear testing was completed on two samples from two specific soil units of the nine units modeled. The results of this testing consists of two components: friction angle and cohesion. The two samples we tested were within/near the weakest zones we observed during our boring which would be the most likely locations of failure planes to occur. The samples yielded generally consistent friction angles, but very different cohesion values of 2025 and 1067 psf. The direct shear tests results are provided in Appendix B. For our analysis, we utilized friction angles near the measured values, but at a cohesion of 1,000 psf, the approximate lover value of the test results. The reason the higher cohesion was not used is because the samples may not be from the weakest portion of the unit sampled. If this were the case, it would be most likely that the friction angle would be similar, but cohesion could vary significantly, as evidenced by the wide range of cohesion measured in the samples tested. Additionally if cohesion used in the model is higher than actual cohesion, it has a disproportionately large stabilizing affect in the model, which may not be reflected in actual field conditions. For our preliminary evaluation and with only one boring completed for data, we elected to use conservative values for our analysis.

Table D1 shows the properties of all the soil units included in our model. The properties were based on our lab testing where completed and estimated where testing was not completed.

Table D-1. Soil Properties used in Stability Analyses

Soil Unit	Friction Angle	Cohesion (psf)	Moist Unit Weight (pcf)
Silty Sand (1st layer)	34	250	125
Clay (2nd layer)	28	250	120
Elastic Silt (3rd layer)	21	1000	100
Silty Sand (4th layer)	32	100	120
Clay (5th layer)	24	1000	115
Silty Sand (6th layer)	32	100	120
High plasticity Clay (7th layer)	20	250	120
Sand to Silty Sand (8th layer)	34	0	125
Silt (9th layer)	26	0	120

psf = pounds per square foot
pcf = pounds per cubic foot

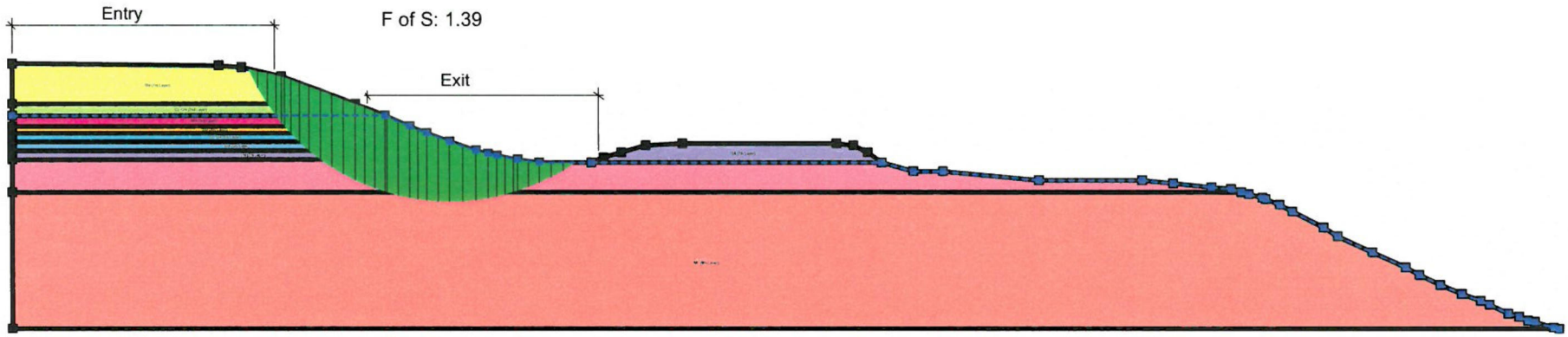
We modeled a number of cases for our analysis. Under existing conditions, we evaluated the stability of the slopes under static and dynamic (earthquake) conditions. To evaluate potential conditions from development, we modeled stability with higher groundwater (to simulate infiltration from stormwater facilities) and with a surcharge (to simulate 10 feet of fill placed near the edge). The results of our analysis are included in Table D-2 below.

Table D-2. Stability Analyses Results

Case	FS	Notes
1) Existing static – groundwater -25 feet	1.39	Groundwater based on high moisture contents at this depth and nearby well logs, not direct measurements.
2) Existing seismic – groundwater -25 feet	0.87	Predicts failure under design seismic event to edge of headscarp
3) Existing seismic – groundwater -25 feet, slip circle with FS = 1.1	1.1	Slip circle with FS of 1.1 at approximately 55 feet from the edge of the headscarp.
4) High groundwater - static	1.09	Models groundwater at ground surface, very extreme condition.
5) 10 feet fill - static	1.34	

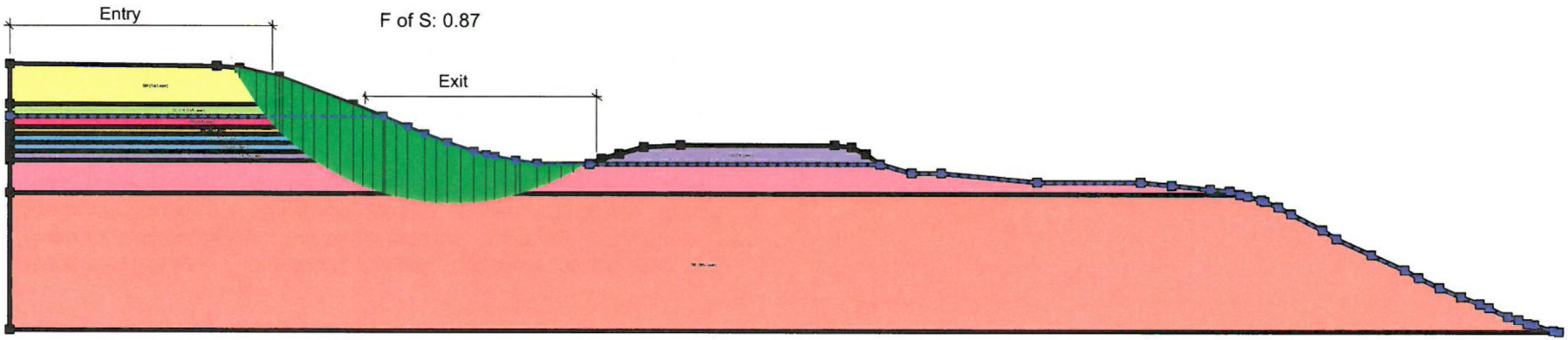
Name: 1) Existing. Static - Groundwater -25 feet

Name: SM (1st Layer) Unit Weight: 125 pcf Cohesion': 250 psf Phi': 34 °
Name: CL-CH (2nd Layer) Unit Weight: 120 pcf Cohesion': 250 psf Phi': 28 °
Name: MH (3rd Layer) Unit Weight: 100 pcf Cohesion': 1,000 psf Phi': 21 °
Name: SM (4th Layer) Unit Weight: 120 pcf Cohesion': 100 psf Phi': 32 °
Name: CL-CH (5th Layer) Unit Weight: 115 pcf Cohesion': 1,000 psf Phi': 24 °
Name: SM (6th Layer) Unit Weight: 120 pcf Cohesion': 100 psf Phi': 32 °
Name: CH (7th Layer) Unit Weight: 120 pcf Cohesion': 250 psf Phi': 20 °
Name: SP-SM (8th Layer) Unit Weight: 125 pcf Cohesion': 0 psf Phi': 34 °
Name: ML (9th Layer) Unit Weight: 120 pcf Cohesion': 0 psf Phi': 26 °



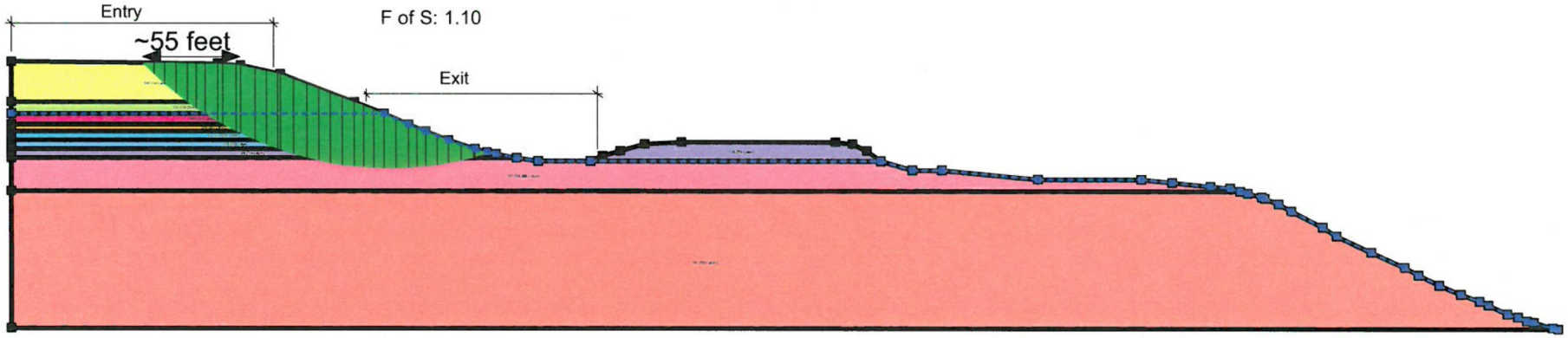
Name: 2) Existing Seismic - Groundwater -25 feet
Horizontal Seismic Coefficient: 0.181g

Name: SM (1st Layer) Unit Weight: 125 pcf Cohesion': 250 psf Phi': 34 °
Name: CL-CH (2nd Layer) Unit Weight: 120 pcf Cohesion': 250 psf Phi': 28 °
Name: MH (3rd Layer) Unit Weight: 100 pcf Cohesion': 1,000 psf Phi': 21 °
Name: SM (4th Layer) Unit Weight: 120 pcf Cohesion': 100 psf Phi': 32 °
Name: CL-CH (5th Layer) Unit Weight: 115 pcf Cohesion': 1,000 psf Phi': 24 °
Name: SM (6th Layer) Unit Weight: 120 pcf Cohesion': 100 psf Phi': 32 °
Name: CH (7th Layer) Unit Weight: 120 pcf Cohesion': 250 psf Phi': 20 °
Name: SP-SM (8th Layer) Unit Weight: 125 pcf Cohesion': 0 psf Phi': 34 °
Name: ML (9th Layer) Unit Weight: 120 pcf Cohesion': 0 psf Phi': 26 °



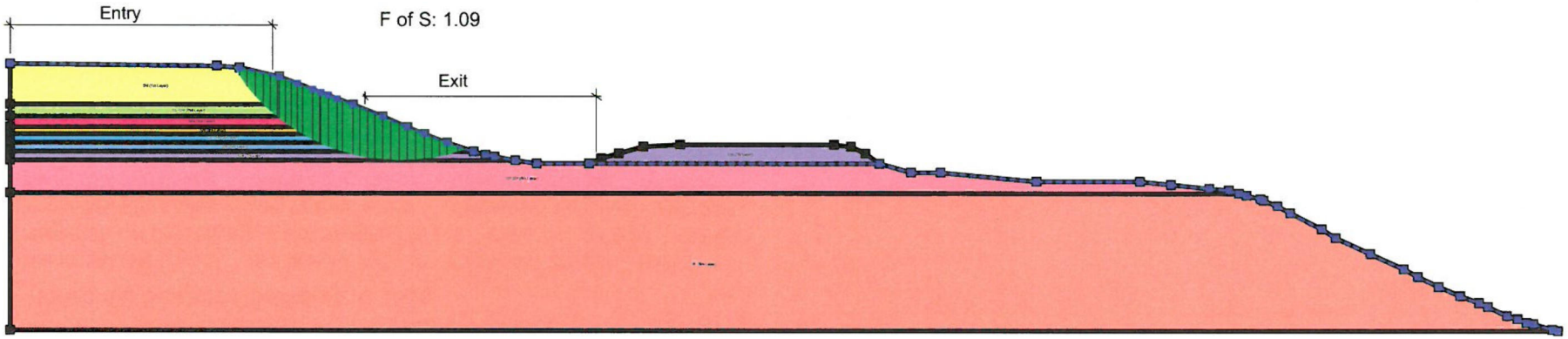
Name: 3) Existing Seismic - Groundwater -25 feet (Slip circle with FS=1.1)
Horizontal Seismic Coefficient: 0.181g

Name: SM (1st Layer) Unit Weight: 125 pcf Cohesion': 250 psf Phi': 34 °
Name: CL-CH (2nd Layer) Unit Weight: 120 pcf Cohesion': 250 psf Phi': 28 °
Name: MH (3rd Layer) Unit Weight: 100 pcf Cohesion': 1,000 psf Phi': 21 °
Name: SM (4th Layer) Unit Weight: 120 pcf Cohesion': 100 psf Phi': 32 °
Name: CL-CH (5th Layer) Unit Weight: 115 pcf Cohesion': 1,000 psf Phi': 24 °
Name: SM (6th Layer) Unit Weight: 120 pcf Cohesion': 100 psf Phi': 32 °
Name: CH (7th Layer) Unit Weight: 120 pcf Cohesion': 250 psf Phi': 20 °
Name: SP-SM (8th Layer) Unit Weight: 125 pcf Cohesion': 0 psf Phi': 34 °
Name: ML (9th Layer) Unit Weight: 120 pcf Cohesion': 0 psf Phi': 26 °



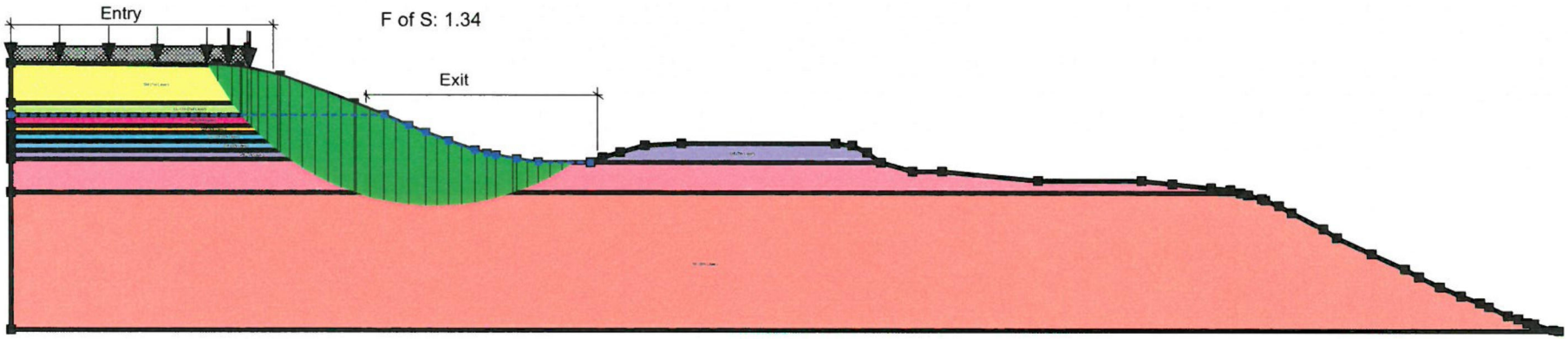
Name: 4) High Groundwater - Static

Name: SM (1st Layer) Unit Weight: 125 pcf Cohesion': 250 psf Phi': 34 °
Name: CL-CH (2nd Layer) Unit Weight: 120 pcf Cohesion': 250 psf Phi': 28 °
Name: MH (3rd Layer) Unit Weight: 100 pcf Cohesion': 1,000 psf Phi': 21 °
Name: SM (4th Layer) Unit Weight: 120 pcf Cohesion': 100 psf Phi': 32 °
Name: CL-CH (5th Layer) Unit Weight: 115 pcf Cohesion': 1,000 psf Phi': 24 °
Name: SM (6th Layer) Unit Weight: 120 pcf Cohesion': 100 psf Phi': 32 °
Name: CH (7th Layer) Unit Weight: 120 pcf Cohesion': 250 psf Phi': 20 °
Name: SP-SM (8th Layer) Unit Weight: 125 pcf Cohesion': 0 psf Phi': 34 °
Name: ML (9th Layer) Unit Weight: 120 pcf Cohesion': 0 psf Phi': 26 °



Name: 5) 10 Feet of Fill - Static
Surcharge (Unit Weight): 125 pcf

Name: SM (1st Layer) Unit Weight: 125 pcf Cohesion': 250 psf Phi': 34 °
Name: CL-CH (2nd Layer) Unit Weight: 120 pcf Cohesion': 250 psf Phi': 28 °
Name: MH (3rd Layer) Unit Weight: 100 pcf Cohesion': 1,000 psf Phi': 21 °
Name: SM (4th Layer) Unit Weight: 120 pcf Cohesion': 100 psf Phi': 32 °
Name: CL-CH (5th Layer) Unit Weight: 115 pcf Cohesion': 1,000 psf Phi': 24 °
Name: SM (6th Layer) Unit Weight: 120 pcf Cohesion': 100 psf Phi': 32 °
Name: CH (7th Layer) Unit Weight: 120 pcf Cohesion': 250 psf Phi': 20 °
Name: SP-SM (8th Layer) Unit Weight: 125 pcf Cohesion': 0 psf Phi': 34 °
Name: ML (9th Layer) Unit Weight: 120 pcf Cohesion': 0 psf Phi': 26 °



First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 - Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: cs.portland@firstam.com
Today's Date : 8/6/2015

OWNERSHIP INFORMATION

Owner	: **Historic Properties LLC**	Ref Parcel Number	: 32E04CD05900
Co Owner	:	Parcel Number	: 05026487
Site Address	: *no Site Address*	T: 03S R: 02E S: 04 Q:	QQ:
Mail Address	: 914 Madison St Oregon City Or 97045	County	: Clackamas (OR)
Taxpayer	: Historic Properties LLC	Telephone	:

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: Block:
Improvement Type	: *unknown Improvement Code*
Subdivision/Plat	:
Neighborhood	:
Land Use	: *unknown Use Code*
Legal	: SECTION 04 TOWNSHIP 3S RANGE 2E
	: QUARTER CD TAX LOT 5900
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	:
Mkt Structure	:
Mkt Total	:
% Improved	:
14-15 Taxes	:
Exempt Amount	:
Exempt Type	:
Levy Code	:
Millage Rate	:
M50AssdValue	:

PROPERTY CHARACTERISTICS

Bedrooms	:	Building SF	:	BldgTotSqFt	:
Bathrooms	:	1st Floor SF	:	Lot Acres	:
Full Baths	:	Upper Finished SF	:	Lot SqFt	:
Half Baths	:	Finished SF	:	Garage SF	:
Fireplace	:	Above Ground SF	:	Year Built	:
Heat Type	:	Upper Total SF	:	School Dist	:
Floor Cover	:	UnFinUpperStorySF	:	Foundation	:
Stories	:	Basement Fin SF	:	Roof Type	:
Int Finish	:	Basement Unfin SF	:	Roof Shape	:
Ext Finsh	:	Basement Total SF	:		

TRANSFER INFORMATION

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Historic Properties LLC	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 - Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: cs.portland@firstam.com
Today's Date : 8/6/2015

OWNERSHIP INFORMATION

Owner	: **Historic Properties LLC**	Ref Parcel Number	: 32E04CD06000
Co Owner	:	Parcel Number	: 05026488
Site Address	: *no Site Address*	T: 03S R: 02E S: 04 Q:	QQ:
Mail Address	: 914 Madison St Oregon City Or 97045	County	: Clackamas (OR)
Taxpayer	: Historic Properties LLC	Telephone	:

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: Block:
Improvement Type	: *unknown Improvement Code*
Subdivision/Plat	:
Neighborhood	:
Land Use	: *unknown Use Code*
Legal	: SECTION 04 TOWNSHIP 3S RANGE 2E
	: QUARTER CD TAX LOT 6000
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	:
Mkt Structure	:
Mkt Total	:
% Improved	:
14-15 Taxes	:
Exempt Amount	:
Exempt Type	:
Levy Code	:
Millage Rate	:
M50AssdValue	:

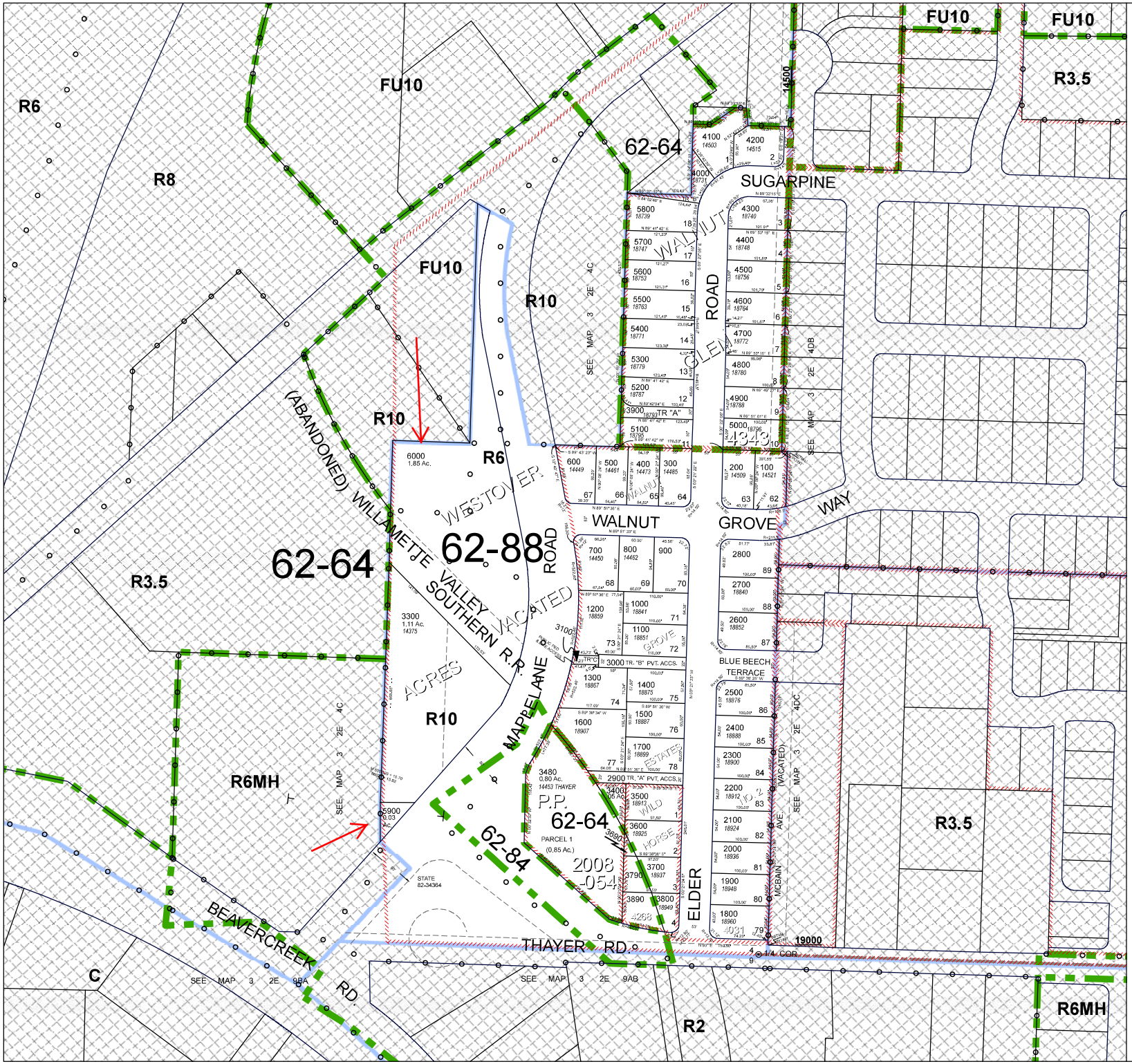
PROPERTY CHARACTERISTICS

Bedrooms	:	Building SF	:	BldgTotSqFt	:
Bathrooms	:	1st Floor SF	:	Lot Acres	:
Full Baths	:	Upper Finished SF	:	Lot SqFt	:
Half Baths	:	Finished SF	:	Garage SF	:
Fireplace	:	Above Ground SF	:	Year Built	:
Heat Type	:	Upper Total SF	:	School Dist	:
Floor Cover	:	UnFinUpperStorySF	:	Foundation	:
Stories	:	Basement Fin SF	:	Roof Type	:
Int Finish	:	Basement Unfin SF	:	Roof Shape	:
Ext Finsh	:	Basement Total SF	:		

TRANSFER INFORMATION

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Historic Properties LLC	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:

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3 2 E 04CD
S.E.1/4 S.W.1/4 SEC.4 T.3S. R.2E. W.M.
CLACKAMAS COUNTY
1" = 100'
Cancelled Taxlots
1300
3200
3290
3490
FU10
R6
R8
R10
R3.5
R6MH
R2
62-64
62-88
62-84
SUGARPINE
WALNUT
GROVE
WAY
ROAD
WESTOVER
(ABANDONED) WILLAMETTE VALLEY SOUTHERN R.R.
VACATED
ACRES
MAPPELANE
BLUE BEECH
TERRACE
STATES
WILD
HORSE
ELDER
MCBAIN
AVE.
THAYER RD.
BEAVERCREEK RD.
P.P.
62-64
PARCEL 1
(0.85 Ac.)
2008
-054
STATE
82-34364
SEE MAP 3 2E 9BA
SEE MAP 3 2E 9AB
SEE MAP 3 2E 4C
SEE MAP 3 2E 4DB
SEE MAP 3 2E 4DC
1/4 COR
19000
14500
Parcel Boundary
Private Road ROW
Historical Boundary
Railroad Centerline
TaxCodeLines
Map Index
WaterLines
Land Use Zoning
Plats
Water
Corner
Section Corner
1/16th Line
Govt Lot Line
DLC Line
Meander Line
PLSS Section Line
Historic Corridor 40'
Historic Corridor 20'
THIS MAP IS FOR ASSESSMENT PURPOSES ONLY
4/29/2015
3 2 E 04CD

Clackamas County Official Records
Sherry Hall, County Clerk

2014-062225

12/04/2014 11:20:56 AM

D-D Cnt=1 Stn=8 CINDY
$40.00 $16.00 $10.00 $22.00

$88.00

RECORDING COVER SHEET

(Per ORS 205.234 or ORS 205.244)

This cover sheet has been prepared by the person presenting the attached instrument for recording. Any errors in this cover sheet do not effect the Transaction(s) contained in the instrument itself

This space reserved for use by the County Recording Office

After recording return to:
Historic Properties, LLC
914 Madison
Oregon City, OR 97045

FATCO NO. 2345708-SS

1) Title(s) of Transaction(s) ORS 205.234(a)
Statutory Quitclaim Deed

2) Direct Party/Grantor(s) ORS 205.125(1)(b) and ORS 205.160
City of Oregon City

3) Indirect Party/Grantee(s) ORS 205.125(1)(a) and ORS 205.160
Historic Properties, LLC

4) True and Actual Consideration ORS 93.030
$302,500.00

5) Send Tax Statements to:
Same as above return to

X : If this box is checked, the below applies:

If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244: "Rerecorded at the request of First American Title to correct the legal description . Previously recorded as Fee Number 2014-059930."

(Legal description if corrected is attached to included certified document of the original.)

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records
Sherry Hall, County Clerk

2014-059930

11/20/2014 10:32:13 AM

D-D Cnt=1 Stn=8 CINDY
$25.00 $16.00 $10.00 $22.00

$73.00

After recording return to:
Historic Properties, LLC
914 Madison
Oregon City, OR 97045

Until a change is requested all tax statements shall be sent to:
Same as above

File No.: 7072-2345708 (DJC)
Date: November 14, 2014

FIRST AMERICAN - 2345708 - 85

STATUTORY QUITCLAIM DEED

City of Oregon City, a municipal corporation of the State of Oregon, Grantor, releases and quitclaims to **Historic Properties, LLC, an Oregon limited liability company** , all rights and interest in and to the following described real property:

Except as set forth in Exhibit "B" attached hereto.

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

The true consideration for this conveyance is **$302,500.00.** (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 17th day of November, 2014.

David W. Frasher

David W. Frasher, City Manager

John M. Lewis

John M. Lewis, Public Works Director

STATE OF Oregon)
)ss.
County of Clackamas)

This instrument was acknowledged before me on this 17th day of November, 2014 by **John M. Lewis, Public Works director of the City of Oregon City on behalf of the corporation.**

OFFICIAL STAMP
NANCY S IDE
NOTARY PUBLIC-OREGON
COMMISSION NO. 921771
MY COMMISSION EXPIRES NOVEMBER 12, 2017

Nancy S. Ide

Notary Public for Oregon
My commission expires: 11-12-2017

STATE OF Oregon)
)ss.
County of Clackamas)

This instrument was acknowledged before me on this 17th day of November, 2014 by **David W. Frasher as City Manager of the City of Oregon City on behalf of the corporation.**

OFFICIAL STAMP
NANCY S IDE
NOTARY PUBLIC-OREGON
COMMISSION NO. 921771
MY COMMISSION EXPIRES NOVEMBER 12, 2017

Nancy S. Ide

Notary Public for Oregon
My commission expires: 11-12-2017

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

PARCEL 1

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING THOSE PROPERTIES DESIGNATED AS PARCEL 2 AND DESCRIBED IN THOSE WARRANTY DEEDS TO THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION, RECORDED DECEMBER 30, 1981 AS RECORDERS FEE NO. 82-3617, FILM RECORDS OF CLACKAMAS COUNTY.

PARCEL 2

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING THAT PROPERTY DESIGNATED AS PARCEL 2 AND DESCRIBED IN THAT WARRANTY DEED TO THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION, RECORDED DECEMBER 17, 1982 AS RECORDERS FEE NO. 82-34364.

EXHIBIT "B"

After recording return to:

Oregon City Recorder
~~Oregon City Hall~~
P. O. Box 3040
Oregon City, OR 97045

DECLARATION OF COVENANT AND RESTRICTION

THIS DECLARATION OF COVENANT AND RESTRICTION (this "Declaration") is made this ___ day of November, 2014, by **HISTORIC PROPERTIES, LLC**, an Oregon limited liability company ("Declarant").

A. Declarant is the owner of that property legally described as follow (the "Property"):

Parcel 1 - A parcel of land lying in Section 4, Township 3 South, Range 2 East, W.M., Clackamas County, Oregon and being those properties designated as Parcel 2 and described in those Warranty Deeds to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded December 30, 1981 as Recorder's Fee No. 81-44150 and recorded February 8, 1982 as Recorder's Fee No. 82-3617, Film Records of Clackamas County.

This parcel of land contains 1.85 acres, more or less.

Parcel 2 - A parcel of land lying in Section 4, Township 3 South, Range 2 East, W.M., Clackamas County, Oregon and being that property designated as Parcel 2 and described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded December 17, 1982 as Recorder's Fee No. 82-34364, Film Records of Clackamas County.

This parcel of land contains 0.03 acre, more or less.

B. Declarant and the City desire that the Property be subject to certain covenants and restrictions hereafter described, which covenants and restrictions shall inure to the benefit of and bind the parcel for the benefit of the City of Oregon City (the "City") and its successors and assigns.

NOW, THEREFORE, for and in consideration of the foregoing Recitals which are deemed a material and substantive part of this Declaration, as well as the terms and conditions of the Purchase and Sale Agreement between the declarant and the City and other good and valuable consideration, Declarant hereby declares, grants, covenants and agrees as follows:

1. **Covenant and Restriction.**

(a) Declarant hereby declares that the future development of the Property shall include a transportation system that is designed to support the build out capacity of the area and

resolves the transition problem associated with the proximity of Thayer Road to Beavercreek Road consistent with City standards.

(b) Declarant hereby declares that it covenants to seek no additional compensation from the City for the dedication of roadway on the Property.

2. **Binding**. This Declaration and the covenants within this declaration are intended to be a restriction running with and binding upon the land and shall be binding upon and inure to the benefit of the City, and its respective personal or legal representatives, successors and assigns.

3. **Governing Law**. This Declaration shall be governed by the laws of the State of Oregon.

4. **Severability**. If any term or provision of this Declaration or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Declaration shall not be affected thereby, and each term and provision of this Declaration shall be valid and enforceable to the fullest extent permitted by law.

5. **Mortgages**. Any mortgages, trust deeds or other liens encumbering all or any portion of the Parcels shall at all times be subordinate to the terms of this Declaration and any party foreclosing any such mortgage, or acquiring title by deed in lieu of foreclosure or trustee's sale, shall acquire title subject to all of the terms and provisions of this Declaration.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand as of the date first written above.

HISTORIC PROPERTIES, LLC,
An Oregon limited liability company

By: _____
_____, Manager

State of Oregon)
) ss.
County of _____)

This instrument was acknowledged before me _____, 2014, by _____, Manager of HISTORIC PROPERTIES, LLC, An Oregon limited liability company, on behalf of the company.

_____
Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON
COUNTY OF CLACKAMAS } ss.

I, SHERRY HALL, County Clerk of the State of Oregon for the County of Clackamas, do hereby certify that the foregoing copy of

Quit Claim
2014-059930 5 pgs

has been by me compared with the original, and that it is a correct transcript therefrom, and the whole of such original, as the same appears on the file and record in my office and under my care, custody and control.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal

this 26th day of November, 20 14

SHERRY HALL, County Clerk

By: _____ Deputy



EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

PARCEL 1

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING THOSE PROPERTIES DESIGNATED AS PARCEL 2 AND DESCRIBED IN THOSE WARRANTY DEEDS TO THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION, RECORDED DECEMBER 30, 1981 AS RECORDERS FEE NO. 81-44150 AND RECORDED FEBRUARY 8, 1982 AS RECORDERS FEE NO. 82-3617, FILM RECORDS OF CLACKAMAS COUNTY.

PARCEL 2

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING THAT PROPERTY DESIGNATED AS PARCEL 2 AND DESCRIBED IN THAT WARRANTY DEED TO THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION, RECORDED DECEMBER 17, 1982 AS RECORDERS FEE NO. 82-34364.

First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 - Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: cs.portland@firstam.com
Today's Date : 7/21/2015

OWNERSHIP INFORMATION

Owner	: **Historic Properties LLC**	Ref Parcel Number	: 32E04C 01300
Co Owner	:	Parcel Number	: 00842351
Site Address	: 3391 Beavercreek Rd Oregon City 97045	T: 03S R: 02E S: 04 Q: SW QQ:	
Mail Address	: 606 15th St Oregon City Or 97045	County	: Clackamas (OR)
Taxpayer	: Historic Properties LLC		

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 223.02 Block: 3
Neighborhood	: Oregon City Newer
School District	: 062
Subdivision/Plat	: Part/James Swafford Homestead
Improvement Type	: 132 Sgl Family,R1-3,1-Story (Basement)
Land Use	: 401 Tract,Tract Land,Improved
Legal	: SECTION 04 TOWNSHIP 3S RANGE 2E
	: QUARTER C TAX LOT 01300
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $242,161
Mkt Structure	: $139,230
Mkt Total	: $381,391
% Improved	: 37
M50AssdValue	: $194,810
Levy Code	: 062088
14-15 Taxes	: $3,541.65
Millage Rate	: 18.1800
Zoning	:
Exempt Amount	:
Exempt Type	:

PROPERTY CHARACTERISTICS

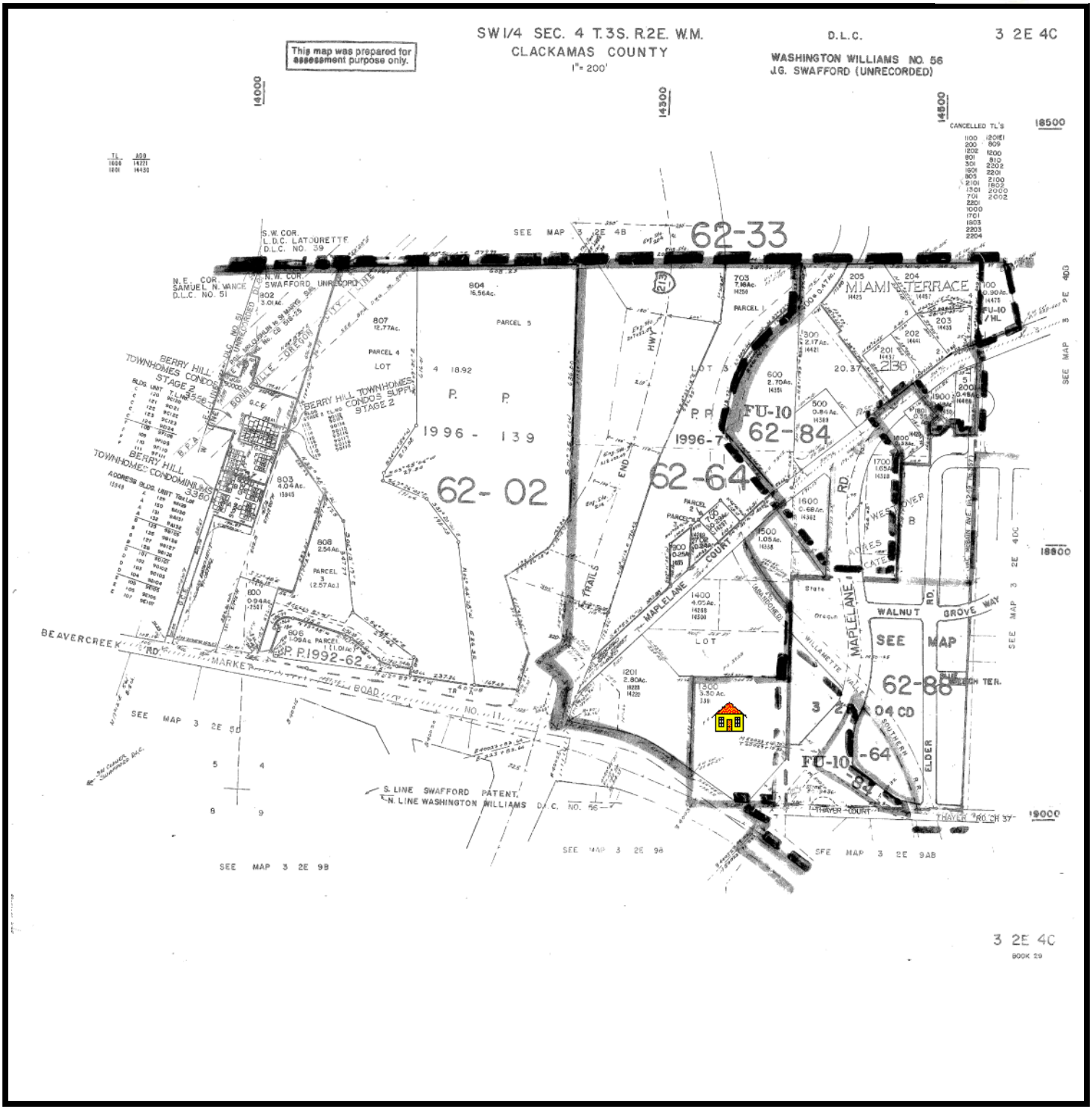
Bedrooms	: 2	Building Living SF	: 2,094	BldgTotSqFt	: 1,278
Bathrooms	: 2.00	1st Floor SF	: 972	Lot Acres	: 3.33
Full Baths	: 2	Upper Finished SF	: 306	Lot SqFt	: 145,268
Half Baths	:	Finished SF	: 1,278	Garage SF	:
Fireplace	: Single Fireplce	Above Ground SF	: 1,278	Year Built	: 1938
Heat Type	: Forced Air-Oil	Upper Total SF	: 306	Foundation	: Concrete
Floor Cover	: Carpet	UnFinUpperStorySF	:	Roof Type	: Wd Shingle
Stories	: 1 Story-Bsmt	Basement Fin SF	:	Roof Shape	:
Int Finish	: Drywall	Basement Unfin SF	: 816		
Ext Finsh	: Shake	Basement Total SF	: 816		

TRANSFER INFORMATION

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Historic Properties LLC	:12/20/2007	007-105344	:$899,000	:Warranty	:$449,000	:Construct
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

Reference Parcel #: 32E04C 01300

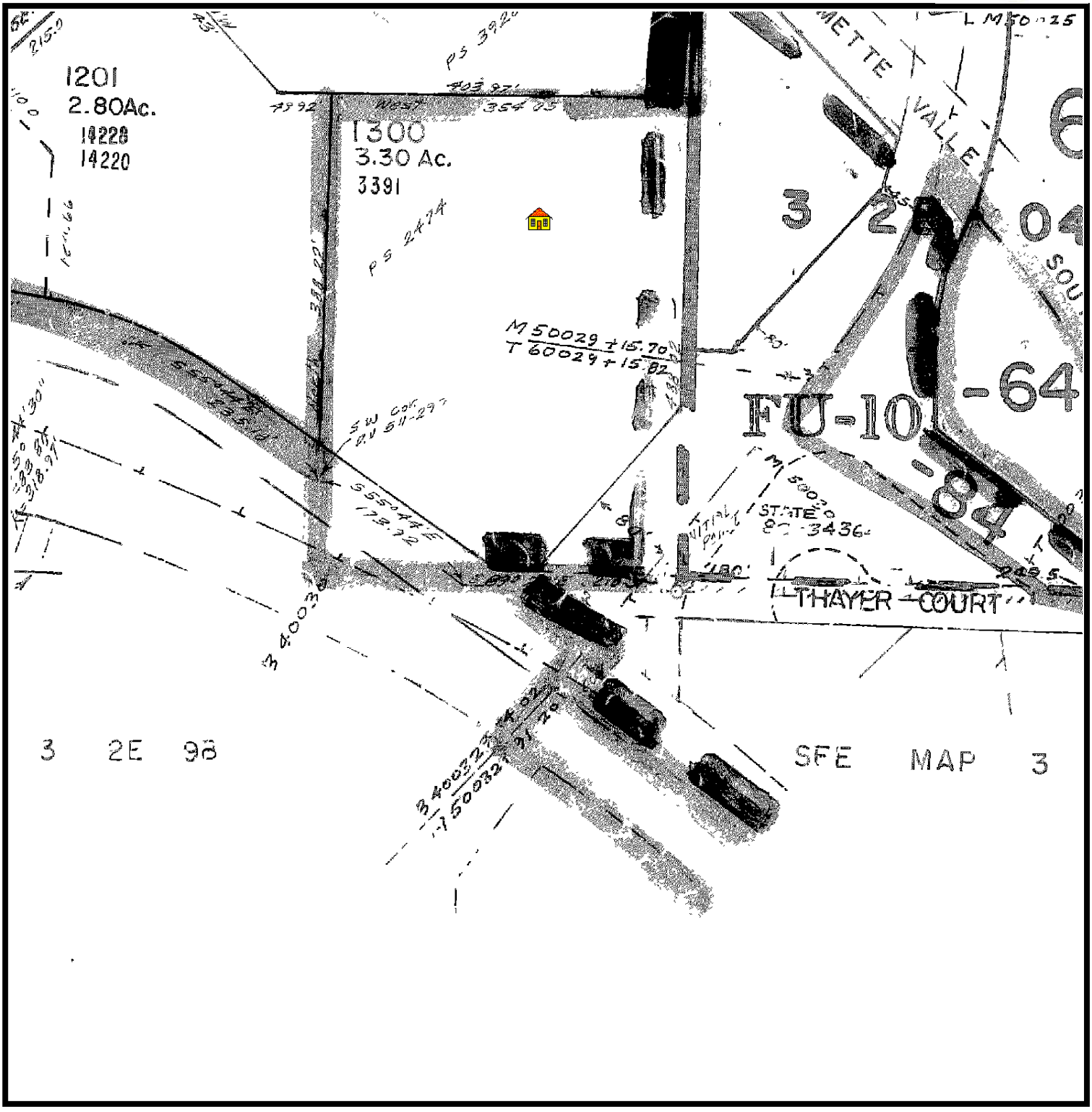


First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: cs.portland@firstam.com

THIS MAP IS PROVIDED AS A CONVENIENCE IN LOCATING PROPERTY. FIRST AMERICAN TITLE COMPANY OF OREGON ASSUMES NO LIABILITY FOR ANY VARIATIONS AS MAY BE DISCLOSED BY AN ACTUAL SURVEY

Reference Parcel #: 32E04C 01300



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Customer Service Department
121 SW Morrison Street Suite 300 Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
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Recorded By TICOR TITLE

881563

STATUTORY WARRANTY DEED

THIS SPACE RESERVED FOR RECORDER'S USE

Grantor: Frieda M. Sanders

Grantee: Historic Properties LLC

Until a change is requested, all tax statements shall be sent to the following address:
Historic Properties LLC
606 15th Street
Oregon City OR 97045

After Recording return to:
Historic Properties LLC
606 15th Street
Oregon City OR 97045

Escrow No. 881563 DIA
Title No. 881563

Clackamas County Official Records
Sherry Hall, County Clerk **2007-105344**

$31.00

01172521200701053440010015

12/20/2007 10:27:47 AM

D-D Cnt=1 Stn=4 KANNA
$5.00 $16.00 $10.00

FRIEDA M. SANDERS, Grantor, conveys and warrants to HISTORIC PROPERTIES LLC, AN OREGON LIMITED LIABILITY COMPANY, Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in **Clackamas** County, Oregon, to wit:

A tract of land located in Section 4, Township 3 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, being a part of the James Swafford Homestead and being a part of the Frank T. and Anna Douglas Streight tract, as described in Book 397, Page 87, record of deed for Clackamas County, Oregon, as set forth by Parcel A thereof. The tract herein conveyed being more particularly described as follows:

Beginning at the one-quarter section corner on the South boundary of said Section 4; thence following said South boundary, North 89° 28' West 659.34 feet to a 2 inch iron pipe located at the Southwest corner of WESTOVER ACRES, a townplat recorded in Book 14, Page 24, record of Townplats and being the Southeast corner of said Streight tract and the true point of beginning; thence following the East boundary of said Streight tract, North 488.02 feet to an iron pipe; thence parallel with the North boundary of said Streight tract, West 354.05 feet to an iron pipe; thence parallel with the East boundary of said Streight tract, South 388.22 feet to an intersection with the center line of Market Road No. 11; thence following said center line South 55° 44' East 173.92 feet to an intersection with the center line of Thayer Road; thence following the center line of said Thayer Road (the South boundary of Section 4) South 89° 28' East 210.30 feet to the point of beginning.

EXCEPTING THEREFROM that portion described in Warranty Deed from Charley E. Sanders and Frieda M. Sanders to the State of Oregon, by and through its Department of Transportation, recorded February 22, 1982 as Fee No. 82 5040, re-recorded April 12, 1982 as Fee No. 82 10052.

The said property is free from encumbrances except: COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, SET BACK LINES, POWERS OF SPECIAL DISTRICTS, AND EASEMENTS OF RECORD, IF ANY.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007 (BALLOT MEASURE 49 (2007)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007 (BALLOT MEASURE 49 (2007)).

The true consideration for this conveyance is **$899,000.00**. (Here comply with the requirements of ORS 93.030).

Dated this 19 day of Dec, 2007.

Frieda M. Sanders by Deborah E. Johnson as Atty in fact
Frieda M. Sanders

State: OR
County: Clackamas

The foregoing instrument was acknowledged before me this 19 day of Dec, 2007 by:

Deborah Johnson as Power of Attorney for Frieda M. Sanders

OFFICIAL SEAL
D I HERRLY
NOTARY PUBLIC-OREGON
COMMISSION NO. 422418
MY COMMISSION EXPIRES NOV. 3, 2011

First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 - Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: cs.portland@firstam.com
Today's Date : 7/21/2015

OWNERSHIP INFORMATION

Owner	: **Historic Properties LLC**	Ref Parcel Number	: 32E04C 01201
Co Owner	:	Parcel Number	: 00842342
Site Address	: 14228 Maplelane Ct Oregon City 97045	T: 03S R: 02E S: 04 Q: SW QQ:	
Mail Address	: 1300 John Adams St #100 Oregon City Or 97045	County	: Clackamas (OR)
Taxpayer	: Historic Properties LLC		

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 230.01 Block: 1
Neighborhood	: Oregon City Newer
School District	: 062
Subdivision/Plat	:
Improvement Type	: 600 Churches
Land Use	: 101 Res,Residential Land,Improved
Legal	: SECTION 04 TOWNSHIP 3S RANGE 2E
	: QUARTER C TAX LOT 01201
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $236,830
Mkt Structure	: $392,560
Mkt Total	: $629,390
% Improved	: 62
M50AssdValue	: $588,808
Levy Code	: 062064
14-15 Taxes	:
Millage Rate	: 18.1800
Zoning	:
Exempt Amount	: $588,808
Exempt Type	: Religious

PROPERTY CHARACTERISTICS

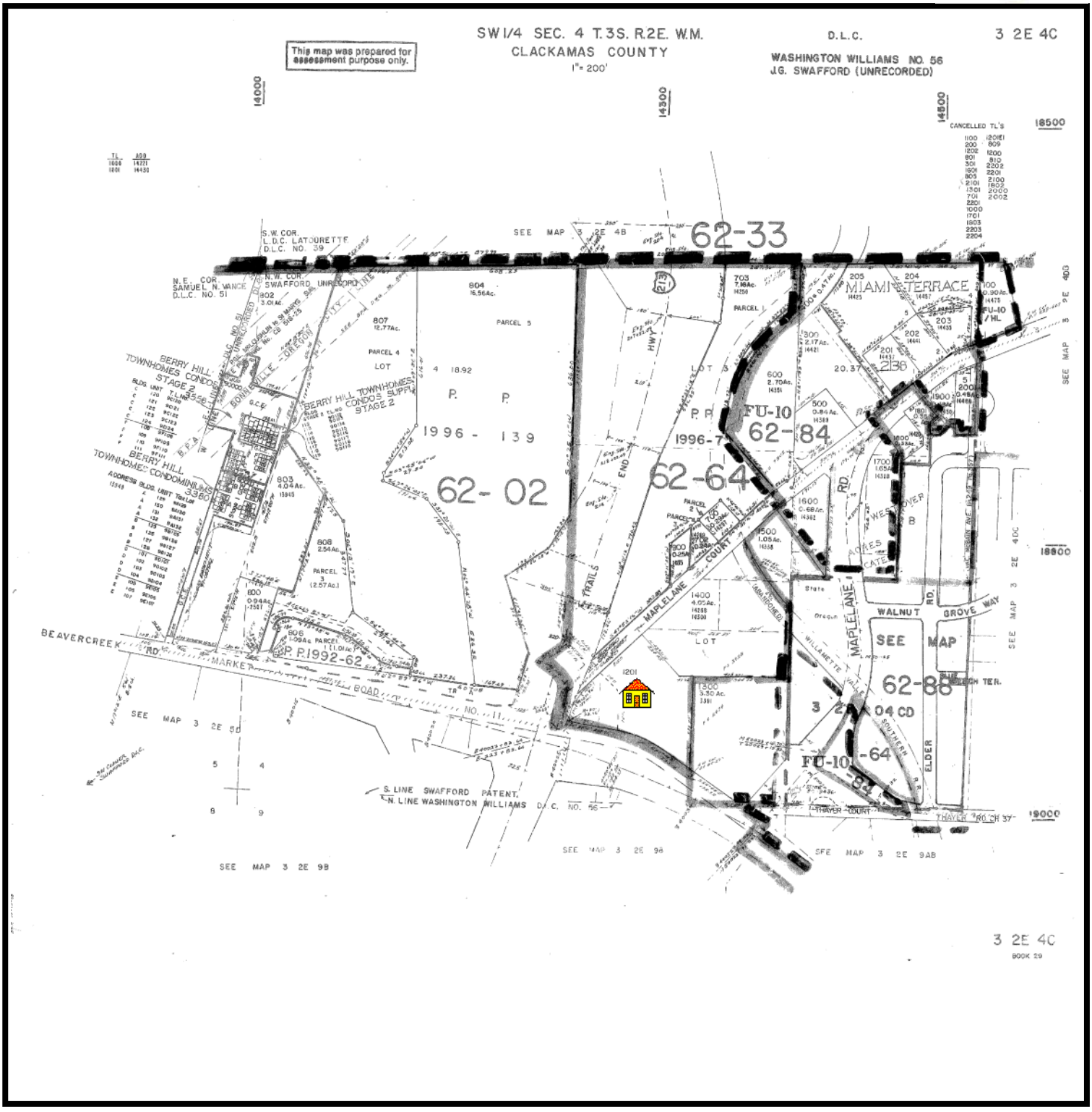
Bedrooms	:	Building Living SF	:	BldgTotSqFt	:
Bathrooms	:	1st Floor SF	:	Lot Acres	: 2.84
Full Baths	:	Upper Finished SF	:	Lot SqFt	: 123,713
Half Baths	:	Finished SF	:	Garage SF	:
Fireplace	:	Above Ground SF	:	Year Built	: 1972
Heat Type	:	Upper Total SF	:	Foundation	:
Floor Cover	:	UnFinUpperStorySF	:	Roof Type	:
Stories	:	Basement Fin SF	:	Roof Shape	:
Int Finish	:	Basement Unfin SF	:		
Ext Finsh	:	Basement Total SF	:		

TRANSFER INFORMATION

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Historic Properties LLC	:03/01/2012	012-012014	:$1,100,000	:Warranty	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

Reference Parcel #: 32E04C 01201

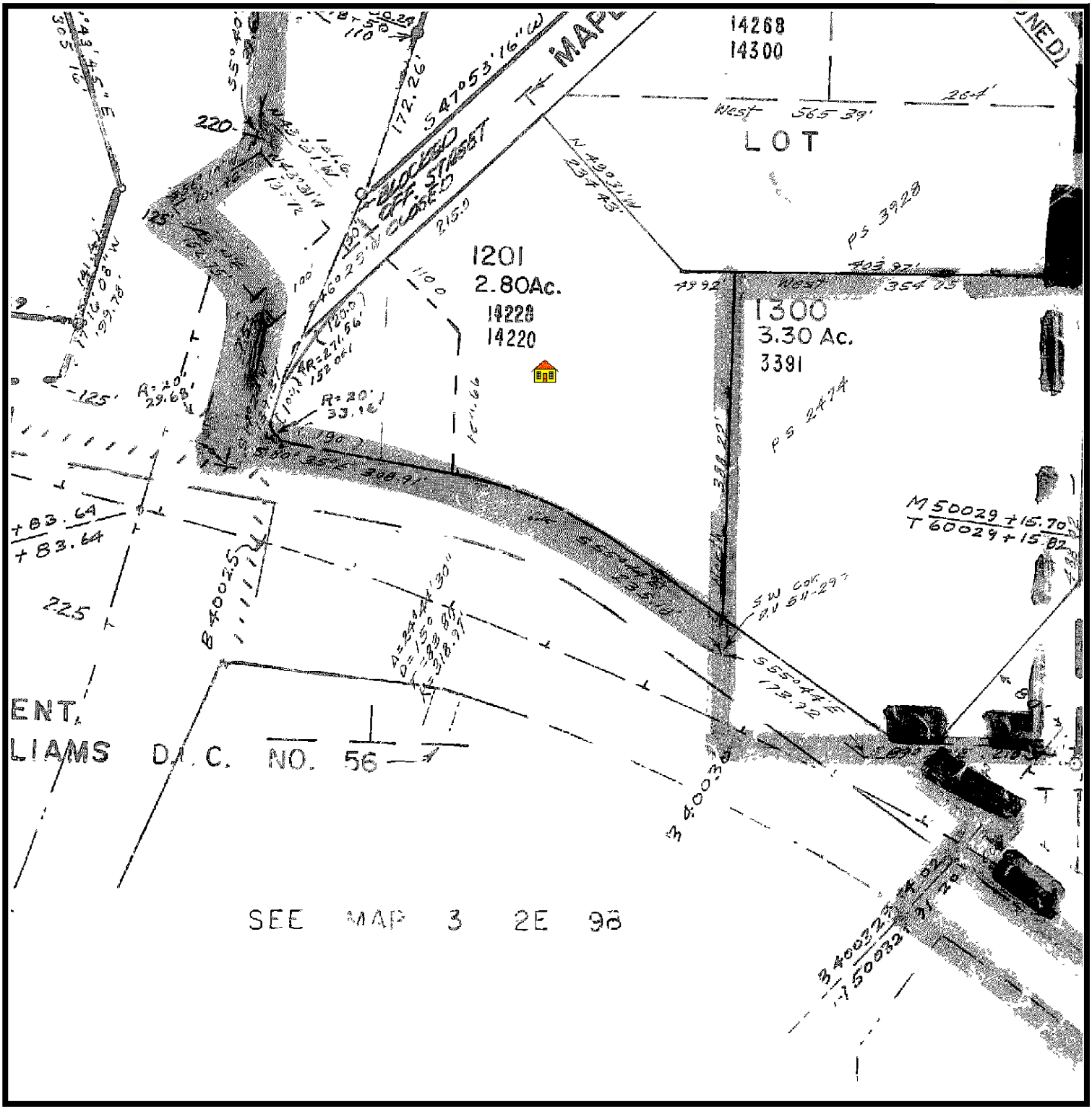


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Reference Parcel #: 32E04C 01201



First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 Portland, OR 97204
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Email: cs.portland@firstam.com

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RECORDING COVER SHEET *(Please Print or Type)*
This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

THIS SPACE RESERVED FOR USE BY THE COUNTY RECORDING OFFICE

AFTER RECORDING RETURN TO:

Historic Properties, LLC, an Oregon Limited Liability Company
1300 John Adams St #100
Oregon City, OR 97045

Recorded by TICOR TITLE 34208 890791 Alden

1) TITLE(S) OF THE TRANSACTION(S) ORS 205.234(a)

Statutory Warranty Deed

2) DIRECT PARTY / GRANTOR(S) ORS 205.125(1)(b) and 205.160

Hilltop Fellowship Bible Church, a Non Profit Corporation

P.O. Box 1987
Oregon City, OR 97045

3) INDIRECT PARTY / GRANTEE(S) ORS 205.125(1)(a) and 205.160

Historic Properties, LLC, an Oregon Limited Liability Company

1300 John Adams St #100
Oregon City, OR 97045

4) TRUE AND ACTUAL CONSIDERATION
ORS 93.030(5) -- Amount in dollars or other

$ 1,100,000.00 ☐ Other

5) SEND TAX STATEMENTS TO:
Historic Properties, LLC, an Oregon Limited Liability Company
1300 John Adams St #100
Oregon City, OR. 97045

6) SATISFACTION of ORDER or WARRANT
ORS 204.125(1)(e)

CHECK ONE. (If applicable) ☐ FULL ☐ PARTIAL

7) The amount of the monetary obligation imposed by the order or warrant. ORS 205.125 (1)(c)

$ _____

8) If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244: "RERECORDED AT THE REQUEST OF _____ TO CORRECT _____ PREVIOUSLY RECORDED IN BOOK _____ AND PAGE _____, OR AS FEE NUMBER _____"

Clackamas County Official Records
Sherry Hall, County Clerk

2012-012014

03/01/2012 08:33:55 AM

D-D Cnt=1 Stn=25 LESLIEFLY
$15.00 $16.00 $10.00 $16.00

$57.00

RECORDING REQUESTED BY:

GRANTOR'S NAME.
Hilltop Fellowship Bible Church, a Non Profit Corporation

GRANTEE'S NAME.
Historic Properties, LLC, an Oregon Limited Liability Company

SEND TAX STATEMENTS TO:
Historic Properties, LLC, an Oregon Limited Liability Company
1300 John Adams St #100
Oregon City, OR. 97045

AFTER RECORDING RETURN TO:
Historic Properties, LLC, an Oregon Limited Liability Company
1300 John Adams St #100
Oregon City, OR 97045

Escrow No: 890791-TTPOR44

14220 & 14228 S. Maplelane Court
Oregon City, OR 97045

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Hilltop Fellowship Bible Church, an Oregon non-profit corporation, which acquired title as Maple Lane Baptist Church, an Oregon Corporation, Grantor, conveys and warrants to

Historic Properties, LLC, an Oregon Limited Liability Company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon:

A tract of land situated in the J.G Swafford Donation Land Claim in Section 4, Township 3 South, Range 2 East, of the Willamette Meridian, in the City of Oregon City, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at the one-quarter Section corner on the south line of said Section 4; thence North 89°28' West along the South line of said Section 4, a distance of 659.34 feet to the Southwest corner of Westover Acres, recorded in Volume 14, Page 24, Plat Records; thence North along the West line of said plat, 488.02 feet to the Northeast corner of that certain tract described in deed to Harold F. Peeples, et ux, recorded May 23, 1956 in book 511, Page 297, Fee No. 8011; thence West along the North line of said Peeples tract 354.02 feet to the Northwest corner of said Peeples tract and the true point of beginning of the tract herein to be described; thence continuing on a Westerly extension of the North line of said Peeples tract, 49.92 feet, more or less, to the Southwest corner of that certain tract described in deed to School district No. 62 recorded June 11, 1956 in Book 512, Page 79, Fee No. 9015; thence North 43° 31' West along the West line of said School District tract, 234.43 feet, more or less, to the center line of said Maple Lane Road; thence South 46° 29' West along the center line of said Maple Lane Road, 349.03 feet to an angle corner therein; thence continuing along said centerline, South 14° 24' West 139.37 feet to the intersection with the centerline of Market Road No. 11; thence tracing the last mentioned centerline South 80° 35' East 308.91 feet to an angle corner therein; thence continuing along said centerline South 55° 44' East 235.18 feet to the Southwest corner of said Peeples tract; thence North along the West line of said Peeples tract, 388.22 feet to the true point of beginning.

EXCEPT THEREFROM those portions lying within Market Road No. 11 and Maple Lane Court.

ALSO EXCEPT THEREFROM those portions described in deed to Clackamas County recorded August 10, 1976, Fee No. 7627298.

Subject to and excepting:

Covenants, Conditions, Restrictions, Reservations, set back lines, Power of Special Districts, and easements of Record, if any.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO

11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS $1,100,000.00. (See ORS 93.030)

DATED: 2/28/2012

Hilltop Fellowship Bible Church, a Non Profit Corporation

BY: Phillip A Dilsaver Board Member
Phil Dilsaver, Board Member

State of OREGON

COUNTY of Clackamas

This instrument was acknowledged before me on 2/28, 20 12

by Phil Dilsaver, Board Member of Hilltop Fellowship Bible Church.

Notary Public - State of Oregon

My commission expires: 1-31-16

OFFICIAL SEAL
KRISTEN LYNN MERRISS
NOTARY PUBLIC-OREGON
COMMISSION NO. 465404
MY COMMISSION EXPIRES JANUARY 31, 2016

First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 - Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: cs.portland@firstam.com
Today's Date : 7/21/2015

OWNERSHIP INFORMATION

Owner	: **Historic Properties LLC**	Ref Parcel Number	: 32E04C 01400
Co Owner	:	Parcel Number	: 00842360
Site Address	: 14268 Maplelane Ct Oregon City 97045	T: 03S R: 02E S: 04 Q: SW QQ:	
Mail Address	: 1300 John Adams St #100 Oregon City Or 97045	County	: Clackamas (OR)
Taxpayer	: Historic Properties LLC		

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 223.02 Block: 3
Neighborhood	: Oregon City Newer
School District	: 062
Subdivision/Plat	:
Improvement Type	: 601 Schools
Land Use	: 401 Tract,Tract Land,Improved
Legal	: SECTION 04 TOWNSHIP 3S RANGE 2E
	: QUARTER C TAX LOT 01400
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $251,220
Mkt Structure	: $674,360
Mkt Total	: $925,580
% Improved	: 73
M50AssdValue	: $845,741
Levy Code	: 062064
14-15 Taxes	:
Millage Rate	: 18.1800
Zoning	:
Exempt Amount	:
Exempt Type	:

PROPERTY CHARACTERISTICS

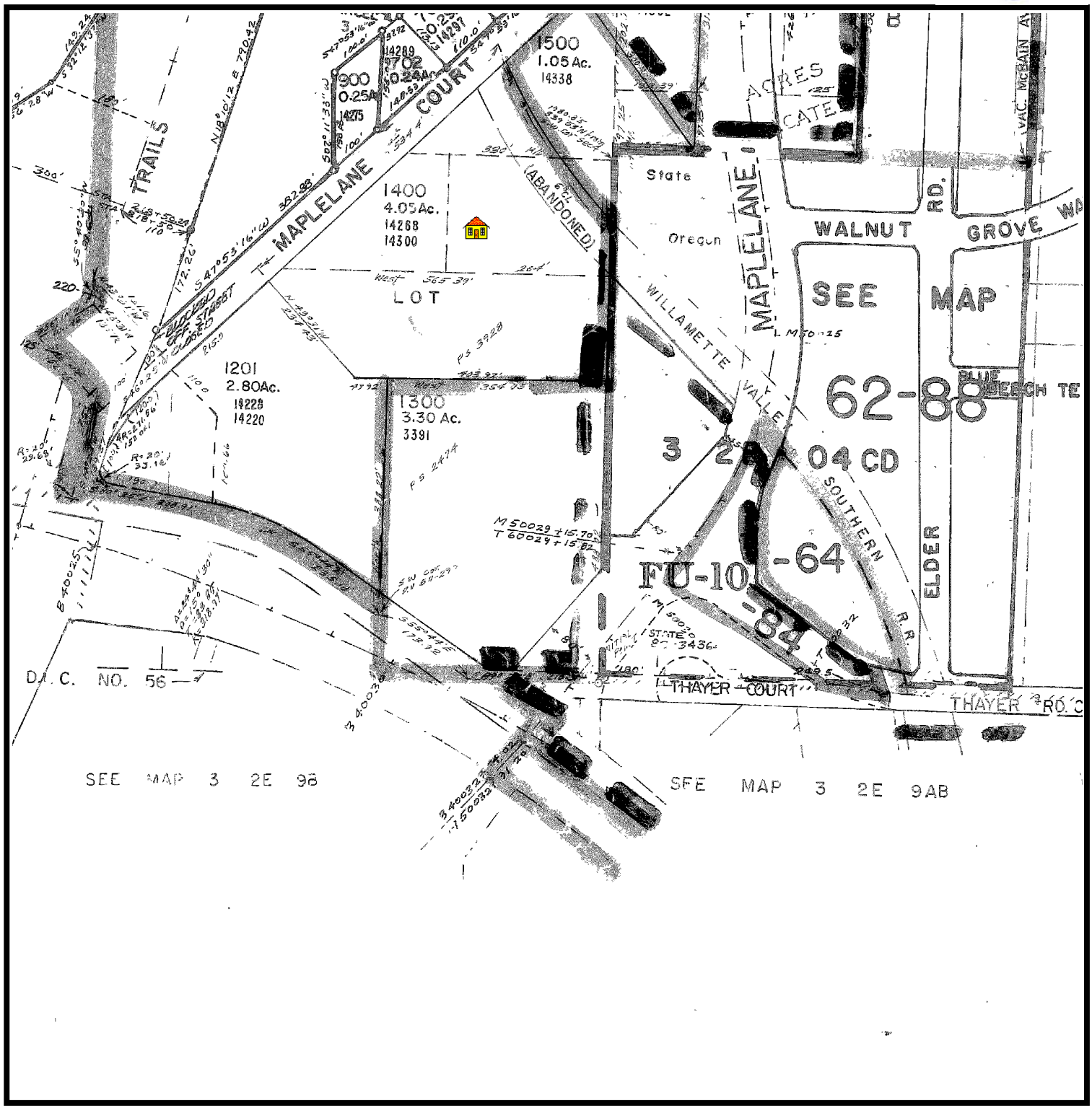
Bedrooms	:	Building Living SF	:	BldgTotSqFt	:
Bathrooms	:	1st Floor SF	:	Lot Acres	: 4.04
Full Baths	:	Upper Finished SF	:	Lot SqFt	: 176,136
Half Baths	:	Finished SF	:	Garage SF	:
Fireplace	:	Above Ground SF	:	Year Built	: 1930
Heat Type	:	Upper Total SF	:	Foundation	:
Floor Cover	:	UnFinUpperStorySF	:	Roof Type	:
Stories	:	Basement Fin SF	:	Roof Shape	:
Int Finish	:	Basement Unfin SF	:		
Ext Finsh	:	Basement Total SF	:		

TRANSFER INFORMATION

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Historic Properties LLC	:11/25/2014	014-060957	:$1,700,000	:Warranty	:$1,500,000	:Conventi
:Oregon City Sch Dist #62	:	000512-079	:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

Reference Parcel #: 32E04C 01400

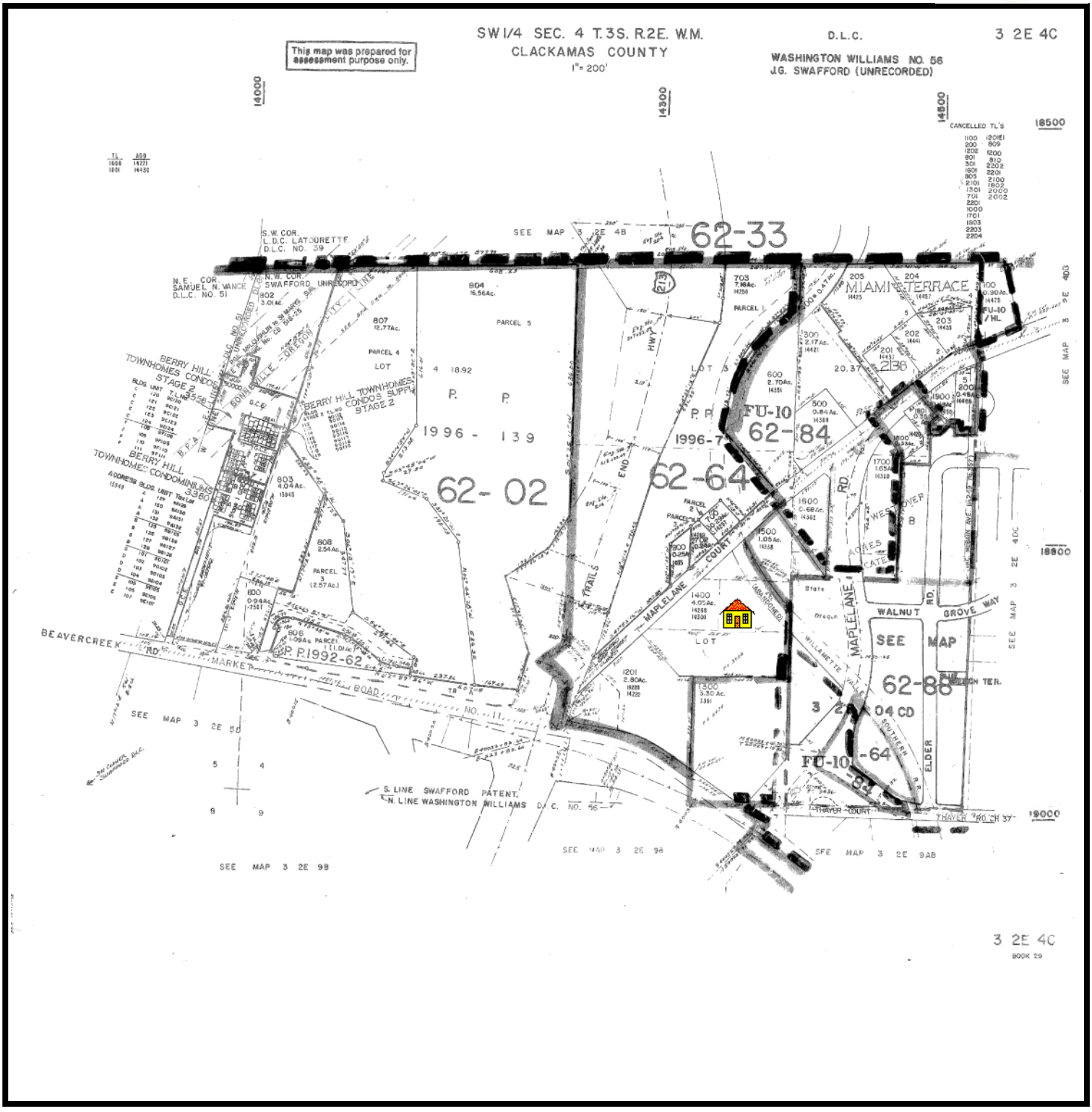


First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: cs.portland@firstam.com

THIS MAP IS PROVIDED AS A CONVENIENCE IN LOCATING PROPERTY. FIRST AMERICAN TITLE COMPANY OF OREGON ASSUMES NO LIABILITY FOR ANY VARIATIONS AS MAY BE DISCLOSED BY AN ACTUAL SURVEY

Reference Parcel #: 32E04C 01400



First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 Portland, OR 97204
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THIS MAP IS PROVIDED AS A CONVENIENCE IN LOCATING PROPERTY. FIRST AMERICAN TITLE COMPANY OF OREGON ASSUMES NO LIABILITY FOR ANY VARIATIONS AS MAY BE DISCLOSED BY AN ACTUAL SURVEY

Clackamas County Official Records
Sherry Hall, County Clerk

2014-060957

11/25/2014 03:13:19 PM

D-D Cnt=1 Stn=2 LESLIE
$20.00 $16.00 $10.00 $22.00

$68.00

After recording return to:
Historic Properties, LLC
1300 John Adams, Suite 100
Oregon City, OR 97045

Until a change is requested all tax statements shall be sent to the following address:
Historic Properties, LLC
1300 John Adams, Suite 100
Oregon City, OR 97045

File No.: 7072-2334912 (sh)
Date: October 15, 2014

FIRST AMERICAN 2334912-SS

STATUTORY WARRANTY DEED

School District No. 62, nka Oregon City School District No 62 as to Parcel I and School District No. 27, nka Oregon City School District No. 62, as to Parcels II, III and IV, Grantor, conveys and warrants to **Historic Properties, LLC** , Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

See attached exhibit "A"----

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

This deed fulfills the terms and provisions contained in the recorded First Purchase Option Recorded November 2, 2012 as Fee No. 2012-072445.

The true consideration for this conveyance is **$1,700,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 24th day of November, 2014.

Oregon City School District No. 62

X Larry Didway

By: Larry Didway, Superintendent

STATE OF Oregon)
)ss.
County of Clackamas)

This instrument was acknowledged before me on this 24th day of November, 2014 by Larry Didway as Superintendent of Oregon City School District No. 62, on behalf of the School District.

OFFICIAL STAMP
SHEILA MARIE HOUCK
NOTARY PUBLIC-OREGON
COMMISSION NO. 479597A
MY COMMISSION EXPIRES AUGUST 01, 2017

Notary Public for Oregon
My commission expires: 8/1/17

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

PARCEL I:

A TRACT OF LAND LOCATED IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN AND BEING A PART OF THE JAMES SWAFFORD HOMESTEAD. THE TRACT HEREIN CONVEYED PARTICULAR DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT THE ONE-QUARTER SECTION CORNER ON THE SOUTH BOUNDARY OF SAID SECTION 4; THENCE FOLLOWING SAID SOUTH BOUNDARY, NORTH 89 DEGREES 2' WEST 659.34 FEET TO A 2 INCH IRON PIPE LOCATED AT THE SOUTHWEST CORNER OF WESTOVER ACRES, A TOWNPLAT RECORDED IN BOOK 14 ON PAGE 24, RECORDS OF TOWNPLATS FOR CLACKAMAS COUNTY, OREGON; THENCE FOLLOWING THE WEST BOUNDARY OF SAID TOWNPLAT, NORTH 488.02 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN CONVEYED. FROM SAID TRUE POINT OF BEGINNING THENCE, CONTINUING NORTH 170.00 FEET TO THE NORTHEAST CORNER OF THE FRANK T. AND ANN DOUGLAS STREIGHT TRACT, AS DESCRIBED IN BOOK 397 ON PAGE 87, RECORDS OF DEEDS FOR CLACKAMAS COUNTY, OREGON AS SET FORTH BY PARCEL "B" THEREOF; THENCE FOLLOWING THE NORTH BOUNDARY OF SAID STREIGHT TRACT, WEST 565.39 FEET TO THE MOST NORTHERLY NORTHWEST CORNER OF SAID TRACT LOCATED IN THE CENTER LINE OF MAPLE LANE ROAD; THENCE AT RIGHT ANGLES TO MAPLE LANE ROAD, SOUTH 43 DEGREES 31' EAST 234.43 FEET; THENCE PARALLEL WITH SAID NORTH BOUNDARY OF THE SAID STREIGHT TRACT, EAST 403.97 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED.

PARCEL II:

A TRACT OF LAND LOCATED IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 30.10 CHAINS EAST AND 12.72 CHAINS NORTH OF THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 3 SOUTH, RANGE 2 EAST, BEING PART OF THE DONATION CLAIM OF WASHINGTON WILLIAMS AND RUNNING THENCE WEST 4.00 CHAINS, THENCE SOUTH 3.75 CHAINS, THENCE EAST 4.00 CHAINS, THENCE NORTH 3.75 CHAINS TO THE PLACE OF BEGINNING.

PARCEL III:

BEGINNING AT A POINT IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, 30.10 CHAINS EAST AND 12.72 CHAINS NORTH OF THE SOUTHWEST CORNER OF SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN AND A THE NORTHEAST CORNER OF LAND CONVEYED TO SCHOOL DISTRICT 27 OF CLACKAMAS COUNTY, BY DEED RECORDED JUNE 25, 1879, IN BOOK "Q", PAGE 260, DEED RECORDS; THENCE WEST 5.00 CHAINS, MORE OR LESS TO THE CENTER OF COUNTY ROAD; THENCE NORTHEASTERLY IN THE CENTER LINE OF SAID ROAD 8.20 CHAINS, MORE OR LESS TO THE EAST LINE OF LAND CONVEYED TO THOMAS E. POWERS IN BOOK 211, PAGE 170, DEED RECORDS; THENCE SOUTH 5.78 CHAINS, MORE OR LESS TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PORTION OF LAND:

PART OF THE J.G. SWAFFORD DONATION LAND CLAIM IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, INCLUDING A PART OF LOTS 1 AND 6 IN BLOCK "B" OF WEST OVER ACRES, NOW VACATED AND PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS 659.34 FEET WEST AND 822.88 FEET MORE OR LESS NORTH OF THE QUARTER SECTION CORNER ON THE SOUTH LINE OF SAID SECTION 4, AND WHICH POINT IS THE SOUTHWEST CORNER OF SAID LOT 6 IN BLOCK "B", WESTOVER ACRES, VACATED; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 132.38 FEET TO A POINT; THENCE NORTHWEST 300 FEET, MORE OR LESS TO A POINT IN THE SOUTHEASTERLY BOUNDARY OF THE COUNTY ROAD (MAPLE LANE) WHICH IS 75 FEET SOUTHWESTERLY FROM THE NORTHWEST CORNER OF SAID LOT 1, WESTOVER ACRES, VACATED; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY BOUNDARY OF SAID COUNTY ROAD TO THE EASTERLY RIGHT OF WAY LINE OF THE WILLAMETTE VALLEY SOUTHERN RAILWAY COMPANY; THENCE SOUTHEASTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE TO A POINT DUE SOUTH OF THE POINT OF BEGINNING; THENCE NORTH TO THE PLACE OF BEGINNING.

PARCEL IV:

THE FOLLOWING DESCRIBED PARCEL OF REAL ESTATE, SITUATED IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, TO WIT:

COMMENCING AT A POINT 26.10 CHAINS EAST AND 12.72 CHAINS NORTH OF THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 3 SOUTH, RANGE 2 EAST. THENCE SOUTH 2.75 CHAINS, THENCE WEST 3.30 CHAINS TO THE ROAD, THENCE NORTH 50 DEGREES EAST, 4.80 CHAINS TO THE PLACE OF BEGINNING.

First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 - Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: cs.portland@firstam.com
Today's Date : 7/21/2015

OWNERSHIP INFORMATION

Owner	: **Historic Properties LLC**	Ref Parcel Number	: 32E04C 00900
Co Owner	:	Parcel Number	: 00842315
Site Address	: 14275 Maplelane Ct Oregon City 97045	T: 03S R: 02E S: 04 Q: SW QQ:	
Mail Address	: 1300 John Adams St Oregon City Or 97045	County	: Clackamas (OR)
Taxpayer	: Historic Properties LLC		

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 223.02 Block: 3
Neighborhood	: Oregon City Newer
School District	: 062
Subdivision/Plat	: Hazel Grove 02
Improvement Type	: 121 Sgl Family,R1-2,1-Story
Land Use	: 101 Res,Residential Land,Improved
Legal	: SECTION 04 TOWNSHIP 3S RANGE 2E
	: QUARTER C TAX LOT 00900
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $70,669
Mkt Structure	: $86,990
Mkt Total	: $157,659
% Improved	: 55
M50AssdValue	: $120,119
Levy Code	: 062064
14-15 Taxes	: $2,183.76
Millage Rate	: 18.1800
Zoning	:
Exempt Amount	:
Exempt Type	:

PROPERTY CHARACTERISTICS

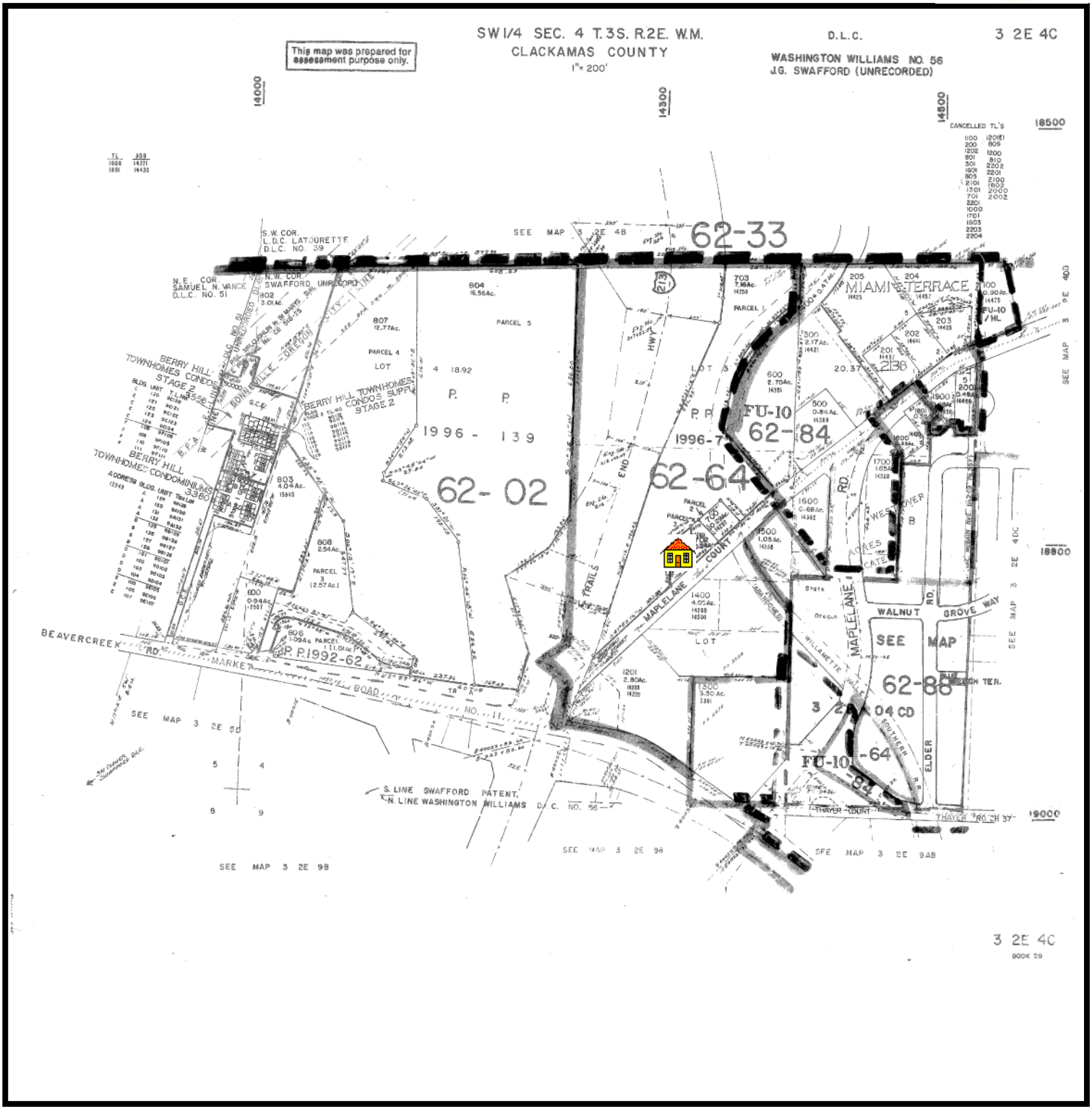
Bedrooms	:	Building Living SF	: 2,000	BldgTotSqFt	: 2,000
Bathrooms	: 1.50	1st Floor SF	: 2,000	Lot Acres	: .26
Full Baths	: 1	Upper Finished SF	:	Lot SqFt	: 11,313
Half Baths	: 1	Finished SF	: 2,000	Garage SF	:
Fireplace	:	Above Ground SF	: 2,000	Year Built	: 1950
Heat Type	: Forced Air-Oil	Upper Total SF	:	Foundation	: Concrete
Floor Cover	: Tile	UnFinUpperStorySF	:	Roof Type	: Built Up
Stories	: 1	Basement Fin SF	:	Roof Shape	: Flat
Int Finish	: Composition	Basement Unfin SF	:		
Ext Finsh	: Concrete Blk	Basement Total SF	:		

TRANSFER INFORMATION

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Historic Properties LLC	:03/12/2014	014-011021	:$220,000	:Warranty	:$220,000	:Construct
:Rosenberry Joe	:10/01/1995	0095-66999	:$12,500	:Warranty	:	:
:Fedracini Larry D	:07/09/1992	0092-42259	:$7,000	:Bargain &	:	:
:Pedracini Larry D	:07/01/1992	0092-42259	:$7,000	:Grant De	:	:
:	:		:	:	:	:
:	:		:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

Reference Parcel #: 32E04C 00900

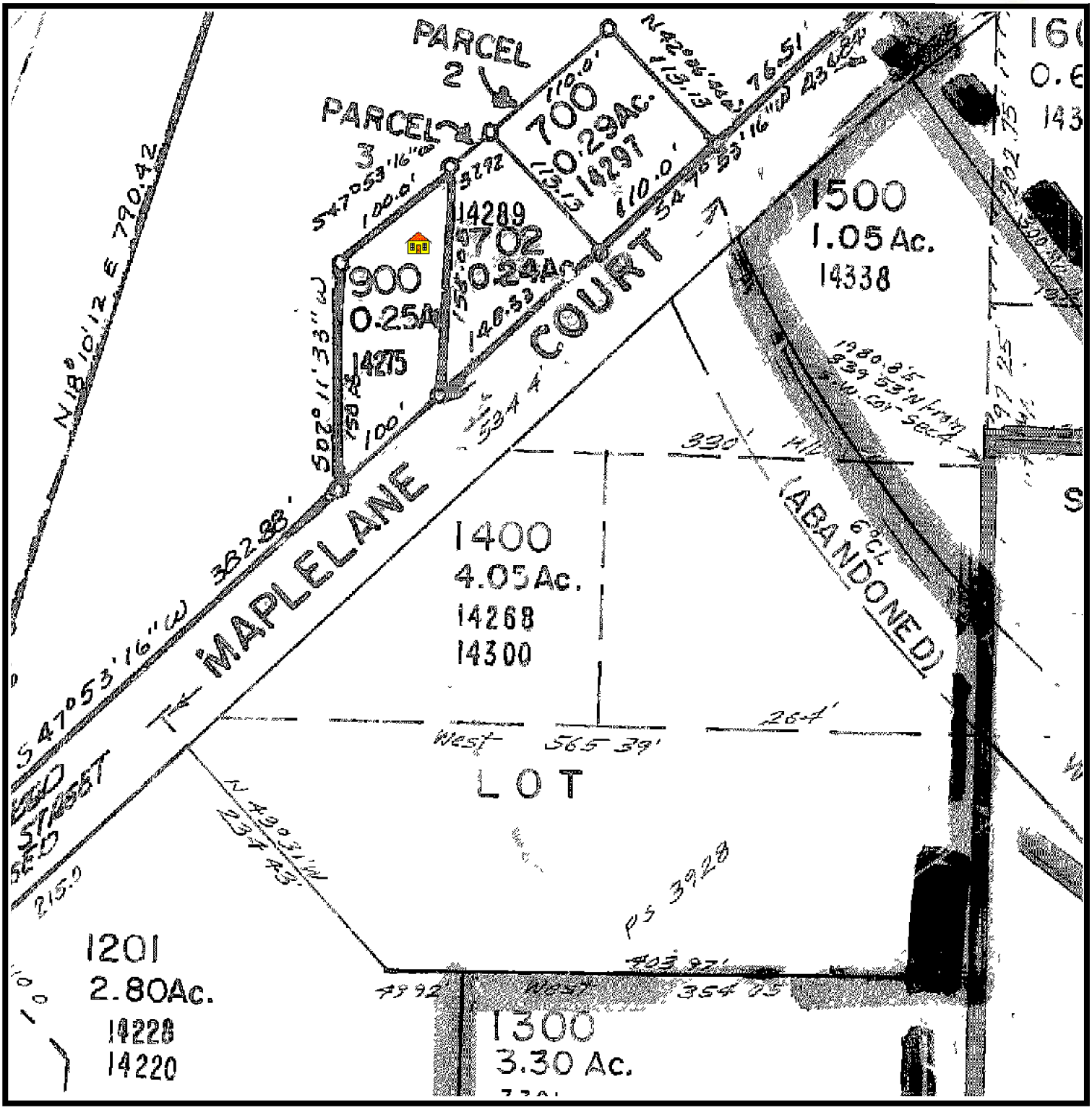


First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: cs.portland@firstam.com

THIS MAP IS PROVIDED AS A CONVENIENCE IN LOCATING PROPERTY. FIRST AMERICAN TITLE COMPANY OF OREGON ASSUMES NO LIABILITY FOR ANY VARIATIONS AS MAY BE DISCLOSED BY AN ACTUAL SURVEY

Reference Parcel #: 32E04C 00900



First American Title Company of Oregon

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THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records
Sherry Hall, County Clerk

2014-011021

03/12/2014 09:37:05 AM

D-D Cnt=1 Stn=6 KARLYN
$15.00 $16.00 $10.00 $22.00

$63.00

After recording return to:
Historic Properties, LLC
1300 John Adams Street
Oregon City, OR 97045

Until a change is requested all tax statements shall be sent to the following address:
Historic Properties, LLC
1300 John Adams Street
Oregon City, OR 97045

File No.: 7072-2150827 (CRW)
Date: September 10, 2013

FIRST AMERICAN 2150827 SS

STATUTORY WARRANTY DEED

Joe Rosenberry, Grantor, conveys and warrants to **Historic Properties, LLC** , Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

See Attached Exhibit "A"

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **$220,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 11 day of March, 2014.

Joe Rosenberry

STATE OF Oregon)
)ss.
County of Clackamas)

This instrument was acknowledged before me on this 11 day of March, 2014 by **Joe Rosenberry**.

Christina Rose Brusco

Notary Public for Oregon
My commission expires: 9-29-17

OFFICIAL SEAL
CHRISTINA ROSE BRUSCO
NOTARY PUBLIC - OREGON
COMMISSION NO. 481087
MY COMMISSION EXPIRES SEPTEMBER 29, 2017

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

A tract of land located in the J.G. Swafford Patent No. 613 (unrecorded) in the Southwest one-quarter of Section 4, Township 3 South, Range 2 East of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, more particularly described as follows:

Commencing at a 7/8 inch diameter iron rod at the Southwest corner of the L.D.C. Latourette DLC No. 39; thence along the South line thereof, North 89° 44' 18" East 2001.89 feet to a point, from which a 3/4 inch diameter iron pipe bears North 02° 11' 33" East, 0.80 feet; thence South 02° 11' 33" West, 830.37 feet to a 2" iron pipe on the centerline of Maple Lane (County Road No, 398, 60.00 feet wide) said 2" iron pipe being the Northwest corner of the vacated plat of "WESTOVER ACRES"; thence along the centerline of Maple Lane South 47° 53' 16" West, 516.65 feet; thence leaving said centerline North 02° 11' 33" East 41.92 feet to a 5/8 inch diameter iron rod with a yellow plastic cap stamped "Compass Corp." on the Northwesterly right of way line of Maple Lane and the true point of beginning of the tract of land to be described; thence from the point of beginning North 02° 11' 33" East 158.08 feet to a 5/8 inch diameter iron rod with a yellow plastic cap stamped "Compass Corp."; thence parallel with the Northwesterly right of way of Maple Lane South 47° 53' 16" West, 100.00 feet to a 5/8 inch diameter iron rod with a yellow plastic cap stamped "Compass Corp."; thence South 02° 11' 33" West, 158.08 feet to a 5/8 inch diameter iron rod with a yellow plastic cap stamped "Compass Corp." on the Northwesterly right of way line of Maple Lane; thence Northeasterly along said right-of-way line to the true point of beginning.

NOTE: This legal description was created prior to January 1, 2008.

First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 - Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: cs.portland@firstam.com
Today's Date : 7/21/2015

OWNERSHIP INFORMATION

Owner	: **Historic Properties LLC**	Ref Parcel Number	: 32E04C 00702
Co Owner	:	Parcel Number	: 01689676
Site Address	: 14289 Maplelane Ct Oregon City 97045	T: 03S R: 02E S: 04 Q: SW QQ:	
Mail Address	: 1300 John Adams St #100 Oregon City Or 97045	County	: Clackamas (OR)
Taxpayer	: Historic Properties LLC		

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 223.02 Block: 3
Neighborhood	: Oregon City Newer
School District	: 062
Subdivision/Plat	: Many Oaks
Improvement Type	: *unknown Improvement Code*
Land Use	: 100 Vacant,Residential Land
Legal	: 1996-7 PARTITION PLAT PARCEL 3
	:
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $58,509
Mkt Structure	:
Mkt Total	: $58,509
% Improved	:
M50AssdValue	: $36,409
Levy Code	: 062064
14-15 Taxes	: $661.91
Millage Rate	: 18.1800
Zoning	:
Exempt Amount	:
Exempt Type	:

PROPERTY CHARACTERISTICS

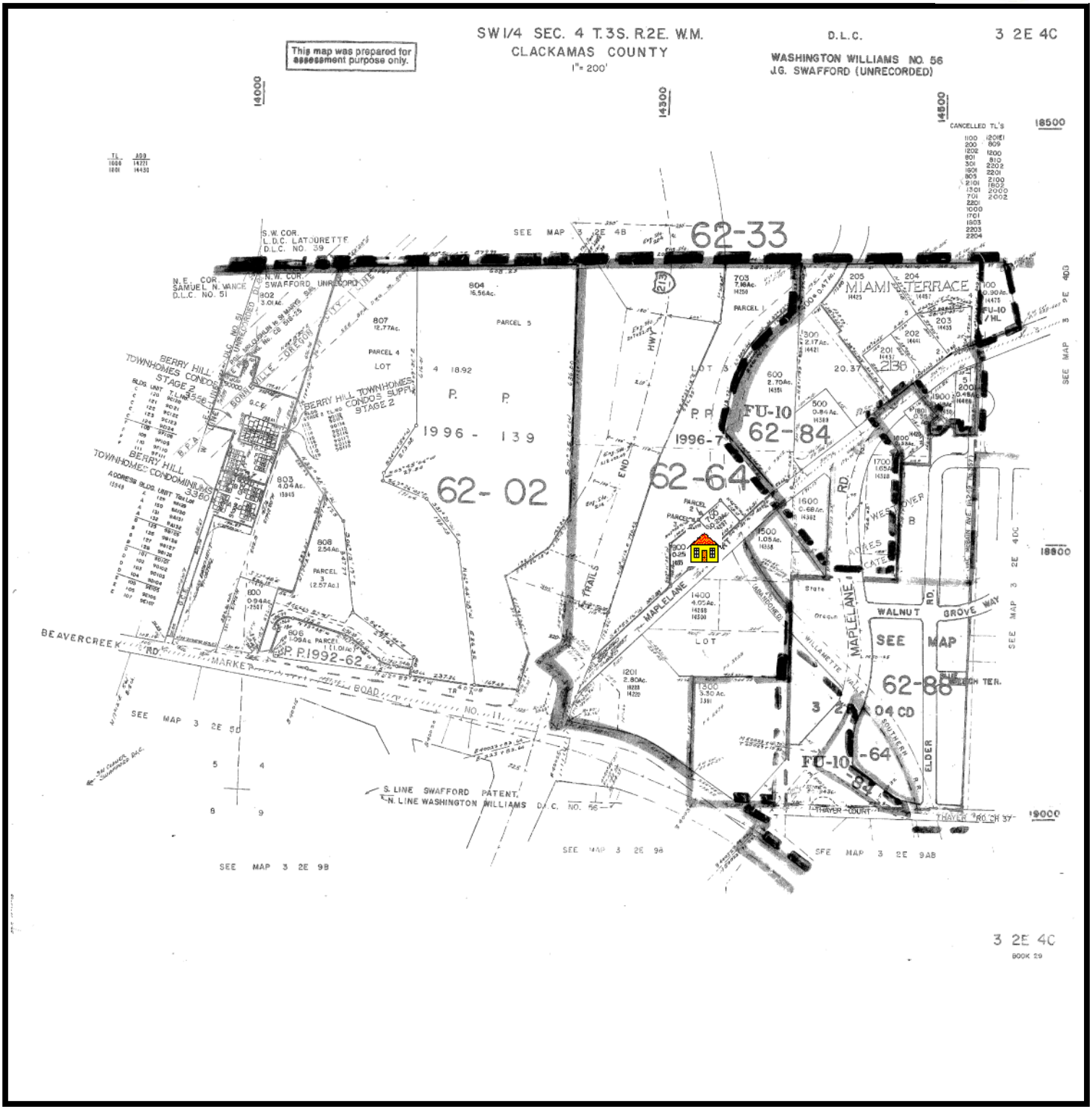
Bedrooms	:	Building Living SF	:	BldgTotSqFt	:
Bathrooms	:	1st Floor SF	:	Lot Acres	: .24
Full Baths	:	Upper Finished SF	:	Lot SqFt	: 10,535
Half Baths	:	Finished SF	:	Garage SF	:
Fireplace	:	Above Ground SF	:	Year Built	:
Heat Type	:	Upper Total SF	:	Foundation	:
Floor Cover	:	UnFinUpperStorySF	:	Roof Type	:
Stories	:	Basement Fin SF	:	Roof Shape	:
Int Finish	:	Basement Unfin SF	:		
Ext Finsh	:	Basement Total SF	:		

TRANSFER INFORMATION

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Historic Properties LLC	:12/21/2012	012-084284	:$80,000	:Warranty	:	:
:Rasch Thomas R	:09/10/1997	0097-69930	:$33,500	:Warranty	:$22,800	:Seller
:	:		:	:	:	:
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:	:		:	:	:	:
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This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

Reference Parcel #: 32E04C 00702

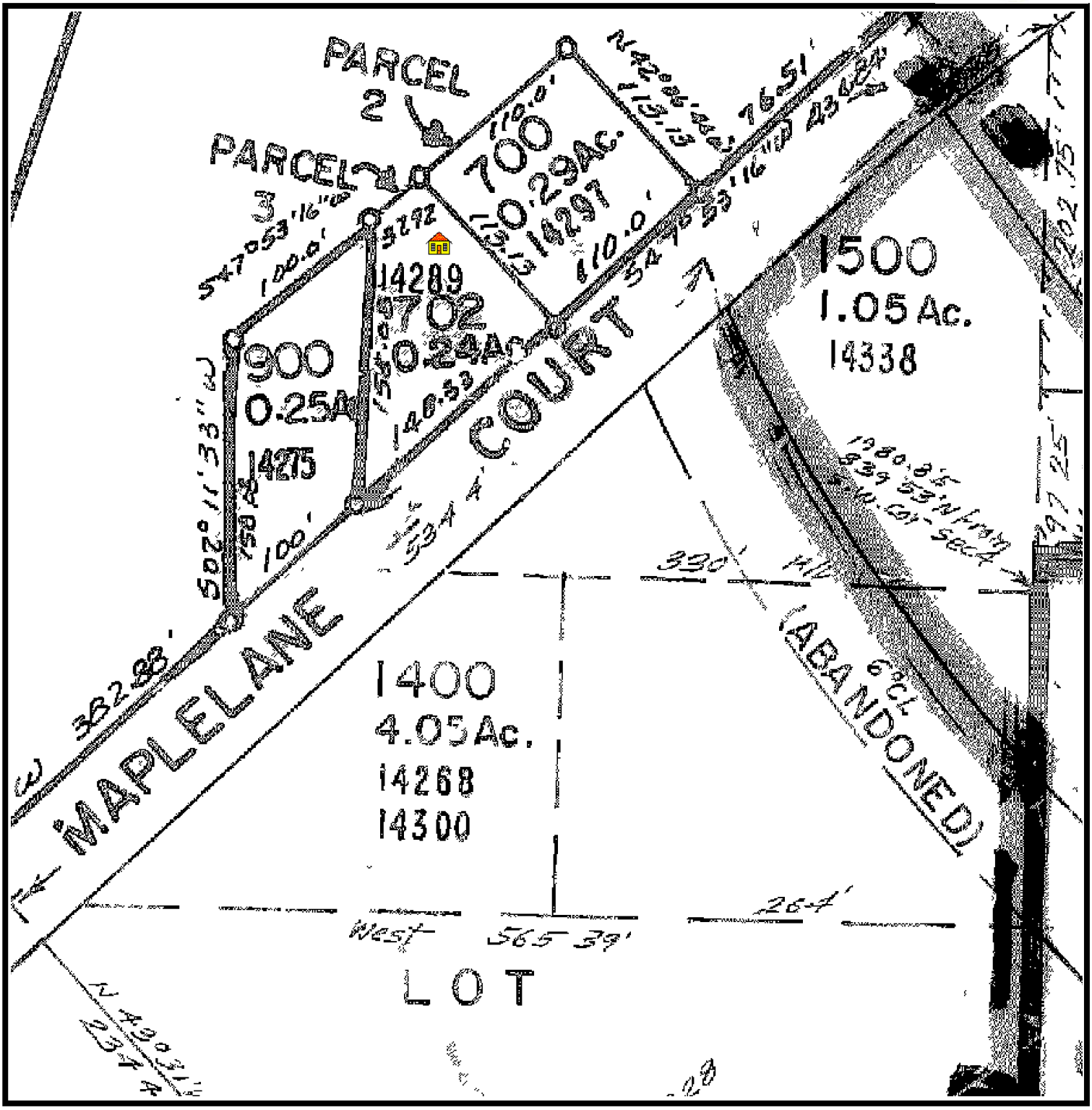


First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: cs.portland@firstam.com

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Reference Parcel #: 32E04C 00702



First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
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Clackamas County Official Records
Sherry Hall, County Clerk

2012-084284

12/21/2012 10:47:08 AM

D-D Cnt=1 Stn=6 KARLYNWUN
$10.00 $16.00 $10.00 $17.00

$53.00

After recording return to:
Historic Properties, LLC
c/o Dan Fowler, 1300 John Adams St
Ste 100
Oregon City, OR 97045

Until a change is requested all tax statements shall be sent to the following address:
Historic Properties, LLC
c/o Dan Fowler, 1300 John Adams St
Ste 100
Oregon City, OR 97045

File No.: 7072-1989553 (se)
Date: November 19, 2012

FIRST AMERICAN 1989553-SS

STATUTORY WARRANTY DEED

Thomas R. Rasch, Grantor, conveys and warrants to **Historic Properties, LLC** , Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

PARCEL 3, PARTITION PLAT NO. 1996-7, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **$80,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 3rd day of December, 20 12.

Thomas R. Rasch

STATE OF Oregon)
)ss.
County of Clackamas)

This instrument was acknowledged before me on this 3rd day of December, 20 12 by **Thomas R. Rasch**.

OFFICIAL SEAL
SHEILA M ENGEL
NOTARY PUBLIC-OREGON
COMMISSION NO. 440978
MY COMMISSION EXPIRES AUGUST 1, 2013

Notary Public for Oregon
My commission expires: 8/1/13

First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 - Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: cs.portland@firstam.com
Today's Date : 7/21/2015

OWNERSHIP INFORMATION

Owner	: **Historic Properties LLC**	Ref Parcel Number	: 32E04C 00700
Co Owner	:	Parcel Number	: 00842262
Site Address	: 14297 Maplelane Ct Oregon City 97045	T: 03S R: 02E S: 04 Q: SW QQ:	
Mail Address	: 1300 John Adams St #100 Oregon City Or 97045	County	: Clackamas (OR)
Taxpayer	: Historic Properties LLC		

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 223.02 Block: 3
Neighborhood	: Oregon City Newer
School District	: 062
Subdivision/Plat	: Partition 1996-7
Improvement Type	: 132 Sgl Family,R1-3,1-Story (Basement)
Land Use	: 101 Res,Residential Land,Improved
Legal	: 1996-7 PARTITION PLAT PARCEL 2
	:
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $74,310
Mkt Structure	: $107,940
Mkt Total	: $182,250
% Improved	: 59
M50AssdValue	: $151,481
Levy Code	: 062064
14-15 Taxes	: $2,753.93
Millage Rate	: 18.1800
Zoning	:
Exempt Amount	:
Exempt Type	:

PROPERTY CHARACTERISTICS

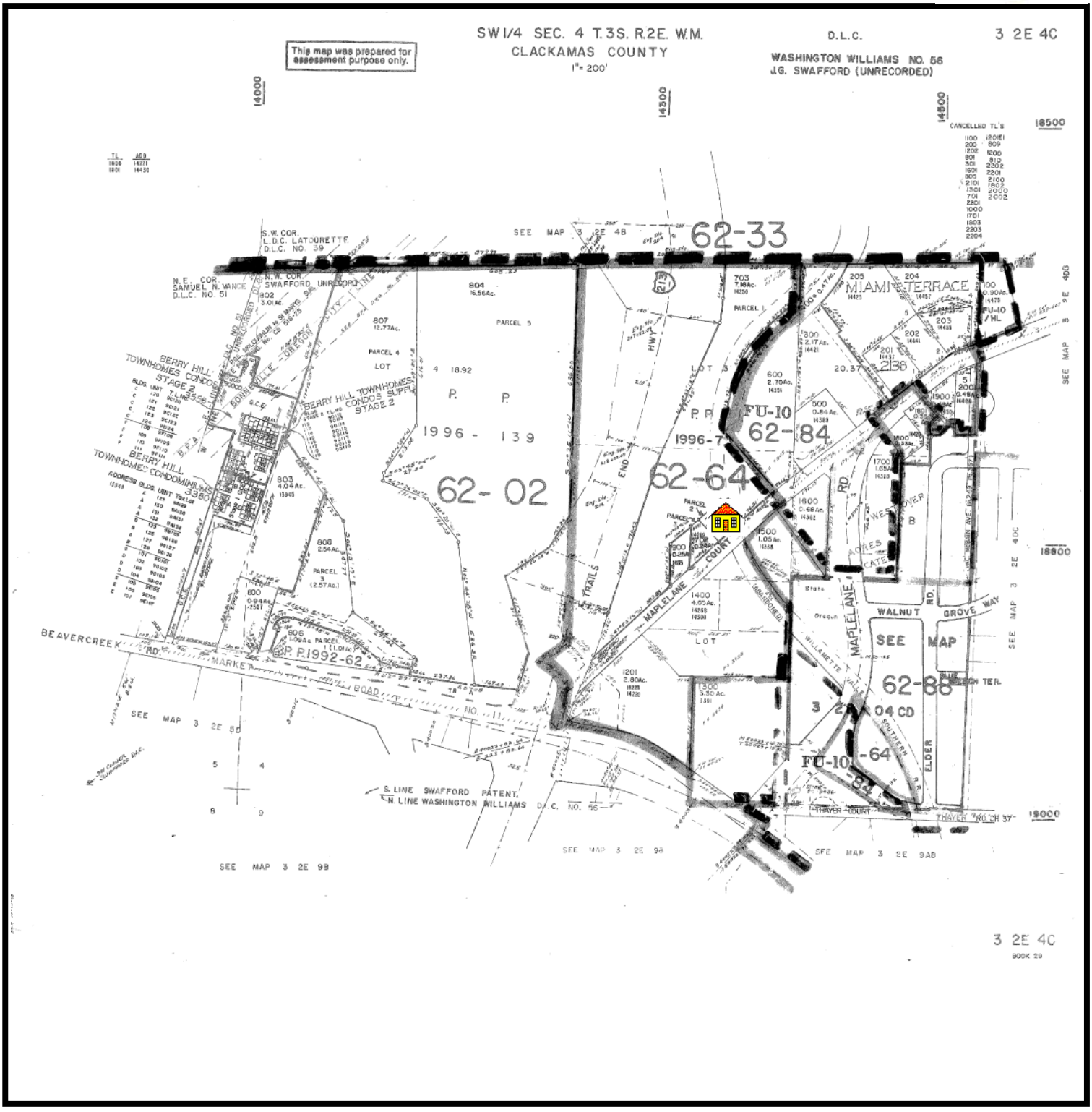
Bedrooms	: 2	Building Living SF	: 2,144	BldgTotSqFt	: 1,552
Bathrooms	: 1.00	1st Floor SF	: 1,072	Lot Acres	: .29
Full Baths	: 1	Upper Finished SF	:	Lot SqFt	: 12,444
Half Baths	:	Finished SF	: 1,552	Garage SF	: 294
Fireplace	: Stacked	Above Ground SF	: 1,072	Year Built	: 1960
Heat Type	: Elec Baseboard	Upper Total SF	:	Foundation	: Concrete
Floor Cover	: Hardwd	UnFinUpperStorySF	:	Roof Type	: Composition
Stories	: 1 Story-Bsmt	Basement Fin SF	: 480	Roof Shape	: Gable
Int Finish	: Drywall	Basement Unfin SF	: 592		
Ext Finsh	: Bevel Siding	Basement Total SF	: 1,072		

TRANSFER INFORMATION

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Historic Properties LLC	:10/31/2014	014-056424	:$350,000	:Warranty	:$300,000	:Aitd
:Cameron Jordan S	:01/31/2008	008-007048	:$245,000	:Warranty	:$232,750	:Conven
:Walker Curtis D	:03/01/1996	0096-25445	:$122,000	:Warranty	:	:
:CI7 Development Inc	:07/28/1995	0095-43857	:	:Bargain &	:	:
:CI7 Development Inc	:07/01/1995	0095-43858	:	:Grant De	:	:
:Twenge Jeffrey D	:04/01/1995	0095-28755	:$91,400	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

Reference Parcel #: 32E04C 00700

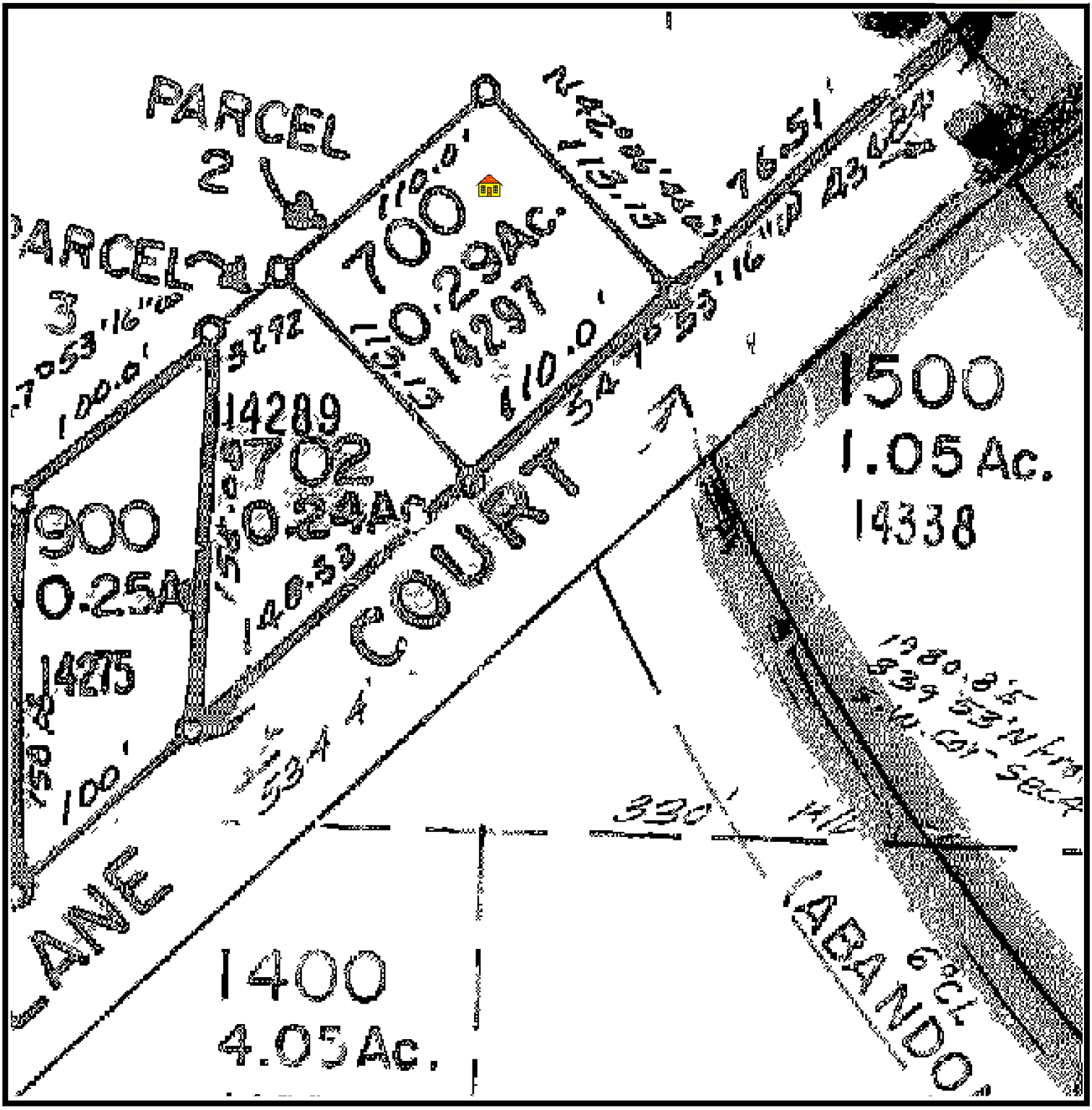


First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: cs.portland@firstam.com

THIS MAP IS PROVIDED AS A CONVENIENCE IN LOCATING PROPERTY. FIRST AMERICAN TITLE COMPANY OF OREGON ASSUMES NO LIABILITY FOR ANY VARIATIONS AS MAY BE DISCLOSED BY AN ACTUAL SURVEY

Reference Parcel #: 32E04C 00700



First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
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Clackamas County Official Records
Sherry Hall, County Clerk

2014-056424

10/31/2014 02:10:01 PM

D-D Cnt=1 Stn=2 LESLIE
$10.00 $16.00 $10.00 $22.00

$58.00

After recording return to:
Historic Properties, LLC
1300 John Adams Street, Suite 100
Oregon City, OR 97045

Until a change is requested all tax statements shall be sent to the following address:
Historic Properties, LLC
1300 John Adams Street, Suite 100
Oregon City, OR 97045

File No.: 7072-2332455 (DJC)
Date: October 10, 2014

FIRST AMERICAN - 2332455-55

STATUTORY WARRANTY DEED

Jordan S. Cameron, Grantor, conveys and warrants to **Historic Properties, LLC, an Oregon limited liability company** , Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

PARCEL 2, PARTITION PLAT NO. 1996-7, IN THE CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **$350,000.00, paid by an accomodator pursuant to an IRC 1031 Exchange.** (Here comply with requirements of ORS 93.030)

2. Deed of Trust and the terms and conditions thereof.

Grantor/Trustor: Jordon S. Cameron, a married man, also known as Jordan S. Cameron
Grantee/Beneficiary: Mortgage Electronic Registration Systems, Inc., MERS solely as a nominee for Quicken Loans Inc., its successors and assigns
Trustee: Pacific Northwest Company of Oregon, Inc.
Amount: $207,725.00
Recorded: December 12, 2012
Recording Information: Fee No. 2012 081753

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 30 day of October, 2014.

Jordan S. Cameron

OFFICIAL SEAL
JULIE MARIE NAMES
NOTARY PUBLIC-OREGON
COMMISSION NO. 480572
MY COMMISSION EXPIRES AUGUST 12, 2017

STATE OF Oregon)
)ss.
County of Josephine)

This instrument was acknowledged before me on this 30 day of Oct, 2014 by **Jordan S. Cameron.**

Notary Public for Oregon
My commission expires: Aug 12, 17

First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 - Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: cs.portland@firstam.com
Today's Date : 7/21/2015

OWNERSHIP INFORMATION

Owner	: **Historic Properties LLC**	Ref Parcel Number	: 32E04C 01500
Co Owner	:	Parcel Number	: 00842379
Site Address	: 14338 Maple Lane Rd Oregon City 97045	T: 03S R: 02E S: 04 Q: SW QQ:	
Mail Address	: 606 15th St Oregon City Or 97045	County	: Clackamas (OR)
Taxpayer	: Historic Properties LLC		

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 223.02 Block: 3
Neighborhood	: Oregon City Newer
School District	: 062
Subdivision/Plat	: Westover Acres
Improvement Type	: 141 Sgl Family,R1-4,1-Story
Land Use	: 101 Res,Residential Land,Improved
Legal	: SECTION 04 TOWNSHIP 3S RANGE 2E
	: QUARTER C TAX LOT 01500
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $148,884
Mkt Structure	: $191,340
Mkt Total	: $340,224
% Improved	: 56
M50AssdValue	: $248,135
Levy Code	: 062088
14-15 Taxes	: $4,511.10
Millage Rate	: 18.1800
Zoning	:
Exempt Amount	:
Exempt Type	:

PROPERTY CHARACTERISTICS

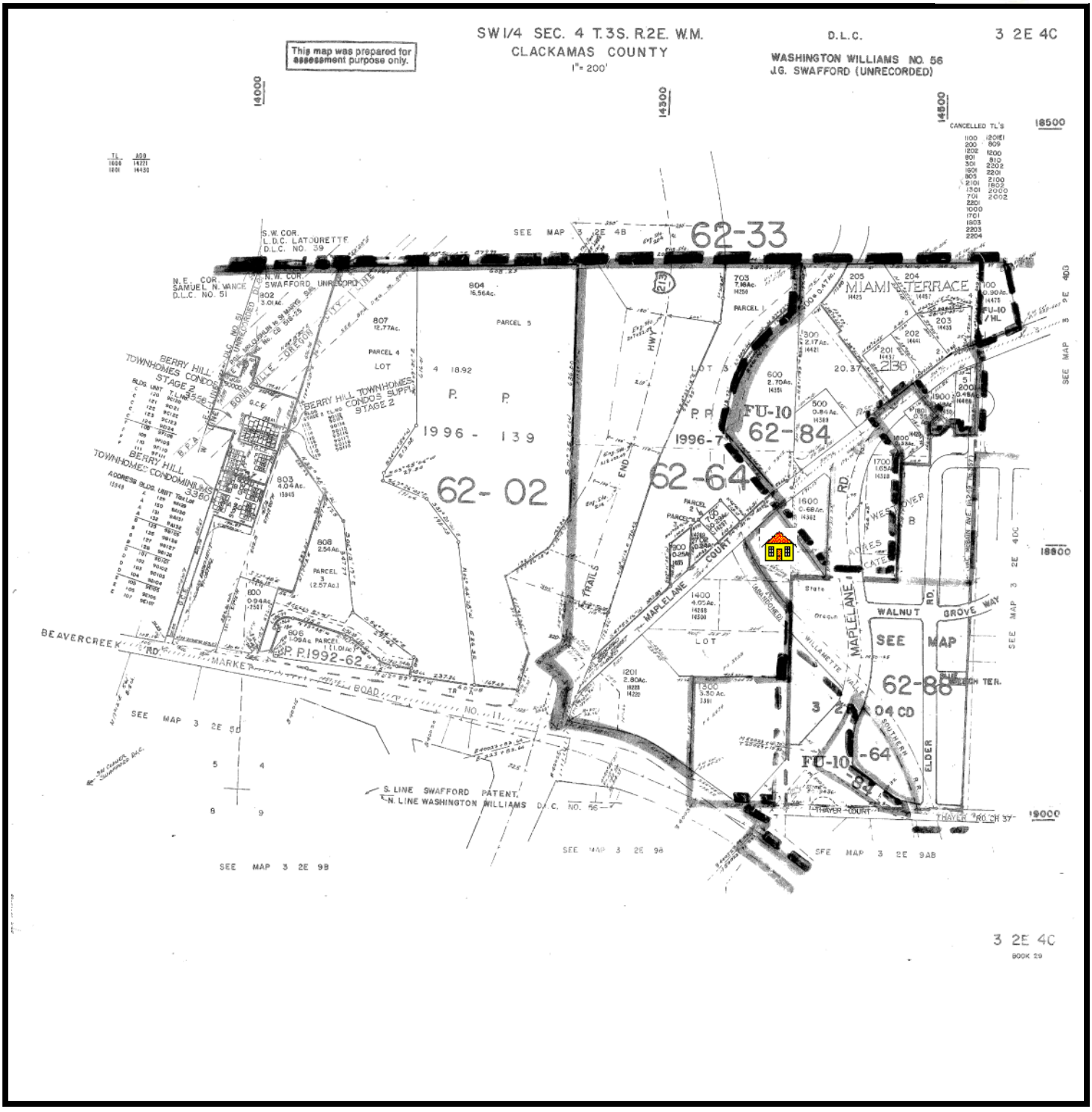
Bedrooms	: 3	Building Living SF	: 1,869	BldgTotSqFt	: 1,869
Bathrooms	: 2.50	1st Floor SF	: 1,869	Lot Acres	: 1.02
Full Baths	: 2	Upper Finished SF	:	Lot SqFt	: 44,315
Half Baths	: 1	Finished SF	: 1,869	Garage SF	: 940
Fireplace	: Single Fireplce	Above Ground SF	: 1,869	Year Built	: 1963
Heat Type	: Elec Baseboard	Upper Total SF	:	Foundation	: Concrete
Floor Cover	: Carpet	UnFinUpperStorySF	:	Roof Type	: Composition
Stories	: 1	Basement Fin SF	:	Roof Shape	: Hip
Int Finish	:	Basement Unfin SF	:		
Ext Finsh	: Rustic	Basement Total SF	:		

TRANSFER INFORMATION

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Historic Properties LLC	:09/05/2007	07-076917	:$650,000	:	:	:
:St Claire Leonard/Jo Ellen	:12/27/1993	0093-97758	:$134,900	:Warranty	:$15,500	:Private
:Stclaire Leonard & Jo Ellen	:12/01/1993	0093-97758	:$134,900	:Warranty	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

Reference Parcel #: 32E04C 01500

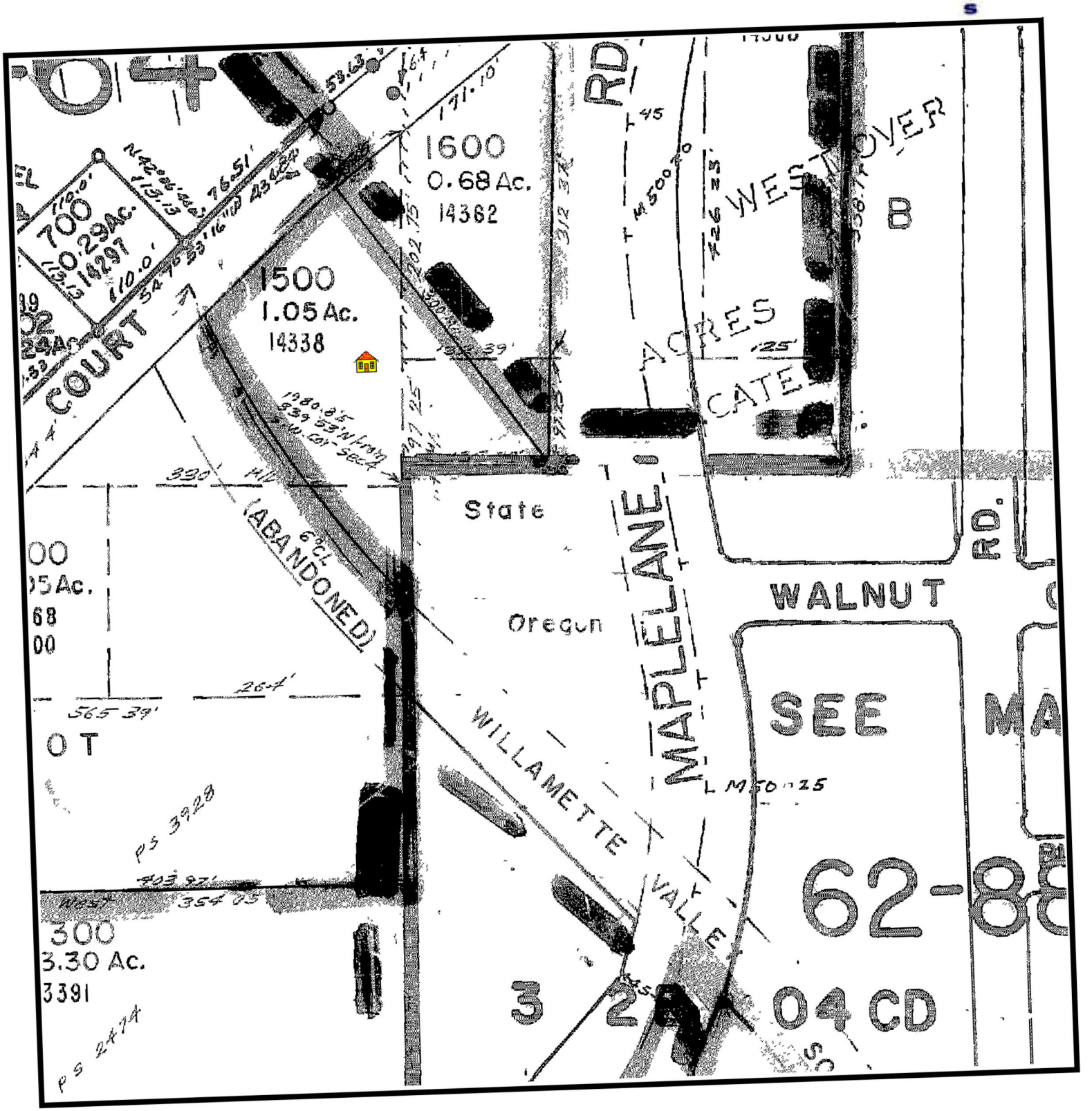


First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: cs.portland@firstam.com

THIS MAP IS PROVIDED AS A CONVENIENCE IN LOCATING PROPERTY. FIRST AMERICAN TITLE COMPANY OF OREGON ASSUMES NO LIABILITY FOR ANY VARIATIONS AS MAY BE DISCLOSED BY AN ACTUAL SURVEY

Reference Parcel #: 32E04C 01500



First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
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1505

STATUTORY WARRANTY DEED

THIS SPACE RESERVED FOR RECORDER'S USE

Grantor: Leonard St. Claire

Grantee: Historic Properties LLC

Until a change is requested, all tax statements shall be sent to the following address:
Historic Properties LLC
606 15TH Street
Oregon City OR 97045

After Recording return to:
Historic Properties LLC
606 15TH Street
Oregon City OR 97045

Escrow No. 905066 DIA
Title No. 905066

Clackamas County Official Records **2007-076917**
Sherry Hall, County Clerk

$31.00

01141493200700769170010012 **09/06/2007 10:27:56 AM**

D-D Cnt=1 Stn=6 KARLYNWUN
$5.00 $16.00 $10.00

Recorded By TICOR TITLE

C905066

LEONARD ST. CLAIRE and JO ELLEN ST. CLAIRE, Grantor, conveys and warrants to HISTORIC PROPERTIES, LLC, AN OREGON LIMITED LIABILITY COMPANY, Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in **Clackamas** County, Oregon, to wit:

Part of the J. G. Swafford Donation Land Claim in Section 4, Township 3 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, including a part of Lots 1 and 6 in Block "B" of Westover Acres, now vacated, and more particularly described as follows:

Beginning at a point which is 659.34 feet West and 822.88 feet, more or less, North of the quarter section corner on the South line of said Section 4, and which point is the Southwest corner of said Lot 6 in Block "B", Westover Acres, vacated; thence East along the South line of said Lot 6, a distance of 132.38 feet to a point; thence Northwesterly 300 feet, more or less, to a point in the Southeasterly boundary of the County Road (Maple Lane) which is 75 feet Southwesterly from the Northwest corner of said Lot 1, West Over Acres, vacated; thence Southwesterly along the Southeasterly boundary of said County Road to the Easterly right of way line of the Willamette Valley Southern Railway Company; thence Southeasterly along said Easterly right of way line to a point due South of the point of beginning; thence North to the place of beginning.

The said property is free from encumbrances except: COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, SET BACK LINES, POWERS OF SPECIAL DISTRICTS, AND EASEMENTS OF RECORD, IF ANY.
2007/2008 taxes a lien due but not yet payable.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

The true consideration for this conveyance is **$650,000.00**. (Here comply with the requirements of ORS 93.030).

Dated this 5 day of Sept, 2007.

Leonard St. Claire

Jo Ellen St. Claire

State: OR
County: Clackamas

The foregoing instrument was acknowledged before me this 5 day of Sept, 2007 by:

Leonard St. Claire and Jo Ellen St. Claire

Notary Public

My Commission Expires: _____

DI HERRLY

OFFICIAL SEAL
DI HERRLY
NOTARY PUBLIC-OREGON
COMMISSION NO. 374359
MY COMMISSION EXPIRES NOV. 3, 2007

OFFICIAL SEAL
DI HERRLY
NOTARY PUBLIC-OREGON
COMMISSION NO. 374359
MY COMMISSION EXPIRES NOV. 3, 2007

TICOR TITLE INSURANCE COMPANY
STATUTORY WARRANTY DEED (CL04)

First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 - Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: cs.portland@firstam.com
Today's Date : 7/21/2015

OWNERSHIP INFORMATION

Owner	: **Historic Properties LLC**	Ref Parcel Number	: 32E04C 01600
Co Owner	:	Parcel Number	: 00842388
Site Address	: 14362 Maple Lane Rd Oregon City 97045	T: 03S R: 02E S: 04 Q: SW QQ:	
Mail Address	: 1300 John Adams St #100 Oregon City Or 97045	County	: Clackamas (OR)
Taxpayer	: Historic Properties LLC		

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 223.02 Block: 3
Neighborhood	: Oregon City Newer
School District	: 062
Subdivision/Plat	: Westover Acres
Improvement Type	: 121 Sgl Family,R1-2,1-Story
Land Use	: 101 Res,Residential Land,Improved
Legal	: SECTION 04 TOWNSHIP 3S RANGE 2E
	: QUARTER C TAX LOT 01600
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $126,001
Mkt Structure	: $42,860
Mkt Total	: $168,861
% Improved	: 25
M50AssdValue	: $114,139
Levy Code	: 062088
14-15 Taxes	: $2,075.05
Millage Rate	: 18.1800
Zoning	:
Exempt Amount	:
Exempt Type	:

PROPERTY CHARACTERISTICS

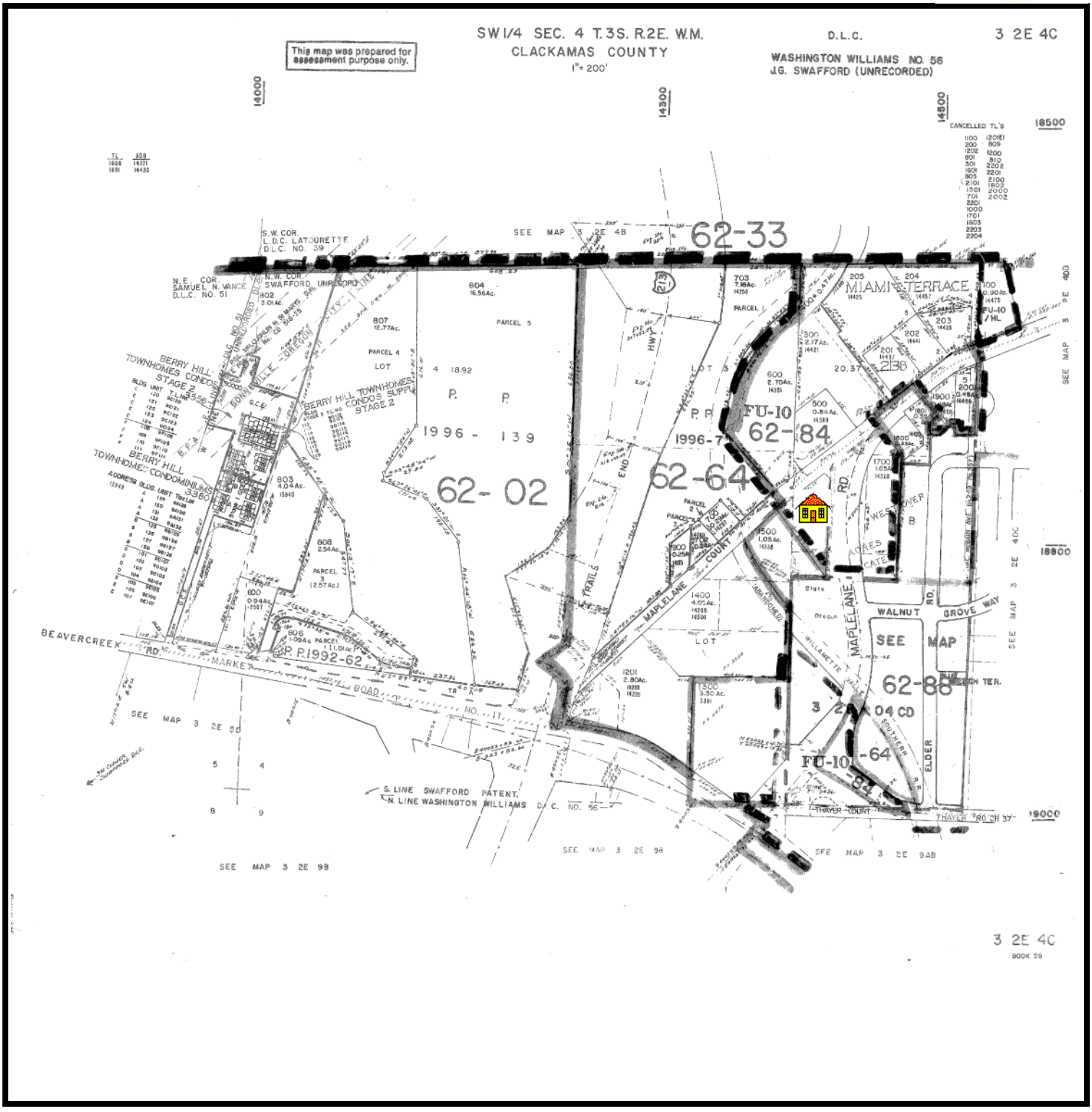
Bedrooms	: 1	Building Living SF	: 886	BldgTotSqFt	: 886
Bathrooms	: 1.00	1st Floor SF	: 886	Lot Acres	: .90
Full Baths	: 1	Upper Finished SF	:	Lot SqFt	: 38,985
Half Baths	:	Finished SF	: 886	Garage SF	:
Fireplace	:	Above Ground SF	: 886	Year Built	: 1943
Heat Type	: Elec Wall Unit	Upper Total SF	:	Foundation	: Concrete
Floor Cover	: Fir	UnFinUpperStorySF	:	Roof Type	: Composition
Stories	: 1	Basement Fin SF	:	Roof Shape	: Gable
Int Finish	: Drywall	Basement Unfin SF	:		
Ext Finsh	: Avg Plywood	Basement Total SF	:		

TRANSFER INFORMATION

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Historic Properties LLC	:09/16/2013	013-065534	:$410,000	:Warranty	:	:
:Bowles Gary R	:	0078-21128	:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

Reference Parcel #: 32E04C 01600

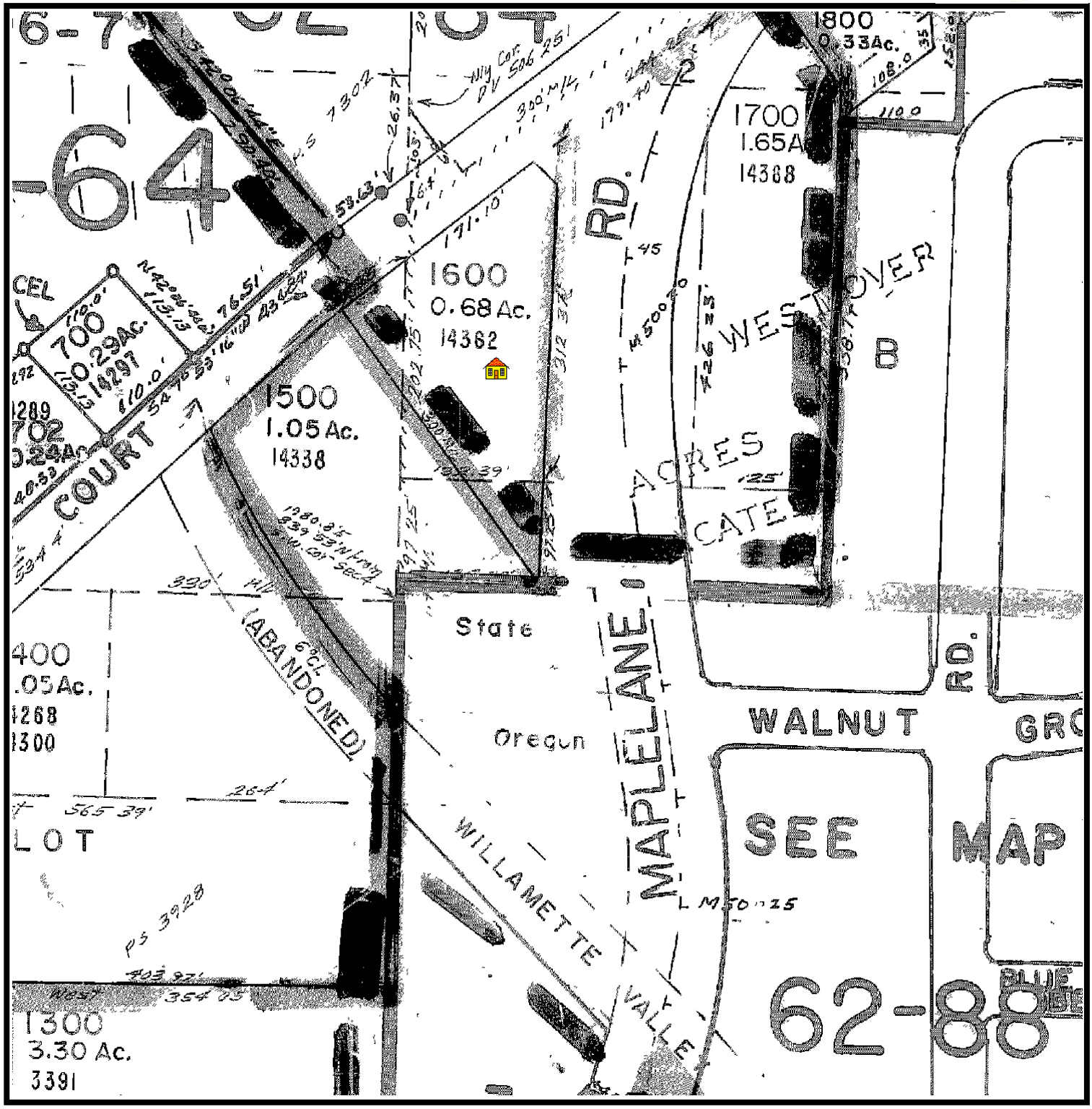


First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: cs.portland@firstam.com

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Reference Parcel #: 32E04C 01600



First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 Portland, OR 97204
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Email: cs.portland@firstam.com

THIS MAP IS PROVIDED AS A CONVENIENCE IN LOCATING PROPERTY. FIRST AMERICAN TITLE COMPANY OF OREGON ASSUMES NO LIABILITY FOR ANY VARIATIONS AS MAY BE DISCLOSED BY AN ACTUAL SURVEY

FATCO NO. 2026343- SS

After recording return to:
Historic Properties LLC
1300 John Adams Street, Suite 100
Oregon City, OR 97045

Until a change is requested all tax statements shall be sent to the following address:
Historic Properties LLC
1300 John Adams Street, Suite 100
Oregon City, OR 97045

File No.: 7072-2026343 (DJC)
Date: September 05, 2013

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records
Sherry Hall, County Clerk

2013-065534

09/16/2013 02:17:10 PM

D-D Cnt=1 Stn=1 KARLYN
$15.00 $16.00 $10.00 $17.00

$58.00

STATUTORY WARRANTY DEED

Gary R. Bowles, Grantor, conveys and warrants to **Historic Properties LLC** , Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.
2. The **2013/2014** Taxes, a lien not yet payable.

The true consideration for this conveyance is **$410,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 12Th day of September, 2013.

Gary R. Bowles

STATE OF Oregon)
)ss.
County of Clackamas)

This instrument was acknowledged before me on this 12Th day of September, 2013 by **Gary R. Bowles**.

Amy K. Bell

Notary Public for Oregon
My commission expires: NOV. 20, 2015

OFFICIAL SEAL
AMY K BELL
NOTARY PUBLIC - OREGON
COMMISSION NO. 463426
MY COMMISSION EXPIRES NOVEMBER 20, 2015

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

A TRACT OF LAND IN THE J.G. SWAFFORD DONATION LAND CLAIM IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, INCLUDING A PART OF LOTS 1 AND 6, IN BLOCK "B" OF WESTOVER ACRES, A VACATED PLAT, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS 659.34 FEET WEST AND 822.88 FEET, MORE OR LESS, NORTH OF THE ONE-QUARTER SECTION ON THE SOUTH LINE OF SAID SECTION 4, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 6, BLOCK "B", WESTOVER ACRES, VACATED; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 132.58 FEET TO A POINT ON THE WEST LINE OF THAT TRACT CONVEYED TO IRWIN WRESE, ET UX, BY DEED RECORDED FEBRUARY 9, 1967 IN BOOK 685, PAGE 584, CLACKAMAS COUNTY DEED RECORDS AND THE TRUE POINT OF BEGINNING; THENCE NORTH ALONG SAID WEST LINE, 312.37 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF MAPLE LANE; THENCE SOUTHWESTERLY ALONG SAID SOUTHEASTERLY ROAD LINE, 246.10 FEET TO THE MOST NORTHERLY CORNER OF THAT TRACT CONVEYED TO JOSEPH W. WOOLEY, ET UX, BY DEED RECORDED SEPTEMBER 30, 1969 AS FEE NO. 69-20556, CLACKAMAS COUNTY RECORDS; THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF SAID WOOLEY TRACT, 300 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

EXCEPT THAT PORTION CONVEYED TO THE STATE OF OREGON BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION BY DEED RECORDED JUNE 8, 1981 AS FEE NO. 81-19692.

NOTE: This legal description was created prior to January 1, 2008.

First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 - Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: cs.portland@firstam.com
Today's Date : 7/21/2015

OWNERSHIP INFORMATION

Owner	: **Historic Properties LLC**	Ref Parcel Number	: 32E04CD03300
Co Owner	:	Parcel Number	: 00842501
Site Address	: 14375 Maple Lane Rd Oregon City 97045	T: 03S R: 02E S: 04 Q: SW QQ: SE	
Mail Address	: 606 15th St Oregon City Or 97045	County	: Clackamas (OR)
Taxpayer	: Historic Properties LLC		

PROPERTY DESCRIPTION

Map Page & Grid	:
Census Tract	: 223.02 Block: 3
Neighborhood	: Oregon City Newer
School District	: 062
Subdivision/Plat	: Westover Acres
Improvement Type	: 141 Sgl Family,R1-4,1-Story
Land Use	: 100 Vacant,Residential Land
Legal	: TOWNSHIP 3S RANGE 2E SECTION 04
	: QUARTER CD TAX LOT 03300
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $153,565
Mkt Structure	:
Mkt Total	: $153,565
% Improved	:
M50AssdValue	: $142,734
Levy Code	: 062088
14-15 Taxes	: $2,562.59
Millage Rate	: 18.1800
Zoning	:
Exempt Amount	:
Exempt Type	:

PROPERTY CHARACTERISTICS

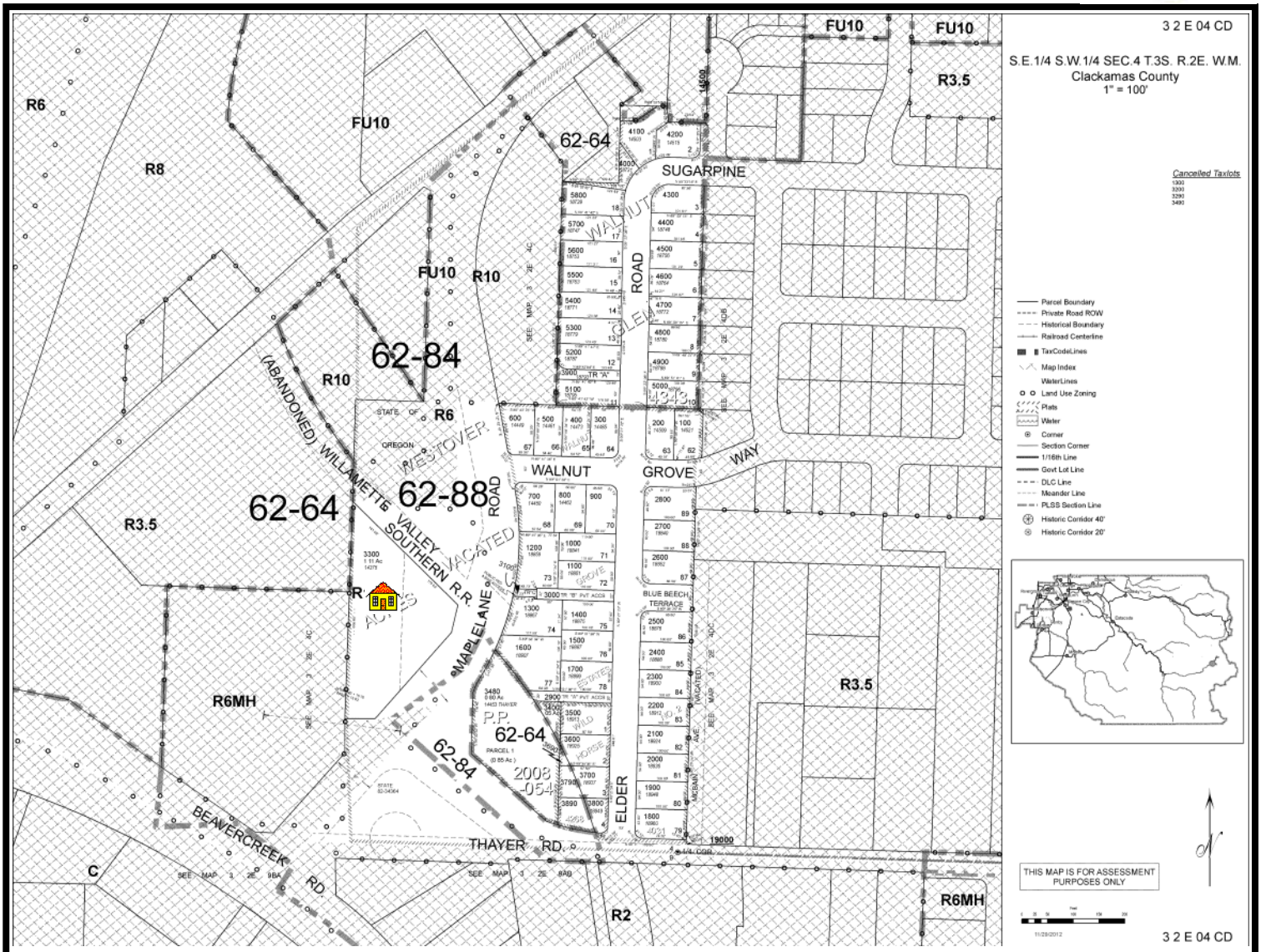
Bedrooms	:	Building Living SF	:	BldgTotSqFt	: 2,160
Bathrooms	:	1st Floor SF	: 1,224	Lot Acres	: 1.24
Full Baths	:	Upper Finished SF	: 936	Lot SqFt	: 53,974
Half Baths	:	Finished SF	: 2,160	Garage SF	: 552
Fireplace	: Single Fireplce	Above Ground SF	: 2,160	Year Built	: 1978
Heat Type	: Forced Air-Elec	Upper Total SF	: 936	Foundation	: Concrete
Floor Cover	: Carpet	UnFinUpperStorySF	:	Roof Type	: Wood Shake Med
Stories	: 1	Basement Fin SF	:	Roof Shape	: Gable
Int Finish	: Drywall	Basement Unfin SF	:		
Ext Finsh	: Bevel Siding	Basement Total SF	:		

TRANSFER INFORMATION

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Historic Properties LLC	:01/04/2011	011-000600	:$570,000	:Warranty	:	:
:Younger Letha A	:10/28/2004	004-099534	:$300,000	:Warranty	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

Reference Parcel #: 32E04CD03300

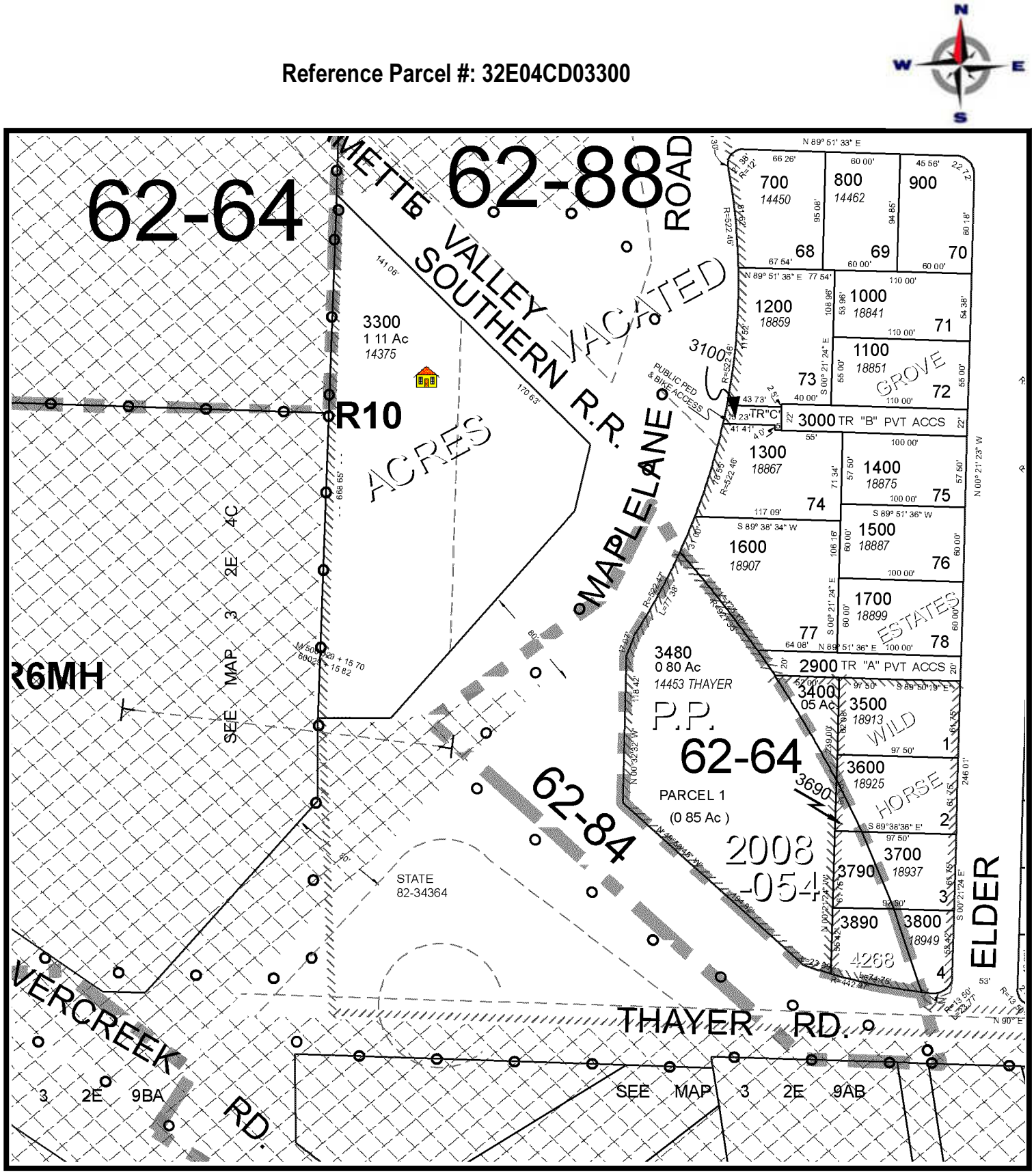


First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: cs.portland@firstam.com

THIS MAP IS PROVIDED AS A CONVENIENCE IN LOCATING PROPERTY. FIRST AMERICAN TITLE COMPANY OF OREGON ASSUMES NO LIABILITY FOR ANY VARIATIONS AS MAY BE DISCLOSED BY AN ACTUAL SURVEY

Reference Parcel #: 32E04CD03300



First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: cs.portland@firstam.com

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1505

STATUTORY WARRANTY DEED

THIS SPACE RESERVED FOR RECORDER'S USE

Grantor: Leonard St. Claire

Grantee: Historic Properties LLC

Until a change is requested, all tax statements shall be sent to the following address:
Historic Properties LLC
606 15TH Street
Oregon City OR 97045

After Recording return to:
Historic Properties LLC
606 15TH Street
Oregon City OR 97045

Escrow No. 905066 DIA
Title No. 905066

Clackamas County Official Records **2007-076917**
Sherry Hall, County Clerk

$31.00

01141493200700769170010012 **09/06/2007 10:27:56 AM**

D-D Cnt=1 Stn=6 KARLYNWUN
$5.00 $16.00 $10.00

Recorded By TICOR TITLE

C905066

LEONARD ST. CLAIRE and JO ELLEN ST. CLAIRE, Grantor, conveys and warrants to HISTORIC PROPERTIES, LLC, AN OREGON LIMITED LIABILITY COMPANY, Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in **Clackamas** County, Oregon, to wit:

Part of the J. G. Swafford Donation Land Claim in Section 4, Township 3 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, including a part of Lots 1 and 6 in Block "B" of Westover Acres, now vacated, and more particularly described as follows:

Beginning at a point which is 659.34 feet West and 822.88 feet, more or less, North of the quarter section corner on the South line of said Section 4, and which point is the Southwest corner of said Lot 6 in Block "B", Westover Acres, vacated; thence East along the South line of said Lot 6, a distance of 132.38 feet to a point; thence Northwesterly 300 feet, more or less, to a point in the Southeasterly boundary of the County Road (Maple Lane) which is 75 feet Southwesterly from the Northwest corner of said Lot 1, West Over Acres, vacated; thence Southwesterly along the Southeasterly boundary of said County Road to the Easterly right of way line of the Willamette Valley Southern Railway Company; thence Southeasterly along said Easterly right of way line to a point due South of the point of beginning; thence North to the place of beginning.

The said property is free from encumbrances except: COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, SET BACK LINES, POWERS OF SPECIAL DISTRICTS, AND EASEMENTS OF RECORD, IF ANY.
2007/2008 taxes a lien due but not yet payable.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

The true consideration for this conveyance is **$650,000.00**. (Here comply with the requirements of ORS 93.030).

Dated this 5 day of Sept, 2007.

Leonard St. Claire

Jo Ellen St. Claire

State: OR
County: Clackamas

The foregoing instrument was acknowledged before me this 5 day of Sept, 2007 by:

Leonard St. Claire and Jo Ellen St. Claire

Notary Public

My Commission Expires: _____

DI HERRLY

OFFICIAL SEAL
DI HERRLY
NOTARY PUBLIC-OREGON
COMMISSION NO. 374359
MY COMMISSION EXPIRES NOV. 3, 2007

OFFICIAL SEAL
DI HERRLY
NOTARY PUBLIC-OREGON
COMMISSION NO. 374359
MY COMMISSION EXPIRES NOV. 3, 2007

TICOR TITLE INSURANCE COMPANY
STATUTORY WARRANTY DEED (CL04)

First American Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 - Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: cs.portland@firstam.com
Today's Date : 7/21/2015

OWNERSHIP INFORMATION

Owner	: **Historic Properties LLC**	Ref Parcel Number	: 32E04CD06000
Co Owner	:	Parcel Number	: 05026488
Site Address	: *no Site Address*	T: 03S R: 02E S: 04 Q:	QQ:
Mail Address	: 914 Madison St Oregon City Or 97045	County	: Clackamas (OR)
Taxpayer	: Historic Properties LLC		

PROPERTY DESCRIPTION

Map Page & Grid	:		
Census Tract	:	Block:	
Neighborhood	:		
School District	:		
Subdivision/Plat	:		
Improvement Type	: *unknown Improvement Code*		
Land Use	: *unknown Use Code*		
Legal	: SECTION 04 TOWNSHIP 3S RANGE 2E		
	: QUARTER CD TAX LOT 6000		
	:		

ASSESSMENT AND TAX INFORMATION

Mkt Land	:
Mkt Structure	:
Mkt Total	:
% Improved	:
M50AssdValue	:
Levy Code	:
14-15 Taxes	:
Millage Rate	:
Zoning	:
Exempt Amount	:
Exempt Type	:

PROPERTY CHARACTERISTICS

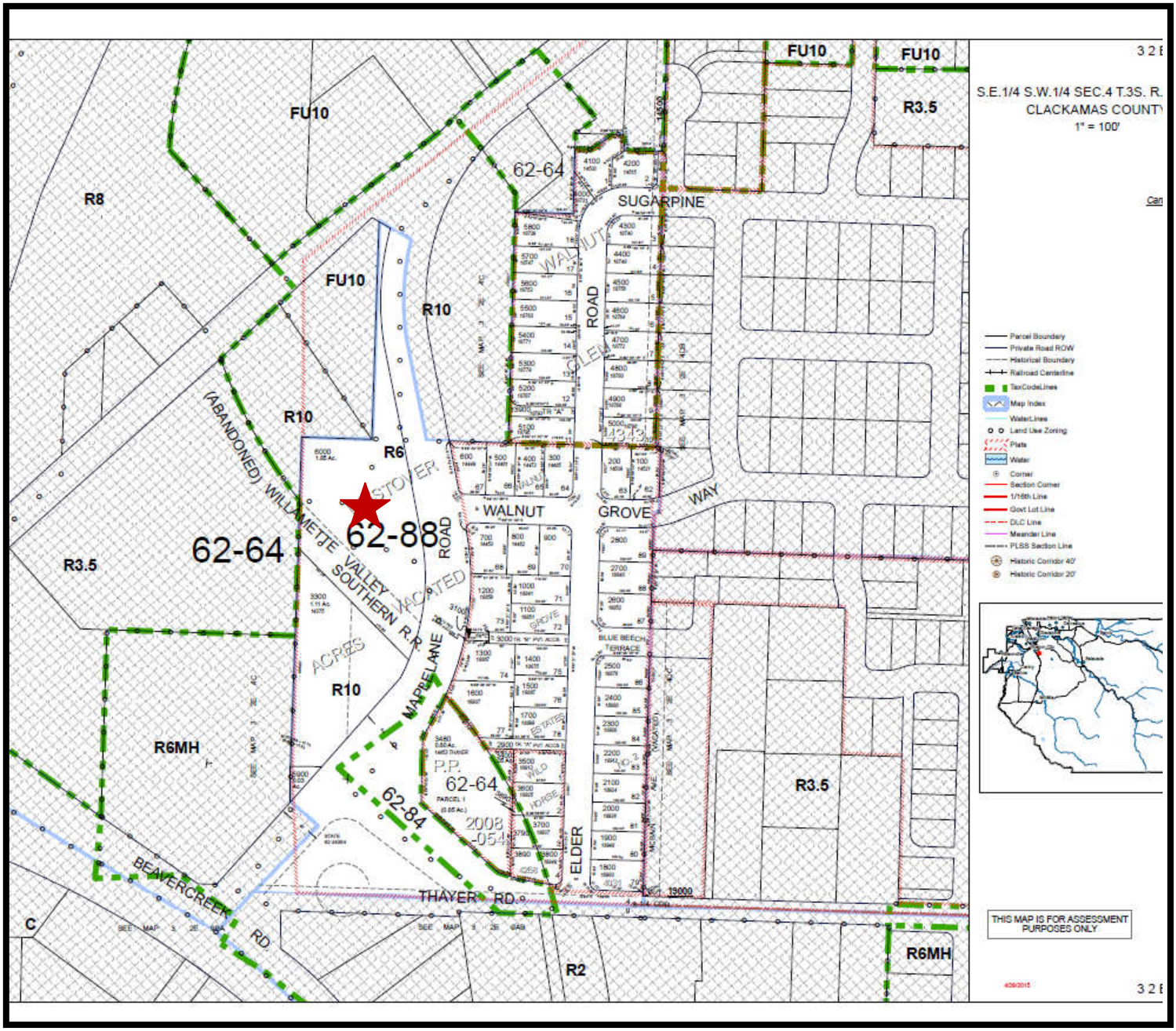
Bedrooms	:	Building Living SF	:	BldgTotSqFt	:
Bathrooms	:	1st Floor SF	:	Lot Acres	:
Full Baths	:	Upper Finished SF	:	Lot SqFt	:
Half Baths	:	Finished SF	:	Garage SF	:
Fireplace	:	Above Ground SF	:	Year Built	:
Heat Type	:	Upper Total SF	:	Foundation	:
Floor Cover	:	UnFinUpperStorySF	:	Roof Type	:
Stories	:	Basement Fin SF	:	Roof Shape	:
Int Finish	:	Basement Unfin SF	:		
Ext Finsh	:	Basement Total SF	:		

TRANSFER INFORMATION

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Historic Properties LLC	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:

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Reference Parcel Number 32E04CD 06000

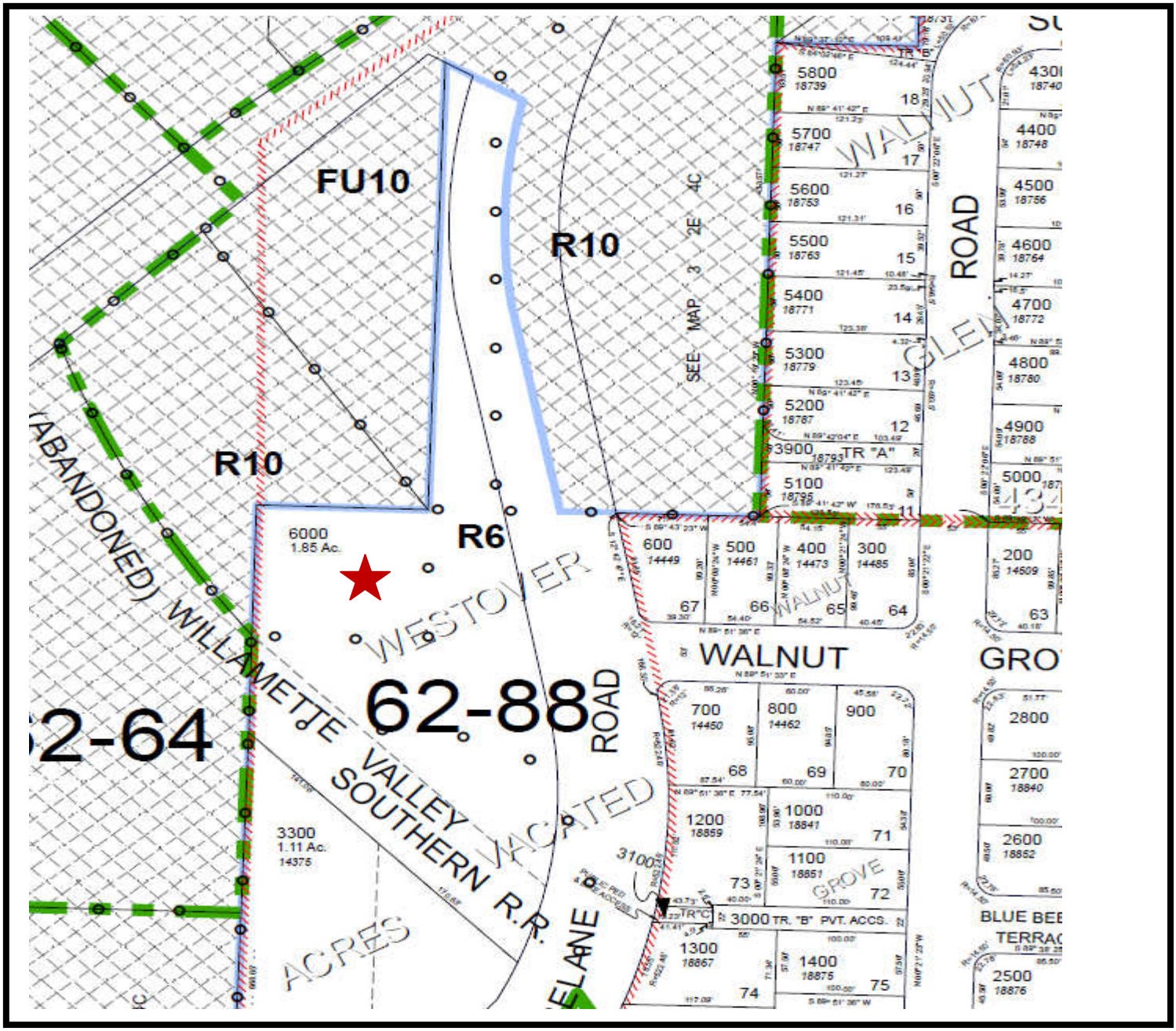


First American Title Company of Oregon

Property Information Department
121 SW Morrison Street Suite 300 Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
Email: pid.portland@firstam.com

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Reference Parcel Number 32E04CD 06000



First American Title Company of Oregon

Property Information Department
121 SW Morrison Street Suite 300 Portland, OR 97204
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Email: pid.portland@firstam.com

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After recording return to:
Historic Properties, LLC
914 Madison
Oregon City, OR 97045

Until a change is requested all tax statements shall be sent to:
Same as above

File No.: 7072-2345708 (DJC)
Date: November 14, 2014

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records
Sherry Hall, County Clerk

2014-059930

11/20/2014 10:32:13 AM

D-D Cnt=1 Stn=8 CINDY
$25.00 $16.00 $10.00 $22.00

$73.00

FIRST AMERICAN - 2345708 - DS

STATUTORY QUITCLAIM DEED

City of Oregon City, a municipal corporation of the State of Oregon, Grantor, releases and quitclaims to **Historic Properties, LLC, an Oregon limited liability company** , all rights and interest in and to the following described real property:

Except as set forth in Exhibit "B" attached hereto.

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

The true consideration for this conveyance is **$302,500.00.** (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:
Historic Properties, LLC
914 Madison
Oregon City, OR 97045

Until a change is requested all tax statements shall be sent to:
Same as above

File No.: 7072-2345708 (DJC)
Date: November 14, 2014

FIRST AMERICAN - 2345708 - SS

STATUTORY QUITCLAIM DEED

City of Oregon City, a municipal corporation of the State of Oregon, Grantor, releases and quitclaims to **Historic Properties, LLC, an Oregon limited liability company** , all rights and interest in and to the following described real property:

Except as set forth in Exhibit "B" attached hereto.

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

The true consideration for this conveyance is **$302,500.00.** (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 17th day of November, 2014.

David W. Frasher

David W. Frasher, City Manager

John M. Lewis

John M. Lewis, Public Works Director

STATE OF Oregon)
)ss.
County of Clackamas)

This instrument was acknowledged before me on this 17th day of November, 2014 by **John M. Lewis, Public Works director of the City of Oregon City on behalf of the corporation.**

OFFICIAL STAMP
NANCY S IDE
NOTARY PUBLIC-OREGON
COMMISSION NO. 921771
MY COMMISSION EXPIRES NOVEMBER 12, 2017

Nancy S. Ide

Notary Public for Oregon
My commission expires: 11-12-2017

STATE OF Oregon)
)ss.
County of Clackamas)

This instrument was acknowledged before me on this 17th day of November, 2014 by **David W. Frasher as City Manager of the City of Oregon City on behalf of the corporation.**

OFFICIAL STAMP
NANCY S IDE
NOTARY PUBLIC-OREGON
COMMISSION NO. 921771
MY COMMISSION EXPIRES NOVEMBER 12, 2017

Nancy S. Ide

Notary Public for Oregon
My commission expires: 11-12-2017

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

PARCEL 1

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING THOSE PROPERTIES DESIGNATED AS PARCEL 2 AND DESCRIBED IN THOSE WARRANTY DEEDS TO THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION, RECORDED DECEMBER 30, 1981 AS RECORDERS FEE NO. 82-3617, FILM RECORDS OF CLACKAMAS COUNTY.

PARCEL 2

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING THAT PROPERTY DESIGNATED AS PARCEL 2 AND DESCRIBED IN THAT WARRANTY DEED TO THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION, RECORDED DECEMBER 17, 1982 AS RECORDERS FEE NO. 82-34364.

After recording return to:

Oregon City Recorder
Oregon City Hall
P. O. Box 3040
Oregon City, OR 97045

American Title Accommodation
Recording Assumes No Liability

FIRST AMERICAN - 2345708-55

DECLARATION OF COVENANT AND RESTRICTION

THIS DECLARATION OF COVENANT AND RESTRICTION (this "Declaration") is made this 14 day of November, 2014, by **HISTORIC PROPERTIES, LLC,** an Oregon limited liability company ("Declarant").

A. Declarant is the owner of that property legally described as follow (the "Property"):

Parcel 1 - A parcel of land lying in Section 4, Township 3 South, Range 2 East, W.M., Clackamas County, Oregon and being those properties designated as Parcel 2 and described in those Warranty Deeds to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded December 30, 1981 as Recorder's Fee No. 81-44150 and recorded February 8, 1982 as Recorder's Fee No. 82-3617, Film Records of Clackamas County.

This parcel of land contains 1.85 acres, more or less.

Parcel 2 - A parcel of land lying in Section 4, Township 3 South, Range 2 East, W.M., Clackamas County, Oregon and being that property designated as Parcel 2 and described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded December 17, 1982 as Recorder's Fee No. 82-34364, Film Records of Clackamas County.

This parcel of land contains 0.03 acre, more or less.

B. Declarant and the City desire that the Property be subject to certain covenants and restrictions hereafter described, which covenants and restrictions shall inure to the benefit of and bind the parcel for the benefit of the City of Oregon City (the "City") and its successors and assigns.

NOW, THEREFORE, for and in consideration of the foregoing Recitals which are deemed a material and substantive part of this Declaration, as well as the terms and conditions of the Purchase and Sale Agreement between the declarant and the City and other good and valuable consideration, Declarant hereby declares, grants, covenants and agrees as follows:

1. **Covenant and Restriction**.

(a) Declarant hereby declares that the future development of the Property shall include a transportation system that is designed to support the build out capacity of the area and

resolves the transition problem associated with the proximity of Thayer Road to Beavercreek Road consistent with City standards.

(b) Declarant hereby declares that it covenants to seek no additional compensation from the City for the dedication of roadway on the Property.

2. **Binding**. This Declaration and the covenants within this declaration are intended to be a restriction running with and binding upon the land and shall be binding upon and inure to the benefit of the City, and its respective personal or legal representatives, successors and assigns.

3. **Governing Law**. This Declaration shall be governed by the laws of the State of Oregon.

4. **Severability**. If any term or provision of this Declaration or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Declaration shall not be affected thereby, and each term and provision of this Declaration shall be valid and enforceable to the fullest extent permitted by law.

5. **Mortgages**. Any mortgages, trust deeds or other liens encumbering all or any portion of the Parcels shall at all times be subordinate to the terms of this Declaration and any party foreclosing any such mortgage, or acquiring title by deed in lieu of foreclosure or trustee's sale, shall acquire title subject to all of the terms and provisions of this Declaration.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand as of the date first written above.

HISTORIC PROPERTIES, LLC,
An Oregon limited liability company

By: Mark E. Foley mem./mgr.
Mark E. Foley, Manager

State of Oregon)
) ss.
County of Clackamas)

This instrument was acknowledged before me Nov. 14, 2014, by Mark E. Foley, Manager of HISTORIC PROPERTIES, LLC, An Oregon limited liability company, on behalf of the company.

D. Chase
Notary Public for Oregon
My Commission Expires: 11/17/16

OFFICIAL SEAL
DEBORAH J CHASE
NOTARY PUBLIC-OREGON
COMMISSION NO. 472447
MY COMMISSION EXPIRES NOVEMBER 17, 2016

LOT INFORMATION:

R-3.5: 78 LOTS
AVERAGE LOT SIZE:
3,500.01 SQ FT

R-6: 14 LOTS
AVERAGE LOT SIZE:
6,577.49 SQ FT

R-10: 15 LOTS
AVERAGE LOT SIZE:
10,144.68 SQ FT

R-8

R-3.5

R-10

R-6

C

STORMWATER AREA

PEDESTRIAN EASEMENT

WALNUT GROVE WAY

100.00

10.00' DEDICATION

EXISTING 90.00' R.O.W.

145.00

54.00

111.00

15.00

Lot Size: 316.62 SQ FT

Lot Size: 319.19 SQ FT

Lot Size: 324.98 SQ FT

50' BUFFER

BLACKBERRY FENCE

0 50' 100'
GRAPHIC SCALE 1"=50'

N

LOT SIZE PER ZONING		
ZONING	LOT #	AREA (SF)
R3.5	1	2828.25
	2	2828.25
	3	2828.25
	4	2828.25
	5	2828.25
	6	2828.25
	7	2828.25
	8	2828.25
	9	2828.25
	10	2828.35
	11	3083.08
	12	3171.79
	13	3352.14
	14	3495.79
	15	3500.00
	16	3500.00
	17	3500.00
	18	3500.00
	19	3500.00
	20	4200.00
	21	4200.00
	22	3500.00
	23	3500.00
	24	3500.00
	25	3500.00
	26	3500.00
	27	3500.00
	28	3500.00
	29	3500.00
	30	3500.00
	31	3500.00
	32	3500.00
	33	3500.00
	34	3500.00
	35	3500.00
	36	3780.38
	37	3062.47
	38	3062.48
	39	3062.48
	40	3040.95
	41	5123.66
	42	3046.92*
	43	3155.85*
	44	3196.24*
	45	3500.00
	46	3500.00
	47	3500.00
	48	3500.00
	49	3500.00
	50	3500.00
	51	3500.00
	52	4200.00
	53	4200.00
	54	3500.00
	55	3500.00
	56	3500.00
	57	3500.00
	58	3500.00
	59	5224.45
	60	3951.13
	61	3994.70
	62	4255.59
	63	4516.49
	64	4455.17
	65	4071.61
	66	3688.06
	67	3306.36
	68	2919.09
	69	3522.89
	70	3042.52
	71	3034.53
	72	3346.63
	73	5027.05
	74	3437.11
	75	3382.84
	76	3656.47
	77	3525.22
	78	3423.60
R6	79	6615.04
	80	6415.42
	81	5999.88
	82	5999.88
	83	6028.46
	84	6856.24
	85	5143.17
	86	5121.44
	87	5130.79
	88	5140.51
	89	5143.50
	90	7632.04
	91	9197.97
	92	11917.25
R10	93	13139.72
	94	9955.55
	95	8050.85
	96	10008.46
	97	9017.79
	98	9020.49
	99	9256.21
	100	9415.44
	101	9709.79
	102	10046.65
	103	10559.74
	104	10102.38
	105	9103.85
	106	9203.48
	107	15579.76

* AREA DENOTED DOES NOT INCLUDE THE PORTION OF THE SITE INSIDE THE R6 ZONING.

REGISTERED PROFESSIONAL ENGINEER
12,820
OREGON
JULY 16, 1980
THOMAS J. SISUL
EXPIRES: 6/30/16

REVISIONS	BY
REVISED 10/19/15	JDM

HILL TOP MASTER PLAN

LOT LAYOUT

SISUL ENGINEERING
375 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 657-0188

DRAWING:

DATE	AUGUST 2015
SCALE	1" = 50'
DRAWN	JDM
JOB	SGL12-045
SHEET	1
OF	1 SHEETS

LOT INFORMATION:

R-3.5: 78 LOTS
AVERAGE LOT SIZE:
3,500.04 SQ FT

R-6: 14 LOTS
AVERAGE LOT SIZE:
6,544.08 SQ FT

R-10: 15 LOTS
AVERAGE LOT SIZE:
10,606.55 SQ FT

R-8

R-6

R-10

R-6

R-3.5

C

Typical Lot Size:
3,500 SQ FT

Typical Lot Size:
3,500 SQ FT

WALNUT GROVE WAY

STORMWATER AREA

PEDESTRIAN EASEMENT

50' BUFFER

N

0 50' 100'
GRAPHIC SCALE 1"=50'

REGISTERED PROFESSIONAL ENGINEER
12,820
OREGON
FEB 14, 1985
THOMAS J. SISUL
EXPIRES: 6/30/16

REVISIONS	BY

HILL TOP MASTER PLAN

LOT LAYOUT

SISUL ENGINEERING
375 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 657-0188

DRAWINGS

DATE	AUGUST 2015
SCALE	1" = 50'
DRAWN	JDM
JOB	SGL12-045
SHEET	1
OF	1 SHEETS

July 22, 2015



LANCASTER
ENGINEERING

321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

Dan Fowler
Historic Properties, LLC
1300 Jon Adams Street, Suite 100
Oregon City, OR 97045

Dear Dan,

At your request, we have undertaken an investigation of the development potential of several properties located on the west side of Maplelane Road north of Beavercreek Road in Oregon City, Oregon. The properties have been proposed for a zone change, however the zone change will be proposed with a trip cap limiting site traffic to a level that would be permitted under the existing zoning.

The subject properties currently fall under a mixture of R3.5, R6 and R10 zoning as follows:

R3.5 Zoning

14297 Maplelane Road – 0.28 acres
14289 Maplelane Road - 0.24 acres
14275 Maplelane Road – 0.25 acres
14268 Maplelane Court – 4.03 acres
14228 Maplelane Court – 2.84 acres

Total R3.5 = 7.64 acres

R6 Zoning

3391 Beavercreek Road – 3.33 acres
Tax Lot 06000 – 0.62 acres

Total R6 = 3.95 acres

R10 Zoning

Tax Lot 06000 – 1.21 acres
Tax Lot 05900 – 0.04 acres
14375 Maplelane Court – 1.17 acres
14338 Maplelane Court – 1.02 acres
14362 Maplelane Court – 0.89 acres

Total R10 = 4.33 acres

The "reasonable worst case" development scenario was evaluated for each of the three zones in order to determine the full development potential of the site under the existing zoning designations. All three zones allow residential development with single-family homes or cottage housing, and the R3.5 zone also allows duplex and multi-family development. Additionally, all three zones allow accessory dwelling units in addition to the primary dwelling.

For each of the three zones, the maximum development scenario was determined based on comparisons to other developed properties with similar zoning in Oregon City, as determined by the city's transportation engineering consultant, John Replinger. This approach results in a lower number of units per acre than is specified by the code since it accounts for the likely net developable area of the site following necessary right-of-way dedications and inefficiencies inherent in subdivision layout which occasionally result in lot sizes in excess of the required minimums.

For the R3.5 zone, the reasonable worst case development potential was determined to be 8.33 lots per acre. For the R6 zone, the reasonable worst case development potential was determined to be 5.33 lots per acre. For the R10 zone, the reasonable worst case development potential was determined to be 3.8 lots per acre.

In order to assess the development potential of the properties, the gross acreages were multiplied by the respective development potentials to determine the number of lots that could be created within each zoning type. For each lot, it was assumed that a single-family dwelling and an accessory dwelling unit would be constructed.

The calculated development potential for each zone was as follows:

R3.5 7.64 acres * 8.33 lots per acre = 64 lots
R6 3.95 acres * 5.33 lots per acre = 21 lots
R10 4.33 acres * 3.8 lots per acre = 16 lots

The total development potential for the properties was therefore calculated to be 101 lots.

It should be noted that the cottage housing type permitted within the residential zones also allows increased density of dwelling units. Specifically, the Oregon City Code of Ordinances 17.062.059(C) allows a density bonus of 2 cottage units for each regular dwelling unit that would otherwise be allowed within the R6 and R10 zonings. Under the R3.5 zone, a density bonus of 1.5 cottage units is permitted for each regular dwelling unit that would otherwise be allowed within the zone. Analysis using cottage housing may result in higher development potential for the properties; however there are no clear examples of cottage housing within Oregon City on which we could base an estimate of the number of units achievable per gross acre. Accordingly, the "reasonable worst case" analysis was not conducted using cottage housing.

Trip Generation Analysis

In order to assess the traffic impacts of full development under the existing zonings, an estimate of trip generation was prepared for the reasonable worst case development scenario. The trip estimates were calculated using data from the *TRIP GENERATION MANUAL, 9TH EDITION*, published by the Institute of Transportation Engineers. For each lot, one single-family dwelling and one accessory dwelling unit was assumed. Trip rates for the single-family dwellings were assessed based on data for land use code 210, *Single-Family Detached Housing*. Although initially trip generation for the accessory dwelling units was intended to be calculated using trip rates for land use code 220, *Apartments*, it was noted that Oregon City requires payment of system development charges for accessory dwelling units at half the rate of single-family dwellings. This approach yields slightly lower trip estimates than utilization of apartment trip rates for the accessory dwelling units, and it therefore conservative as well as consistent with prior decisions related to trip generation of accessory dwelling units within Oregon City.

A summary of the trip generation estimate is provided in the tables below. Detailed trip generation worksheets are provided in the attached technical appendix.

WEEKDAY TRIP GENERATION SUMMARY

Existing Development Potential

		AM Peak Hour			PM Peak Hour			Weekday		
	Units	In	Out	Total	In	Out	Total	In	Out	Total
Single-Family Residential Home	101	19	57	76	64	37	101	481	481	962
Accessory Dwelling Unit	101	10	28	38	32	19	51	241	241	482
Total		29	85	114	96	56	152	722	722	1444

Based on the detailed trip generation calculations, the reasonable worst case development of the subject properties would result in a total of 114 site trips during the morning peak hour, 152 site trips during the evening peak hour, and 1,444 daily trips.

Based on the analysis, in order to avoid creating a significant effect on the surrounding transportation system as defined under Oregon's Transportation Planning Rule following rezoning to allow mixed-use commercial development a trip cap of 152 PM peak hour trips is recommended for the properties.

Sincerely,

Michael Ard, PE
Senior Transportation Engineer

APPENDIX

TRIP GENERATION CALCULATIONS

Land Use: Single-Family Detached Housing
Land Use Code: 210
Variable: Dwelling Units
Variable Value: 101

AM PEAK HOUR

Trip Rate: 0.75

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	**19**	**57**	**76**

PM PEAK HOUR

Trip Rate: 1.00

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	**64**	**37**	**101**

WEEKDAY

Trip Rate: 9.52

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**481**	**481**	**962**

SATURDAY

Trip Rate: 9.91

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**500**	**500**	**1,000**

Source: TRIP GENERATION, Ninth Edition

TRIP GENERATION CALCULATIONS

Land Use: Apartment
Land Use Code: 220
Variable: Dwelling Units
Variable Value: 101

Note: These trip generation calculations are provided for reference only. Actual trip generation for the accessory dwelling units was conservatively calculated as half the trip rate for single-family homes.

AM PEAK HOUR

Trip Rate: 0.51

	Enter	Exit	Total
Directional Distribution	20%	80%	
Trip Ends	**10**	**42**	**52**

PM PEAK HOUR

Trip Rate: 0.62

	Enter	Exit	Total
Directional Distribution	65%	35%	
Trip Ends	**41**	**22**	**63**

WEEKDAY

Trip Rate: 6.65

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**336**	**336**	**672**

SATURDAY

Trip Rate: 6.39

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**323**	**323**	**646**

Source: TRIP GENERATION, Ninth Edition

REPLINGER & ASSOCIATES LLC
TRANSPORTATION ENGINEERING

October 29, 2015

Ms. Laura Terway
City of Oregon City
PO Box 3040
Oregon City, OR 97045

SUBJECT: REVIEW OF TRANSPORTATION PLANNING RULE ANALYSIS LETTER – HILLTOP MIXED-USE DEVELOPMENT – ZC15-03 & PZ15-01

Dear Ms. Terway:

In response to your request, I have reviewed the materials submitted in support of the proposed rezoning of property associated with the proposed Hilltop Mixed-Use Development. The relevant materials included Transportation Planning Rule Analysis Letter (AL). The revised AL is dated October 28, 2015 and was prepared under the direction of Michael T. Ard, PE of Lancaster Engineering.

The parcels proposed for rezoning are located in the northwest quadrant of the intersection of Beavercreek Road and Maplelane Road. The property proposed for rezoning totals almost 16 acres and involves twelve tax lots.

Three different residential zoning categories apply for the parcels: R-3.5, R-6, and R-10. The applicant proposes Mixed Use Corridor (MUC-2), but proposes a trip cap to limit the development to the same traffic volumes that would be expected under a reasonable worst case development under current zoning.

Development under Current Zoning

The AL includes an example site plan showing the maximum development under the current zoning. The information provided by the applicant appears to indicate that 107 individual lots could be created on the combined parcels under current zoning.

The AL also includes a calculation of trip generation associated with the theoretical development of 107 parcels. This calculation assumes one single-family residence (SFR) and one auxiliary dwelling unit (ADU) on each parcel. Trip generation for each SFR was based on the Institute of Transportation Engineers' (ITE) *Trip Generation Manual,* using ITE land use code 210. For the ADUs, the engineer used one-half of the rate associated with SFR. He explains that this was based on the city's transportation system development charge for ADUs.

According to the engineer, the total trip generation potential of 107 SFRs and 107 ADUs would be 128 AM peak hour trips, 168 PM peak hour trips, and 1658 weekday trips. I find this to be a reasonable approximation of the maximum potential trip generation for development under the current zoning.

Development under Proposed Zoning

Under the proposed Mixed Use Corridor zoning, a wide range of uses is allowed with the potential for a much higher number of trips. To alleviate concerns about the impact the rezoning, the applicant proposes a trip cap. The use of a trip cap would allow the applicant greater flexibility with regard to uses of the site while limiting the total development to that specified by the current zoning. Accordingly, the applicant proposes a trip cap of 161 PM peak hour trips.

Transportation Planning Rule Analysis

The AL explains that by proposing a trip cap based on the trip generation allowed under current zoning that the rezoning would result in no net increase in trips. As a result, the engineer explains that the rezoning will not necessitate a change in the functional classification of any existing or planned transportation facilities; will not cause a change in the standards for implementing the functional classification system; and does not cause degradation in the performance of the system relative to the Transportation System Plan.

Conclusion

I think that the AL accurately presents the potential development allowable under current zoning. The assumption that an ADU will be build on each lot is not something that has happened on a large scale in Oregon City, but it appears that it would be permitted. As such, the applicant has provided a realistic basis for the proposed trip cap. I think, also, that the applicant has demonstrated that with a trip cap, there would be no net effect beyond the development of the area as assumed in for the Regional Transportation Plan and Oregon City's Transportation System Plan.

Recommendations

The applicant proposes a trip cap of 161 PM peak hour trips. Because the intersection of Highway 213 and Beavercreek Road is at or near capacity during both the AM and PM peak hours, I recommend that the trip cap should be measured for both the AM peak and PM peak periods. Development should be limited to uses that generate not more than 168 PM peak hour trips and not more than 128 AM peak hour trips.

The current land use action is for rezoning of the property. Each subsequent land use action associated with specific developments will need to address the applicable

transportation planning requirements including submittal of the transportation analyses consistent with the requirements of the Oregon City Municipal Code and with Oregon City's *Guidelines for Transportation Impact Analyses* available on the Oregon City website.

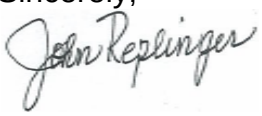
Because the applicant is proposing a trip cap and because the MUC zoning allows a variety of uses that generate high traffic volumes, it is likely that a portion of the land will remain vacant or underutilized while the trip cap is in place. Also, because the parcels involved in this rezoning are likely to be developed in a piecemeal manner, the extent of the transportation system needs associated with full development under the proposed zoning will need to be verified. In connection with the first development application for a specific development, the applicant should be conditioned to provide a transportation impact analysis showing the effect of full development. A Transportation Impact Analysis for full development of the site should address all geographic areas prescribed the *Guidelines for Transportation Impact Analyses.* The site frontage will be an area requiring special attention. The applicant will need to provide an analysis showing the roadway and intersection configuration for Beavercreek Road from Highway 213 to Maplelane Road, inclusive, and along Maplelane Road from Beavercreek Road to the applicant's north property boundary. Providing this analysis and a mitigation concept will help identify the needed right of way for these facilities.

With subsequent land use applications, the applicant will need to address the usual requirements specified in the City's *Guidelines for Transportation Impact Analyses*.

For each land use application submitted while the trip cap is in effect, the applicant should be required to provide an accounting of trips generated by previously approved land use actions for the entire property covered by this rezoning and for the subject proposal. These values should be compared with the trip cap approved under this rezoning. Both AM and PM peak hour trip caps (128 and 168, respectively) should be presented in the proposal.

If you have any questions or need any further information concerning this review, please contact me at replinger-associates@comcast.net.

Sincerely,



John Replinger, PE
Principal

Oregon City\2015\ZC15-03 v2

From: Wes Rogers
To: Laura Terway
Subject: RE: ZC 15-03: Zone Change near HWY 213 and Beavercreek
Date: Thursday, September 10, 2015 6:57:11 PM

No issues.

..wes

Wes Rogers, Director of Operations
Oregon City SD
503-785-8426

From: Laura Terway [mailto:lterway@ci.oregon-city.or.us]
Sent: Thursday, September 10, 2015 10:41 AM
Subject: ZC 15-03: Zone Change near HWY 213 and Beavercreek

Good Afternoon,

Please review the proposed development posted here and provide your comments by October 9th.

COMMENTS DUE BY:	**3:30 PM**, **October 9, 2015**
HEARING DATE:	November 9, 2015
HEARING BODY:	___Staff Review; ___XX__PC; _____CC
FILE # & TYPE:	ZC 15-03: Zone Change from Residential to "MUC-2" Mixed Use Corridor-2 PZ 15-01: Comprehensive Plan Amendment from Low Density Residential and Medium Density Residential to Mixed Use Corridor
PLANNER:	Laura Terway, AICP, Planner (503) 496-1553
APPLICANT:	Historic Properties, Dan Fowler
REPRESENTATIVE:	Sisul Engineering, Tom Sisul
REQUEST:	The applicant is seeking approval for a Zone Change from "R-3.5" Dwelling District, "R-6" Single-Family Dwelling District and "R-10" Single-Family Dwelling District to "MUC-2" Mixed-Use Corridor 2 and an amendment to the Oregon city Comprehensive Plan Map from Low Density Residential and Medium Density Residential to "MUC" Mixed Use Corridor.
LOCATION:	14228, 14268, 14275, 14289, 14297, 14338 & 14362 Maplelane Ct, 14375 Maplelane Rd, 3391 Beavercreek Rd, 32E04C- 700, 702, 900, 1201, 1300, 1400, 1500, 1600 and 32E04CD- 3300, 5900, 6000
PA RERERANCE:	PA 15-02, 2/10/2015

Laura Terway, AICP
Planner
Planning Division
City of Oregon City
PO Box 3040
221 Molalla Avenue, Suite 200



Oregon City, Oregon 97045
Direct - 503.496.1553
Planning Division - 503.722.3789
Fax 503.722.3880

Website: www.orcity.org | webmaps.orcity.org | Follow us on: Facebook!|Twitter
Think **GREEN** before you print.

Please visit us at 221 Molalla Avenue, Suite 200 between the hours of 8:30am-3:30pm Monday through Friday.
PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

CLACKAMAS COUNTY

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

MEMORANDUM

TO: Laura Terway, City of Oregon City, Planning Division
FROM: Kenneth Kent, Clackamas County, Land Use Review Coordinator
Rick Nys, PE, PTOE, Traffic Engineer

DATE: October 8, 2015
RE: ZC 15-03, PZ 15-01
32E04C 700, 702, 900, 1201, 1300, 1400, 1500, 1600 and
32E04CD 3300, 5900 and 6000

This office has the following comments pertaining to this proposal:

1. The project site abuts Beavercreek Road and Maple Lane Court, which are both roadways under the jurisdiction of Clackamas County. As proposed, the comprehensive plan amendment/zone change includes a trip cap that will limit vehicle trips to a level that will not exceed that allowed under current zoning. At the time a development application is proposed for the project site, the county will evaluate specific traffic impacts and road frontage improvements.

2. Clackamas County has reviewed the July 22, 2015 and August 28, 2015 letters from Lancaster Engineering that provide an evaluation of the Transportation Planning Rule as it relates to this proposed comprehensive plan amendment/zone change. County staff has noted two minor issues with the letters.

    a. The trip generation estimates relies upon an "accessory dwelling unit" land use. The ITE *Trip Generation Manual* provides no estimate for accessory dwelling units, so it is not clear what this trip generation is based upon. Additional information should be provided to ensure that this trip generation estimate is reliable as 107 units of the "Apartments" land use generates quite a few more trips than does 107 units of accessory dwelling units.

b. The trip generation estimate relies upon the “average rate” in determining the trip generation for the project when, in some cases, the “fitted curve equation” would result in more appropriate trip generation estimates according to the ITE *Trip Generation Handbook*. In the case of this application, using the fitted curve equation would result in more trips, thereby increasing the trip cap. In order to meet Section 295.14 of the Clackamas County *Roadway Standards*, the appropriate trip generation calculation should be utilized.

OREGON CITY

Community Development – Building

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880 | Inspection (503) 496-1551

Building Division

Date: September 15, 2015

Planning Reference: ZC 15-03

Address: 14228, 14268, 14275, 14289, 14297, 14338 & 14362 Maplelane Ct, 14375 Maplelane Rd, 3391 Beavercreek Rd

Map Number: 32E04C- 700, 702, 900, 1201, 1300, 1400, 1500, 1600 and 32E04CD- 3300, 5900, 6000

Tax Lot:
Project Name: Larry Bennett, KARS
Comment Due Date: September 24, 2015
Reviewer: Mike Roberts – Building Official

GENERAL COMMENTS

1. The construction documents for building project associated with this land use action shall be reviewed for conformance with the current Oregon Specialty Codes as adopted by the State of Oregon and administered by the City of Oregon City when submitted for permit applications.

Current Oregon Specialty Codes

Oregon Structural Specialty Code (OSSC) 2014
Oregon Energy Efficiency Code (OEEC) 2014
Oregon Fire Code (OFC) 2014
Oregon Mechanical Specialty Code (OMSC) 2014
Oregon Plumbing Specialty Code (OPSC) 2014
Oregon Electrical Specialty Code (OESC) 2014

From: BROOKING Joshua C
To: Laura Terway
Cc: TAYAR Abraham * Avi
Subject: Hilltop ZC/CPA - Oregon City
Date: Thursday, October 29, 2015 5:16:59 PM
Attachments: ROW_Need_10.17.2012_v3.pdf

Laura,

The attached map was forwarded to me regarding previous discussions at the Hilltop zone change and comprehensive plan amendment site. In sum, it is my understanding that there is the potential need and interest for an additional setback and/or easement/donation at the NE corner of OR-213/Beavercreek. Based on my internal discussion, I believe the property owner/developer is already aware. I just wanted to ensure that it stays on everyone's radar.

Avi and I look forward to the staff report tomorrow. Thanks!

Joshua Brooking
Assistant Planner
ODOT Region 1, Development Review
(503)-731-3049
joshua.c.brooking@odot.state.or.us

OR213 at Beavercreek Rd.

Cascade Highway
Clackamas County

Sept. 19th, 2012

Requested ROW for ODOT Purposes

N

OR213 Cascade Highway (#160)

20

15

10

S Maple Lane Ct

S Maple Lane Rd

Beavercreek Rd (MP 2.98)

S Thayer Rd

LEGEND

200 100 0 50

- Tax Lot Boundaries
- Requested ROW for ODOT Purposes
  Approximate Area ~11280 sq ft
- ODOT Owned Property
  Approximate Area ~91,100 sq ft
- Desired Street ROW
  Approximate Area ~7400 sq ft

This product was created using GIS taxlot data and 2007 metro digital aerial photography and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.

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

FILE NO.:	Legislative File: L 13-01 - Transportation System Plan Legislative File L 13-02 – Associated Oregon City Municipal Code Amendments
APPLICANT:	Oregon City Public Works Department John Lewis 625 Center Street, Oregon City, Oregon 97045
REPRESENTATIVE:	DKS Associates, Consulting Engineers Carl D. Springer, PE 720 SW Washington Street, Suite 500, Portland, OR 97205
REQUEST:	Update the Oregon City Transportation System Plan, an Ancillary Document to the Oregon City Comprehensive Plan and adopt associated amendments to the Oregon City Municipal Code.
LOCATION:	City-wide.
REVIEWER:	Laura Terway, AICP Christina Robertson-Gardiner, AICP

17.50.170 - Legislative hearing process.
A. Purpose. Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use must begin with a public hearing before the planning commission.
B. Planning Commission Review.
1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.
2. The community development director's Report. Once the planning commission hearing has been scheduled and noticed in accordance with Section 17.50.090(C) and any other applicable laws, the community development director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.
3. Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.
C. City Commission Review.
1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person

may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.
2. Notice of Final Decision. Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).
(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

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

Proposed Project
The proposed Oregon City Transportation System Plan (TSP) will articulate policy and identify facilities that will guide the development and management of a multi-modal transportation system through 2035. The updated document reflects the changes that have occurred since the current Transportation System Plan was adopted in 2001. Since then new requirements have been integrated into the Oregon Transportation Plan, the Oregon Highway Plan, and the Metro RTP, many key transportation projects have been completed, the local UGB and Urban Reserve areas have changed, and the City's Comprehensive Plan and Municipal Code were updated. These regulatory, land use and transportation system changes informed the resulting TSP update.

The proposed development includes:
- Adoption of the Transportation System Plan as an ancillary document to the Comprehensive Plan
- Amendments to the Oregon City Municipal Code to implement the Transportation System Plan
- Adoption of the Regional Center boundary
- Temporarily exempting permitted and conditional uses from complying with the current mobility standards for three intersections on the state highway system: OR 99E/ I-205 ramps, I-205/OR 213 ramps, and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center.

FACTS

Public Involvement and Public Comment
The TSP update process provided opportunities for public involvement in the legislative decision making process through the public hearing process, newspaper noticing, meetings, online participation and open houses. The process was informed by a Stakeholder Advisory Team (SAT) which included representatives from the Citizen Involvement Council (CIC), Clackamas Community College, Chamber of Commerce, School District, Clackamas County, Main Street Oregon City, and private development interests as well as a Technical Advisory Team (TAT).

The public involvement process included (3) Technical Advisory Team meetings, four (4) Stakeholder Advisory Team meetings, four (4) Community Meetings and other tools identified in the Transportation System Plan Public Outreach Plan (Exhibit 1). The TSP was available for review on the Oregon City website at the following address: http://www.octransportationplan.org/.

Notice of the first Planning Commission public hearing for the proposal was published in the Clackamas Review on, and mailed to the affected agencies, the CIC and all Neighborhood Associations. In accordance with ORS 197.610 and OAR 660-018-000, a Notice of Proposed Amendment to the Oregon City Comprehensive Plan was provided to the Oregon Department of Land Conservation and Development 35 days prior to the first noticed Evidentiary Hearing on February 13, 2013. Notice was mailed to all property owners within the urban growth boundary (over 10,500) on February 13, 2013.

Comments received throughout the process are included in the record and have been provided to the Commission. The comments generally identified deficiencies in the transportation system and suggested opportunities for public improvements. The comments were reviewed and utilized when creating the list of projects identified in the Transportation System Plan. None of comments received were directed to any applicable approval criteria.

DECISION-MAKING CRITERIA:

Oregon City Comprehensive Plan

Section 1 Citizen Involvement
Goal 1.2 Community and Comprehensive Planning
Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.
Policy 1.2.1 - Encourage citizens to participate in appropriate government functions and land-use planning.
Goal 1.3 Community Education - Provide education for individuals, groups, and communities to ensure effective participation in decision-making processes that affect the livability of neighborhoods.
Goal 1.4 Community Involvement - Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.
Policy 1.4.1 - Notify citizens about community involvement opportunities when they occur.
Goal 1.5 Government/Community Relations -Provide a framework for facilitating open, two-way communication between City representatives and individuals, groups, and communities.
Finding: Complies. Development of the plan included an extensive public involvement effort as documented in the Transportation System Plan Public Outreach Plan (Exhibit 1). Oregon City Public Works Department has presented the project to the public at a series of meetings including the Citizen Involvement Council, Neighborhood Associations, Planning Commission and City Commission. Documentation produced with the TSP update has been posted on the project website throughout the duration of the project and comments have been integrated into the final product. The product was reviewed through the Legislative approval process. Notification of the proposed Legislative action was sent to all property owners within the Urban Growth Boundary.

Section 2: Land Use
Goal 2.2 Downtown Oregon City
Develop the Downtown area, which includes the Historic Downtown Area, the "north end" of the Downtown, Clackamette Cove, and the End of the Oregon Trail area, as a quality place for shopping, living, working, cultural and recreational activities, and social interaction. Provide walkways for pedestrian and bicycle traffic, preserve views of Willamette Falls and the Willamette River, and preserve the natural amenities of the area.

Policy 2.2.2 - Support multi-modal transportation options throughout the Regional Center and to other Regional and Town Centers.
Policy 2.2.8 - Implement the Oregon City Downtown Community Plan and Oregon City Waterfront Master Plan with regulations and programs that support compatible and complementary mixed uses, including housing, hospitality services, restaurants, civic and institutional, offices, some types of industrial and retail uses in the Regional Center, all at a relatively concentrated density.
Policy 2.2.9 -Improve connectivity for vehicles, bicycles, and pedestrians within the Oregon City Downtown community and waterfront master plan areas and improve links between residential areas and the community beyond.
Policy 2.4.3 -Promote connectivity between neighborhoods and neighborhood commercial centers through a variety of transportation modes.
Policy 2.6.7 -Establish priorities to ensure that adequate public facilities are available to support the desired industrial development.
Finding: Complies. The Transportation System Plan provides opportunities to facilitate increased travel opportunities for vehicles, pedestrians and bicyclists by identifying insufficient facilities and associated prioritized projects. Implementation of the projects will result in a more complete transportation system with a variety of multi-modal travel options. In addition, temporarily exempting permitted and conditional uses from complying with the current mobility standards for three intersections on the state highway system: OR 99E/ I-205 ramps, I-205/OR 213 ramps, and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center will allow the City to continue to allow development as well as adoption of a Regional Center boundary. The plan included an analysis of all previous plans including the Downtown Community Plan and the Waterfront Master Plan. Amendments to the Oregon City Municipal Code implement the concepts identified in the TSP.

Section 6: Quality of Air, Water and Land Resources
Goal 6.1 Air Quality -Promote the conservation, protection and improvement of the quality of the air in Oregon City.
Policy 6.1.2 -Ensure that development practices comply with or exceed regional, state, and federal standards for air quality.
Finding: Complies. The share of improvements recommended in the TSP update which result in more significant levels of pollution has dramatically decreased since the 2001 TSP. As shown in Figure 24 of the TSP (Volume 1), projects related to walking, biking, and taking transit have increased from approximately 51% of the projects in the 2001 TSP to approximately 74% of the projects in the TSP update, represented by over 260 projects. This set of projects combined with projected employment growth within the city over the next 20 years results in an approximately 13% reduction in vehicle miles traveled (VMT) in the evening peak period through 2035, more than the 10% reduction set as a climate change target (TSP Volume 1, Table 25).

The Oregon City Municipal Code amendments are proposed to implement the TSP update and comply with the Regional Transportation Function Plan (RTFP) to include provisions to establish unobstructed paths on sidewalks, require more closely spaced pedestrian and bicycle accessways, support crossings in the vicinity of transit stops, and establish requirements for long-term bicycle parking (TSP Volume 2, Section K). Based on the existing review processes defined in the Oregon City Municipal Code, the proposed TSP update and code amendments are consistent.

Section 11: Public Facilities
Goal 11.1 Provision of Public Facilities

Serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.
Finding: Complies. The TSP is necessary to maintain compliance with Statewide Planning Goal 11, Public Facilities. Goal 11 requires that public facilities and services be provided in a timely, orderly and efficient manner. The goal's central concept is that local governments should plan public services in accordance with the community's needs as a whole rather than be forced to respond to individual developments as they occur. As shown in the findings below, the proposed update of the TSP is consistent with Goal 11.1.

Policy 11.1.1
Ensure adequate public funding for the following public facilities and services, if feasible:
• Transportation infrastructure
Finding: Complies. The TSP update includes a detailed discussion of funding for proposed transportation improvements, including expenditures expected from the Street Fund, Systems Development Charge (SDC) Fund, and Transportation Utility Fee Fund. In addition, the General Fund, a local fuel tax, an Urban Renewal District, local improvement districts, and debt financing are potential funding and financing resources (TSP Volume 1, Section 6 and TSP Volume 2, Section H). The TSP update establishes both a financially constrained set of proposed transportation improvements that can be funded by expected revenues, as well a planned set of transportation improvements that are not reasonably expected to be funded by 2035, but many of which are important to making progress on the goals and performance targets for the transportation system.

The recommended projects are projected to meet performance targets throughout the city, with exceptions. Some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City proposed to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center. With no reasonable solution resulting in compliance with mobility standards for these locations, the City will continue to work with regional partners to pursue special studies and alternate mobility standards for these locations. Minor improvements are anticipated for a majority of the three intersections until the solutions are adopted, likely one to two years after adoption of the Transportation System Plan. The proposed TSP is consistent with this policy.

Policy 11.1.2
Provide public facilities and services consistent with the goals, policies and implementing measures of the Comprehensive Plan, if feasible.
Finding: Complies. The TSP update provides guidance for the timely, efficient and economic provision of transportation facilities within the existing city and to new development areas within the UGB consistent with the relevant goals, policies and implementing measures of the Comprehensive Plan. The proposed TSP update is consistent with this policy.

Policy 11.1.4
Support development on underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land-use compatibility can be found relative to the environment, zoning, and Comprehensive Plan goals.

Finding: Complies. The proposed improvements in the TSP update respond to the transportation demand that is estimated to be generated by development and growth in city households and employment that is projected through 2035. The projected growth is based on land use inventories and plans from Metro and the City. Projects within the TSP include street extensions and expansions of streets and intersections throughout the City (TSP Volume 2, Section I, Figures 2 and 3). In addition, the amendments to Oregon City Municipal Code provide an avenue for context sensitive street design for new development. The proposed TSP update is consistent with this policy.

Policy 11.1.5

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

Finding: Complies. The TSP update is designed to meet performance standards for existing and future development within the UGB. Investing in the transportation system improvements that are recommended in the TSP (TSP Volume 1, Table 5 and TSP Volume 2, Section I, Table 2) and implementing transportation demand management programs in the employment growth areas in the City are expected to accommodate the forecasted travel demand through 2035. The recommended projects are projected to meet performance targets throughout the city, with exceptions. Some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City proposed to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center. With no reasonable solution resulting in compliance with mobility standards for these locations, the City will continue to work with regional partners to pursue special studies and alternate mobility standards for these locations. Minor improvements are anticipated for a majority of the three intersections until the solutions are adopted, likely one to two years after adoption of the Transportation System Plan.

The City has adopted development code and engineering standards to ensure concurrent provision of public facilities and services at uniform levels. Pursuant to these requirements, street improvements are typically required to be extended to a new development area at the same time as other public facilities such as sewer, storm drainage, water, and emergency services. The proposed TSP update is consistent with this policy.

Policy 11.1.7

Develop and maintain a coordinated Capital Improvements Plan that provides a framework, schedule, prioritization, and cost estimate for the provision of public facilities and services within the City of Oregon City and its Urban Growth Boundary.

Finding: Complies. The TSP update capital improvement program (CIP) is included in the TSP. The CIP is organized into short-term, medium-term, and long-term projects to be implemented in increments of five years. Funding the proposed transportation solutions is discussed in Section 6 of the TSP and in the findings for Policy 11.1.1 above. The proposed Transportation System Plan is consistent with this policy.

Goal 11.6 Transportation Infrastructure

Optimize the City's investment in transportation infrastructure.

Finding: Complies. As described in Section 2 of the TSP, the approach to developing solutions was to focus on smaller cost-effective solutions rather than larger, more costly ones according to a five-tiered

process that starts with system management measures and ends with those to extend and build new roadways. As a result, as described in Section 5 of the TSP, the recommended solutions in the plan related to walking, biking, shared-use paths, family friendly facilities, transit, and crossings account for about 74% of the recommended solutions and those to driving, about 26% (Figure 10). Further, in Section 7 of the TSP, a financially constrained plan is presented. The projects and programs in this plan are expected to be funded by 2035 and, as such, are prioritized for implementation. The driving-related solutions in the financially constrained plan are classified as management, extension, and expansion projects. Of the almost $74 million worth of investments in the financially constrained plan, about 80% are eligible for SDC funding. The proposed TSP update is consistent with Goal 11.6.

The recommended projects are projected to meet performance targets throughout the city, with exceptions. Some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City proposed to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center. With no reasonable solution resulting in compliance with mobility standards for these locations, the City will continue to work with regional partners to pursue special studies and alternate mobility standards for these locations. Minor improvements are anticipated for a majority of the three intersections until the solutions are adopted, likely one to two years after adoption of the Transportation System Plan.

Policy 11.6.1
Make investments to accommodate multi-modal traffic as much as possible to include bike lanes, bus turnouts and shelters, sidewalks, etc., especially on major and minor arterial roads, and in regional and employment centers.
Finding: Complies. As cited above, the recommended solutions in the plan related to walking, biking, shared-use paths, family friendly facilities, transit, and crossings account for about 74% of the recommended solutions, as shown in Section 5 of the TSP. The projects are included in both the Financially Constrained Transportation System (likely to be funded list) and Planned Transportation System (unlikely to be funded list) in the updated TSP. The financially constrained plan (Table 5) features pedestrian projects that fill sidewalk gaps throughout the city, including in the Downtown and Regional Center. Biking projects focus on wayfinding signage, shared lane marking, and bike lanes, and transit projects on signal prioritization and bus stop amenity improvements. All of the pedestrian, biking, and transit solutions in the financially constrained plan are reinforced and expanded upon by the family friendly route, shared-use path, and crossing solutions proposed in the plan as well.

A portion of Oregon City is designated as a Regional Center in the Metro 2040 Plan. By officially acknowledging the Regional Center boundary, multi-modal transportation options may be pursued. The proposed TSP update is consistent with this policy.

Policy 11.6.2
Advocate for local, state, and regional cooperation in achieving an integrated connected system such as for the Amtrak station, light rail, and bus transit.
Finding: Complies. Goal 6 in Section 2 of the updated TSP establishes that the City will work to "(i)ncrease the convenience and availability of pedestrian, bicycle, and transit modes," which – in terms of transit facilities and service – entails collaborating with agencies like Metro, TriMet, and the South

Clackamas Transportation District (SCTD). As outlined in the plan and policy review (TSP Volume 2, Appendix A), intercity (high-speed) rail through Oregon City's Regional Center is indicated in Metro's 2035 RTP and 2040 Growth Concept, and TriMet's 2011 Transit Investment Plan (TIP) includes the following projects related to Oregon City.

- Walkability assessment at Molalla Avenue / County Red Soils Campus for pedestrian obstacles and recommendations for any needed projects.
- Portland to Milwaukie Light Rail Project, which will connect downtown Portland to Milwaukie and connect to Frequent Service buses from the Oregon City Regional Center.
- A proposed Bus Rapid Transit (BRT) corridor following I-205 between Clackamas Town Center possibly stretching as far as Beaverton, with service to Oregon City, Tualatin, and Tigard.
- Frequent bus service line expansion to and from Oregon City, primarily around the Oregon City Transit Center.

Transit related projects in the Financially Constrained Transportation System (TSP Volume 1, Table 5) and Planned Transportation System (TSP Volume 2, Section I, Table 2) include signal prioritization, bus amenity improvements, and formation of an Oregon City transportation management association (TMA), which will – at a minimum – involve coordination between the City and TriMet.

A portion of Oregon City is designated as a Regional Center in the Metro 2040 Plan. Acknowledgment of the Regional Center boundary supports an intercity (high-speed) rail through Oregon City's Regional Center is indicated in Metro's 2035 RTP and 2040 Growth Concept. The proposed TSP update is consistent with this policy.

Section 12: Transportation

Goal 12.1 Land Use-Transportation Connection

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

Policy 12.1.1 - Maintain and enhance citywide transportation functionality by emphasizing multi-modal travel options for all types of land uses.

Policy 12.1.4 - Provide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth.

Finding: Complies. The Transportation System Plan provides opportunities to facilitate increased travel options for vehicles, pedestrians and bicyclists by identifying insufficient facilities and associated prioritized projects. Implementation of the projects will result in a more complete transportation system with a variety of multi-modal travel opportunities.

Goal 12.2 Local and Regional Transit

Promote regional mass transit (South Corridor bus, Bus Rapid Transit, and light rail) that will serve Oregon City.

Finding: Complies. The proposed plan supports mass transit by providing a complete transportation facility which will allow safe access for mass transit users and building and automotive and bicycle parking designs.

Goal 12.3 Multi-Modal Travel Options

Develop and maintain a transportation system that provides and encourages a variety of multi-modal travel options to meet the mobility needs of all Oregon
City residents.

Policy 12.3.1 -Provide an interconnected and accessible street system that minimizes vehicle miles traveled and inappropriate neighborhood cut through traffic.

Policy 12.3.2 -Provide an interconnected and accessible pedestrian system that links residential areas with major pedestrian generators such as employment centers, public facilities, and recreational areas.
Policy 12.3.3 - Provide a well-defined and accessible bicycle network that links residential areas, major bicycle generators, employment centers, recreational areas, and the arterial and collector roadway network.
Policy 12.3.4 -Ensure the adequacy of pedestrian and bicycle connections to local, county, and regional trails.
Policy 12.3.5 -Promote and encourage a public transit system that ensures efficient accessibility, mobility, and interconnectivity between travel modes for all residents of Oregon City.
Policy 12.3.6 -Establish a truck route network that ensures efficient access and mobility to commercial and industrial areas while minimizing adverse residential impacts.
Policy 12.3.8 -Ensure that the multi-modal transportation system preserves, protects, and sup- ports the environmental integrity of the Oregon City community.
Policy 12.3.9 -Ensure that the city's transportation system is coordinated with regional transportation facility plans and policies of partnering and affected agencies.
Finding: Complies. The Transportation System Plan provides opportunities to facilitate increased mobility for vehicles, pedestrians and bicyclists by identifying insufficient facilities and associated prioritized projects. Implementation of the projects and the associated amendments to the Oregon City Municipal Code will result in a more complete transportation system with a variety of connected multi-modal travel options and a truck route network which support one another. The plan was created in conjunction with other affected agencies.

Goal 12.4 Light Rail
Promote light rail that serves Oregon City and locate park-and-ride facilities at convenient neighborhood nodes to facilitate access to regional transit.
Policy 12.4.1 -Support light rail development to Oregon City.
Finding: Complies. The proposed plan supports mass transit by providing context sensitive street designs, and a complete transportation facility which will allow safe access for light rail users.

Goal 12.5 Safety
Develop and maintain a transportation system that is safe.
Policy 12.5.1 -Identify improvements that are needed to increase the safety of the transportation system for all users.
Policy 12.5.2 -Identify and implement ways to minimize conflict points between different modes of travel.
Policy 12.5.3 -Improve the safety of vehicular, rail, bicycle, and pedestrian crossings.
Finding: Complies. The top-ranked goal of the TSP update is to "(e)nhance the health and safety of residents." Existing safety concerns include high collision locations, with multiple sites along OR 99E, around Downtown, and along Beavercreek Road and Molalla Avenue (Figure 7, TSP Volume 2, Section D). Based on RTP requirements to establish a range of performance measures in local TSP, the objective of the TSP update is to reduce fatalities and serious injuries by 50% between 2010 and 2035.
Although there is not a reliable tool for forecasting future collisions, safety is expected to improve given implementation of the recommended investments in the TSP update. These investments include street crossings, walking and biking facilities, and improvements to high collision locations and congested intersections. Even if the target is not achieved, rates of collisions, serious injuries, and fatalities are expected to decrease and implement the TSP safety objective with the implementation of the TSP and associated amendments to the Oregon City Municipal Code.

Goal 12.6 Capacity

Develop and maintain a transportation system that has enough capacity to meet users' needs.
Policy 12.6.1 - Provide a transportation system that serves existing and projected travel demand.
Policy 12.6.2 - Identify transportation system improvements that mitigate existing and projected areas of congestion.
Policy 12.6.3 - Ensure the adequacy of travel mode options and travel routes (parallel systems) in areas of congestion.
Policy 12.6.4 - Identify and prioritize improved connectivity throughout the city street system.
Finding: Complies. Policy and projects in the TSP update are proposed to serve existing and planned uses within the urban growth boundary surrounding Oregon City. The recommended projects are projected to meet performance targets throughout the city, with exceptions. Some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City proposed to temporarily exempt permitted and conditional uses from complying with the current mobility standards for he interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center. With no reasonable solution resulting in compliance with mobility standards for these locations, the City will continue to work with regional partners to pursue special studies and alternate mobility standards for these locations. Minor improvements are anticipated for a majority of the three intersections until the solutions are adopted, likely one to two years after adoption of the Transportation System Plan.

Goal 12.7 Sustainable Approach
Promote a transportation system that supports sustainable practices.
Policy 12.7.4 - Promote multi-modal transportation links and facilities as a means of limiting traffic congestion.
Finding: Complies. The proposed Transportation System Plan and associated amendments to the Oregon City Municipal Code allow for a complete transportation network for all modes of transportation.

Goal 12.8 Implementation/Funding
Identify and implement needed transportation system improvements using available funding.
Policy 12.8.1 - Maximize the efficiency of the Oregon City transportation system, thus minimizing the required financial investment in transportation improvements, wit out adversely impacting neighboring jurisdictions and facilities.
Policy 12.8.2 - Provide transportation system improvements that facilitate the timely implementation of the Oregon City Downtown Community Plan and protect regional and local access to the End of the Oregon Trail Interpretive Center.
Finding: Complies. The proposed projects in the TSP maximize the efficiency of the transportation system by focusing improvements throughout the City and solving transportation problems by employing the following strategy to identify improvements throughout the City.



Investing in the transportation system improvements that are recommended in the TSP Financially Constrained and Planned Transportation System Plans (Table 5 in the TSP Volume 1 and Table 2 in TSP Volume 2, Section I) and implementing transportation demand management programs in the employment growth areas in the city are expected to accommodate the forecasted travel demand through 2035 with exception. Some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City proposed to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center. With no reasonable solution resulting in compliance with mobility standards for these locations, the City will continue to work with regional partners to pursue special studies and alternate mobility standards for these locations. Minor improvements are anticipated for a majority of the three intersections until the solutions are adopted, likely one to two years after adoption of the Transportation System Plan.

CONSISTENCY WITH STATEWIDE PLANNING GOALS

STATEWIDE PLANNING GOAL 1:
To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.
Finding: Complies. This goal is implemented through the applicable Goals and Policies in Section 1 of the Oregon City Comprehensive Plan: Citizen Involvement. An overview of the public involvement process is provided within this report and demonstrated in the Transportation System Plan Public Outreach Plan (Exhibit 1). Staff finds that the TSP update process is consistent with Statewide Planning Goal 1.

STATEWIDE PLANNING GOAL 2:
To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.
Finding: Complies. This goal is implemented through the applicable Goals and Policies in Section 2 of the Oregon City Comprehensive Plan: Land Use. Because the TSP is an ancillary document to the City's Comprehensive Plan, the application was processed pursuant to the legislative hearing process outlined in Section 17.50.170 of the Oregon City Municipal Code. The TSP document and its projections, analysis, maps, recommended improvements, and proposed funding plan are based the series of reports that

were prepared as part of developing the TSP update, including the existing conditions report, future conditions report, future needs analysis, and planned and financially constrained systems reports (TSP Volume 2).

In addition to the City's Comprehensive Plan, a review of other existing state, regional, and local plans, policies, standards, and laws that are relevant to local transportation planning was conducted at the beginning of the TSP update process, and is documented in Section A of the TSP Volume 2. The TSP update and associated amendments were developed in coordination with ODOT, Metro, and TriMet and were developed to be consistent with those applicable regulations. The proposed TSP update and associated amendments are consistent with Statewide Planning Goal 2.

STATEWIDE PLANNING GOAL 5:
To protect natural resources and conserve scenic and historic areas and open spaces.
Finding: Complies. This goal is implemented through the applicable Goals and Policies in Section 5 of the Oregon City Comprehensive Plan: Open Spaces, Scenic and Historic Areas, and Natural Resources. The Oregon City Municipal Code contains specific review criteria for uses within overlay districts to assure that designated Goal 5 resources are appropriately considered when development is proposed. In particular, the Natural Resource Overlay District designation: "provides a framework for protection of Metro Titles 3 and 13 lands, and Statewide Planning Goal 5 resources within Oregon City. The Natural Resource Overlay District (NROD) implements the Oregon City Comprehensive Plan Natural Resource Goals and Policies, as well as Federal Clean Water Act requirements for shading of streams and reduction of water temperatures, and the recommendations of the Metro ESEE Analysis. Trails, paths, and roads are permitted either outright or with restrictions in the Natural Resource Overlay District as identified in OCMC 17.49.150.

Within the Historic Overlay District, which includes the Canemah Historic District, McLoughlin Conservation District, designated Landmarks and Historic corridors, proposed public utility projects may be reviewed by the Historic Review Board to determine potential impact historic resources. The Historic Review Board has adopted character guidelines that pertain to improvements in the public right of way, utilities and related equipment to assure compatibility with historic resources. Goal 5 resources outside the city limits within the UGB are reviewed as part of the required Concept Planning for those areas prior to and subsequent with annexation. Concept plans must be implemented through zoning designations and overlay protection zones to assure that Goal 5 resources are protected to the extent required by State law and Metro.

Further, the proposed amendments to the Oregon City Municipal Code allow for a modification to the street design standard to construct context sensitive design. This would allow narrower roads within environmentally sensitive areas and appropriate public improvements in historic areas. Based on the existing review processes defined in the Oregon City Municipal Code, the proposed TSP update is consistent with Statewide Planning Goal 5.

STATEWIDE PLANNING GOAL 6:
To maintain and improve the quality of the air, water and land resources of the state.
Finding: Complies. This goal is implemented through the applicable Goals and Policies in Section 6 of the Oregon City Comprehensive Plan: Quality of Air, Water and Land Resources. By planning system improvements based on projected demand and land use patterns, the plan will ensure that land suited for development will be served efficiently.

The share of improvements recommended in the TSP update which result in more significant levels of pollution has dramatically decreased since the 2001 TSP. As shown in Figure 24 of the TSP (Volume 1), projects related to walking, biking, and taking transit have increased from approximately 51% of the projects in the 2001 TSP to approximately 74% of the projects in the TSP update, represented by over 260 projects. This set of projects combined with projected employment growth within the city over the next 20 years results in an approximately 13% reduction in vehicle miles traveled (VMT) in the evening peak period through 2035, more than the 10% reduction set as a climate change target (TSP Volume 1, Table 25).

The Oregon City Municipal Code amendments are proposed to implement the TSP update and comply with the Regional Transportation Function Plan (RTFP) to include provisions to establish unobstructed paths on sidewalks, require more closely spaced pedestrian and bicycle accessways, support crossings in the vicinity of transit stops, and establish requirements for long-term bicycle parking (TSP Volume 2, Section K). Based on the existing review processes defined in the Oregon City Municipal Code, the proposed TSP update and code amendments are consistent with Statewide Planning Goal 6.

STATEWIDE PLANNING GOAL 7:
To protect people and property from natural hazards.
Finding: Complies. This goal is implemented through the applicable Goals and Policies in Section 7 of the Oregon City Comprehensive Plan: Natural Hazards. This goal primarily addresses how the city should plan development to avoid hazard posed by floods, steep slopes, geologically unstable areas and other natural hazards. The projects recommended in the TSP update were established through a "solutions identification process" with evaluation criteria that accounted for environmental hazards and impacts. Even when transportation projects are permitted outright in underlying zones, the Flood Management Overlay District (OCMC Chapter 17.42), US-Geologic Hazards Overlay District (OCMC Chapter 17.44) and Natural Resource Overlay District (OCMC Chapter 17.49) provide development standards for transportation projects in these overlay districts.

All projects within the TSP, whether they are within the Geologic Hazards Overlay District or not, include detailed surveys conducted to identify hydrologic, topographic or other geological constraints that could hinder the widening and future extensions of the planned streets before construction is initiated. All street extensions included in this Plan are shown with conceptual alignments with a planning level illustration that street connectivity enhancements are needed in these areas. Final street alignments will be identified after these surveys have been completed. Based on development standards and review processes defined in the Oregon City Municipal Code, the TSP update is consistent with Statewide Planning Goal 7.

STATEWIDE PLANNING GOAL 9:
To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.
Finding: Complies. This goal is implemented through the applicable Goals and Policies in Section 9 of the Oregon City Comprehensive Plan: Economic Development. Policy and projects in the TSP update are proposed to serve existing and planned commercial and employment uses in the interchange study area. Employment trips were a part of future traffic conditions analyzed in the city. Over 23,000 jobs are expected in 2035, which represents almost 60% growth since 2010 (TSP Volume 1, Section 3).
There are areas of commercial, industrial, mixed use commercial, and mixed use employment land designated along arterials and collectors in the city. The future demand projections showed congested and over-capacity conditions on segments of OR 99E in Downtown and around the I-205 interchange

and on a segment of Redland Road south of Anchor Way (TSP Volume 1, Figure 5). Investing in the transportation system improvements that are recommended in the TSP update (TSP Volume 1, Table 5 and TSP Volume 2, Section I, Table 2), including transportation demand management programs, is expected to accommodate the forecasted travel demand through 2035. Operations under implementation of the recommended solutions are projected to meet performance targets throughout the city, with the exception of the interchanges of I-205/99E, I-205/OR 213 and 213/Beavercreek Road. The recommended solutions move these intersections toward compliance with targets (TSP Volume 1, Section 8). Based on the existing review processes defined in the Oregon City Municipal Code, the proposed TSP update is consistent with Statewide Planning Goal 9.

STATEWIDE PLANNING GOAL 10:
To provide for the housing needs of citizens of the state.
Finding: Complies. This goal is implemented through the applicable Goals and Policies in Section 10 of the Oregon City Comprehensive Plan: Housing. Adoption of the TSP update will addresses improvements needed to ensure the orderly extension of transportation facilities to accommodate the projected growth envisioned in the City's Comprehensive Plan, which includes a variety of housing types. Policy and projects in the TSP update are proposed to serve existing and planned residential and mixed-use areas in the city. Residential trips were a part of future traffic conditions analyzed in the city. Almost 21,000 households are expected in the city in 2035, which represents over 60% growth since 2010 (TSP Volume 1, Section 3).

STATEWIDE PLANNING GOAL 11:
To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.
Finding: Complies. This goal is implemented through the applicable Goals and Policies in Section 11 of the Oregon City Comprehensive Plan: Public Facilities. As stated in Section 11, the transportation infrastructure in Oregon City is governed by the Oregon City Transportation System Plan (Oregon City TSP), adopted in 2001 and proposed for update in 2013. The relevant Public Facilities goals and policies and findings are discussed in greater detail above.

STATEWIDE PLANNING GOAL 12:
To provide and encourage a safe, convenient and economic transportation system.
Finding: Complies. This goal is implemented at the local level through the applicable Goals and Policies in the updated TSP, Section 2 (The Vision). This goal is also implemented at the state level through the Transportation Planning Rule (TPR), OAR 660-012, which is addressed later in this report and in Exhibit 2. The TSP goals were developed and ranked by TSP update project stakeholders, and were the basis for evaluation criteria used in selecting and assessing the projected performance of the projects and solutions recommended in the TSP update. The goals, in order of importance to the community and project stakeholders, are:

- Enhance the health and safety of residents
- Emphasize effective and efficient management of the transportation system
- Foster a sustainable transportation system
- Provide an equitable, balanced and connected multi-modal transportation system
- Identify solutions and funding to meet system needs
- Increase the convenience and availability of pedestrian, bicycle, and transit modes
- Ensure the transportation system supports a prosperous and competitive economy
- Comply with state and regional transportation plans.

Section I of Volume 2 (Planned and Financially Constrained Transportation Systems) of the updated TSP explains how 360 solutions for the Oregon City transportation system were reduced to a Financially Constrained Transportation System Plan (likely to be funded list) and a Planned Transportation System Plan (unlikely to be funded list). The process relied on the goals, evaluation criteria, and five-tiered solutions hierarchy. The proposed TSP update is consistent with Statewide Planning Goal 12.

STATEWIDE PLANNING GOAL 13: To conserve energy.
Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.
Finding: Complies. This goal is implemented through the applicable Goals and Policies in Section 13 of the Oregon City Comprehensive Plan: Energy Conservation.

The multimodal transportation system and improvements proposed in the updated TSP and associated code amendments will support efficient use of land within the city limits and UGB based on existing adopted Comprehensive Plan and zoning designations. With this plan, the City can provide timely, orderly and efficient transportation improvements.

The City promotes the efficient use of land and conservation of energy through its Comprehensive Plan and zoning and development regulations within the Oregon City Municipal Code. Higher density and mixed use zoning, land division, and site plan design standards promote more compact development patterns, and promote bicycling and walking instead of relying on the automobile for routine errands. New annexations are required to show that public utilities can be efficiently extended to new urban areas. Metro-approved Concept Plans are required prior to annexation to the city to assure that urban services and amenities will be developed in logical places as the community develops. The proposed TSP and associated amendments are consistent with Statewide Planning Goal 13.

Oregon Transportation Plan (2006)
The Oregon Transportation Plan (OTP) is the state's long-range multimodal transportation plan. The OTP is the overarching policy document among a series of plans that together form the state transportation system plan (TSP). A TSP must be consistent with applicable OTP goals and policies. Findings of compatibility will be part of the basis for TSP approval. The most pertinent OTP goals and policies for city transportation system planning are provided below.

POLICY 1.2 – Equity, Efficiency and Travel Choices
It is the policy of the State of Oregon to promote a transportation system with multiple travel choices that are easy to use, reliable, cost-effective and accessible to all potential users, including the transportation disadvantaged.
Finding: Complies. The proposed TSP establishes design criteria for streets based on their functional classification and the designation within the Comprehensive Plan, resulting in a context sensitive development. The context zone, walking zone, and biking/on-street parking zone are important to establishing a reliable, accessible, and inviting environment for those walking, biking, and taking transit. The design criteria establish a minimum of five to ten and a half sidewalk width. Bike lanes that are six-feet-wide are required for most of the street design types. Maximum block sizes of 530 feet are provided and pedestrian access every 330 feet is required unless a modification is approved through a Type II process.

The recommended solutions in the plan related to walking, biking, shared-use paths, family friendly facilities, transit, and crossings account for about 74% of the recommended solutions (Figure 10). In the financially constrained plan, walking improvements consist largely of filling in sidewalk gaps as well as widening existing sidewalks and making ADA accessibility improvements. Biking improvements consist largely of providing bike lanes. The addition of shared-use paths add both walking and biking facilities. Transit improvements are focused on signal priority and enhancing transit stop amenities (See Table 5 in Section 7 (The Plan).

Recommended code amendments reinforce many of these elements of the TSP in establishing clear zones for unobstructed travel on sidewalks, requiring pedestrian accessways every 330 feet on long blocks, strengthening access to and amenities at transit facilities, and expanding bicycle parking requirements to address long-term parking (TSP Volume 2, Section K). The proposed TSP and associated amendments are consistent with Policy 1.2.

POLICY 2.1 - Capacity and Operational Efficiency
It is the policy of the State of Oregon to manage the transportation system to improve its capacity and operational efficiency for the long term benefit of people and goods movement.
Finding: Complies. The TSP update will result in increased mobility for vehicles, bicyclists and pedestrians. The recommended projects are projected to meet performance targets throughout the city, with exceptions. Some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City proposed to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center. With no reasonable solution resulting in compliance with mobility standards for these locations, the City will continue to work with regional partners to pursue special studies and alternate mobility standards for these locations. Minor improvements are anticipated for a majority of the three intersections until the solutions are adopted, likely one to two years after adoption of the Transportation System Plan.

POLICY 2.2 – Management of Assets
It is the policy of the State of Oregon to manage transportation assets to extend their life and reduce maintenance costs.
Finding: Complies. The Financially Constrained (likely to be funded list) and Planned Transportation System (unlikely to be funded list) were developed based on the five-tiered solutions hierarchy that starts with system management measures and ends with those to extend and build new roadways. As a result, the number of cost-effective management recommendations and those related to walking, biking, shared-use paths, family friendly facilities, transit, and crossings account for the majority of projects and solutions in the updated. TSP (Table 5 in the TSP Volume 1 and Table 2 in the TSP Volume 2, Section I).

The TSP update is designed to meet performance standards for existing and future development within the UGB. Investing in the transportation system improvements that are recommended in the TSP Financially Constrained and Planned Transportation System Plans (Table 5 in the TSP Volume 1 and Table 2 in TSP Volume 2, Section I) and implementing transportation demand management programs in the employment growth areas in the city are expected to accommodate the forecasted travel demand

through 2035, with exceptions. Some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City proposed to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center. With no reasonable solution resulting in compliance with mobility standards for these locations, the City will continue to work with regional partners to pursue special studies and alternate mobility standards for these locations. Minor improvements are anticipated for a majority of the three intersections until the solutions are adopted, likely one to two years after adoption of the Transportation System Plan.

POLICY 3.1 – An Integrated and Efficient Freight System
It is the policy of the State of Oregon to promote an integrated, efficient and reliable freight system involving air, barges, pipelines, rail, ships and trucks to provide Oregon a competitive advantage by moving goods faster and more reliably to regional, national and international markets.
Finding: Complies. The freight system in Oregon City is focused on truck freight. The TSP objective envisions decreasing truck delay by approximately 10% through 2035, to just over three minutes per truck trip during the evening peak period, based on freight mobility targets developed from the RTP.

POLICY 3.2 – Moving People to Support Economic Vitality
It is the policy of the State of Oregon to develop an integrated system of transportation facilities, services and information so that intrastate, interstate and international travelers can travel easily for business and recreation.
Finding: Complies. The freight system in Oregon City is focused on truck freight. The TSP objective envisions decreasing truck delay by approximately 10% through 2035, to just over three minutes per truck trip during the evening peak period, based on freight mobility targets developed from the RTP. High general traffic demand on regional transportation routes including I-205, OR 213, OR 99E, and OR 43 pose a challenge to meeting this performance measure. Truck delay in the city during the evening peak period (after assuming the planned system investments) is expected to increase slightly through 2035, from about three and a half minutes to four minutes per person. However, the City is moving in the direction of this performance measure by decreasing truck delay 15% from what would be expected without the implementation of recommended planned transportation system investments. (See Section 8 (Outcomes) of TSP Volume 1.) The proposed TSP is consistent with Policies 3.1 and 3.2.

POLICY 4.1 - Environmentally Responsible Transportation System
It is the policy of the State of Oregon to provide a transportation system that is environmentally responsible and encourages conservation and protection of natural resources.
Finding: Complies. Implementation of the Financially Constrained (likely to be funded) and Planned Transportation System (unlikely to be funded) recommendations serves an area within the city's UGB that is planned for efficient urban development, as guided by state planning goals and regulations. Development of this land was assumed for projecting future transportation conditions and the transportation needs and solutions that were then determined based on those conditions.

The Oregon City Municipal Code contains review criteria for uses within the natural resource overlay district to assure that resources are appropriately considered when development is proposed. The Natural Resource Overlay District (NROD) "implements the Oregon City Comprehensive Plan Natural

Resource Goals and Policies, as well as Federal Clean Water Act requirements for shading of streams and reduction of water temperatures, and the recommendations of the Metro ESEE Analysis." Trails, paths, and roads are permitted either outright or with restrictions in the Natural Resource Overlay District. The restrictions are established in OCMC 17.49.150 (Standards for vehicular or pedestrian paths and roads). Even when transportation projects are permitted outright in underlying zones, the Flood Management Overlay District (OCMC Chapter 17.42) and US-Geologic Hazards Overlay District (OCMC Chapter 17.44) provide development standards for transportation projects in these overlay districts.

The share of improvements recommended in the TSP update that are less polluting has dramatically increased since the 2001 TSP. As shown in Figure 10 (TSP Volume 1), projects related to walking, biking, and taking transit have increased from approximately 51% of the projects in the 2001 TSP to approximately 74% of the projects in the TSP update, representing over 260 projects in the Planned Transportation System.

Code amendments proposed to implement the TSP update and comply with the Regional Transportation Function Plan (RTFP) include provisions to establish unobstructed paths on sidewalks, require more closely spaced pedestrian and bicycle accessways, support crossings in the vicinity of transit stops, and establish requirements for long-term bicycle parking (TSP Volume 2, Section K). These amendments reinforce the pedestrian, bicycle, and transit improvements that are recommended in the TSP update. The proposed TSP and associated amendments are consistent with Policy 4.1.

POLICY 5.1 – Safety
It is the policy of the State of Oregon to continually improve the safety and security of all modes and transportation facilities for system users including operators, passengers, pedestrians, recipients of goods and services, and property owners.
Finding: Complies. The top-ranked goal of the TSP update is to "(e)nhance the health and safety of residents." Existing safety concerns include high collision locations, with multiple sites along OR 99E, around Downtown, and along Beavercreek Road and Molalla Avenue (Figure 7, TSP Volume 2, Section D). Based on RTP requirements to establish a range of performance measures in local TSP, the objective of the TSP update is to reduce fatalities and serious injuries by 50% between 2010 and 2035. Although there is not a reliable tool for forecasting future collisions, safety is expected to improve given implementation of the recommended investments in the TSP update. These investments include street crossings, walking and biking facilities, and improvements to high collision locations and congested intersections. Even if the target is not achieved, rates of collisions, serious injuries, and fatalities are expected to decrease and move in the direction of the TSP safety objective with the implementation of these recommended TSP projects. The proposed TSP is consistent with Policy 5.1.

POLICY 7.1 – A Coordinated Transportation System
It is the policy of the State of Oregon to work collaboratively with other jurisdictions and agencies with the objective of removing barriers so the transportation system can function as one system.
Finding: Complies. Staff from the Oregon Department of Transportation (ODOT), Clackamas County, TriMet, and ODOT were involved in the Technical Advisory Team (TAT) and throughout the creation of the plan. Coordination provisions with those jurisdictions – particularly the State as required by OAR 660-012-0045 –are established. The proposed TSP is consistent with Policy 7.1.

POLICY 7.3 – Public Involvement and Consultation

It is the policy of the State of Oregon to involve Oregonians to the fullest practical extent in transportation planning and implementation in order to deliver a transportation system that meets the diverse needs of the state.
Finding: Complies. Development of the TSP relied on the participation of the Technical Advisory Team (TAT) and Stakeholder Advisory Team (SAT) and the activities of these teams as well as other public involvement efforts are described in the Transportation System Plan Public Outreach Plan (Exhibit 1).

POLICY 7.4 – Environmental Justice
It is the policy of the State of Oregon to provide all Oregonians, regardless of race, culture or income, equal access to transportation decision-making so all Oregonians may fairly share in benefits and burdens and enjoy the same degree of protection from disproportionate adverse impacts.
Finding: Complies. Development of the TSP update relied on the participation of the Technical Advisory Team (TAT) and Stakeholder Advisory Team (SAT) and other public involvement efforts are described in the Transportation System Plan Public Outreach Plan (Exhibit 1). Section D in TSP Volume 2 discusses environmental justice. The Environmental Protection Agency states that: "Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies." The environmental justice effort within the TSP was to identify concentrations of underserved and vulnerable populations so that transportation services can be improved in this areas while avoiding or at least distributing impacts of planned projects more equitably across the city.

Goal 4 of the TSP commits the City to: "(p)rovide an equitable, balanced and connected multimodal transportation system" (Section 2, TSP Volume 1). Objectives and evaluation criteria for TSP projects under the goal include ensuring that the transportation system provides equitable access to underserved and vulnerable populations and reduces total housing and transportation costs for residents.

As found through the Census, Figure A5 in Section D identifies concentrations of low-income residents in the Park Place neighborhood, minority populations around Molalla Avenue between Beavercreek Road and Division Street, and the elderly around the 15th Street/Division Street intersection. Significant populations of non-English speakers and people with disabilities were not found in the city. Proposed Financially Constrained and Planned Transportation System improvements (TSP Volume 1, Table 5 and TSP Volume 2, Section I, Table 2) identify walking, biking, shared-use path, family friendly route, transit, and crossing improvements in these areas of underserved and vulnerable populations as well as throughout the city (Figures 17-19, TSP Volume 1). Roadway extension and expansion projects, and their potential associated impacts, are also distributed throughout the city (Figures 14-16, TSP Volume 1). The proposed TSP is consistent with Policies 7.3 and 7.4.

Oregon Highway Plan
The 1999 Oregon Highway Plan (OHP) establishes policies and investment strategies for Oregon's state highway system over a 20-year period and refines the goals and policies found in the OTP. Policies in the OHP emphasize the efficient management of the highway system to increase safety and to extend highway capacity, partnerships with other agencies and local governments, and the use of new techniques to improve road safety and capacity. These policies also link land use and transportation, set standards for highway performance and access management, and emphasize the relationship between state highways and local road, bicycle, pedestrian, transit, rail, and air systems. The policies applicable to the Oregon City TSP are addressed below.

Policy 1A *(Highway Classification) defines the function of state highways to serve different types of traffic that should be incorporated into and specified through IAMPs.*
Finding: Complies. The TSP included a review of state highways in coordination with the Oregon Department of Transportation. There are four sets of State roadways in Oregon City, including I-205 (an Interstate highway) and OR 99E, OR 213, and OR 43 (all District highways).

Policy 1C *(State Highway Freight System) states the need to balance the movement of goods and services with other uses.*
Finding: Complies. As identified in Section A (Plans and Policies Framework) of TSP Volume 2, there are four sets of State roadways in Oregon City, including I-205 (an Interstate highway) and OR 99E, OR 213, and OR 43 (all District highways). The TSP defers to ODOT's access management review and regulations of the State. In terms of safety, as described earlier in the OTP findings, safety concerns exist at sites along state facilities OR 99E and OR 213 (TSP Volume 2, Section D, Figure 7). Although there is not a reliable tool for forecasting future collisions, safety is expected to improve given implementation of the recommended investments in street crossings, walking and biking facilities, and improvements to high collision locations and congested intersections in the TSP update.

The proposed improvements in the Financially Constrained and Planned Transportation System plans (TSP Volume 1, Table 5 and TSP Volume 2, Section I, Table 2) serve safety and mobility on state roadways in the city. The TSP update is designed to meet performance standards for existing and future development. Investing in the transportation system improvements that are recommended in the TSP Financially Constrained and Planned Transportation System Plans (Table 5 in the TSP Volume 1 and Table 2 in TSP Volume 2, Section I) and implementing transportation demand management programs in the employment growth areas in the city are expected to accommodate the forecasted travel demand through 2035, with exceptions. Some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City proposed to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center. With no reasonable solution resulting in compliance with mobility standards for these locations, the City will continue to work with regional partners to pursue special studies and alternate mobility standards for these locations. Minor improvements are anticipated for a majority of the three intersections until the solutions are adopted, likely one to two years after adoption of the Transportation System Plan.

Also as described earlier in OTP findings, high general traffic demand on regional transportation and freight routes including I-205, OR 213, OR 99E, and OR 43 pose a challenge to meeting performance measures related to freight. Truck delay in the city during the evening peak period (after assuming the planned system investments) is expected to increase slightly through 2035. However, the City is decreasing truck delay 15% from what would be expected without the implementation of recommended planned transportation system investments. (See TSP Volume 1, Section 8) Updated and more liberal mobility standards – ranging from 0.99 to 1.10 volume-to-capacity for peak 1st hour and 2nd hour – are proposed for City roadways in Section 4 (Standards) in order to balance motor vehicle mobility with improved conditions for walking and biking. The proposed TSP is consistent with Policies 1A and 1C.

Policy 1B *(Land Use and Transportation) recognizes the need for coordination between state and local jurisdictions.*
Finding: Complies. Coordination between Oregon City, Clackamas County and ODOT has occurred in developing the TSP for project administration and through the Technical Advisory Team (TAT) process.

Policy 1F *(Highway Mobility Standards) sets mobility standards for ensuring a reliable and acceptable level of mobility on the highway system by identifying necessary improvements that would allow the interchange to function in a manner consistent with OHP mobility standards.*
Finding: Complies. The TSP update is designed to meet performance standards for existing and future development within the UGB. Oregon Highway Plan, Policy 1F3 sets forth the applicable mobility targets for the state roads. As part of the analysis conducted for the TSP, twenty key intersections were analyzed to determine their performance in 2035 based on planned development. The predicted performance at these 20 key intersections was compared with the mobility standards proposed in the TSP. If the level of congestion exceeded allowable standards, projects were identified that would improve intersection performance to meet the applicable mobility standards and were included within the TSP. Example projects that increase capacity and allow an intersection to meet the mobility standards include the construction of an additional turn lane or the installation of a traffic signal. Once the projects are constructed the intersection would meet the mobility standard over the planning horizon.

For most of the key intersections, affordable and implementable improvements were identified which would allow the intersection to meet mobility standards during the 20-year planning horizon. However, at three intersections, the improvements necessary to satisfy the mobility standard were determined to be so costly that they could not be reasonably constructed. The three locations, all on the state highway system, are:

> I-205/OR 213 Interchange- According to ODOT the redesigned interchange would include construction of additional lanes and bridges, costing $100 million to $200 million.
>
> OR 99E/I-205 Interchange- The City and ODOT agreed that the redesigned interchange would include increasing the capacity of the freeway off-ramps with additional lanes or extending existing lanes, costing $10 million to $30 million or more. Speculation today suggests that the "or more" solutions could include additional travel lanes on I-205 between the Gladstone interchange and the West Linn/Lake Oswego interchange.
>
> Beavercreek Road/OR 213 - The 2001 TSP identified a grade-separated interchange costing $20 million. Adjusting for inflation, that same project today would be $26 million.

Using the lowest range of the estimated costs, the total of all the intersection improvements is $136 million ($100M + $10M + $26M = $136 M). Again, these locations are all on the state highway system.

Even in combination, ODOT, Clackamas County, and Oregon City do not have projected funding to implement the $136 million needed to reconstruct the three facilities to comply with the mobility standards. Due to the large cost associated with the improvements, the projects do not appear on the Oregon Highway Plan, the Regional Transportation System Plan or the proposed TSP project list because there is no reasonable likelihood that the projects will be funded. ODOT has made it clear to staff that they would oppose constructing the improvements associated with the intersections and would not contribute any funds for this purpose. ODOT's current revenue projections will be sufficient to cover

only the highest priority projects within the region. There is no state or regional funding identified for the three Oregon City locations.

Because funding is not likely to be available to implement these very expensive projects, ODOT recommends that the City undertake additional studies to develop other ways of meeting the City's transportation needs that do not involve major construction projects at these three locations. In addition, these studies may support adoption of alternate mobility standards that allow for a greater level of congestion than is currently allowed by ODOT or is proposed in the TSP. The transportation studies would likely look more broadly at the intersections to identify less costly improvements that provide some increased capacity as well as opportunities to invest in the local network to provide alternative routes and improvements for non-automobile travel in an effort to reduce peak hour trips at the aforementioned intersections. The scope of these additional studies has not been determined and may result in the identification of additional projects that could be added to those already included TSP. As most other jurisdictions in the region are also discovering that insufficient funds will be available to meet mobility standards, additional studies and the adoption of alternate mobility standards that allow for greater levels of congestion will likely be pursued by many jurisdictions. Undertaking such studies and adopting alternate mobility standards, an action that will also need to be taken by the Oregon Transportation Commission if it involves state highways, is likely to take 12-24 months to complete.

As specified in the Oregon City Municipal Code, most developers are required to conduct a traffic study identifying the traffic impacts of development on proximate intersections throughout the City that are most likely to be more significantly impacted. The Municipal Code requires that if development puts more than 20 new automobile trips through an intersection during the AM or PM peak hour, an analysis is required to demonstrate compliance with mobility standards.

As explained above, some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City is proposing to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the three aforementioned locations and all state facilities within or adjacent to the Regional Center. Attached is a table illustrating the standards applicable to the various intersections. This temporary exemption would be in effect while the City undertakes more detailed analysis and pursues adoption of an alternate mobility standard over the next 12-24 months.

Providing a temporary exemption for permitted and conditional uses with regard to their impact on state highway facilities would align City code requirements with ODOT requirements and other local governments which do not require compliance for any ODOT facility. In addition, the exemption satisfies the City's obligation to implement the state and regional transportation plans as required by state law.

Improvements identified in the TSP would be constructed but would not necessarily result in satisfaction of the mobility standards at the locations discussed above. If there are no improvements identified in the TSP associated with an intersection, no improvements would be made at that intersection. Since the aforementioned expensive improvements are not included in the TSP, congestion would be allowed to occur at these locations. Since the expensive improvements at these three key locations are not

included in the TSP project list, the current SDC program does not include the collection of any funds to pay for any improvements at these locations.

Subsection Policy 1F3 allows the development of alternative mobility standards "where it is infeasible or impractical to meet the mobility targets…in Table 7….ODOT and local jurisdictions may explore different target levels, methodologies and measures for assessing system performance…" Policy 1F further allows "If alternative targets are needed but cannot be established through the system planning process prior to adoption of a new or updated transportation system plan, they should be identified as necessary and committed to as a future refinement plan work items with an associated timeframe for completion and adoption". The mobility targets of OHP Table 7 remain in effect for the state facilities until alternative measures are adopted both locally and by the Oregon Transportation Commission.

Policy 1G *(Major Improvements) requires maintaining performance and improving safety by improving efficiency and management before adding capacity. ODOT works with regional and local governments to address highway performance and safety.*
Finding: Complies. Policy 1G is aligned with the five-tiered solutions structure established by the RTP/RTFP and followed by this TSP process. Solutions in the Financially Constrained and Planned Transportation Systems focused on management and multimodal measures before considering roadway extension and expansion projects. As a result, approximately 74% of the projects and programs recommended in the TSP are related to walking, biking, transit, and crossings. Of the 26% of projects that are roadway-related, 19 projects address management and intersection improvements, 17 projects are roadway extensions, and four projects are roadway expansions (Table 5, TSP Volume 1).
The proposed TSP is consistent with Policy 1G.

Policy 2B *(Off-System Improvements) helps local jurisdictions adopt land use and access management policies.*
Finding: Complies. Improvements recommended on the local system in the Financially Constrained Transportation (likely to be funded) System include signalization, signal optimization, installation of turn lanes and roundabouts, sidewalk construction, bike lane striping, extension of roadways, reconstruction of roadways to City standards, installation of crossings and curb ramps, and citywide programmatic measures such as wayfinding tools, transit signal priority and transit stop improvements, expanded bicycle parking design guidance and requirements, and Safe Routes to School (Table 5 and Figures 14-19 in TSP Volume 1). These local system improvements will help to reduce traffic and improve conditions on State roadways in the city. The proposed TSP is consistent with Policy 2B.

Policy 2F *(Traffic Safety) improves the safety of the highway system.*
Finding: Complies. As reported in earlier OHP and OTP findings, there are a number of high collision sites and safety concerns along state facilities OR 99E and OR 213 in the city (Figure 7, TSP Volume 2, Section D). Although there is not a reliable tool for forecasting future collisions, safety is expected to improve given implementation of the recommended investments in street crossings, walking and biking facilities, and improvements to high collision locations and congested intersections in the TSP update.
The proposed TSP is consistent with Policy 2F.

Policy 3A *(Classification and Spacing Standards) sets access spacing standards for driveways and approaches to the state highway system.*
Finding: Complies. The TSP update proposes access spacing standards in OCMC 12.04 for streets in Oregon City. The standards are differentiated by functional classification and surrounding Comprehensive Plan designations. New and redevelopment construction must comply with these

standards. Existing access points that do not comply with these standards may be required to consolidate access points or have access points restricted or closed in the future pursuant to the TSP. The proposed TSP and associated amendments are consistent with Policy 3A.

Policy 4B (Alternative Passenger Modes) *It is the policy of the State of Oregon to advance and support alternative passenger transportation systems where travel demand, land use, and other factors indicate the potential for successful and effective development of alternative passenger modes.*
Finding: Complies. As cited in the OTP findings, the recommended solutions related to walking, biking, shared-use paths, family friendly facilities, transit, and crossings account for about 74% of the recommended solutions, as shown in Section 5 (Investments) of the TSP. The projects are included in both the Financially Constrained Transportation (likely to be funded) System and Planned Transportation (unlikely to be funded) System plans in the 2013 updated TSP. The financially constrained plan (Table 5, Section 6, Volume 1) features pedestrian projects that fill sidewalk gaps throughout the city, including in the Downtown and Regional Center. Biking projects focus on wayfinding signage, shared lane marking, and bike lanes, and transit projects on signal prioritization and bus stop amenity improvements. All of the pedestrian, biking, and transit solutions in the financially constrained plan are reinforced and expanded upon by the family friendly route, shared-use path, and crossing solutions proposed in the plan as well. The proposed TSP is consistent with Policy 4B.

Policy and projects in the TSP update are proposed to serve existing and planned uses within the urban growth boundary surrounding Oregon City. The recommended projects are projected to meet performance targets throughout the city, with exceptions. Some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City proposed to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center. With no reasonable solution resulting in compliance with mobility standards for these locations, the City will continue to work with regional partners to pursue special studies and alternate mobility standards for these locations. Minor improvements are anticipated for a majority of the three intersections until the solutions are adopted, likely one to two years after adoption of the Transportation System Plan.

OAR 660 Division 12 Transportation Planning Rule (TPR)
The purpose of the TPR is "to implement Statewide Planning Goal 12 (Transportation) and promote the development of safe, convenient and economic transportation systems that are designed to reduce reliance on the automobile so that the air pollution, traffic and other livability problems faced by urban areas in other parts of the country might be avoided." A major purpose of the Transportation Planning Rule (TPR) is to promote more careful coordination of land use and transportation planning, to ensure that planned land uses are supported by and consistent with planned transportation facilities and improvements.
Finding: Complies. Findings demonstrating compliance with the TPR are located Exhibit 2.

OAR 734, Division 51. Highway Approaches, Access Control, Spacing Standards and Medians
OAR 734-051 governs the permitting, management, and standards of approaches to state highways to ensure safe and efficient operation of the state highways. OAR 734-051 policies address the following:

- *How to bring existing and future approaches into compliance with access spacing standards, and ensure the safe and efficient operation of the highway;*
- *The purpose and components of an access management plan; and*
- *Requirements regarding mitigation, modification and closure of existing approaches as part of project development.*

Finding: Complies.
The TSP update proposes access spacing standards for streets in Oregon City. The standards are differentiated by functional classification and surrounding Comprehensive Plan designations. New and redevelopment construction must comply with these standards. Existing access points that do not comply with these standards may be required to consolidate access points or have access points restricted or closed in the future pursuant to the TSP.

Regional Transportation Plan
The Regional Transportation Functional Plan (RTFP) directs how Oregon City should implement the RTP through the TSP and other land use regulations. The RTFP codifies existing and new requirements which local plans must comply with to be consistent with the RTP. If a TSP is consistent with the RTFP, Metro will find it to be consistent with the RTP.
Finding: Complies. The Transportation System Plan has integrated all regionally designated roads into the TSP. For example, Holly Lane which is designated as an arterial in the Regional Transportation Plan is also designated as an arterial in the Oregon City TSP and projects are identified to upgrade Holly lane to an urban arterial standard as required by the RTP. It should be noted that the projects along Holly are either unfunded or dependent upon annexations and development along the street. Additional findings demonstrating compliance with the RTFP and RTP are located Exhibit 2.

CONCLUSION
For the reasons set forth above, the City Commission approves Planning files L 13-01 and L 13-02 for the 2013 Oregon City Transportation System Plan including the adoption of the Regional Center boundary, as an ancillary document to the Oregon City Comprehensive Plan and amends the Oregon City Municipal Code to implement this plan.

EXHIBITS
1) Transportation System Plan Public Outreach Plan
2) Regional Transportation Functional Plan (RTFP) and Transportation Planning Rule (TPR) Compliance
3) Map of Regional Center



Oregon City
Transportation System Plan Update
Public Outreach

City of Oregon City
Public Works
625 Center Street
Oregon City, Oregon 97045

Outreach of the Transportation System Plan (TSP) Update Project

The plan extends to the submittal of a Legislative Planning application

Table of Contents

Introduction..... 3

A. How has the Public been involved in the TSP Update?
   1. Advisory Committees..... 3
   2. Commission Updates 4
   3. Community Meetings 4
   4. Outreach via Community Events and other Organizations.....4

B. How did the City get the word out about the TSP update?
   1. Utility Bills..... 5
   2. Mailed Postcards.....5
   3. Project Posters 5
   4. Websites 6
   5. Project Website Note Cards..... 6
   6. Social media 6
   7. Earned Media 7

Introduction

Oregon City has been hard at work improving streets, sidewalks and trails. Now it is time to reevaluate our transportation system to identify and prioritize future projects. The Transportation System Plan (TSP) provides a long term guide to City transportation investments and incorporates the vision of the community into an equitable and efficient transportation system.

The City's current plan was adopted in 2001 and will be updated to reflect new state and regional TSP requirements, completion of transportation projects, added Urban Growth Boundary areas, Urban Reserves, population growth, the adoption of the 2004 Oregon City Comprehensive Plan, and policy direction provided by the Metro 2035 Regional Transportation Plan (RTP).

Citizen involvement is crucial to the TSP Update. The opportunity for the public to voice opportunities to strengthen our transportation system results in a successful project. This document highlights the major public involvement strategies to be employed in the Transportation System Plan Update.

A. How has the Public been involved in the TSP Update?

1. Advisory Committees

Stakeholder Advisory Team

The Stakeholder Advisory Team (SAT) serves as the voice of the community and the caretaker of the goals and objectives of the Updated TSP. The SAT assisted with the development of goals and objectives of the TSP and the creation of evaluation criteria to evaluate future projects. The SAT provided direction to staff and reviewed all documents associated with the TSP over email and at meetings. Invitations to join the committee were sent to the Transportation Advisory Committee, Parks and Recreation Advisory Committee, Historic Review Board, Natural Resource Committee, Planning Commission, Clackamas Community College, Main Street Oregon City, Chamber of Commerce, private development interests, Oregon City School District, Citizen Involvement Council and Clackamas County Planning Organizations, freight organizations, and local businesses. Invitations were also posted on the project website for the public. All SAT meetings were advertised and open to the public.

SAT Meeting #1: March 6, 2012
SAT Meeting #2: June 14, 2012
SAT Meeting #3: August 30, 2012
SAT Meeting #4: September 20, 2012

Technical Advisory Team (TAT)

The Technical Advisory Team (TAT) provided technical guidance and coordination throughout the Project. The TAT addressed and resolved technical and jurisdictional issues in order to produce a timely and complete Updated TSP. The TAT provided direction to staff and reviewed all documents associated with the TSP over email and at meetings. Invitations to the TAT were extended to Clackamas County Development and Transportation, Metro, ODOT, City of Gladstone, Oregon City Planning, Oregon City Development, Oregon City Public Works, Oregon City Community Services, Department of Land Conservation and Development (DLCD), Clackamas County Fire District #1, TriMet, and freight organizations. All TAT meetings were advertised and open to the public.

TAT Meeting #1: April 5, 2012
TAT Meeting #2: June 14, 2012
TAT Meeting #3: September 20, 2012

2. Committee Updates

Overview:
To ensure that the City Commission, Planning Commission, Historic Review Board and Natural Resource Committee members are fully informed about the TSP process, multiple presentations were made at regularly scheduled public hearings for these bodies.
Target Audience**:**
City Commission, Planning Commission, Historic Review Board and Natural Resource Committee

Implementation/Schedule:
Presentations and project updates were provided throughout the duration of the project.

3. Community Meetings – Open Houses

Overview:
To ensure that the public is provided multiple opportunities to learn about the project and interact with the project team, four Community Meetings were/are to be held. Email notices were sent to all city groups, SAT, TAT, CIC, Neighborhood Associations, churches and media groups. In addition, notices were posted on the City website, project website, Twitter, Facebook and signs were posted at all city facilities, online blogs, and at coffee shops, grocery stores, and other businesses around town.

Target Audience**:**
All stakeholders including residents, employees, property and business owners in Oregon City and adjacent communities.

Implementation/Schedule:
Community Meeting #1 - February 27, 2012
Community Meeting #2 - June 18, 2012
Community Meeting #3 - October 2, 2012
Community Meeting #4 – March 7, 2013

4. Outreach via other Organizations

Overview:
Presence at community events and collaboration with other organizations provides project exposure and directs a wide range of citizens to the project website.

Target Audience**:**
The general public, community groups

Implementation/Schedule:
A short presentation or a poster with a comment box was present at as many community meetings as possible. Examples of events include:

- Presentation at the Park Place Neighborhood Association Meeting
- Citizen Involvement Council

- Poster at Oregon City engAGE in Community Conversation
- EngAGE in Community Expo 2012
- Poster at the Landslide Preparedness Community Meeting
- Poster at the Earthquake & Emergency Preparedness Community Meeting
- Oregon City Hilltop Farmers Market
- ODOT Project Open House – Main Street Businesses
- ODOT Project Open House – Public
- Main Street Oregon City "Downtown Update" email to 400 to 500 email addresses.
- Trail News – An article has been published in each Trail News paper that has been released since the project began over a year ago.

B. How did the City get the word out about the TSP Update?

1. Utility Bills

Overview:
A flyer was placed in utility bills three times to inform utility customers of the Transportation System Plan Update project and direct them to the website.

Target Audience**:**
Oregon City utility customers

Implementation/Schedule:
More than 10,000 notices were provided to the Utility Billing Department for dispersal in the May 2012, October 2012, and February 2012 bills.

2. Mailed Postcards

Overview:
A postcard was mailed to all property owners within the urban growth boundary and within Oregon City limits informing citizens of the Transportation System Plan and providing the first work session and hearing dates for both the Planning Commission and the City Commission.

Target Audience**:**
Oregon City property owners and property owners in adjacent communities within the urban growth boundary.

Implementation/Schedule:
More than 10,500 postcards were mailed on February 15, 2013.

3. Project Poster

Overview:
A poster describing the project and directing the public how to comment on the project was created. The single-sided poster was printed on 8.5"x11" and larger poster sizes and posted at:

- City facilities

- On the project website
- Public meetings
- Public spaces such as parks, transit stations, etc.

Target Audience**:**
Oregon City residents, businesses and property owners.

Implementation/Schedule:
The poster was distributed throughout the project.

4. Website

Overview:
The Transportation System Plan (TSP) website (www.OCTransportationPlan.org) served as the primary public source of information about the project. All project documents as well as opportunities to comment are available on the website so that the public is continually involved in the process. The website features an interactive map to allow the public to post and view comments. A link to the project website is provided on the City's homepage. A rotating feature on the homepage of the City's website (www.orcity.org) will also direct the public to the project website.

Target Audience**:**
The general public

Implementation/Schedule:
The website has been available throughout the duration of the project.

5. Project Website Note Cards

Overview:
Note cards were created to provide a brief description of the project and a link to the Transportation System Plan (TSP) website (www.OCTransportationPlan.org). The cards were placed at City offices and at community events.

Target Audience**:**
The general public

Implementation/Schedule:
The cards were used throughout the duration of the project.

6. Social Media – Facebook and Twitter

Overview:
The City of Oregon City has both a Facebook and a Twitter account. Posts were added to each social media site directing the public to the TSP project website.

Target Audience**:**
Oregon City Facebook and Twitter followers

Implementation/Schedule:

Project information was posted throughout the project and before each of the project meetings.

7. Earned media

Overview:
John Lewis was interviewed on the radio regarding the Transportation System Plan in June 2012.

Target Audience**:**
Radio audience.

This exhibit provides findings of compliance of the proposed Oregon City Transportation System Plan (TSP) update and the existing and proposed amendments to the Oregon City Municipal Code (OCMC or "code") with the requirements set out in the Metro Regional Transportation Functional Plan (RTFP). As established in the RTFP, demonstrating compliance with the RTFP constitutes compliance with the Regional Transportation Plan (RTP).

The RTFP-related findings are included in Table 1; Table 2 includes findings of compliance for the Transportation Planning Rule (TPR), OAR 660-012. The findings address the relevant sections of the TPR including Section -0025 (Deferal of mode), Section -0045 (Implementation of the TSP) and Section -0060 (Plan and Land Use Regulation Amendments). In some cases, there are cross-references in sub-sections of the TPR to requirements in the RTFP.

Table 1: Findings of Compliance of the Municipal Code with the RTFP

Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
Allow complete street designs consistent with regional street design policies **(Title 1, Street System Design Sec 3.08.110A(1))**	Existing code and the updated TSP meet these RTFP requirements in the following ways. OCMC 12.04.180 (Street design) addresses street design in terms of minimum right-of-way and pavement widths. The section refers to the TSP for the functional classifications of roadways that correspond to the minimum widths. Exceptions to the minimum standards are permitted through a public review process if the modification criteria in OCMC 12.04.007 are satisfied through a Type II procedure. Complete street designs, green street designs, and transit-supportive street designs are permitted and supported by this code language. In particular, OCMC 12.04.260 (Street design—Transit) facilitates transit-supportive street design in requiring the applicant to coordinate with TriMet when the applicant's site potentially impacts transit streets as identified in the TSP. Street designs that are provided in the updated TSP and proposed amendments reflect the surrounding land use designations and multi-modal use of the streets (TSP Volume 1, Tables 1-4; TSP Volume 2, Section K, OCMC Tables 12.04.180-183).
Allow green street designs consistent with federal regulations for stream protection **(Title 1, Street System Design Sec 3.08.110A(2))**	
Allow transit-supportive street designs that facilitate existing and planned transit service pursuant 3.08.120B **(Title 1, Street System Design Sec 3.08.110A(3))**	
Allow implementation of: • Narrow streets (<28 ft curb to curb); • Wide sidewalks (at least five feet of through zone); • Landscaped pedestrian buffer strips or paved furnishing zones of at least five feet, that include street trees; • Traffic calming to discourage traffic infiltration and excessive speeds; • Short and direct right-of-way routes and shared-use paths to connect residences with commercial services, parks, schools, hospitals, institutions, transit corridors, regional trails and other neighborhood activity centers;	Existing code, proposed code amendments (TSP Volume 2, Section K), and the updated TSP meet these RTFP requirements as follows: • Narrow streets: The cross-section standard for local streets in the 2013 TSP show pavement widths from 32 to 40 feet (TSP Volume 1, Table 4) depending on the street type (per land use context) Tbut may be reduced with a modification per OCMC 12.04.007. • Wide sidewalks and landscaped pedestrian buffer strips or paved furnishing zones: OCMC 12.04.180 (Street design) specifies right-of-way and pavement widths and street design. A landscape strip,

Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
• Opportunities to extend streets in an incremental fashion, including posted notification on streets to be extended. **(Title 1, Street System Design Sec 3.08.110B)**	sidewalk, a public access is required for all streets. OCMC 12.04.265 (Street design—Planter strips) and the TSP address planting strips. OCMC 12.08.015 (Street tree planting and maintenance requirements) requires street trees for every 35 feet of frontage, to be evenly distributed along the frontage, for all new development and major redevelopment. OCMC 12.04.010 (Construction specifications—Improved streets) requires all sidewalks to be constructed to City standards and widths specified in the TSP. The TSP requires sidewalks for all roads functionally classified as arterials, collectors, and local streets, with widths no less than five feet (TSP Volume 1, Tables 1-4). • Traffic calming: Traffic calming is acknowledged in the 2001 TSP, and is more appropriately addressed in the TSP than the code. The updated TSP addresses traffic calming in projects proposed in the Financially Constrained and Planned Transportation Systems (TSP Volume 1, Table 5 and TSP Volume 2, Section I, Table 2). • Short and direct right-of-way routes and shared-use paths: OCMC 12.04.199 (Pedestrian and Bicycle Accessways) establishes standards "to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable." Multimodal circulation within a site or land division is supported

Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
	by the provisions in OCMC 16.08.025.B (Traffic/Transportation Plan), 17.52 (Off-Street Parking and Loading), and 17.62 (Site Plan and Design Review). A detailed site circulation plan is required that shows proposed vehicular, bicycle, transit and pedestrian circulation within a site and connections to the existing transportation system, to existing rights-of-way or adjacent tracts, and to parking and loading areas. The code also establishes pedestrian and bicycle accessways, which are defined in OCMC 17.04.030 as " any off-street path or way as described in Chapter 12.04, intended primarily for pedestrians or bicycles and which provides direct routes within and from new developments to residential areas, retail and office areas, transit streets and neighborhood activity centers". Accessways, pursuant to OCMC 12.04, are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding 330 feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.land divisions, master plans, commercial and multi-family developments (OCMC Chapters 16.08, 16.16, 17.68 and 17.62). In these ways, existing code provisions ensure that bicycle and pedestrian paths and connections can be required through the development and land division permitting process. • Opportunities to extend streets: The code discourages dead-end and stub streets but Subsection B of OCMC 12.04.175 (Street design—Generally) allows for stubbing streets when necessary to create connections to future adjacent development. Likewise, OCMC 17.62.050.A.2.g. in Site Design Review states that "Development shall be required to provide existing or future connections to adjacent sites through the use of a vehicular and pedestrian access easements where applicable." For land

Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
	divisions, OCMC 16.08.025.B (Traffic/Transportation Plan) requires that a detailed site circulation plan show "proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, circulation patterns and connectivity to existing rights-of-way or adjacent tracts." Proposed amendments to the OCMC require that notification be posted on streets to be extended (see amendments to OCMC 12.04.175 in TSP Volume 2, Section K).
Require new residential or mixed-use development (of five or more acres) that proposes or is required to construct or extend street(s) to provide a site plan (consistent with the conceptual new streets map required by Title 1, Sec 3.08.110D) that: • Provides full street connections with spacing of no more than 530 feet between connections except where prevented by barriers • Provides a crossing every 800 to 1,200 feet if streets must cross water features protected pursuant to Title 3 UGMFP (unless habitat quality or the length of the crossing prevents a full street connection) • Provides bike and pedestrian accessways in lieu of streets with spacing of no more than 330 feet except where prevented by barriers • Limits use of cul-de-sacs and other closed-end street systems to situations where barriers prevent full street connections • Includes no closed-end street longer than 220 feet or having no more than 25 dwelling units **(Title 1, Street System Design Sec 3.08.110E)**	Existing code and proposed code amendments (TSP Volume 2, Section K) meet these RTFP requirements as follows: • In general, multimodal circulation within a site or land division is supported by OCMC 16.08.025.B (Traffic/Transportation Plan). • Street connections with spacing of no more than 530 feet between intersections is proposed in OCMC 12.04.195 (Spacing Standards), the Functional Classification map in Figure 6 of Volume I of the TSP. Accessways, pursuant to OCMC 12.04, are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding 330 feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips. (See TSP Volume 2, Section K). • Cul-de-sacs and closed-end streets: OCMC 12.04.225 (Street design—Cul-de-sacs and dead-end streets) currently limits the use of cul-de-sacs and dead-end streets in Oregon City. When they are proposed, they are required to be less than 200 feet long and limit housing on the street segment to 25 dwelling units for new cul-de-sacs in order to fully comply with this RTFP requirement (see TSP Volume 2, Section K). OCMC 12.04.225 (Pedestrian and bicycle accessways) requires pedestrian and

Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
	bicycle accessways from cul-de-sacs.
Establish city/county standards for local street connectivity, consistent with Title 1, Sec 3.08.110E, that applies to new residential or mixed-use development (of less than five acres) that proposes or is required to construct or extend street(s). **(Title 1, Street System Design Sec 3.08.110F)**	Existing code language meets this requirement. Preliminary plat standards for subdivisions in OCMC 16.08.025.B require a transportation plan which shows a circulation system that is connected to the surrounding transportation system and demonstrates compliance with other code transportation standards. This includes compliance with block length standards in OCMC 12.04.195 (Spacing Standards), the Functional Classification map in Figure 6 of Volume I of the TSP, as well as required connections with future adjacent development (OCMC 12.04.196, and 17.62.050.A.2.f).
To the extent feasible, restrict driveway and street access in the vicinity of interchange ramp terminals, consistent with Oregon Highway Plan Access Management Standards, and accommodate local circulation on the local system. Public street connections, consistent with regional street design and spacing standards, shall be encouraged and shall supersede this access restriction. Multimodal street design features including pedestrian crossings and on-street parking shall be allowed where appropriate. **(Title 1, Street System Design Sec 3.08.110G)**	Existing code, proposed code amendments and the updated TSP meet this RTFP requirement in the following ways. OCMC 12.04.005.A (Jurisdiction and management of the public rights-of-way) acknowledges that ODOT and Clackamas County also have rights-of-way in the city and, for facilities not under City jurisdiction, defers to the applicable jurisdiction and their permitting standards. Proposed street spacing standards (TSP Volume 1, OCMC 12.04.195) allow for more connectivity than the requirements in RTFP Section 3.08.110G and C. Street connections with spacing of no more than 530 feet between intersections is proposed in OCMC 12.04.195 (Spacing Standards), the Functional Classification map in Figure 6 of Volume I of the TSP to provide connectivity and nonlocal streets shall be constructed as identified in the Functional Classification Map in the TSP (OCMC 12.04.180).

Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
	Pedestrian crossings are addressed in proposed projects in the TSP Financially Constrained and Planned Transportation Systems (TSP Volume 1, Table 5 and TSP Volume 2, Section I, Table 2). Amendments to support crossings in the vicinity of transit stops are proposed for OCMC 17.62.050(A)(16) (see TSP Volume 2, Section K).
Include Site design standards for new retail, office, multi-family and institutional buildings located near or at major transit stops shown in Figure 2.15 in the RTP: • Provide reasonably direct pedestrian connections between transit stops and building entrances and between building entrances and streets adjoining transit stops; • Provide safe, direct and logical pedestrian crossings at all transit stops where practicable At major transit stops, require the following: • Locate buildings within 20 feet of the transit stop, a transit street or an intersection street, or a pedestrian plaza at the stop or a street intersections; • Transit passenger landing pads accessible to disabled persons to transit agency standards; • An easement or dedication for a passenger shelter and an underground utility connection to a major transit stop if requested by the public transit provider; • Lighting to transit agency standards at the major transit stop; • Intersection and mid-block traffic management improvements as needed and practicable to enable marked crossings at major transit stops. **(Title 1, Transit System Design Sec 3.08.120B(2))**	Existing code and proposed code amendments (TSP Volume 2, Section K) meet these RTFP requirements in the following ways: Subsection A.9 of OCMC 17.62.050, Site Plan and Design Review, establishes extensive criteria for pedestrian circulation on-site. OCMC 17.62.080 specifically addresses development along transit streets, including requirements for maximum setbacks and for all buildings to face the street and to have a direct pedestrian connection with the transit street. OCMC 12.04.260 (Street design—Transit) requires the applicant to coordinate with TriMet when the applicant's site potentially impacts transit streets as identified in the City TSP. Amendments to support crossings in the vicinity of transit stops are proposed for OCMC 17.62.050(A)(16) (see TSP Volume 2, Section K). Standards in both OCMC Chapter 12.04 (Streets, Sidewalks and Public Places) and Chapter 17.62 (Site Plan and Design Review) address street and site plan design to accommodate transit amenities and facilities. OCMC 12.04.260 (Street design—Transit), 17.62.080 (Special development standards along transit streets), and 17.62.050.A.15 of Site Plan and Design Review allow decision makers to require transit-supportive elements such as direct pedestrian and bicycle connections to transit streets and stops, as well as easements, stops, shelters, pullouts, and pads, when the site is

Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
	adjacent to a designated transit street.
As an alternative to implementing site design standards at major transit stops (section 3.08.120B(2), a city or county may establish pedestrian districts with the following elements: • A connected street and pedestrian network for the district; • An inventory of existing facilities, gaps and deficiencies in the network of pedestrian routes; • Interconnection of pedestrian, transit and bicycle systems; • Parking management strategies; • Access management strategies; • Sidewalk and accessway location and width; • Landscaped or paved pedestrian buffer strip location and width; • Street tree location and spacing; • Pedestrian street crossing and intersection design; • Street lighting and furniture for pedestrians; • A mix of types and densities of land uses that will support a high level of pedestrian activity. **(Title 1, Pedestrian System Design Sec 3.08.130B)**	The "alternative approach" of establishing pedestrian districts, as allowed for in this RTFP requirement, is not necessary. The City's existing and proposed development requirements are transit supportive and consistent with RTFP requirements as demonstrated in the findings above.
Require new development to provide on-site streets and accessways that offer reasonably direct routes for pedestrian travel. **(Title 1, Pedestrian System Design Sec 3.08.130C)**	OCMC 17.62.050.A.9 for Site Plan and Design Review establishes extensive criteria for on-site pedestrian circulation. Pedestrian circulation is also addressed by OCMC Chapter 12.04.199(Pedestrian and Bicycle Accessways).

Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
Establish parking ratios, consistent with the following: • No minimum ratios higher than those shown on Table 3.08-3. • Mo maximum ratios higher than those shown on Table 3.08-3 and illustrated in the Parking Maximum Map. If 20-minute peak hour transit service has become available to an area within a one-quarter mile walking distance from bus transit one-half mile walking distance from a high capacity transit station, that area shall be removed from Zone A. Cities and counties should designate Zone A parking ratios in areas with good pedestrian access to commercial or employment areas (within one-third mile walk) from adjacent residential areas. • Establish a process for variances from minimum and maximum parking ratios that include criteria for a variance. • Require that free surface parking be consistent with the regional parking maximums for Zones A and B in Table 3.08-3. Following an adopted exemption process and criteria, cities and counties may exempt parking structures; fleet parking; vehicle parking for sale, lease, or rent; employee car pool parking; dedicated valet parking; user-paid parking; market rate parking; and other high-efficiency parking management alternatives from maximum parking standards. Reductions associated with redevelopment may be done in phases. Where mixed-use development is proposed, cities and counties shall provide for blended parking rates. Cities and counties may count adjacent on-street parking spaces, nearby public parking and shared parking toward required parking minimum standards. Use categories or standards other than those in Table 3.08-3 upon demonstration that the effect will be substantially the same as the application of the ratios in the table. • Provide for the designation of residential parking districts in local comprehensive plans or implementing ordinances. • Require that parking lots more than three acres in size provide street-like features along major driveways, including curbs, sidewalks and street trees or planting	Existing code and proposed code amendments (TSP Volume 2, Section K) meet these RTFP requirements as follows: • Parking ratios and maximums: Current City parking ratios and maximums are presented in Table 17.52.020 of OCMC Chapter 17.52 (Off-Street Parking and Loading) and are consistent with those in RTFP Table 3.08-3, • Creation of of a type II parking reduction for the Downtown Parking Overlay District: (50% reduction in the minimum number of spaces required). Reduction of spaces based on areas that can accommodate a denser development pattern based on existing land use, infrastructure and ability to access the site by means of walking, biking or transit • Variances and exemptions: Creation of a Planning Commission Parking Adjustment Process to provide for flexibility in modifying parking standards in all zoning districts, without permitting an adjustment that would adversely impact the surrounding or planned neighborhood. • Residential parking districts: The City has an exisitng parking permit program. • Parking lot landscaping and pedestrian circulation: OCMC 17.52.060 (Parking lot landscaping) includes requirements for pedestrian accessways, trees, and landscaping along the perimeter and in the interior of parking lots. Proposed amendments require that wide driveways align with existing or planned streets on adjacent sites (TSP Volume 2, Section K). • On-street loading: Proposed amendments to create OCMC 17.52.090, a new section in OCMC Chapter 17.52 (Off-Street Parking and Loading), address off-street and on-street loading and unloading (see TSP Volume 2, Section K). • Long-term bicycle parking: OCMC 17.52.040 (Bicycle parking

Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
strips. Major driveways in new residential and mixed-use areas shall meet the connectivity standards for full street connections in section 3.08.110, and should line up with surrounding streets except where prevented by topography, rail lines, freeways, pre-existing development or leases, easements or covenants that existed prior to May 1, 1995, or the requirements of Titles 3 and 13 of the UGMFP. • Require on-street freight loading and unloading areas at appropriate locations in centers. Establish short-term and long-term bicycle parking minimums for: • New multi-family residential developments of four units or more; • New retail, office and institutional developments; • Transit centers, high capacity transit stations, inter-city bus and rail passenger terminals; and • Bicycle facilities at transit stops and park-and-ride lots. **(Title 4, Parking Management Sec 3.08.410)**	standards) addresses the amount of bicycle parking, and parking location and design. The section addresses parking for the uses specified in the RTFP requirement, but it does not specifically address long-term bicycle parking. So it is proposed that OCMC 17.52.040 (Bicycle parking standards) be amended to include requirements for long-term bicycle parking in multi-family, retail, office, institutional, and transit facility development. (See proposed amendments in TSP Volume 2, Section K).

Table 2: Findings of Compliance of the Comprehensive Plan with the RTFP

Regional Transportation Functional Plan Requirement	Findings of Compliance – Comprehensive Plan
When proposing an amendment to the comprehensive plan or to a zoning designation, consider the strategies in subsection 3.08.220A as part of the analysis required by OAR 660-012-0060. If a city or county adopts the actions set forth in 3.08.230E (parking ratios, designs for street, transit, bicycle, pedestrian, freight systems, TSMO projects and strategies, and land use actions) and section 3.07.630.B of Title 6 of the UGMFP, it shall be eligible for an automatic reduction of 30 percent below the vehicular trip generation rates recommended by the Institute of Transportation Engineers when analyzing the traffic impacts, pursuant to OAR 660-012-0060, of a plan amendment in a Center, Main Street, Corridor or Station Community. **(Title 5, Amendments of City and County Comprehensive and Transportation System Plans Sec 3.08.510A,B)**	The strategies and actions in RTFP Sections 3.08.220A and 3.08.230E were integrated into the updated TSP. Instead of the 30% trip reduction offered in RTFP Section 3.08.510, the City is considering designation of a Multimodal Mixed-Use Area (MMA) in Downtown or as part of the Regional Center. The MMA designation, allowed by the Transportation Planning Rule (OAR 660-012-0060(10)), could help address areas that do not currently or are not projected to meet mobility standards. Designation of a MMA would occur as a separate Comprehensive Plan amendment process. In preparation for a potential MMA designation, the OCMC was preliminarily assessed for consistency with MMA requirements that are established in OAR 660-012-0060(10). It was found that existing code meets most of the MMA requirements except for parking provisions. To address this, proposed code amendments to reduce minimum parking requirements for the Downtown Parking Overlay District, which would likely be the core of a MMA along with the creation of a new Planing Commission Parking Adjustment process meets the intent of the MMA standards for minimum parking.(See proposed amendments to OCMC 17.52.20.
Adopt parking policies, management plans and regulations for Centers and Station Communities. Plans may be adopted in TSPs or other adopted policy documents and may focus on sub-areas of Centers. Plans shall include an inventory of parking supply and usage, an evaluation of bicycle parking needs with consideration of *TriMet Bicycle Parking Guidelines*. Policies shall be adopted in the TSP. Policies, plans and regulations must consider and may include the following range of strategies: • By-right exemptions from minimum parking requirements; • Parking districts;	Chapter 17.52 (Off-Street Parking and Loading) of the City code addresses shared parking, bicycle parking, and carpool/vanpool employee parking. The 2009 Downtown Oregon City Parking Study recommends several parking strategies that can be worked into a parking management plan and other implementation strategies.

• Shared parking; • Structured parking; • Bicycle parking; • Timed parking; • Differentiation between employee parking and parking for customers, visitors and patients; • Real-time parking information; • Priced parking; • Parking enforcement. **(Title 4, Parking Management Sec 3.08.410I)**	

Table 3: Findings of Compliance with Oregon Administrative Rule OAR 660 Division 12 Transportation Planning Rule (TPR)

OAR 660-012-0005 through 660-012-0055	Findings of Compliance
660-012-0025(3)(a) *Identify the transportation need for which decisions regarding function, general location or mode are being deferred;*	It is anticipated that 3 intersections will not comply with the automotive mobility standards identified within the Oregon Highway Plan (OHP) through 2035 and it is infeasible or impractical to meet the mobility targets in Table 7 of the OHP. A preliminary analysis of the intersections has been completed and it has been determined that there are no feasible solutions to alter the intersections resulting in compliance with the mobility standards. • I-205/OR 213 Interchange- According to ODOT the redesigned interchange would include construction of additional lanes and bridges, costing $100 million to $200 million. • OR 99E/I-205 Interchange- The City and ODOT agreed that the redesigned interchange would include increasing the capacity of the freeway off-ramps with additional lanes or extending existing lanes, costing $10 million to $30 million or more. Speculation today suggests that the "or more" solutions could include additional travel lanes on I-205 between the Gladstone interchange and the West Linn/Lake

	Oswego interchange. • Beavercreek Road/OR 213 - The 2001 TSP identified a grade-separated interchange costing $20 million. Adjusting for inflation, that same project today would be $26 million. Even in combination, ODOT, Clackamas County, and Oregon City do not have projected funding to implement the $136 million needed to reconstruct the three facilities to comply with the mobility standards. Due to the large cost associated with the improvements, the projects do not appear on the Oregon Highway Plan, the Regional Transportation System Plan or the proposed TSP project list because there is no reasonable likelihood that the projects will be funded. ODOT has made it clear to staff that they would oppose constructing the improvements associated with the intersections and would not contribute any funds for this purpose. ODOT's current revenue projections will be sufficient to cover only the highest priority projects within the region. There is no state or regional funding identified for the three Oregon City locations. Further, neither the OHP, nor the RTP identify any solutions to enhance the function of these three areas. Because funding is not likely to be available to implement these very expensive projects, ODOT recommends that the City undertake additional studies to develop other ways of meeting the City's transportation needs that do not involve major construction projects at these three locations. In addition, these studies may support adoption of alternate mobility standards that allow for a greater level of congestion than is currently allowed by ODOT or is proposed in the TSP. The transportation studies would likely look more broadly at the intersections to identify less costly improvements that provide some increased capacity as well as opportunities to invest in the local network to provide alternative routes and improvements for non-automobile travel in an effort to reduce peak hour trips at the aforementioned intersections. The scope of these additional studies has not been determined and may result in the identification of additional projects that could be added to those already included TSP. As most other jurisdictions in the region are also discovering that insufficient funds will be available to meet mobility standards, additional studies and the adoption of alternate mobility standards that allow for greater levels of congestion will likely be pursued by many jurisdictions. Undertaking such studies and adopting alternate mobility standards, an action that will

	also need to be taken by the Oregon Transportation Commission if it involves state highways, is likely to take 12-24 months to complete. As specified in the Oregon City Municipal Code, most developers are required to conduct a traffic study identifying the traffic impacts of development on proximate intersections throughout the City that are most likely to be more significantly impacted. The Municipal Code requires that if development puts more than 20 new automobile trips through an intersection during the AM or PM peak hour, an analysis is required to demonstrate compliance with mobility standards. As explained above, some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City is proposing to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the three aforementioned locations and all state facilities within or adjacent to the regional center. This temporary exemption would be in effect while the City undertakes more detailed analysis and pursues adoption of an alternate mobility standard over the next 12-24 months. Providing a temporary exemption for permitted and conditional uses with regard to their impact on state highway facilities would align City code requirements with ODOT requirements and other local governments which do not require compliance for any ODOT facility. In addition, the exemption satisfies the City's obligation to implement the state and regional transportation plans as required by state law. Improvements identified in the TSP would be constructed but would not necessarily result in satisfaction of the mobility standards at the locations discussed above. If there are no improvements identified in the TSP associated with an intersection, no improvements would be made at that intersection. Since the aforementioned expensive improvements are not included in the TSP, congestion would be allowed to occur at these locations. Since the expensive improvements at these three key locations are not included in the TSP project list, the current SDC program does not include the collection of any funds to pay for any improvements at these locations.

660-012-0025(3)(b) *Demonstrate why information required to make final determinations regarding function, general location, or mode cannot reasonably be made available within the time allowed for preparation of the TSP;*	Alternative targets were not developed during the TSP update because the amended Policy 1F was not in effect when the TGM grant contract was scoped. Now that the creation of alternate mobility standards is feasible, Oregon City will create an alternate mobility standard for the three intersections identified and receive approval from all necessary bodies. Additional time is needed to allow the creation and adoption of alternate mobility standards as identified by appropriate agencies. The City believes it is possible to have alternate mobility standards and all necessary designations in place within one to two years from adoption of the TSP update.
660-012-0025(3)(c) *Explain how deferral does not invalidate the assumptions upon which the TSP is based or preclude implementation of the remainder of the TSP;*	The recommended policies and projects in the remainder of the TSP will not preclude future decisions about how to address each of the three deficient locations. Capital improvements projects and design standards have been identified for the City's street system, which will allow for development to progress. Interim improvements identified in the TSP are required to partially address the identified problems, but will mainly address safety issues with extensive vehicle queues during peak hours and not limit future design or operational options at the interchange.
660-012-0025(3)(d) *Describe the nature of the findings which will be needed to resolve issues deferred to a refinement plan; and*	The alternate mobility standards are likely to include a combination of adopting alternative mobility targets and an agreed upon set of improvements and/or programs (for safety, connectivity, other modes, TSMO, and TDM). The solutions will likely not result in meeting the mobility target, but will provide reasonable trade-offs between multiple local and state policy objectives including safety, cost/financial feasibility, local land use objectives, and environmental impacts.
660-012-0025(3)(e) *Set a deadline for adoption of a refinement plan prior to initiation of the periodic review following adoption of the TSP.*	The City will peruse further study of the intersections and adoption of the alternate mobility standards over the year or two following adoption of the Transportation System Plan.

OAR 660-012-0045 Implementation of the TSP	**Findings of Compliance**

OAR 660-012-0045 Implementation of the TSP	**Findings of Compliance**
(1) Each local government shall amend its land use regulations to implement the TSP.	
(b) To the extent, if any, that a transportation facility, service, or improvement concerns the application of a comprehensive plan provision or land use regulation, it may be allowed without further land use review if it is permitted outright or if it is subject to standards that do not require interpretation or the exercise of factual, policy or legal judgment.	It is proposed that the OCMC be amended to specify transportation facilities and improvements applicable to permitted uses in its City zoning districts (TSP Volume 2, Section K).
(c) Where a transportation facility, service or improvement is determined to have a significant impact on land use or requires interpretation or the exercise of factual, policy or legal judgment regarding the application of a comprehensive plan or land use regulation, the local government shall provide a review and approval process that is consistent with 660-012-0050 (Transportation Project Development). Local governments shall amend regulations to provide for consolidated review of land use decisions required to permit a transportation project.	Notice provisions in OCMC 17.50.090 (Public notices) already require agencies like TriMet and ODOT to be contacted in cases of legislative applications (Subsection C). The proposed code amendments contain clear and objective criteria for review through a Type I process. IN the casse of adjustments, a Type II process, which includes notice and an opportunity for comment, will be provided.
(2) Local governments shall adopt land use or subdivision ordinance regulations, consistent with applicable federal and state requirements, to protect transportation facilities for their identified functions.	
(a) Access control measures.	Block lengths and spacing standards are addressed by the new street design criteria in the TSP (TSP Volume 1). Text and tables in OCMC 12.04.180 (Street design—OCMC 12.04.195 (Spacing Standards) will provide street design and spacing standards tables from the updated TSP (TSP Volume 2, Section K).
(b) Standards to protect the future operations of roadways and transit corridors	Traffic impact studies are required for subdivisions pursuant to OCMC 16.08.025(B), and are enabled for Site Plan and Design Review in OCMC 17.62.040(I). Mobility standards for roadways in the city are established in the OHP for state roadways, in the RTP and RTFP for regional roadways, and in the City TSP for local roadways (TSP Volume 1,

OAR 660-012-0045 Implementation of the TSP	Findings of Compliance
	Section 4, Standards). City mobility standards are proposed to be changed to be more accommodating of peak hour congestion and to not over-design streets so that they are wide and difficult to bike along or to cross. The TSP update is designed to meet performance standards for existing and future development within the UGB, with exceptions. Some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City proposed to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the regional cente, as discussed in greater detail above. With no reasonable solution resulting in compliance with mobility standards for these locations, the City has will continue to work with regional partners to pursue special studies and alternate mobility standards for these locations. Minor improvements are anticipated for a majority of the three intersections until the solutions are adopted, likely one to two years after adoption of the Transportation System Plan. Zone change amendment criteria (OCMC 17.68.020) require that sufficient public facilities be provided and that Statewide Planning Goals, such as transportation, be complied with.

OAR 660-012-0045 Implementation of the TSP	Findings of Compliance
(d) Coordinated review of future land use decisions affecting transportation facilities, corridors or sites	See response and proposed amendments related to -0045(1)(c).
(e) Process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities	Pursuant to OCMC 17.50.130(A), "(a)ll city decision-makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards are, or can be, met."
(f) Regulations to provide notice to public agencies providing transportation facilities and services, MPOs, and ODOT of: land use applications that require public hearings, subdivision and partition applications, applications which affect private access to roads, applications within airport noise corridor and imaginary surfaces which affect airport operations.	See response and proposed amendments related to -0045(1)(c).
g) Regulations assuring amendments to land use designations, densities, design standards are consistent with the function, capacities, and levels of service of facilities designated in the TSP.	OCMC 17.68.020(C) requires, for proposed zoning designation amendments, that "(t)he land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district."
(3) Local governments shall adopt land use or subdivision regulations for urban areas and rural communities as set forth in 660-012-0040(3)(a-d):	
(a) Provide bicycle parking in multifamily developments of 4 units or more, new retail, office and institutional developments, transit transfer stations and park-and-ride lots	***Addressed by RTFP, Title 4: Regional Parking Management, 3.08.410.I.*** Bicycle parking requirements are established for all uses in Oregon City Municipal Code (OCMC) Section 17.52.040 (Bicycle Parking Standards).
(b) Provide "safe and convenient" (per subsection 660-012-0045.3(d)) pedestrian and bicycle connections from new subdivisions/multifamily development to neighborhood activity centers; bikeways are required along arterials and major collectors; sidewalks are required along arterials, collectors, and most local streets in urban areas except controlled access roadways	***Addressed by RTFP, Title 1: Pedestrian System Design, 3.08.130, and Title 1: Bicycle System Design, 3.08.140*** Section -050 (Standards) of Chapter 17.62 (Site Plan and Design Review) sets requirements for street connectivity and a "well-marked, continuous and protected on-site pedestrian circulation

OAR 660-012-0045 Implementation of the TSP	Findings of Compliance
	system." Section 025.B of Chapter 16.08 (Subdivisions – Process and Standards) requires a detailed site circulation plan showing proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, and circulation patterns and connectivity to existing rights-of-way or adjacent tracts. Section 12.04.199 (Pedestrian and bicycle accessways) requires pedestrian and bicycle access to activity centers, where this access is not provided via street right-of-way. Roadway cross-sections are provided in OCMC 12.04.180.
(c) Off-site road improvements required as a condition of development approval must accommodate bicycle and pedestrian travel, including facilities on arterials and major collectors	Where off-site improvements are required, the existing roadway cross-sections will govern and currently they require pedestrian and bicycle facilities.
(e) Provide internal pedestrian circulation within new office parks and commercial developments	***Addressed by RTFP, Title 1: Street System Design, 3.08.110E*** Site Plan and Design Review is required for all new non-residential development, as well as conditional uses, cottage housing development, and multi-family uses in all zones Section -050 (Standards) of Chapter 17.62 (Site Plan and Design Review) requires a "well-marked, continuous and protected on-site pedestrian circulation system" for all proposed development.
(4) To support transit in urban areas containing a population greater than 25,000, where the area is already served by a public transit system or where a determination has been made that a public transit system is feasible, local governments shall adopt land use and subdivision regulations as provided in (a)-(g) below:	
(a) Transit routes and transit facilities shall be designed to support transit use through provision of bus stops, pullouts and shelters, optimum road geometrics, on-road parking	***Addressed by RTFP, Title 1: Transit System Design, 3.08.120***

OAR 660-012-0045 Implementation of the TSP	**Findings of Compliance**
restrictions and similar facilities, as appropriate;	Section 12.04.260 (Street design – Transit) requires that streets be designed and constructed in a way that supports pedestrian and bicycle circulation and that applicants coordinate with TriMet when development impacts transit streets identified in Figure 5.7 (Public Transit System Plan) of the TSP. The section allows decision makers to require transit and transit-related facilities where they have been identified and planned.
(b) New retail, office and institutional buildings at or near major transit stops shall provide for convenient pedestrian access to transit through the measures listed in (A) and (B) below. (A) Walkways shall be provided connecting building entrances and streets adjoining the site; (B) Pedestrian connections to adjoining properties shall be provided except where such a connection is impracticable as provided for in OAR 660-012-0045(3)(b)(E). Pedestrian connections shall connect the on site circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped or have potential for redevelopment, streets, accessways and walkways on site shall be laid out or stubbed to allow for extension to the adjoining property;	***Addressed by RTFP, Title 1: Transit System Design, 3.08.120*** Section 12.04.260 (Street design – Transit) requires pedestrian and bicycle accessways be provided to minimize travel distance and support access to transit streets, transit stops, and neighborhood activity centers
(C) In addition to (A) and (B) above, on sites at major transit stops provide the following: (i) Either locate buildings within 20 feet of the transit stop, a transit street or an intersecting street or provide a pedestrian plaza at the transit stop or a street intersection; (ii) A reasonably direct pedestrian connection between the transit stop and building entrances on the site; (iii) A transit passenger landing pad accessible to disabled persons; (iv) An easement or dedication for a passenger shelter if requested by the transit provider; and	***Addressed by RTFP Title 1: Pedestrian System Design, 3.08.130B*** OCMC 12.04.260 (Street design – Transit) requires the applicant to consult with TriMet when the application impacts transit streets.

OAR 660-012-0045 Implementation of the TSP	Findings of Compliance
(v) Lighting at the transit stop.	
(d) Designated employee parking areas in new developments shall provide preferential parking for carpools and vanpools;	Subsection E of Section 17.52.030 (Standards for automobile parking) establishes requirements for carpool and vanpool parking that comply with this provision.
(e) Existing development shall be allowed to redevelop a portion of existing parking areas for transit-oriented uses, including bus stops and pullouts, bus shelters, park and ride stations, transit-oriented developments, and similar facilities, where appropriate;	Subsection B of Section 17.52.020 (Number of automobile spaces required) allows for reductions in the required amount of parking in the case of transit-oriented and multi-family housing development. outside of the Downtown Commercial Parking Overlay Districts. Reduction to minimum parking stamdards has been increased up to 50% from 10%. Revised definition of Transit Oriented Development creates a simplified Type II process for reduction.
(f) Road systems for new development shall be provided that can be adequately served by transit, including provision of pedestrian access to existing and identified future transit routes. This shall include, where appropriate, separate accessways to minimize travel distances;	***Addressed by RTFP Title 1: Street System Design, 3.08.110E, and Title 1: Transit System Design, 3.08.120, and Title 1: Pedestrian System Design, 3.08.130*** Section 12.04.260 (Street design – Transit) requires pedestrian and bicycle accessways be provided (in accordance with OCMC Section 12.04.199) to minimize travel distance and support access to transit streets, transit stops, and neighborhood activity centers.
(g) Along existing or planned transit routes, designation of types and densities of land uses adequate to support transit.	Zoning along transit lines in Oregon City is generally consistent with this TPR provision. Line 32 – In downtown Oregon City, this line is adjacent mostly to MUD (Mixed Use Downtown), MUE (Mixed Use Employment), R3.5 (Single Family Residential, minimum 3,500 sf lot), and R6 (Single Family Residential, minimum 6,000 sf lot) zoning. As the line travels south of downtown on Molalla, the zoning is mainly

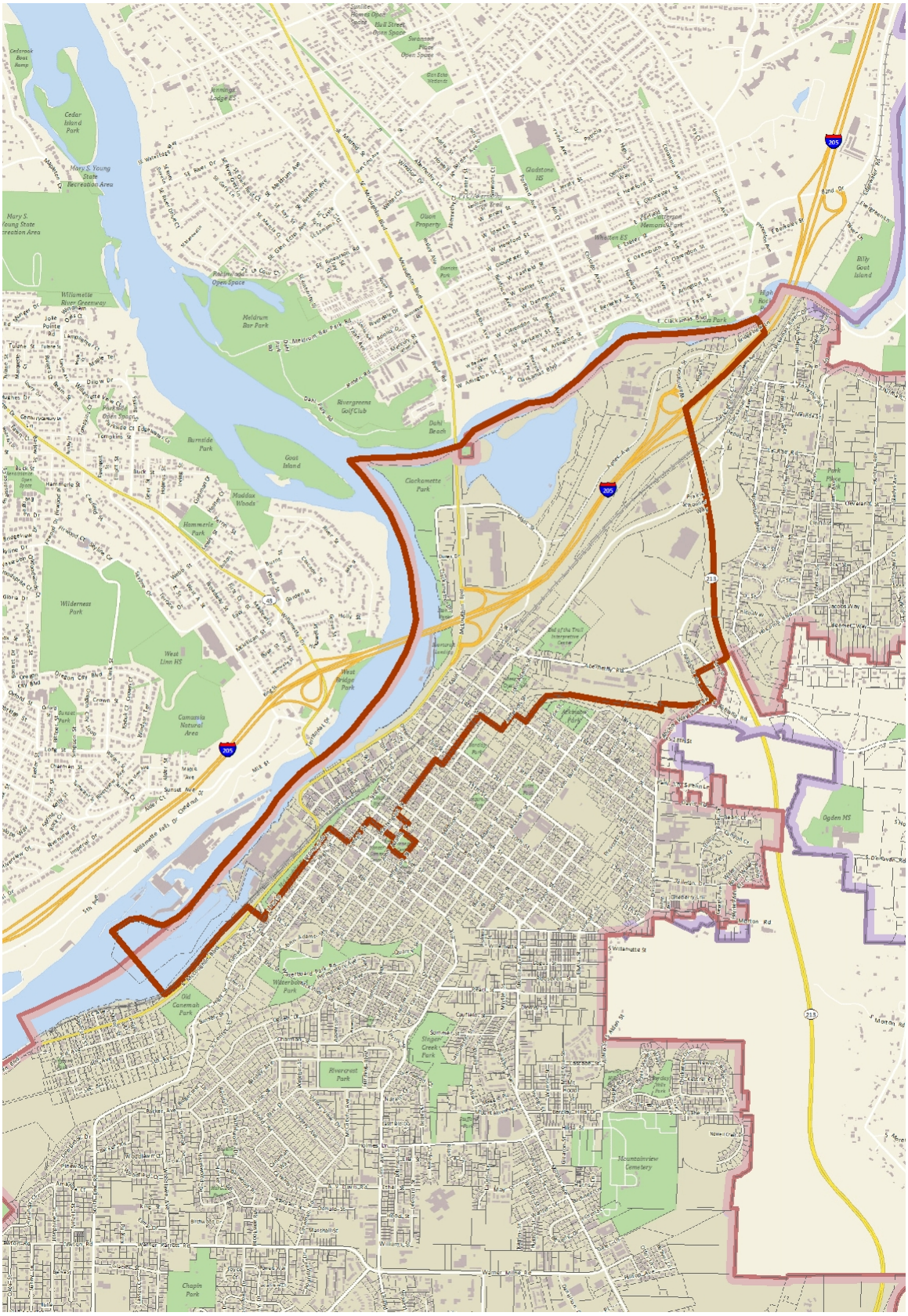
OAR 660-012-0045 Implementation of the TSP	Findings of Compliance
	MUC (Mixed Use Corridor). In reaching its destination of the Clackamas Community College campus, it is surrounded by a mixture of MUC, C (General Commercial), R2 (Single Family Residential, minimum 2,000 sf lot), GI (General Industrial), and I (Institutional) zoning. So the zoning along this line is generally consistent with this TPR provision. It is only the GI zoning that appears inconsistent; however, the route passes this zoning as part of reaching the college campus, so the City Commission finds that this inconsistency is acceptable. Line 33 – In downtown Oregon City, this line is adjacen to primarily MUC, MUD, R3.5, and I zoning. As the route moves south of downtown on Linn, it is surrounded mainly by R2, R6, R8 (Single Family Residential, minimum 8,000 sf lot), and R10 (Single Family Residential, minimum 10,000 sf lot) zoning. Residential areas with minimum lot sizes of 8,000 square feet and 10,000 square feet may be less adequate to support transit. However, this part of the route is located between downtown to the north and MUC, MUE, C, R2, R3.5, and I zoning to the south along Warner Milne, Beavercreek, and Molalla to the Clackamas Community College campus, so again, the City Commission finds this is acceptable to comply with the requirement. Line 34 – This line travels through downtown Oregon City, surrounded primarily by MUD zoning, before heading east/northeast on Abernethy and Holcomb to serve primarily residential areas in this part of the city. The zoning is mainly R 3.5, R6, R8, and R10. Again, R8 and R10 may not be entirely appropriate for transit routing but the route terminates and loops in a large area of R3.5 zoning, whose higher density helps justify the routing of this line. In addition, this route is one that

OAR 660-012-0045 Implementation of the TSP	Findings of Compliance
	operates during peak hours only for commuters, further allowing in particular for the range of residential zoning found along it. Line 99 – This line takes its own route on 7th through downtown Oregon City, where it is adjacent to MUC zoning. For the remainder of its route in the city, it coincides with Lines 32 and 33; see the comments pertaining to those routes. Lines 35, 79, and 154 – These three routes enter the city as far as downtown and are adjacent to MUD zoning, which is appropriate for transit routing and service.
(5) In MPO areas, local governments shall adopt land use and subdivision regulations to reduce reliance on the automobile which:	
(a) Allow transit-oriented developments (TODs) on lands along transit routes;	See OAR 660-012-0045(4)(g) above. While not allowed on all land along transit routes in Oregon City, there is a significant amount of mixed use zoning along the routes that will allow this type of development.
(b) Implements a demand management program to meet the measurable standards set in the TSP;	Subsection B of Section 17.52.030 (Number of automobile spaces required) allows for reductions in the required amount of parking in the case of TDM programs. TDM program elements are included in the Financially Constrained and Planned Transportation Systems (TSP Volume 1, Table 5 and TSP Volume 2, Section I, Table 2). The projected performance of these systems is provided in Section 8 (Outcomes) of the TSP.
(c) Implements a parking plan which:	Off-street parking requirements for non-residential uses have been reduced from 1990 levels because Oregon City adopted RTP

OAR 660-012-0045 Implementation of the TSP	Findings of Compliance
(A) Achieves a 10% reduction in the number of parking spaces per capita in the MPO area over the planning period. This may be accomplished through a combination of restrictions on development of new parking spaces and requirements that existing parking spaces be redeveloped to other uses; (B) Aids in achieving the measurable standards set in the TSP in response to OAR 660-012-0035(4) [reducing reliance on the automobile]; (C) Includes land use and subdivision regulations setting minimum and maximum parking requirements in appropriate locations, such as downtowns, designated regional or community centers, and transit oriented-developments; and (D) Is consistent with demand management programs, transit-oriented development requirements and planned transit service. ***OR*** (d) As an alternative to (c) above, local governments in an MPO may instead revise ordinance requirements for parking as follows: (A) Reduce minimum off-street parking requirements for all non-residential uses from 1990 levels; (B) Allow provision of on-street parking, long-term lease parking, and shared parking to meet minimum off-street parking requirements; (C) Establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments; (D) Exempt structured parking and on-street parking from parking maximums; (E) Require that parking lots over 3 acres in size provide street-like features along major	parking ratios as part of its last TSP update. Off-street parking is allowed according to roadway cross-sections and Subsection 17.52.020(B)(3) and (5) make provisions for shared parking and off-street parking. Section and Table 17.52.020 (Number of automobile spaces required) establish both minimum and maximum parking space requirements. No exemptions are made for structured parking. Structured parking is a conditional use subject to other review and requirements. Section 17.52.060 (Parking lot landscaping) sets standards for walkways/sidewalks and landscaping the perimeters and interiors of parking areas. Residential parking districts can be established through an existing permit parking program.

OAR 660-012-0045 Implementation of the TSP	Findings of Compliance
driveways (including curbs, sidewalks, and street trees or planting strips); and (F) Provide for designation of residential parking districts.	
(e) Require all major industrial, institutional, retail and office developments to provide either a transit stop on site or connection to a transit stop along a transit trunk route when the transit operator requires such an improvement.	Section 12.04.260 (Street design – Transit) requires that applicants coordinate with TriMet when development impacts transit streets identified in Figure 5.7 (Public Transit System Plan) of the TSP.
OAR 660-012-0060 Plan and Land Use Regulation Amendments	**Findings**
Amendments to functional plans, acknowledged comprehensive plans, and land use regulations that significantly affect an existing or planned transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility.	OCMC 17.68.020(C) requires, for proposed amendments, that "(t)he land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district."

Oregon City Regional Center


Cedar Island Park
Mary S. Young State Recreation Area
Willamette River Greenway
Meldrum Bar Park
Rivergreens Golf Club
Dahl Beach
Goat Island
Clackamette Park
Burnside Park
Maddax Woods
Hammerle Park
Wilderness Park
West Linn HS
Camassia Natural Area
West Bridge Park
Gladstone HS
Whalen Es
Billy Goat Island
Ogden MS
Mountainview Cemetery
Waterboard Park
Old Canemah Park
Riverrest Park
Chapin Park
Park Place
Mission Park
Barclay Hills Park
Oregon City
Willamette St
Molalla Ave
Beavercreek Rd
Warner Milne Rd
Holly St
Washington St
Main St
Abernethy Rd
Clackamas Blvd
Gaffney Ln
Meldrum Bar Park Rd
Rivergreens Ave
Dahl Rd
Maddax Rd
Hammerle Rd
Burnside Rd
Tomkins Rd
Tumalo Dr
Tulane St
Jolie Pointe Rd
Lampkin Ln
Hidden Springs Rd
Oak Grove Blvd
Oregon City Blvd
Sunset Ave
Mapes Ave
Crown St
Clark St
Division St
Linn Ave
Adams St
Taylor St
Jackson St
Madison St
Jefferson St
Monroe St
Van Buren St
Fillmore St
Polk St
Harrison St
Grant St
Garfield St
Hood St
Center St
Lincoln St
Jackson Ct
Madison Ct
Monroe Ct
Van Buren Ct
Fillmore Ct
Polk Ct
Harrison Ct
Grant Ct
Garfield Ct
Hood Ct
Center Ct
Lincoln Ct

EXHIBITS ENTERED INTO THE RECORD AT A HEARING

Community Development Department, 221 Molalla Avenue, Suite 200, P.O. Box 3040, Oregon City, OR 97045, (503) 722.3789
www.orcity.org

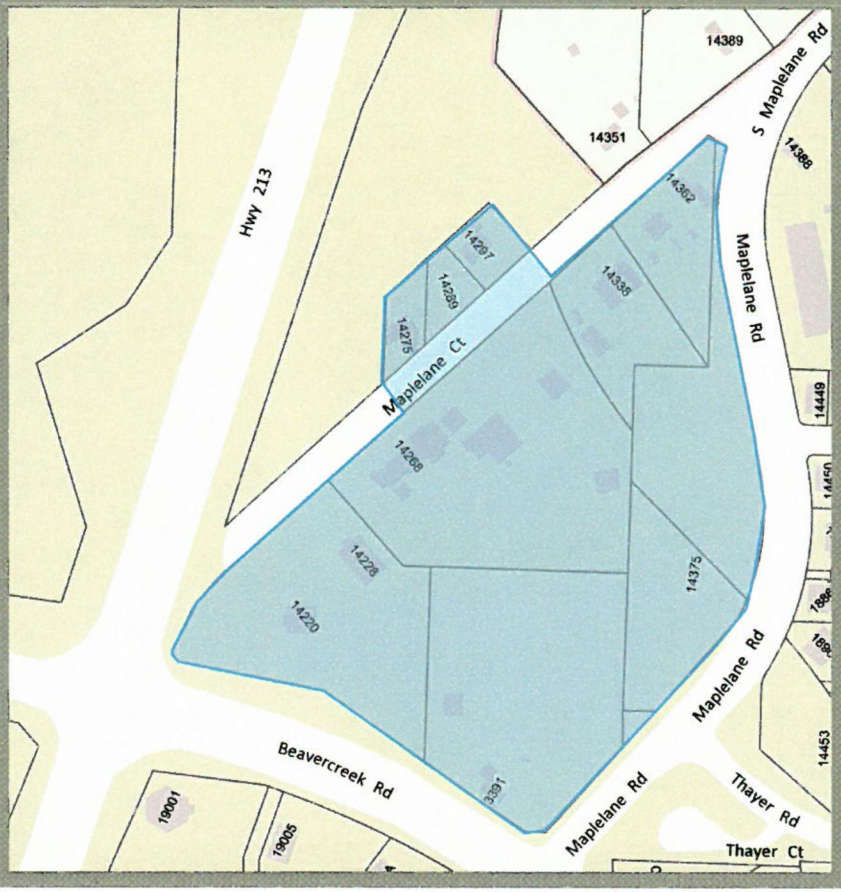
Hearing Date: 11/9/15

File Number: ZC15-03 + PZ 15-01

Exhibit Number:	Description of Exhibit:	Submitted By:
1	PowerPoint Presentation	Staff - L. Terway
2	Information submitted to staff after 10/30/15	Staff - L Terway
3	Written comments + Map	Christine Kosinski
4	Written comments	James Nicita
5	Written comments	Kristi Beyer
6	Written Comments	Elizabeth Graser - Lindsay
7	Written Comments	Bob Nelson

ZC 15-03: Zone Change

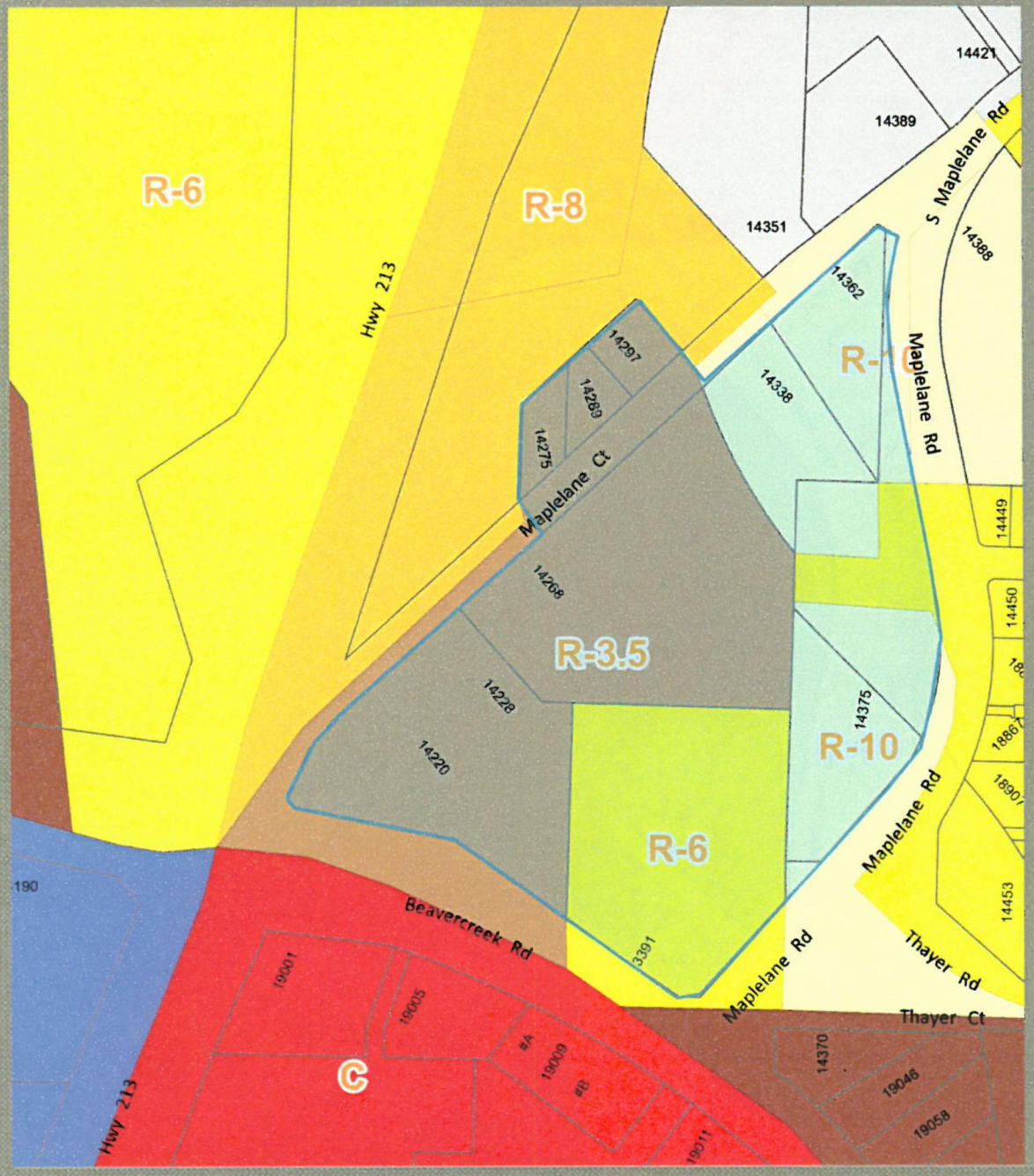
PZ 15-01: Comprehensive Plan Amendment



ENTERED INTO THE RECORD
DATE RECEIVED: 11/9/15
SUBMITTED BY: Staff
SUBJECT: PZ 15-01
ZC 15-03

Subject Site





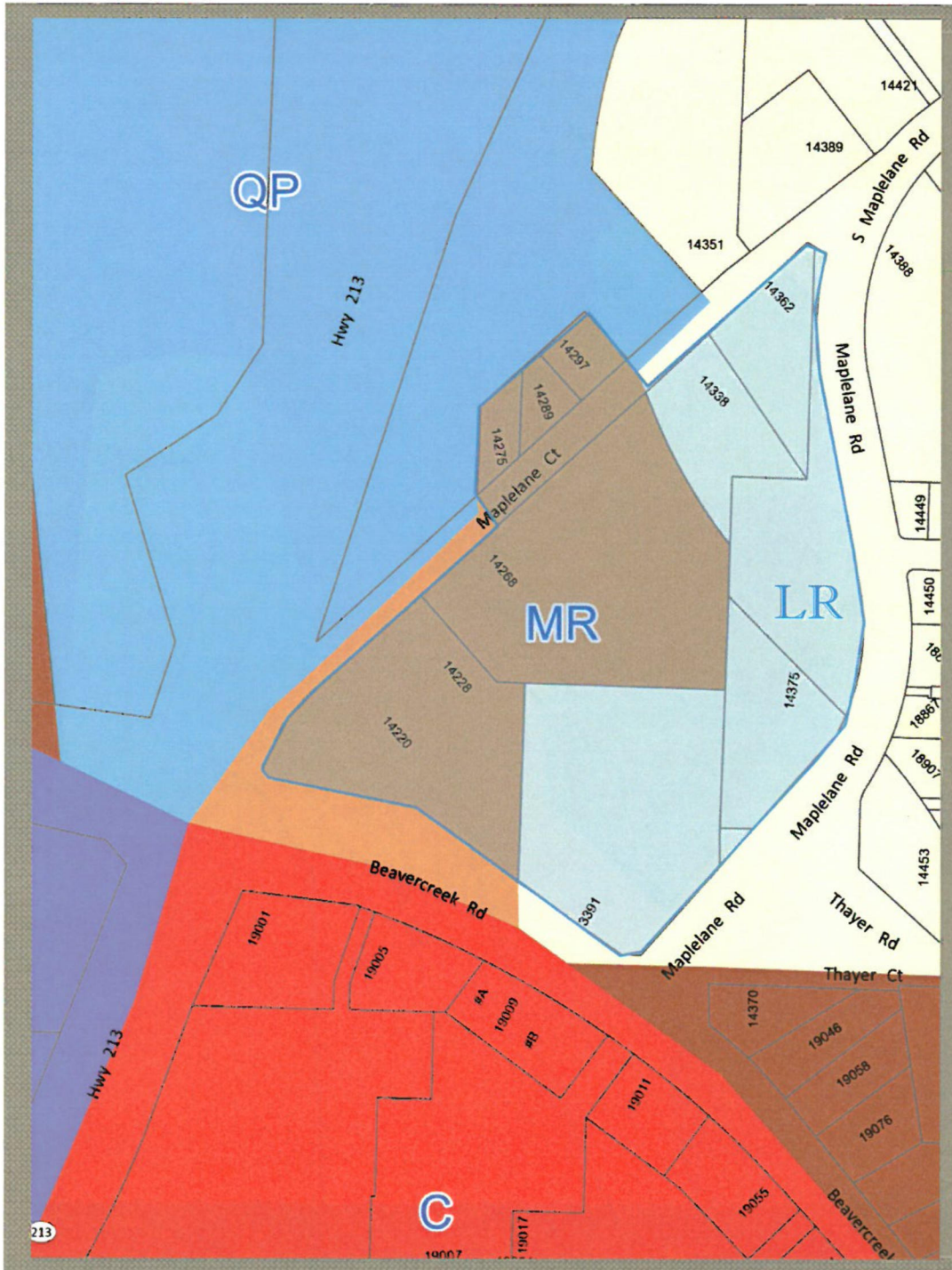
Zone Change

Residential to Mixed Use

R-10
R-6
R-3.5

→ MUC-2

OREGON CITY



Comprehensive Plan Amendment

Residential to Mixed Use

LR
MR

→ MUC

Proposed Limitations: Use

Permitted Uses	Conditional Uses
A. Banquet, conference facilities and meeting rooms	~~A. Ancillary drive-in or drive-through facilities~~
B. Bed and breakfast and other lodging facilities for up to ten guests per night	B. Emergency service facilities, excluding correctional facilities
C. Child care centers and/or nursery schools	~~C. Gas Stations~~
D. Indoor entertainment centers and arcades	D. Outdoor markets that do not meet the criteria of Section 17.29.020(H);
E. Health and fitness clubs	E. Public utilities and services including sub-stations
F. Medical and dental clinics, outpatient; infirmary services	F. Public and/or private educational or training facilities
~~G. Museums, libraries and cultural facilities~~	G. Religious institutions
H. Offices, including finance, insurance, real estate and government	H. Retail trade with a footprint for a stand alone building with a single store in excess of 60,000 sq. ft.
I. Outdoor markets on the weekends and after six p.m. during the weekday	I. Hotels and motels, commercial lodging
~~J. Postal services~~	J. Hospitals
K. Parks, playgrounds, play fields and community or neighborhood centers	K. Parking structures and lots not in conjunction with a primary use
~~L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment~~	L. Passenger terminals
N. Residential units, multi-family	
~~O. Restaurants, eating and drinking establishments without a drive through~~	
P. Services	
~~Q. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet~~	
R. Seasonal sales, subject to OCMC Chapter 17.54.060	
S. Assisted living facilities; nursing homes and group homes for over 15 patients	
T. Studios and galleries	
U. Utilities	
V. Veterinary clinics or pet hospitals, pet day care	
W. Home occupations	
X. Research and development activities	
Y. Temporary real estate offices in model dwellings	
Z. Residential care facility	
AA. Transportation facilities	

OREGON CITY

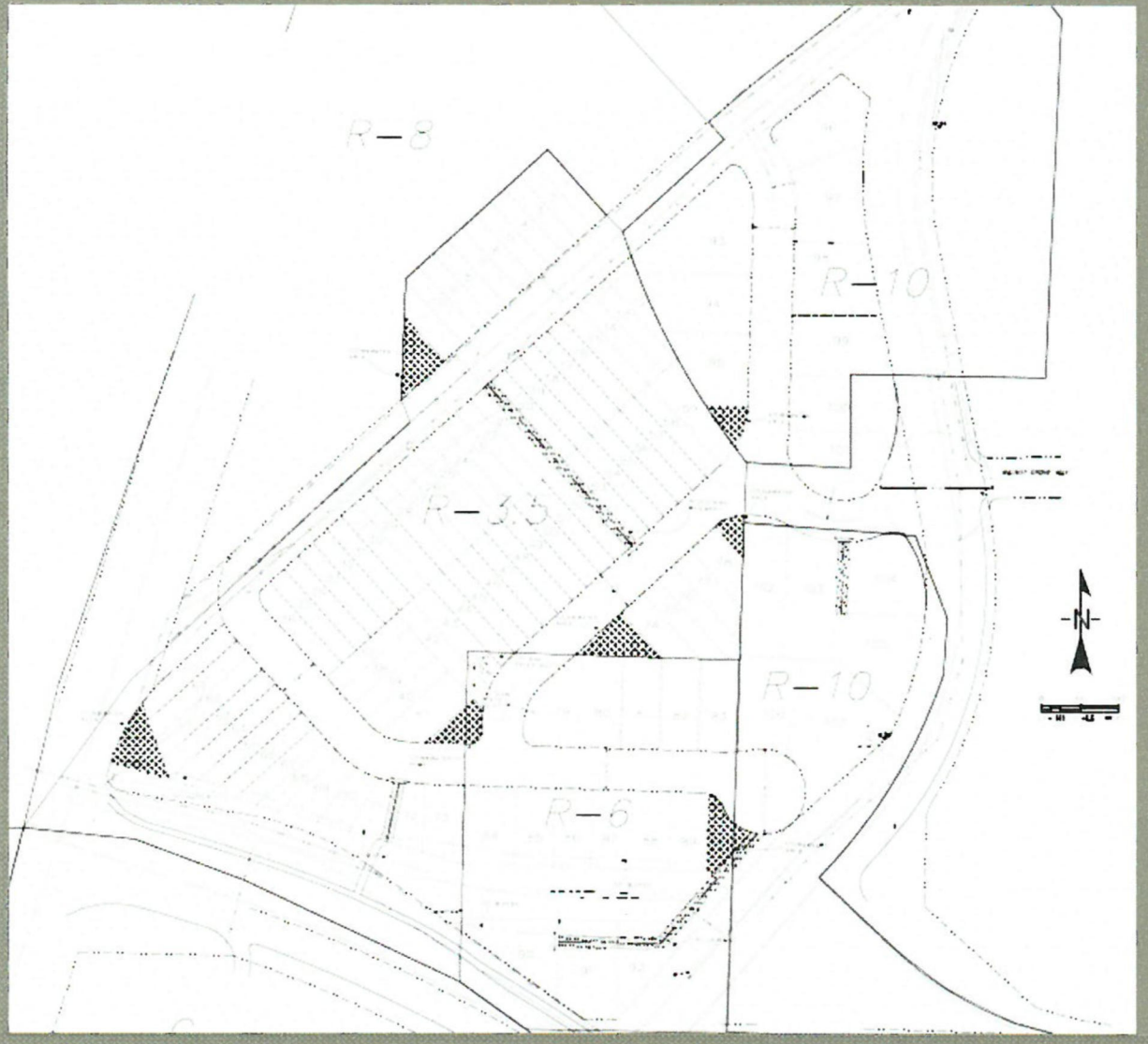
Proposed Limitations: Traffic

Trip Cap

Future development of the site is not allowed more vehicular trips than is allowed under the current zoning designations.

Traffic allowed in the current zoning designations. = Traffic allowed in the proposed zoning designation. = No increase in traffic from the Zone Change or Amendment to the Comprehensive Plan.

Example Subdivision Layout



107 Single-Family Homes
with 107 ADU's

Maximum of:
128 AM peak hour trips
168 PM peak hour trips

OREGON CITY

Oregon City Municipal Code Criteria

Zone Change

- 17.08 – "R-10" Single Family Dwelling District
- 17.12 – "R-6" Single Family Dwelling District
- 17.16 - "R-3.5" Dwelling District
- 17.29 - "MUC" Mixed Use Corridor District
- 17.50 - Administration and Procedures
- 17.68 – Zoning Changes and Amendments

Analyzed Feasibility of Land Division Layout for Trip Cap Purposes

- 12.04 – Streets, Sidewalks and Public Spaces
- 13.12 – Stormwater Conveyance, Quantity and Quality
- 16.08 – Subdivision processes and Standards
- 16.12 – Minimum Improvements and design standards for Land Divisions
- 17.44 – Geologic Hazards Overlay District
- 17.49 – Natural Resource Overlay District

Excerpt Zone Change Criteria

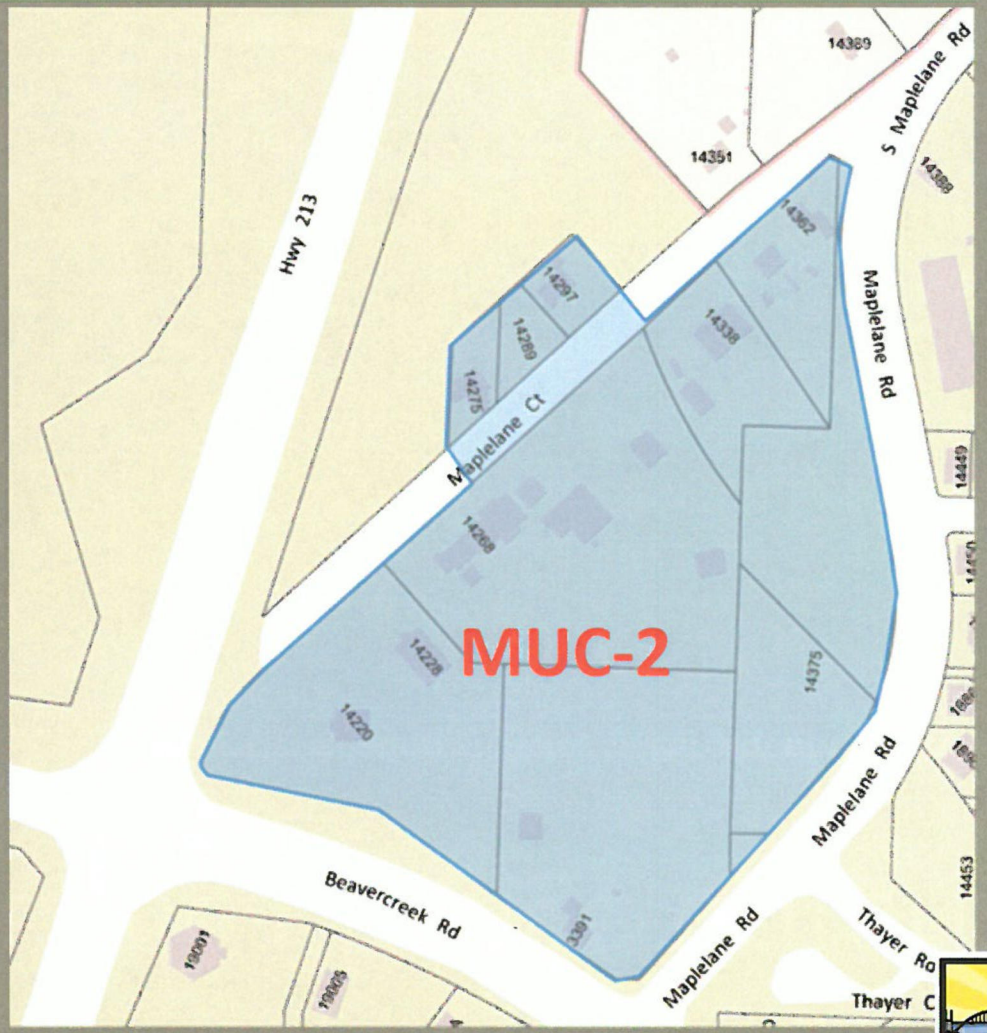
Compliance with the Comprehensive Plan Goals and Policies:

- Citizen participation
- Efficient use of land
- Development near transit corridors
- Adequate public facilities

Zoning Designation	Acres	Percent of the City
R-10	1,567	25%
R-8	1,092	18%
R-6	890	14%
R-3.5	424	7%
R-2	262	4%
C	161	3%
CI	165	3%
GI	220	4%
HC	9	0%
I	475	8%
MUC-1	168	3%
MUC-2	45	1%
MUD	510	8%
MUE	157	3%
WFDD	30	0%

OREGON CITY

Recommend: Approval with Conditions



ZC 15-03: Zone Change

PZ 15-01: Comprehensive Plan Amendment

ZC 15-03: Zone Change
PZ 15-01: Amendment to the Comprehensive Plan

Items submitted to the Planning Division after October 30, 2015

ENTERED INTO THE RECORD
DATE RECEIVED: 11/9/15
SUBMITTED BY: Staff
SUBJECT: PZ15-01
ZC 15-03

From:	James Nicita
To:	Laura Terway; Kattie Riggs
Subject:	Public Comments: Planning Commission file PC 15-222
Date:	Monday, November 09, 2015 2:14:36 PM
Attachments:	PZ1501A.JPG PZ1501B.JPG PZ1501C.jpg

Hi Laura,

Hope you are well. Please enter these comments into the record of tonight's Planning Commission hearing on file # PC 15-222, consisting of ZC 15-03: Zone Change; and PZ 15-01: Amendment to Comprehensive Plan;

There is a notice issue that I believer requires setting over the hearing, as well as re-noticing the hearing, including re-posting of the subject site.

Specifically, because this matter involves a comprehensive plan amendment, the statewide planning goals are approval criteria.

197.175 Cities' and counties' planning responsibilities; rules on incorporations; compliance with goals.

[…]

(2) Pursuant to ORS chapters 195, 196 and 197, each city and county in this state shall:

(a) Prepare, adopt, ***amend and revise comprehensive plans in compliance with goals approved by the commission;***

197.835 Scope of review; rules. (1) The Land Use Board of Appeals shall review the land use decision or limited land use decision and prepare a final order affirming, reversing or remanding the land use decision or limited land use decision. The board shall adopt rules defining the circumstances in which it will reverse rather than remand a land use decision or limited land use decision that is not affirmed.

[...]

(6) The board shall reverse or remand an amendment to a comprehensive plan if the amendment is not in compliance with the goals.

Because the goals are approval criteria, the posted notice must set forth that they are approval criteria. According to OCMC 17.50.090:

B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection… Notice of the application hearing shall include the following information:

[…]

3. A description of the applicant's proposal, ***along with a list of citations of the approval criteria that the city will use to evaluate the proposal;***

As demonstrated by the attached photographs, the posted notice for this matter does not include citation of the statewide planning goals as approval criteria.

Thank you for your consideration.

James Nicita

Oregon City

OREGON CITY

Community Development – Planning

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

NOTICE OF PUBLIC HEARING

Notice Mailed: September 10, 2015

HEARING DATES:	On Monday, November 9, 2015, the City of Oregon City Planning Commission will conduct a public hearing at 7:00 p.m., and on Wednesday, December 16, 2015, the City of Oregon City – City Commission will conduct a public hearing at 7:00 p.m. in the Commission Chambers at City Hall, 615 Center Street, Oregon City 97045 on the following Type IV Applications. Any interested party may testify at the public hearings or submit written testimony at or prior to the close of the City Commission hearing.
FILE NUMBERS:	ZC 15-03: Zone Change from R-3.5 Dwelling District, R-6 Single-Family Dwelling District and R-10 Single-Family Dwelling District to "MUC-2" Mixed Use Corridor-2 PZ 15-01: Comprehensive Plan Amendment from Low Density Residential and Medium Density Residential to Mixed Use Corridor
OWNER/ APPLICANT:	Historic Properties, c/o Dan Fowler 1300 John Adams Street, Oregon City, Oregon 97045
REPRESENTATIVE:	Sisul Engineering, c/o Tom Sisul 375 Portland Avenue, Gladstone, Oregon 97027
REQUEST:	The applicant is seeking approval for a Zone Change from "R-3.5" Dwelling District, "R-6" Single-Family Dwelling District and "R-10" Single-Family Dwelling District to "MUC-2" Mixed-Use Corridor 2 and an amendment to the Oregon city Comprehensive Plan Map from Low Density Residential and Medium Density Residential to "MUC" Mixed Use Corridor.
LOCATION:	14228, 14268, 14275, 14289, 14297, 14338 & 14362 Maplelane Ct, 14375 Maplelane Rd, 3391 Beavercreek Rd Clackamas County Map 32E04C, Tax Lots 700, 702, 900, 1201, 1300, 1400, 1500, 1600 and Clackamas County Map 32E04CD, Tax Lots 3300, 5900, 6000
CONTACT PERSON:	Laura Terway, AICP, Planner (503) 496-1553 or lterway@orcity.org
NEIGHBORHOOD:	Caufield Neighborhood Association
REVIEW CRITERIA:	Oregon City Municipal Code Chapters: 17.10 - "R-10" Single-Family Dwelling District, 17.12 –" R-6" Single-Family Dwelling District, 17.16 – "R3.5" Dwelling District, 17.29 – "MUC" Mixed Use Corridor District, 17.50 – Administrative Processes and 17.68 - Zoning Changes and Amendments. The City Code Book is available on-line at www.orcity.org.

This application and all documents and evidence submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, 221 Molalla Avenue, Suite 200 from 8:30 AM - 3:30 PM, Monday – Friday. The staff report, with all the applicable approval criteria, will also be available for inspection seven days prior to the hearing. Copies of these materials may be obtained for a reasonable cost in advance. Any interested party may testify at the public hearing and/or submit written testimony at or prior to the close of the City Commission hearing. Written comments must be received by close of business at City Hall 10 days before the scheduled hearing to be included in the staff report. Written comments received within 10 days of the hearing will be provided to the Commission at the hearing. The public record will remain open until the City Commission closes the public hearing. Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the City Commission hearing, in person or by letter, with sufficient specificity to afford the Commission and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. Parties with standing may appeal the decision of the City Commission to the Land Use Board of Appeals. Any appeal will be based on the record. The procedures that govern the hearing will be posted at the hearing and are found in OCMC Chapter 17.50 and ORS 197.763.

A city-recognized neighborhood association requesting an appeal fee waiver following issuance of a land use decision pursuant to 17.50.290(C) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.

NEIGHBORHOOD:	Caufield Neighborhood Association
REVIEW CRITERIA:	Oregon City Municipal Code Chapters: 17.10 - "R-10" Single-Family Dwelling District, 17.12 –" R-6" Single-Family Dwelling District, 17.16 – "R3.5" Dwelling District, 17.29 – "MUC" Mixed Use Corridor District, 17.50 – Administrative Processes and 17.68 - Zoning Changes and Amendments. The City Code Book is available on-line at www.orcity.org.

This application and all documents and evidence submitted by or on behalf of the applicant are available for inspection at no

NOTICE OF PROPOSED LAND USE ACTION

OREGON CITY

Community Development – Planning

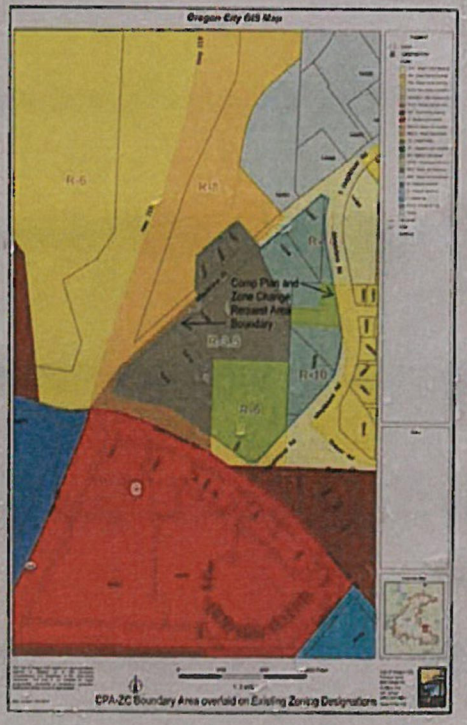
221 Molalla Ave, Suite 200 | Oregon City, OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

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Notice Mailed: September 10, 2015

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CONTACT PERSON:	Laura Terway, AICP, Planner (503) 496-1553 or lterway@orcity.org
NEIGHBORHOOD:	Caufield Neighborhood Association
REVIEW CRITERIA:	Oregon City Municipal Code Chapters: 17.10 – "R-10" Single-Family Dwelling District, 17.12 – "R-6" Single-Family Dwelling District, 17.16 – "R-3.5" Dwelling District, 17.29 – "MUC" Mixed Use Corridor District, 17.50 – Administrative Processes and 17.68 – Zoning Changes and Amendments. The City Code Book is available on line at www.orcity.org

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ZC 15-03

PZ 15-01

FOR INFORMATION CONTACT
Oregon City Planning Division
503-657-0891

Oregon City Planning Commission
Meeting of November 9th, 2015

Testimony of: Christine Kosinski – Holly Lane – Unincorporated Clackamas County

RE: Agenda Item 3C – PC 15-222
ZC 15-03, Zone Change and PZ 15-01 Comp Plan Amendment

Because a Comp Plan Amendment must be done for this Zone Change, the City cannot just consider their own Comp Plan and Codes, but the original State Land Use Goals come into play and the City must meet all of these State Goals. For these reasons, I will show why the City cannot meet "State Goal 7 which states "Local governments shall adopt comprehensive plans (inventories, policies, and implementing measures) to reduce risk to people and property from natural hazards, such as landslides and earthquakes." And you must consider State Law ORS 105.462 Property Disclosure Agreement.

Lloyd's of London is the **ONE and ONLY INSURANCE COMPANY IN THE ENTIRE WORLD** underwriting Catastrophic Landslide Insurance. My Husband and I recently applied to Lloyd's for Landslide and Earthquake insurance. Two weeks ago we received a reply that we are being **DENIED** COVERAGE FOR BOTH LANDSLIDE AND EARTHQUAKE INSURANCE. The reason for denial was due to the risk of "Six Landslides, one of which lies underneath the old bus barn."

I have provided you with a DOGAMI Landslide Map showing the landslides that proliferate the Holly Ln and Hwy 213 area. The "gold star" is our home on Holly Ln, the Five blue and One red star indicate the Six landslides that Lloyd's states is a risk, with the red star indicating the Newell Creek Landslide under the bus barn. This landslide begins under the Newell Creek sliding apartments, goes under Hwy 213 and comes up underneath the old bus barn property.

The denial of Landslide Insurance to us, by the ONLY Insurer in the entire world, means that No One living on the old bus barn property (Maplelane, Beavercreek, Hwy 213) will be able to get Landslide Insurance. This property is good for bus storage, but not for people.

I have testified to this City for years telling you that people living on Holly Ln cannot get Landslide Insurance, and now we have the written proof. Lloyd's of London will not insure any property owner for Landslides if they **"live within one mile of a previous landslide!"** Therefore this City has been approving Development after Development in landslide areas. New owners are not notified by the City nor the developer that their property is in a landslide area and that Insurance for losses is not available. Take a compass and stick it in many places within Oregon City, draw a line one mile from the center and you will see all the property owners who are unable to get Landslide Insurance!

This is unethical and morally wrong and cannot continue. In view of this information will this City be so cavalier as to consider placing Senior Citizens in a senior assisted living facility knowing their lives may be in harms' way. Will you allow people in a hotel, in an office building, in apartments or ROW houses? Will you tell them the truth, that they are living in a landslide zone and cannot get insurance?

This City, along with Clackamas County must go to the State and Feds to work on a program seeking solutions to provide property owners with insurance for Landslides and Earthquakes in hazardous areas. This should have been done long ago before the City went on a development binge.

ENTERED INTO THE RECORD
DATE RECEIVED: 11/9/15
SUBMITTED BY: C. KOSINSKI
SUBJECT: ZC 15-03
PZ 15-01

I attended the School District meeting where the sale of the old bus barn property to Historic Properties was discussed. I did testify to the School District about the huge landslide underneath this property, they stated they knew about it and didn't discuss it further. Historic Properties has been slowly acquiring properties on Maplelane Court, slowly leading up to proposed development at this time. The City, School District and Historic Properties knew about the landslide problems here and all chose to do nothing, leaving new property owners as the victims because they were not told about the landslides and the inability to obtain insurance.

If any approval for a zone change and development at the old bus barn property is granted, simply HUGE amounts of water will be dumped right into this extremely large chain of landslides. DOGAMI has stated on many occasions that "WATER" is food for landslides. Water will cause them to re-activate much sooner. For safety, all water used by property owners, all stormwater must be diverted away from the landslides and pumped into a safe area where landslides do not exist. However, there is no such safe areas in this part of Oregon City.

In the City's Comprehensive Plan (Landslides) the City openly admits that Landslides can be triggered by groundshaking, **heavy traffic** and development. Under (unstable soils) the Comp Plan states " The City adopted an Unstable Soils and Hillside Constraint Overlay District to provide safeguards in connection with development on or adjacent to steep hillside and landslide areas and other identified known or potential hazard areas, thereby preventing undue hazards to public health, welfare and safety." **Holly Lane should be taken out of the City TSP for these and other reasons due to development creating unsafe conditions for the people of this area and due to the fact that these citizens cannot obtain Landslide Insurance.**

The City has "No Good Transportation System", Holly Lane cannot be used as a thoroughfare for heavy traffic, they cannot get Landslide Insurance and would be victims of City development and approvals by City government to heavily use the street as a means of moving traffic from the hilltop down to the transportation corridor. The City would knowingly be compromising the safety of these citizens.

Oregon City Landslide Regulations have not been updated as promised by City Engineer, Nancy Kraushaar on February 20th, 2008. We should expect two stages of code changes and she stated "We will be using the City of Salem's code as the template for our code. I agree that Salem's code will provide a very good model for us to use." These changes were to be made once the DOGAMI maps are complete and adopted by the City Commission.

City meeting minutes of March 21st, 2007. Ms. Kosinski discussed the dangers and expenses related to landslides. "She spoke of preliminary geotechnical studies that took place in the proposed Park Place development area, by the GRI consulting firm. GRI suggested the City require a geotechnical evaluation or investigation as part of any future development in areas with slopes of 15% or steeper." Why hasn't this been done when Holly Ln slides were 11% and Street of Dreams were 5% and less?

Additional reasons why the City should not approve this request for Zone Change.

1. The people in the Caufield Neighborhood are not happy with this plan. They say they have been left out of the planning for this development and they have huge concerns over heavy traffic already in the area.

2. There is NO Infrastructure in the Beavercreek corridor to support the huge amount of development the City is proposing in this area.
3. The City is not using Concurrency to guarantee Infrastructure first before development
4. There is a shortage of water available, due to both drought conditions and the fact that the City needs to build a new reservoir to serve large development approvals. The City already has IGA agreements with CRW for some projects.
5. Both on Glen Oak and Hwy 213, sewer capacity is questionable.
6. The City has NO reliable Transportation System, no way to get traffic off the hill to the transportation system. **Holly Ln should be taken out of the TSP,** it cannot be relied upon to carry heavy traffic due to a plethora of landslides and sinkholes. The people cannot get landslide insurance to cover damages from landslide or earthquake.
7. City has failed to uphold State Law ORS 105.462, to notify new property owners moving into landslide and/or hazardous areas that they will be unable to obtain insurance for losses due to landslide or earthquake.
8. City cannot meet requirements of State Goal 7 for citizens living within one mile of a previous landslide.
9. About 3-4 years ago I requested the City to hold another Community Event to help citizen awareness for disaster readiness, especially for Landslide and Earthquake. This City is built on steep slopes and landslides and there are two large earthquake faults that lie within the City.

Citizen education is most important here where we have topography problems. Where is citizen education?

Professor Scott Burns, Professor of Geology, PSU, spoke at the Canemah Neighborhood meeting held on April 16, 2015. Some noteworthy excerpts from his presentation about Landslides.....

1. About Detention Ponds - "Do not build detention ponds on landslides." The water from the ponds must be drained away from the slides, this may cost more, but keep the ponds away from areas of landslides. He went on to state that Planning Commissioners should pay special attention to this concern and be sure the ponds are placed away from these hazardous areas."

2. The Three Strikes and You're Out Rule. If you have three of these strikes, you're in potential danger for a landslide.

a) Steep Slopes
b) Weak Soils
c) Problem Geology
d) Add trigger – Water

For all the above reasons, approval for a Zone Change or any anticipated development at this site should be denied due to all the above reasons. I request, both for myself and the people of Holly Ln that the City remove Holly Ln from its TSP. Heavy traffic, any widening, any grading or cutting into the slopes could trigger landslides and the people have no ability to obtain insurance for any damages and losses due to landslides. If the City continues to approve Holly Ln for heavy traffic and for a Roundabout, the actions of the City would make these people "victims" of irresponsible use of the street by City government. Don't think the City is not liable for these approvals because you are. You have been notified, by several of my testimonies to the City, that the peoples of Holly Lane cannot obtain insurance for losses due to landslides.

Fwd: Landslide and earthquake quote

From : britenshin@aol.com Mon, Nov 09, 2015 03:53 PM

Subject : Fwd: Landslide and earthquake quote

To : bigcozz@comcast.net

----Original Message----
From: Jackie Goodman <jackie@huggins.com>
To: britenshin <britenshin@aol.com>
Sent: Wed, Oct 28, 2015 11:20 am
Subject: RE: Landslide and earthquake quote

Hello Christine and John,

I received a response from the Underwriter and I am sorry to tell you that your application has been denied. Unfortunately you are ineligible for landslide coverage at this time. The comments from the Underwriter indicate the risk is surrounded by 6 large landslides and a recent fan of debris. The Catcoverage.com market is the only market that we have available for this type of coverage.

I am so sorry that I am unable to assist you. If you have any questions or concerns, please let me know.

Kindly,

Jackie Goodman
Account Manager
Huggins Insurance Services
jackie@huggins.com
503-480-8737

Please note: This message may contain confidential and/or proprietary information, and is intended for the person/entity to whom it was originally addressed. Any review by persons or entities other than the intended recipient, or the retransmission of this information is prohibited

Subj: **RE: Steep Slope/Landslide Regulations**
Date: 2/20/2008 11:34:39 A.M. Pacific Standard Time
From: nkraushaar@ci.oregon-city.or.us
To: Britenshin@aol.com, anorris@ci.oregon-city.or.us, dmabee@ci.oregon-city.or.us, dwuest@ci.oregon-city.or.us, ttidwell@ci.oregon-city.or.us, dneeley@ci.oregon-city.or.us, lpatterson@ci.oregon-city.or.us, pwalter@ci.oregon-city.or.us, crobertson@ci.oregon-city.or.us, tkonkol@ci.oregon-city.or.us, ddrentlaw@ci.oregon-city.or.us, kat2kami@yahoo.com, rodmoxley@comcast.net, bigcozz@comcast.net, bobn2b@msn.com, gardengifts@juno.com, paintfx@juno.com, tgeil@comcast.net, steve@vanhaverbeke.org, pauloedgar@qwest.net, HOGANSBLUFF@aol.com, rlp@hevanet.com, sha-z@earthlink.net, johnwilliams38@gmail.com

Christine:

Below you will find a summary of what staff *will be proposing* to the City Commission for their adoption. What is finally adopted may look a little different, but I have no way of knowing that now. What the City Commission ultimately adopts is their decision.

The public should expect two stages of code changes that will govern Geologic Hazards (or Steep Slopes).

The first stage will be included in the packet of code language changes that Planning has been working on. The primary revision to our existing code for Geologic Hazards (OCMC 17.44) will be to redefine "geologic hazard areas" to include area within 200 feet of the crest or toe of a slope that is 25% or greater. This expands the areas for which an approved permit is required before development is authorized. The permit could be obtained after a developer has submitted geotechnical and geologic reports and comprehensive documentation pertaining to the proposed development and the site geology. Another significant change to the existing code will be that the reports and documentation for the development will be subject to peer review. The peer reviewer will be selected by the City and shall have expertise in regional and Oregon City geology, slope stability analysis, landslides, and engineering mitigation for hazardous sites.

The second stage will be a re-write of the Geologic Hazards code to implement the new risk-based maps that DOGAMI is developing. We will be using the City of Salem's code as the template for our code. I agree that Salem's code will provide a very good model for us to use. We will not be able to propose this code for adoption until the DOGAMI maps are complete and can be adopted by the City Commission.

Regarding the DOGAMI maps - I met with Bill Burns about two weeks ago and he showed me the work he has completed so far. We are preparing to provide an in-house review of the work he has completed. He will also have others reviewing his work (I believe others from DOGAMI and Scott Burns).

Let me know if you have additional questions regarding this information.

Thank you for your inquiry.

-Nancy

Nancy J.T. Kraushaar, PE
City Engineer/Public Works Director
City of Oregon City
320 Warner Milne Road, PO Box 3040
Oregon City, OR 97045

Phone: 503-496-1545
Fax: 503-657-7892
E-mail: nkraushaar@ci.oregon-city.or.us

provided at the right cost. They did not support higher taxes because government could no longer provide cost effective services. They want a better deal, so his suggestion was to give them a different deal he thought could be better. He wanted to see the City create neighborhood associations and other civic groups with real power and provide them with real resources.

Commissioner Neeley noted rising costs included medical insurance.

- **Christine Kosinski, Oregon City**

Ms. Kosinski discussed the dangers and expenses related to landslides. The City recently contracted with GRI to perform preliminary geotechnical studies in the proposed Park Place development area. The GRI project engineer recommended that the City require a geotechnical evaluation or investigation as part of any future development in areas with slopes of 15% or steeper. These should also address setbacks from existing slopes. Holly Lane residents have suffered severe monetary losses due to ancient landslides, and she asked the City to include language regarding the danger of ancient lands in its hazard policy. She proposed that it read, "the City will require geotechnical evaluation or investigation as part of any future development in areas with slopes of 15% or steeper or in areas of ancient landslides." She discussed grading ordinances and adopting the graduated response table drafted by the City of Salem that identified the risk of a slope. This table proved has been shown to be 90% to 98% effective in other cities and states. She proposed the City of Oregon City draft regulations to include a graduated response table with accompanying point values as part of the hazard steep slope landslide policy. She further proposed the City apply a separate set of building codes to each of the risk categories. This would help the developers to build smarter and more responsibly, and the City would reduce its exposure to future litigation and meet Goal 7 requirements to protect citizen and property safety.

Commissioner Neeley understood a draft ordinance was being prepared and recommended it be sent to the neighborhood associations, particularly Park Place, for comment.

Ms. Kraushaar replied there would be language slightly modifying the existing geologic hazard code, and the intent was to do that quickly. The more comprehensive change that included mapping would go to all residents as a Measure 56 matter since it would essentially change zoning on people's properties. There were two ordinances with different processes.

Mayor Norris suggested scheduling that for a work session discussion.

Commissioner Mabee asked Ms. Kraushaar to explain the term 15% slope.

Ms. Kraushaar replied it would be a 15-foot rise in a 100-foot run.

- **Bob Mahoney, Oregon City**

Mr. Mahoney attended the Rivercrest Neighborhood Association where Chief Huiras made a presentation that included the fire protection issue. He identified three weaknesses in services – library, fire, and police. He recommended forming a task force to look at how to best support those services in order to communicate that vision with people interested in investing in Oregon City.

- **Nancy Walters, Oregon City**

Ms. Walters shared her thoughts about tree removal. During the Park Place Concept Planning Process the project team worked extensively with the community to develop a set of core values. They valued natural resources in the neighborhoods, the rural character and a planning approach that would maintain that feeling as the area developed, and protection of property



ENTERED INTO THE RECORD
DATE RECEIVED: 11/9/15
SUBMITTED BY: C. Kosinski
SUBJECT: ZC 15-03
PZ 15-01

JAMES J. NICITA

302 Bluff Street
Oregon City, OR 97045
E-mail: james.nicita@gmail.com

Public Comment on # PC 15-222, consisting of ZC 15-03: Zone Change; and PZ 15-01: Amendment to Comprehensive Plan;

Goal 6:

"All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards."

Newell Creeks runs along the property, and is a "waters of the state" under ORS 468B.005(10).

State Standards: There is no evidence in the record that the applicant's development will not violate or threaten to violate the state water quality standards in OAR **340-041-0001 et. seq.**

State Statutes: The storm water drainage system for the proposed development will be a "disposal system" under ORS 468B.005(1). Before the applicant can construct the disposal system, the applicant must obtain a permit pursuant to ORS 468B.050. If the applicant refuses or fails to obtain a permit pursuant to ORS 468B, then the project must comply with ORS 468B.025(1). There is no evidence in the record demonstrating compliance.

Thank you for your consideration.

James Nicita
Oregon City

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PZ 15-01

7. (§14.86) Statewide Planning Goals as a Standard for Plan or Ordinance Amendments

The Oregon Statewide Planning Goals & Guidelines apply to an amendment of an acknowledged local comprehensive plan or land use regulation unless the plan policies call for the amendment. ORS 197.175(2)(a), 197.835(5); *1000 Friends of Oregon v. Land Conservation & Dev. Com.*, 301 Or 447, 724 P2d 268 (1986) (Oregon Statewide Planning Goal 14 applies to comprehensive plan amendment to convert rural land outside urban growth boundary to urban land uses); *Residents of Rosement v. Metro,* LUBA Nos. 99-009, 99-010, 38 Or LUBA 199 (2000), *aff'd,* 173 Or App 321 (2001); *Ludwick v. Yamhill County,* 72 Or App 224, 231, 696 P2d 536 (1985) (Oregon Statewide Planning Goal 4 applies to postacknowledgment plan amendment and zone change to forestland pursuant to statute that authorized Land Use Board of Appeals (LUBA) to reverse or remand amendment to comprehensive plan that did not comply with goals); *Friends of Yamhill County v. Yamhill County,* LUBA No. 2004-014, 47 Or LUBA 160, 169 (2004) (goal compliance issues, as a general rule, must be resolved in post-acknowledgment plan amendments); *Beaver State Sand and Gravel, Inc. v. Douglas County,* LUBA No. 2002-065, 43 Or LUBA 140 (2002), *aff'd,* 187 Or App 241 (2003) (an amendment of a county's Oregon Statewide Planning Goal 5 inventory to include a new site must comply with applicable statewide planning goals).

A detailed notice and review process for postacknowledgment amendments is set forth in ORS 197.610. *See, e.g., Club Wholesale Concepts, Inc. v. City of Salem,* LUBA No. 90-057, 19 Or LUBA 576 (1990) (tolling statutory deadline for appealing new ordinance for party to whom city failed to give timely notice of ordinance). A difficulty common to such amendments is how to determine which goals apply. The general rule is set forth in *Davenport v. City of Tigard,* LUBA Nos. 91-133, 91-137, 22 Or LUBA 577, 586 (1992): "Where apparently applicable statewide planning goals are implicated by a challenged decision, the city must either explain how the challenged decision complies with the goals or explain why those apparently applicable goals do not apply." A slightly different twist was added in *Oregon Department of Transportation v. Clackamas County,* LUBA No. 92-062,

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23 Or LUBA 370, 373 (1992), in which LUBA held that findings on a number of goals should have been made because "[i]t is not obvious to us that [those goals] . . . are not applicable to the proposal."

Amendments to statewide planning goals may be effective immediately to local decisions. ORS 197.245, 197.646; *Department of Land Conservation & Dev. v. Lincoln County,* 144 Or App 9, 925 P2d 135 (1996) (amendments to Goal 11 applicable to local permit decisions).

The relationship between statewide planning goals and local plans or ordinances is discussed in the following cases:

- *Bicycle Transp. Alliance v. Washington County,* 127 Or App 312, 316–317, 873 P2d 452, *adhered to in part, modified on other grounds,* 129 Or App 98 (1994) (to sustain local ordinance that amends acknowledged transportation plan by allowing administrative staff to change road alignments within specified road corridors, county must show that at least initial designation of corridors complied with goals).
- *Costco Wholesale Corporation v. City of Beaverton,* LUBA Nos. 2005-044, 2005-046, 2005-050, 2005-053, 50 Or LUBA 476, 495–496 (2005), *aff'd in part, rev'd in part,* 206 Or App 380 (2006) (OAR 660-014-0060 requires local governments to apply acknowledged plans and land use ordinances, rather than statewide planning goals, to annexation decisions unless plans and ordinances do not control the annexation. A plan policy that provided nonbinding policy guidance was found to control the annexation.).
- *Geaney v. Coos County,* LUBA No. 97-104, 34 Or LUBA 189 (1998) (rejecting the county's interpretation of a comprehensive plan provision that an exception to Goal 3 is not required to rezone certain land already subject to the exception to allow the existing use of the property, when the prior exception did not recognize the existing use of the property as an allowed use).

- *Doty v. Jackson County,* LUBA Nos. 97-089, 97-090, 34 Or LUBA 287 (1998) (remanding for additional Goal 5 review for ordinances amending local plan map and text to change designation of Goal 5 resource lands, because county did not consider the impacts to resources beyond the limits of redesignated land).
- *Department of Land Conservation and Development v. Douglas County,* LUBA No. 96-233, 33 Or LUBA 216 (1997) (remanding legislative plan amendment for violation of coordination requirement under Goal 2 because county did not postpone adoption until state economist provided population projections for county to consider).

8. (§14.87) Impact of Amendment or Reinterpretation of Standards and Criteria

In general, a land use application may be reviewed for compliance only with those standards and criteria in effect at the time the application is deemed complete. See §14.11 for a discussion of the "fixed goal post rule."

The meaning of the term *standards and criteria,* as used in ORS 215.427(3) and 227.178(3), is a question of state law. As a result, a local interpretation or application of that term does not bind the Land Use Board of Appeals or the courts. Local governments cannot avoid making findings of compliance by "interpreting" approval standards or criteria as not being approval standards or criteria if they are set forth in the plan or implementing regulation as such. The term *standards and criteria* is not limited "to the local provisions that the local government *must* apply in acting on an application; it also includes provisions . . . that the government *does* apply and that have a meaningful impact on its decision. *Davenport v. Tigard,* 121 Or App 135, 141, 854 P2d 483 (1993).

Testimony regarding Development at old bus barn
From: Kristi Beyer, Holly Lane Resident
Oregon City Planning Commission Meeting: November 9, 2015

(Thank you, Commissioners, for letting me share my concerns with you)

Dear Oregon City Planning Commission Members and Staff:

I wanted to take a moment to write to you about proposed development at the site of the old Oregon City School District Bus barn on Maple Court. My understanding is that the developer wishes to put in assisted living facility, a hotel, apartments and a small business site. The site, located roughly between the corners Maple Court, Maple Lane, Beavercreek and Hwy 213, poses some big concerns for me and my neighbors with regard to safety and traffic infrastructure.

I wish to start my letter off by stating that I recognize that the citizens of Clackamas County are seen as a "squeaky wheel" to the City. We feel that our concerns are not being heard, are not being addressed and are definitely not being taken seriously. We would like to be a part of the solution and although occasionally invited, we do not feel truly included. We live in this area because we like it. We like the juxtaposition of City and County, of rural and urban, of the wonderful and robust history this place has. We are loyal and strong and could be good advocates for your programs.

Landslide Concerns
I live on Holly Lane, surrounded by ancient (and some not so ancient, having been reactivated in 1996) landslides. The area has had much slide activity in recent years, both on Holly Lane proper, as well as areas that share its soil which include Thayer road and the Newell apartments, the latter located just below and across Hwy 213 from the proposed development. They all share the same Troutdale Formation soil, which slides. Homeowners cannot acquire landslide insurance on Holly and sellers of property in this area are not required to disclose the landslide risk to potential buyers. So I worry for myself, and for both my current as well as future neighbors.

Traffic Concerns
I have been aware of traffic issues since I purchased property here in 1997. High speeds approaching 100mph on Holly and other roads in this area are not uncommon and have been documented in traffic studies. I have personally witnessed individuals illegally passing stopped busses waiting to transport children, who have their emergency red lights flashing and their "stop" signs out. Holly Lane is a narrow, 2 lane road, with no shoulder and deep ditches. It has severely limited sight distance due to rolling hills and windy curves. There have been numerous accidents on Holly Lane due to speed and traffic flow. The road sees walkers, joggers and bicyclists on a weekly basis. It borders a school (Ogden Middle School, 910 students) which in Fall 2012 added 300 more students, some of whom walk to school and many of whom are driven to school in personal vehicles. Since the development of Maple Lane's Crabtree Terrace, the number of average daily trips (ADTs) has visibly increased during peak usage. I fear the addition of this new development, without good viable alternate routes of commuting, will result in a worsening of traffic in this area. Based on how Maple Lane and the sharp corner of Maple Lane Court, there is no traffic infrastructure currently in existence to handle the anticipated large amounts of traffic generated from this new development.

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SUBJECT: 2015-03
PZ 15-01

Each workday morning, the intersection of Beavercreek and Maple Lane (right at the site of the proposed development) fails. Hwy 213 itself in this area also fails during the early morning commute. Without a better plan to route traffic, which utilizes roads that are neither failing nor susceptible to landslides, the traffic issues in this area are going to be huge. I do not see any viable solutions for the congestion that the proposed development will cause. We are concerned about the additional amount of traffic and the high rates of speed we are seeing on Holly. We have asked the County to improve the safety of Holly and have gotten the speed reduced to 40 MPH and the sharp curve improved. Yet the City has done nothing to improve conditions from their boundaries and continues to approve development without a seeming regard for the need for residents to get safely to and from services and their places of work.

Developing this property without a serious regard, and serious and detail oriented research on the soil, threatens both existing homeowners as well as commuters who will find it difficult to get to Interstate 205 if a landslide closes down 213 near the site of the proposed new development. This whole area is the Newell Creek Canyon, a protected wetlands. It doesn't feel to me that the City is doing much to protect it with this sort of large and poorly placed potential development.

I urge you to please run the necessary tests and research to ensure the safety and livability of both current homeowners, as well as future homeowners and all commuters who use these roads to get to and from work, as well as to and from services. Developing this property to the point suggested by the developer is surely going to cause a massive slide down onto and across highway 213, rendering it obsolete for drivers for any significant amount of time. Such a catastrophic event could prevent this area from being used again as a commuter path.

Sincerely,

Kristi Beyer
Holly Lane and Clackamas County Homeowner

PC 15-222 ZC 15-03: Zone Change and PZ 15-01:
Comprehensive Plan Amendment
Planning Commission 11-9-2015

Submitted by Elizabeth Graser-Lindsey

I object to this process because it is in **procedural error**. This process violates OCMC 17.50.180, 17.50.120 E 2 and OC Resolution 14-16 IX 3 in that there is an error in the procedure[1]. In particular Review Criteria are in error and lacking the State Wide Planning Goals. Many are relevant here such as Land Use Planning, Resource Quality, Natural Hazards, Economic Development, Housing and Transportation.

The Transportation Planning Rule (**660-012-0060**) is violated by this proposal. For example, the zone change would allow anticipated development that would "degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan" and "…that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan". The state standards use V/C ratio for Hwy 213 and the county uses this standard for Beavercreek Rd. The City's own law acknowledges that the Beavercreek Rd. and Highway 213 intersection is failing the V/C standard. The approved Beavercreek Apartment proposal documents that the state's V/C standard is exceeded prior to these additional trips being added to the system.

The proposed trip limit cap does not prevent the degradation of performance of area roads by limiting trips to the levels permitted

[1] "If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be listed and discussed on the record."

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SUBJECT: 3C
ZC 15-03

under existing zoning, because build out of existing zoning itself would not comply with the Transportation Planning Rule and would not be allowed. E.g. the site plan and design review criteria (OCMC 17.62 #15) require "Adequate right-of-way... shall be provided and be consistent with the city's transportation master plan and design standards and this title. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include... facilities needed because of anticipated vehicular and pedestrian traffic generation"

The Zone Changes and Amendments Criteria (**OCMC 17.68**) are not met:

A. The proposal is not consistent with the goals and policies of the comprehensive plan. E.g. the proposal violates OCCP Policy 14.3.2 "Ensure that the extension of new services does not diminish the delivery of those same services to existing areas and residents in the city." The extra traffic, over the road capacity, does impact existing areas and residents in the city.

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

The transportation facilities are inadequate to comply. The facilities and services must be sufficient for the "uses... allowed", not for the current zoning: that is, a trip limit cap inherently

acknowledges that the facilities and services are not sufficient and it would not correct the insufficiency so such a cap would violate the code. It is clear that the developer eventually wants to exceed the cap (Oct. 17, 2015 memorandum from Thomas Sisul) , but does not want to do so with the degree of scrutiny required by the zone change law. Approving the zone change with a lesser scrutiny than the law provides would violate the code, so the "comprehensive plan review" cannot be waived by conditions.

The sewer facilities are inadequate to comply. The sewer facilities are inadequate to support any development, as all remaining capacity is already over subscribed to by the Caufield/Glen Oaks neighborhood and Beavercreek Apartments (Sewer Master Plan, p. A-1, B-1 and C-1 show with the approved Beavercreek Road Apartments surcharging along Hwy 213) and the City specifically waived any payments that might have increased the sewer capacity to eliminate the constrictions (Decision on SP 14-01, AP 14-01 and 14-02 Condition 37).

Because the Hwy 213/Beavercreek Rd. intersection has failed the standard, the police and fire services are diminished because cars now need to wait through several lights to pass through the intersection.

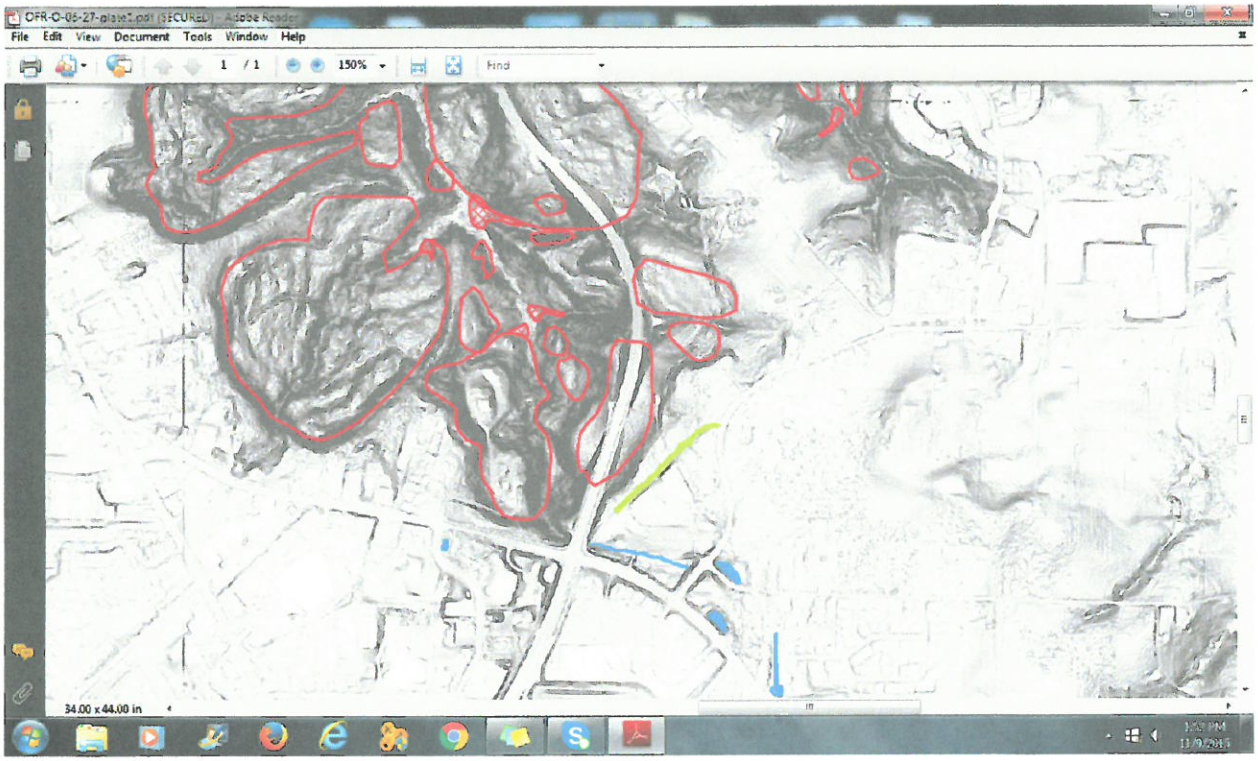
C. The land uses authorized by the proposed development are not consistent with the existing or planned function, capacity and level of service of the transportation system servicing the proposed zoning district. The local roads serving the development area have insufficient capacity as does the Hwy 213/Beavercreek Rd. intersection, Hwy 213 and Holly Ln which access I205 and I 205 itself which recent Transportation System Planning showed as failing.

D. The Statewide planning goals are not addressed although this is a criteria. The development would not comply with

Testimony from Bob Nelson 11/9/15
To: Oregon City Planning Commission
For: File ZC-15-03 Zone Change Request

Below is part of Open File Report O-06-27 by the State of Oregon, Department of Geology and Mineral Industries, authors, Madin & Burns, titled: Map of Landslide Geomorphology of Oregon City... that includes the area surrounding this zone change request.

North is toward the top of the page, running through the center of the image is Hwy 213. The light green line is Maplelane Court, blue is water holding/infiltration basins and a stream. Red circles are identified past landslide areas. Please note that I added the blue and green to the map.



Please note that old landslides can easily be reactivated by several different development activities including: adding fill to the top of old landslides, concentrating ground water flow into landslides, trenching above or through landslides and ground vibration of saturated soils. The reactivation of the closest landslide to this project would result in the closing of State Highway 213 for months to years, and result in millions of dollars repair costs.

Approximately 1300 feet west of the proposed project, the City of Oregon City approved an apartment complex that reactivated an old landslide that is still slowly moving. Unfortunately, the City of Oregon City has choosen not to develop and include landslide ordinances into the building code so it is up to

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PZ 15-01

you, the Planning Commission, to include landslide protections for the public good. Failure to do so could easily result in the closing of Hwy 213.

I request that you deny the request to change zoning until the City of Oregon City develops and includes specific building ordinances for areas that are near landslides or are within landslide hazard zones. Tableing this request until landslide constrution ordinces are included in the building code could give the Planning Department the added push to do the right thing. This project includes lands less than 50 feet from the top of a known landslide. Please do not allow a repeat of the mistakes made in construction of the apartments just across Hwy 213.

If you really feel this land should be developed as soon as possible then please consider adding the following requirements.

1. **No** construction activities within 500 feet of mapped landslides
2. Do not concentrate water infiltration, instead move water holding/ infiltration basins offsite to areas below the hill
3. Require a $5 Million, 20 year Insurance Policy to reimburse the State of Oregon for potential highway construction costs in case of landslide reactivation
4. Hire the State of Oregon geologists to develop a list mitigation practices for safer construction activities near these known landslides and include the identified practices as requirements for this site

Thank you for your time and consideration

Bob Nelson

Deep-Landslide Susceptibility Map of the Northwest Quarter of the Oregon City Quadrangle, Clackamas County, Oregon 2013



OPEN-FILE REPORT O-13-08

Landslide Hazard and Risk Study of
Northwestern Clackamas County, Oregon

COMMENT FORM

PLEASE PRINT CLEARLY

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

Date of Meeting 11/9/15

Item Number From Agenda 3C

NAME: PAUL EDGAR

ADDRESS: **Street:**

City, State, Zip: O.C.

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

COMMENT FORM

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Date of Meeting 11-9-15

Item Number From Agenda 3C

NAME: Elizabeth Graser-Lindsey

ADDRESS: **Street:** 21341 S. Ferguson Rd

City, State, Zip: Beavercreek OR 97004

PHONE NUMBER: (503) 632-5568

E-MAIL ADDRESS: egraserlindsey@gmail.com

SIGNATURE: Elizabeth Graser-Lindsey

COMMENT FORM

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Date of Meeting 11-9-15

Item Number From Agenda 3C

NAME: CHRISTINE KOSINSKI

ADDRESS: **Street:** HOLLY LN

City, State, Zip: OREGON CITY

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE: Christine Kosinski

COMMENT FORM

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Date of Meeting 11/9/2015

Item Number From Agenda C

NAME: James J. Nicita

ADDRESS: **Street:** 302 Bluff St.

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER: 503-799-8725

E-MAIL ADDRESS:

SIGNATURE:

COMMENT FORM

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Date of Meeting 11/9/15

Item Number From Agenda 3c

NAME: Bob Nelson

ADDRESS: **Street:** 18090 Holly Ln

City, State, Zip: Oregon City OR 97045

PHONE NUMBER:

E-MAIL ADDRESS: bobnz5@msn.com

SIGNATURE:

COMMENT FORM

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Date of Meeting 11/9/15

Item Number From Agenda 3c

NAME: Michael Ard, PE

ADDRESS: **Street:** 321 SW 4th Avenue, Suite 400

City, State, Zip: Portland, OR 97204

PHONE NUMBER: 503-248-0313

E-MAIL ADDRESS: mike.ard@gmail.com

SIGNATURE:

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Item Number From Agenda 3c

NAME: Dan Fowler

ADDRESS: **Street:** 1300 John Adams St.

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER: 503-655-1455

E-MAIL ADDRESS: danf@abemethylcenter.com

SIGNATURE: Dan Fowler

COMMENT FORM

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Date of Meeting 11/9/15

Item Number From Agenda 3c

NAME: Mark Foley

ADDRESS: **Street:** 14725 S. Brunner Rd.

City, State, Zip: Oregon city, OR 97045

PHONE NUMBER: 503-816-1277

E-MAIL ADDRESS: markf@fandfstructures.com

SIGNATURE: Mark Foley

Did not speak

COMMENT FORM

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Date of Meeting 11-9-2015

Item Number From Agenda 3C

NAME: TOM SISUL

ADDRESS: **Street:** 375 PORTLAND AVE

City, State, Zip: GLADSTONE, OR 97027

PHONE NUMBER: 503-657-0188

E-MAIL ADDRESS: TOMSISUL@SISULENGINEERING.COM

SIGNATURE: Thomas J Sisul

Did not speak

Housing Resource Document for the City of Oregon City Comprehensive Plan

Prepared For:

City of Oregon City
PO Box 3040
320 Warner Milne Road
Oregon City, OR 97045

Prepared By:

David Evans and Associates, Inc
2100 SW River Parkway
Portland, OR 97201

October, 2002

Table of Contents

1 INTRODUCTION 1

2 EXISTING CONDITIONS 1

2.1 DEMOGRAPHICS 1
2.1.1 Population Trends 1
2.1.2 Age 2
2.1.3 Race 3
2.1.4 Group Quarters 4
2.1.5 Poverty 4
2.2 HOUSEHOLDS 5
2.2.1 Household Size 6
2.2.2 Income 6
2.3 HOUSING STOCK 7
2.3.1 Housing Units (Census) 8
2.3.2 Housing Units (Housing survey) 8
2.3.3 Current Housing Mix and Density 12
2.3.4 Condition 13
2.3.5 Housing Availability 14
2.3.6 Cost 14
2.3.7 Owning Versus Renting 17

3 FUTURE HOUSING NEED 18

3.1 PROJECTED LAND CAPACITY 18
3.1.1 Existing Residential Land Supply 18
3.2 METRO AND CLACKAMAS COUNTY CAPACITY ESTIMATES/LAND NEED THROUGH 2017 23
3.3 HOUSING MIX BASED ON DEMOGRAPHICS 25
3.4 LAND NEEDS/SURPLUS BY HOUSING TYPE 27

~~1.~~List of Tables

Table 1. Population Change of Oregon City and other Willamette Valley Jurisdictions 2
Table 2. Age 3
Table 3. Race as a Percentage of Population 3
Table 4. Number and Percentage of People in Group Quarters 4
Table 5. Poverty in Oregon City (2000) 5
Table 6. Household Type in Oregon City 5
Table 7. Average Household Size 6
Table 8. Household Income in Metropolitan Portland and Oregon City (2000) 7
Table 9. Median Household Income (2000) 7
Table 10. Number of Units by Structure Type by Percentage of Total Housing Units 8
Table 11. Number of Existing Units by Type and Zone 10
Table 12. Number of Existing Units by Type and Neighborhood 11
Table 13. Mobile and Manufactured Home Parks 12
Table 14. Percentage of Housing Units by Structure Type within the City Limits (1996-2001) 12
Table 15. Development Density Compared to Maximum Allowable Density (1996-2001) 13
Table 16. Housing Condition in Oregon City 13
Table 17. Current Occupancy and Vacancy Rates in Oregon City 14
Table 18. Average Rent by Number of Bedrooms for Portland and Oregon City 14
Table 19. Median Home Price for Portland and Oregon City (Jan 2002-July 2002) 15
Table 20. Housing Affordability based on Household Income 16
Table 21. Monthly Affordable Housing Costs for Oregon City Residents 17
Table 22. Affordable Housing by Median Household Income 18
Table 23. Vacant Residential Land by Zoning in Oregon City 21
Table 24. Partially Vacant Residential Land by Zoning in Oregon City 22
Table 25. Potentially Redevelopable Residential Land by Zoning in Oregon City 23
Table 26. Capacity Analysis based on Metro and Clackamas County Capacity Estimates 24
Table 27: Actual and Projected Housing Mix 27
Table 28. Housing Need/Surplus with Rezoned Areas 28
Table 29. Potential Changes in Zoning to Meet Density Target 29

List of Figures

On or Follows Page

Figure 1. Oregon City Neighborhood Boundaries 11
Figure 2. Vacant and Partially Vacant Parcels 20
Figure 3. Improvement to Land Value Ratio for Residential Property 23
Figure 4. Percentage of New Housing Units Needed by housing Type for Oregon City 26
Figure 5. Changes to the Comprehensive Plan Map and Zoning Designations 28

1 Introduction

Adequate, affordable housing is one of the most important elements of any community. Housing provides our daily shelter as well as supplying a personal identity to a neighborhood and the community at large. An adequate supply of affordable housing and a variety of housing options to meet the needs of Oregon City residents are important components of a thriving community. Ensuring that all residents are able to secure housing and offering housing choices that attract new residents are ways to build a community's future.

We are largely a nation of homeowners. According to the 2000 Census, nationwide, approximately 66 percent of all households own their homes. In the Portland Metropolitan Area,[1] about 62 percent of all households are owner-occupied; Oregon City is very similar at 60 percent. For the homeowner and the renter, housing costs are a significant economic investment. Housing also plays a vital role in the national economy by generating jobs. For local government, housing is a primary source of income (property taxes) and the major recipient of expenditures to provide public facilities and services (water, sewer, transportation, police and fire).

Oregon City is unique in the region for its role in Oregon history and for the age and diversity of its housing stock. In Oregon City, housing has always been at the center of the community. Many older homes and buildings have historical significance. Therefore, housing planning in the city is aimed at both development of new housing units and preservation or careful redevelopment of older historic housing units. This requires a keen understanding of the current housing stock. Because Oregon City, like many other communities in the Willamette Valley, has grown quickly in the last decade, more units are needed to accommodate new residents, or residents wishing to move into another type of housing.

The Housing Element covers:

- Demographics that gives an overview of Oregon City residents compared to the region;
- Housing Stock that describes the current number of housing units
- Projected Land Capacity that describes the amount of vacant, partially vacant and potentially redevelopable residential land and its projected housing capacity; and
- Land Needs/Surplus that describes the needed housing mix and land needs be housing type.

2 Existing Conditions

2.1 Demographics

2.1.1 Population Trends

Oregon City has experienced population booms and busts over its long history. In the last twenty years Oregon City, like many communities in the Willamette Valley, has seen more accelerated

[1] The Portland Metropolitan Area includes the Multnomah, Clackamas, and Washington Counties, unless otherwise noted. The U.S. Census Bureau considers the three-county area a Primary Statistical Area.

growth, growing faster in the 1990's than in the 1980's. Table 1 illustrates the rate of growth for several communities in the Willamette Valley. Oregon City grew very little in the 1980's, when recession and lack of employment opportunities drew few new residents. In the 1990's, Oregon City began to grow at a much faster rate than it had in the 1980's, and along with other cities in the Willamette Valley, far surpassed the growth rates seen in the 1980's. In the 1990's, Oregon City was one of the fastest growing cities in the Willamette Valley, increasing its size by nearly 82 percent between 1990 and 2000. Clackamas County and the state also grew at much faster rates in the 1990's, increasing in population by approximately 24 percent and 22 percent, respectively.

Table 1. Population Change of Oregon City and other Willamette Valley Jurisdictions

Jurisdiction	1980	1990	% change (1980-1990)	AAGR (1980-1990)	2000	2001	% change (1990-2001)	AAGR (1990-2001)
Oregon	2,633,156	2,842,321	7.9%	0.8%	3,421,399	3,471,000	22.1%	1.8%
Clackamas Co.	241,919	278,850	15.3%	1.4%	338,391	345,150	23.8%	2.0%
Oregon City	14,673	14,698	0.2%	0.0%	25,754	26,680	81.5%	5.6%
Albany	26,511	29,540	11.4%	1.1%	40,852	41,650	41.0%	3.2%
Dallas	8,530	9,422	10.5%	1.0%	12,459	12,650	34.3%	2.7%
Forest Grove	11,499	13,559	17.9%	1.7%	17,708	18,380	35.6%	2.8%
Gladstone	9,500	10,152	6.9%	0.7%	11,450	11,438	12.7%	1.1%
Gresham	33,005	68,249	106.8%	7.5%	90,205	91,420	34.0%	2.7%
Lebanon	10,413	10,950	5.2%	0.5%	12,950	13,190	20.5%	1.7%
McMinnville	14,080	17,894	27.1%	2.4%	26,499	27,500	53.7%	4.0%
Milwaukie	17,931	18,670	4.1%	0.4%	20,550	20,490	9.7%	0.8%
Newberg	10,394	13,086	25.9%	2.3%	18,064	18,280	39.7%	3.1%
Salem	89,233	107,793	20.8%	1.9%	136,924	139,320	29.2%	2.4%
Tualatin	7,483	14,664	96.0%	7.0%	22,791	23,270	58.7%	4.3%
West Linn	11,358	16,389	44.3%	3.7%	22,261	23,090	40.9%	3.2%
Woodburn	11,196	13,404	19.7%	1.8%	20,100	20,410	52.3%	3.9%

Source: U.S. Census (1980, 1990, and 2000 Decennial Census); Portland State University Population Research Center, 2001

2.1.2 Age

The age of a population is a factor in determining what types of housing units are needed. Younger residents are likely to live with families or in apartments. When residents begin to have children, housing needs change from smaller units to single-family homes with rooms for the children to play. When residents no longer need the large house because their children have left, housing needs change again, often when the care of a larger home is burdensome or when more medical care is necessary. Currently, the highest percentage of residents in Oregon City and the Portland Metro area are between 25 and 54, the ages when residents are starting families or have older children still living at home (Table 2). Many residents in this age bracket earn more money as they become established in their careers and are able to afford more expensive housing. Oregon City has a slightly younger population than the Portland Metro area, with a median age of 32.7 compared to the Portland Metro area at 34.9. Oregon City has a higher percentage of residents under 10 than the Portland Metro area, indicating that many Oregon City residents have young families.

Table 2. Age

	Oregon City		Portland PMSA	
Age	Number	Percentage	Number	Percentage
Under 5	2,160	8.4%	108,004	6.9%
5 to 9	2,019	7.8%	109,949	7.0%
10 to14	1,763	6.8%	108,194	6.9%
15 to 19	1,740	6.8%	105,762	6.7%
20 to 24	1,913	7.4%	107,383	6.8%
25 to 34	4,239	16.5%	249,314	15.9%
35 to 44	4,135	16.1%	259,557	16.5%
45 to 54	3,433	13.3%	233,748	14.9%
55 to 59	1,145	4.4%	74,198	4.7%
60 to 64	696	2.7%	51,236	3.3%
65 to 74	1,147	4.5%	80,269	5.1%
75 to 84	931	3.6%	62,108	3.9%
85 and older	433	1.7%	23,049	1.5%
Median Age	32.7		34.9	

Source: 2000 Decennial Census, Profile of Selected Economic Characteristics

2.1.3 Race

Oregon City is less diverse in its racial and ethnic composition than the state or the Portland Metro area; over 90 percent of Oregon City's population is white. Table 3 includes the percentage of residents by race for Oregon, Metropolitan Portland, and Oregon City. Oregon City's minority population is composed primarily of Hispanics or Latinos, with smaller numbers of residents identifying themselves as two or more races. Asian residents make up just over one percent of the city's population. This is less than the Portland Metro area where nearly five percent of the population is Asian. In Oregon City, as in the state and the Portland Metro area, the largest minority group is Hispanic or Latino.

Table 3. Race as a Percentage of Population

	Oregon	Oregon City	Portland MSA
White (%)	83.5%	90.8%	81.6%
Black/African Am.(%)	1.6%	0.6%	2.6%
Am. Indian, Eskimo, Aleut (%)	1.2%	0.9%	0.8%
Asian (%)	2.9%	1.1%	4.5%
Hawaiian/ other Pacific Islander (%)	0.2%	0.1%	0.3%
Some other race (%)	0.1%	0.0%	0.1%
Two or more races (%)	2.4%	2.2%	2.7%
Hispanic/Latino(%)	8.0%	5.0%	7.4%

Source: U.S. Census Bureau, 2000 (SF-1).
Note: The total percentage of Oregon City residents does not equal 100 percent due to rounding.

2.1.4 Group Quarters

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

Table 4. Number and Percentage of People in Group Quarters

	1990		2000		1990-2000 Change	
Area	Number	% of Total Population	Number	% of Total Population	Number	Percent Change
Oregon City						
Group Quarters	362	2.5%	903	3.5%	541	149.45%
Total Population	14,698	100.0%	25,754	100.0%	11,056	75.22%
Portland PMSA						
Group Quarters	23,080	1.9%	28,939	1.8%	5,859	25.39%
Total Population	1,239,842	100.0%	1,572,771	100.0%	332,929	26.85%

Source: U.S. Census Bureau, 1990 (STF 1); 2000 Decennial Census, Profile of Selected Economic Characteristics

2.1.5 Poverty

Oregon City residents who fall below the federal poverty level have a more difficult time securing adequate housing those with higher incomes. Table 5 shows the poverty rate for all residents in Oregon City by relationship. Overall, the percentage of individuals below the poverty level in Oregon City is lower than the Portland Metro area, although female householder families are having a harder time making ends meet. The percentage of all families in poverty in Oregon City (6.5 percent) is slightly higher than families in poverty in the Portland Metro area (6.2 percent).

Female-headed households are much more likely to live in poverty than other families. The percentage of female-headed households in Oregon City in poverty is significantly higher than the Portland Metro area, with nearly 25 percent of female-headed households in Oregon City living in poverty. This compares to just over 20 percent in the Portland Metro area as a whole. The biggest concern is female-headed households with children under five. Over 41 percent live below the poverty line in Oregon City compared to about 39 percent for the Portland Metro area.

Table 5. Poverty in Oregon City (2000)

Category	Oregon City	Percent of Population	Portland PMSA	Percent of Population
Individuals	2,173	8.9	147,501	9.5
Persons 18 years and older	1,404	7.8	103,152	8.9
Persons 65 years and older	167	7.5	11,877	7.4
All families	438	6.5	24,605	6.2
With related children under 18	368	10.1	19,860	9.6
With related children under 5	183	11.7	10,939	13
All female householder families	293	24.9	11,529	20.2
With related children under 18	271	32.5	10,569	26.8
With related children under 5	118	41.4	5,355	39.1

Source: 2000 Decennial Census, Profile of Selected Economic Characteristics

2.2 *Households*

While population characteristics are important, the characteristics of households define residential need. A household is all people living in a residential unit. A single person living alone in an apartment is considered a household, as is a family with children.

The U.S Census distinguishes between family and non-family households. Family households are made up of people related by blood or marriage. Non-family households are made up un-related individuals (roommates). In 1990, Oregon City had 5,479 households with almost 70 percent in family households and about 30 percent in non-family households (Table 6). A comparison of the 2000 Decennial Census to the 1990 Census showed that there was very little change in the breakdown between family and non-family households, even though the 2000 Census reported a 73 percent increase in total households from 5,479 to 9,471 in 2000. Family households did grow slightly faster than non-family households, with single parent households showing the biggest increases.

Table 6. Household Type in Oregon City

	1990		2000		Percent Change 1990-2000
	Number	Percent	Number	Percent	
Total Households	5,479		9,471		72.9%
Family households	3,803	69.4%	6,669	70.4%	75.4%
With own children under 18	2,153	39.3%	3,469	36.6%	61.1%
Married Couples with family	2,946	53.8%	5,024	53.0%	70.5%
With own children under 18	1,565	28.6%	2,410	25.4%	54.0%
Female householder, no husband present	649	11.8%	1,166	12.3%	79.7%
With own children under 18	453	8.3%	769	8.1%	69.8%
Male householder, no wife preset	208	3.8%	479	5.1%	130.3%
With own children under 18	135	2.5%	290	3.1%	114.8%
Non family households	1,676	30.6%	2,802	29.6%	67.2%

Source: U.S. Census, 1990 (STF-1); U.S. Census, 2000 (SF-1); 2000 Decennial Census, Profile of Selected Economic Characteristics

2.2.1 Household Size

Another characteristic that will affect the type of housing needed by a household is its size. Average household size has declined nationally and in Oregon over the past 50 years. Table 7 shows that in 1950, the average household size in Oregon was 3.10, but sharp declines in the 1970's dropped the average household size to 2.60 in 1980. The decline in average household size has slowed over the last 20 years, but has still fallen to 2.51 for Oregon.

Table 7. Average Household Size

	Oregon		Oregon City	
	Average	Percent Change	Average	Percent Change
1950	3.10		2.90	
1960	3.10	0.0%	2.90	0.0%
1970	2.90	-6.5%	2.90	0.0%
1980	2.60	-10.3%	2.66	-8.3%
1990	2.52	-3.1%	2.62	-1.5%
2000	2.51	-0.4%	2.62	0.0%

Source: 1950-1970: "1940-1970 Population and Housing Trends, Cities and Counties of Oregon," Bureau of Government Research and Service, University of Oregon; 1980 Census of Housing, , Bureau of the Census, August 1982; 1990 Census, (Summary of Population and Housing Characteristics); 2000 Census (SF-1)

The Portland Metro area mirrors the state average at 2.51 percent in 2000. Oregon City had a smaller average household size than the state in 1950 (2.90), and also saw sharp declines in the 1970's, but did not decrease as fast as the state. Oregon City has continued to maintain a 2.62 average household size through 2000, the same as in 1990. Smaller household size means more units are needed even if the population remains unchanged.

2.2.2 Income

The most important household characteristic for determining housing need is income. Household income in Oregon City is generally increasing, with the biggest increases at the higher income levels. Table 8 indicates that the majority of Oregon City households earned between $25,000 and $74,999 (about 57 percent), which is similar to the Portland Metro area, where the majority of households (about 52 percent) also earn between $25,000 and $74,999.

In general, household income distribution in Oregon City mirrors the Portland Metro area with differences all less than two percent for each income bracket. The only exception are households earning more than $150,000; 4.6 percent of Portland Metro households earn more than $150,000 but in Oregon City only 1.5 percent of households earn more than $150,000.

Table 8. Household Income in Metropolitan Portland and Oregon City (2000)

	Oregon City	Percent of population	Portland PMSA	Percent of population
Less than $10,000	728	7.7%	42,556	6.9%
$10,000 to 14,999	395	4.2%	31,037	5.0%
$15,000 to 24,999	1,028	10.8%	69,551	11.3%
$25,000 to 34,999	1,322	13.9%	78,424	12.7%
$35,000 to 49,999	1,816	19.1%	105,902	17.2%
$50,000 to 74,999	2,245	23.6%	133,308	21.7%
$75,000 to 99,999	1,217	12.8%	72,099	11.7%
$100,000 to 149,000	599	6.3%	53,649	8.7%
More than $150,000	143	1.5%	28,565	4.6%

Source: 2000 Decennial Census, Profile of Selected Economic Characteristics

Table 9 shows median household income (MHI) for the Portland Metro area and Oregon City. Median household income has increased faster in Oregon City than in the Portland Metro area, although the MHI in Oregon City is still lower than the Portland Metro area. In 2000, Oregon City's median household income was about $46,000 compared to the Portland Metro area, which has a median household income of nearly $47,000.

Table 9. Median Household Income (2000)

Area	Median Household Income
Oregon City	45,531
Portland PMSA	46,789

Source: 2000 Decennial Census, Profile of Selected Economic Characteristics

2.3 Housing Stock

Determining how much and what types of housing will be needed in the next 20 years requires an understanding of what the current housing stock offers. The Residential Housing and Land Inventory is used as the basis for determining the types and number of units that currently exist in Oregon City and the land available to accommodate housing in the future. Housing trends are based on building permit data since 1996.

The demographics section illustrated that Oregon City is a growing community and, if growth continues as expected, more housing units will be required than are now available. How will this growth affect the livability of Oregon City, and what housing options will new residents want? One single type of housing will not meet the needs of every current and future resident; people need different types of housing depending on income, family size, age, etc. To ensure current residents stay and new residents want to move to Oregon City, a range of housing options are necessary.

2.3.1 Housing Units (Census)

The previous sections discussed characteristics and housing needs of Oregon City residents. This section describes housing units available for them. Oregon City has a range of housing types. Table 10 shows the total number of units (both occupied and vacant) by structure type, based on the 2000 Census. The percentage of single-family homes in Oregon City (74 percent) is nearly the same as the Portland Metro area (73 percent). By far the majority of single-family homes are one-unit-detached structures. Other single-family housing types include one-unit-attached (townhouses), duplex (two-unit), and mobile homes. The percentage of the housing stock in each of these structure types is similar to that in the Portland Metro area as a whole.

Table 10. Number of Units by Structure Type by Percentage of Total Housing Units

	Oregon City		Portland PMSA	
	Units	Percentage of total housing units	Units	Percentage of total housing units
Single-family				
one unit-detached	6320	62.2	401,817	61.6
one unit-attached	283	2.8	21,994	3.4
Duplex	603	5.9	19,476	3.0
Mobile home	348	3.4	31,468	4.8
Subtotal	*7554*	*74.0*	*474,755*	*73.0*
Multi Family				
3-4	620	6.1	29,880	4.6
5-9	883	8.7	35,569	5.5
10-19	382	3.8	36,517	5.6
20 or more	726	7.1	73,713	11.3
Subtotal	*2611*	*26.0*	*175,679*	*27.0*
Boat, RV, van etc	0		1,836	
Total	10,165		652,270	

Source: 2000 Decennial Census, Profile of Selected Economic Characteristics Household Characteristics

According to the 2000 Census, multifamily housing (structures with three of more units) account for about 26 percent of all housing in Oregon City and about 27 percent of all housing in the Portland Metro area. Oregon City's multifamily housing is concentrated in smaller complexes with less than ten units, although some newer apartment complexes with more than 20 units also are found in the city. The Portland Metro area also has a number of smaller apartment complexes, but the majority of units are in larger complexes with 20 or more units.

2.3.2 Housing Units (Housing survey)

Additional housing data by structure type was gathered through a parcel level housing survey completed in May 2002. The survey was conducted by walking or driving the entire city within the Oregon City UGB. In areas where it was difficult to determine if there were housing units,

aerial photos were used to confirm the number and type of housing units. Section 2.3.2.1 compares Census housing counts with those gathered in the housing survey.

An inventory of Oregon City housing revealed that housing in the city is fairly well dispersed in the city's neighborhoods (Figure 1).[2] Table 11 shows the number of housing units by type and zone. Table 12 shows the number of housing units by type and area. While nearly all areas have a significant number of units, Hazel Grove/Westling Farm, Hillendale, McLoughlin, Mt. Pleasant and the South End have the highest concentration of residential units. Within these areas, R-10, R-8, and R-6 zones have the highest concentration of single-family detached homes; RA-2, RD-4 and R-6 zones have the highest concentration of multifamily units. Single-family detached residential units are the dominant housing type in Oregon City.[3] A description of zoning districts is in Appendix A.

2.3.2.1 Within City Limits

There are 11,395 housing units within the city limits of Oregon City. Single-family units comprise approximately 76 percent of housing within the city limits, which is slightly higher than the 74 percent that the census data reported for total single-family units.[4,5] The housing survey determined that approximately 19 percent of housing units are multifamily units in structures or complexes with three or more units, compared to the Census data that reported approximately 26 percent of Oregon City housing unit as multifamily. The Census does not count group quarters by unit (it only counts individuals living in group quarters), although the May 2002 housing survey did identify an additional 505 units within the city limits, or about four percent of housing units, as group quarters. These include complexes such as group homes, retirement homes, and congregate care facilities where residents do not have individual kitchens.

Overall, the May 2002 housing survey counted 11,395 housing units within the city limits compared to 10,165 housing units counted in the 2000 Census. If group quarters were removed from the housing survey, the total units would be 10,890. While this is still higher than the Census count, the housing survey includes residential construction after the 2000 Census information was collected.

2.3.2.2 Outside the City Limits but Inside the UGB.

There are 1,162 housing units outside of the Oregon City city limits, but within the urban growth boundary (UGB). All housing units in this area are single-family units. About 55 percent of these homes are more traditional single-family detached homes on larger lots, and about 44 percent of homes are manufactured housing units in parks.

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[2] City staff used existing neighborhood association boundaries that were slightly modified to include all areas within the UGB.

[3] Total accessory dwelling units were estimated using Metro's methodology (based on 2000 Census data) at 1.8 percent of total single-family detached residential units (not including manufactured or mobile homes in parks). Applied to Oregon City, this equals 142 units, which were included in the overall count of residential units within the UGB.

[4] Single-family units include single-family detached, single-family attached, duplex, mobile homes in parks, and accessory dwelling units.

[5] The 2000 Census counted housing units within the city limits. It does not include housing units outside the city limits, but within the UGB.

2.3.2.3 Overall Housing Units

According to housing survey, there are 12,557 housing units within the Oregon City UGB; about 81 percent are single-family homes. About seven percent of single-family homes are mobile or manufactured homes in parks, with the majority of those parks located outside the city limits but inside the UGB. Oregon City has a number of multifamily units (three or more units), comprising about 17 percent of all units within the UGB. Duplexes (just over five percent of housing units) and multifamily units are primarily located inside the city limits. Group quarters were found in five neighborhoods: Barclay Hills, Gaffney Lane, McLoughlin, New TBA, and Rivercrest. These were mainly nursing or retirement homes, although there were also some congregate homes for residents with physical and/or mental disabilities.

Table 11. Number of Existing Units by Type and Zone

ZONE	Single-Family Residential	Duplex	Manufactured Homes in Parks	Single-Family Residential Attached	Multifamily Residential	ADU	Group Quarters	**Total**
Inside City Limits								
C	38	4	0	0	17	1	108	168
CI	5	0	0	0	0	0	0	5
HC	17	0	0	0	0	0	0	17
LC	19	4	0	0	17	0	0	40
LO	21	6	0	6	174	0	101	308
LOC	26	4	0	0	28	0	0	58
M-1	25	4	0	0	0	0	0	29
NC	8	2	0	0	0	0	0	10
R-10	2,647	76	0	0	4	48	0	2,775
R-6	1,735	129	0	0	290	31	55	2,240
R-6/MH	125	0	0	0	0	2	0	127
R-8	2,220	6	0	0	0	40	5	2,271
RA-2	25	26	0	20	1,215	0	119	1,405
RC-4	324	80	0	0	110	6	63	583
RD-4	192	333	381	46	350	3	54	1,359
Subtotal	*7,427*	*674*	*381*	*72*	*2,205*	*131*	*505*	*11,395*
Outside City Limits								
County	637	2	512	0	0	11	0	1,162
Subtotal	*637*	*2*	*512*	*0*	*0*	*11*	*0*	*1,162*
Total	**8,064**	**676**	**893**	**72**	**2,205**	**142**	**505**	**12,557**

Source: Source: David Evans and Associates, May 2002 Housing Survey
ADU=Accessory dwelling unit

Table 12. Number of Existing Units by Type and Neighborhood

Area	Single-Family Residential	Duplex	Manufactured Homes in Parks	Single-Family Residential Attached	Multifamily Residential	Accessory Dwelling Units	Group Quarters	Total
Inside City Limits								
Barclay Hills	273	128	0	0	279	5	108	**793**
Canemah	111	0	0	0	18	2	0	**131**
Caufield	512	0	67	0	200	9	0	**788**
Gaffney Lane	747	4	0	66	434	13	159	**1,423**
Hazel Grove/Westling Farm	460	0	0	0	0	8	0	**468**
Hillendale	805	56	314	0	194	14	0	**1,383**
McLoughlin	800	140	0	0	207	14	63	**1,224**
Mt. Pleasant	608	68	0	6	452	11	0	**1,145**
New TBA	362	20	0	0	146	7	125	**660**
Park Place	604	144	0	0	100	11	0	**859**
Rivercrest	611	8	0	0	65	11	50	**745**
South End	979	102	0	0	0	18	0	**1,099**
Tower Vista	555	4	0	0	110	8	0	**677**
Subtotal	***7,427***	***674***	***381***	***72***	***2,205***	***131***	***505***	***11,395***
Outside of the City Limits						0		
Canemah	5	0	33	0	0	0	0	**38**
Caufield	99	0	479	0	0	2	0	**580**
Gaffney Lane	27	0	0	0	0	0	0	**27**
Hazel Grove/Westling Farm	118	0	0	0	0	2	0	**120**
Hillendale	94	0	0	0	0	2	0	**96**
New TBA	12	2	0	0	0	0	0	**14**
Park Place	104	0	0	0	0	2	0	**106**
South End	178	0	0	0	0	3	0	**181**
Subtotal	***637***	***2***	***512***	***0***	***0***	*11*	***0***	***1,162***
Total	**8,064**	**676**	**893**	**72**	**2,205**	**142**	**505**	**12,557**

Source: David Evans and Associates, May 2002 Housing Survey

2.3.2.4 Manufactured Housing

Oregon state law requires that manufactured homes be allowed anywhere traditional single-family detached homes are permitted, provided they meet specific building codes. The May 2002 housing survey counted manufactured homes on individual lots as single-family detached units. In these instances, the homeowner owns the structure and the land where the home is located.

Oregon City also has designated mobile home parks and manufactured home developments where the homeowner owns the structure, but rents or leases the land where the home is located. These housing developments were counted separately in the housing survey because there are different housing structure requirements for parks. For example, homes in parks are not always required to have a permanent foundation or permanent utilities connections. Table 13 shows designated mobile home and manufactured home parks within Oregon City.

Table 13. Mobile and Manufactured Home Parks

Park Name	Neighborhood	Capacity (units)	Existing Units	Vacant
Mt. Pleasant Mobile Home Park	Hillendale	125	125	0
Clairmont Mobile Home Park	Hillendale	189	189	0
Country Village Estates	Caufield	479	448	31
Cherry Lane Mobile Home Park	Caufield	67	60	7
Mobile Home Park	Canemah	33	33	0

Source: City of Oregon City; David Evans and Associates, Inc.; May 2002 Housing survey

2.3.3 Current Housing Mix and Density

Residential development since 1996 in Oregon City has consisted primarily of single-family detached residential development. Table 14 shows that 82.5 percent of units built since 1996 have been single-family detached, while about 14.5 percent were multifamily units. Manufactured or mobile homes also accounted for about three percent of new units.

Table 14. Percentage of Housing Units by Structure Type within the City Limits (1996-2001)

	Percent of Units
Single-family detached	82.5%
Single-family attached	0.3%
Mobile or manufactured	2.7%
Multifamily	14.5%

Source: Metro, 2002

In order to make efficient use of urban land and infrastructure (water, sewer, streets), Metro urges cities to ensure that housing is built at densities of at least 80 percent, the maximum allowed by zoning. As a part of the Oregon City Functional Compliance Report (1999), the City determined that between 1990 and 1995, the number of households per net developed acre reached 82 percent of the maximum allowable densities for residential zones, which complies with the Metro target for built density.

Table 15. Development Density Compared to Maximum Allowable Density (1996-2001)

Zone	Total Units	Original Parcel Size	Developed Acres (residential)	ROW/ Unbuildable	Net Density	Maximum Density	Percent of Maximum Density (net)
ZONING DESIGNATIONS							
R-10	399	141.3	89.7	57.5%	4.4	4.4	100%
R-6	45	11.6	7.9	46.8%	5.7	7.3	78%
R-6/MH	46	12.7	9.5	33.7%	4.8	6.4	76%
R-8	725	200.8	149.5	34.3%	4.8	5.5	88%
RD-4	88	18.1	14.4	25.7%	6.1	10.9	56%
Total	1,303.0	384.5	271.0	41.9%	4.8		80%

Source: City of Oregon City (July 2002); David Evans and Associates

Table 15 shows residential development permitted through land use actions (subdivisions) since 1996. The majority of new development has occurred in the R-8 and R-10 zoning districts, largely on land annexed since 1996. Developments also appear to be occurring on parcels with more environmental constraints, as the amount of land not developed, especially in the R-10 and R-6 zones, is much higher than in other areas. Regardless of parcel size, the city is achieving 80 percent of maximum residential density citywide. Some zones are reaching closer to the maximum allowable density than others; the R-10 zone has reached 100 percent of the maximum density, where as the RD-4 zone has achieved just 56 percent.

2.3.4 Condition

No housing condition survey has been completed in recent years. Instead, the condition of the current housing stock in Oregon City has been estimated based on the age of the structures. Newer units, ones typically less than 30 years old, will require fewer major repairs (new roof, electrical upgrades, plumbing). Table 16 shows the age of Oregon City housing stock. Almost half of Oregon City homes are older than 30 years, with over a quarter of homes older than 50 years. These homes require more upkeep than the newer homes, costing the homeowner additional money if the home is repaired as needed. About a third of homes are less than ten years old, showing the boom in home construction over the last 10 years.

Table 16. Housing Condition in Oregon City

	Percent
Less than 10 Years old	32%
11 to 20 Years old	3%
21 to 30 Years old	25%
31 to 40 years old	8%
41 to 50 years old	5%
more than 50 years old	26%

Source: Clackamas County Tax Assessor's Office (May, 2002)

2.3.5 Housing Availability

Oregon City and the Portland Metro area are similar in the percentage of renters versus owners, as shown in Table 17. The majority of housing units in both Oregon City and the Portland Metro area are owner-occupied; about 60 percent of housing units in Oregon City are owner-occupied, compared to about 62 percent in the Portland Metro area. Oregon City also has a slightly higher rental vacancy rate at 7.7 percent compared to the Portland Metro area at 6.7 percent. The vacancy rate is a determining factor in the amount of rental units available, A vacancy rate over five percent is considered indicative of a rental market that is adequate to serve the needs of the community. A lower rate may signify a need for more units to meets demand. However, the vacancy rate does not take into account the types of housing that are vacant.

Table 17. Current Occupancy and Vacancy Rates in Oregon City

	Oregon City (percent)	Portland PMSA (percent)
Occupied housing units	93.7	94.2
Owner occupied	59.8	62.0
Renter occupied	40.2	38.0
Vacant housing units	6.3	5.8
Homeowner vacancy rate	3.4	2.3
Rental vacancy rate	7.7	6.7

Source: 2000 Decennial Census, Profile of Selected Economic Characteristics Household Characteristics

2.3.6 Cost

One factor for determining how affordable housing is in Oregon City is to compare average rental cost and cost of homes for sale to median household income. Table 18 and Table 19 show average rents and the median home prices by the number of bedrooms for Oregon City and the Portland Metro area.

Table 18. Average Rent by Number of Bedrooms for Portland and Oregon City

	Oregon City	Portland
Studio	$373	$492
One-bedroom	$500	$600
Two-bedroom	$599	$735
Three-bedroom	$690	$873
Four-bedroom	N/A	$977

Source: Housing Authority of Portland (Portland rental rates); Rental Data.com (Oregon City rental information)

Rents are less expensive in Oregon City (20 to 30 percent lower) than in the Portland Metro area. While this does provide a general indication that renting an apartment in Oregon City is more affordable, it does not take into account the total number of units by price available or by location. Different rental rates and size of available units are not evaluated individually, but it is likely that lower priced rental units are more competitive than higher rents for larger units or units with more amenities.

Home prices in Oregon City are competitive with the Portland Metro area. According to the Regional Multiple Listing Service (RMLS), median home prices in Oregon City have increased as fast as the other parts of the Portland Metro area, especially for homes with three bedrooms. The RMLS reports that the median price for all home types in the Oregon City area is actually higher than the Portland Metro area, although this may be skewed slightly because RMLS includes some rural areas in Oregon City, where larger lots and potentially higher prices could drive the median cost higher. Nevertheless, the majority of homes sold in the last year within the RMLS zone that includes Oregon City reflect a housing market very similar to the Portland Metro area.

Although the median home price (for 2002) for all homes sold is higher in Oregon City, median home price by type and number of bedrooms is generally lower. The median home price for a home with four or more bedrooms is about eight percent lower in Oregon City than the Portland Metro area as a whole. Smaller homes are more comparable, with two and three bedroom homes selling for nearly the same as in the Portland Metro area. Condominiums in Oregon City are about 30 percent less expensive than the region.

Table 19. Median Home Price for Portland and Oregon City (Jan 2002-July 2002)

	Oregon City	Portland
Two-bedroom	$132,000	$135,000
Three-bedroom	$178,000	$169,950
Four-bedroom	$227,031	$245,000
Condominium	$98,500	$129,900
Median (all units)	$184,000	$176,500

Source: Regional Multiple Listing Service (Jan -July 2002)

Note: RMLS does not track Oregon City separately from other rural areas outside of the Portland metro area. Some rural areas outside of the Oregon City UGB are included in median home prices.

The market value for existing housing is only one facet for determining how much home Oregon City residents can afford, or if they can even afford to purchase a home. Income requirements from lenders and savings for a down payment are two stumbling blocks, but affording the monthly mortgage payment on a home can also be a burden. Table 20 compares household income to fair market rents in Clackamas County.[6] Fair market rents are used to assess the average cost of rental housing within each county and are a better indicator of the entire rental housing stock in the region. While average rents in Oregon City are lower than fair market rents in Clackamas County, there is no assurance of availability of these lower rent units. The total number of units at a certain price point is also not accounted for in average rents in Oregon City, so some residents may be forced to live outside the city or pay higher prices more in line with fair market rents.

Housing affordability is based on the percentage of monthly income spent on housing. The Department of Housing and Urban Development (HUD) uses a standard formula to determine affordability, assuming no more than 30 percent of monthly household income is spent on rent or

[6] HUD determines fair market rent based on annual phone survey and other data gathering techniques down to the county level, but does not collect data for smaller geographic units such as Oregon City.

mortgage. Using HUD's formula, over 12 of percent of Oregon City residents cannot afford even a studio apartment, and over 23 percent are not able to afford a two-bedroom apartment.

Table 20. Housing Affordability based on Household Income

	Oregon City	Percent of population	Affordable Housing Cost (30 percent)	HUD Fair Market Rent (2001)
Less than $10,000	728	7.7%	0-$250	Studio: $492 One-bedroom: $606
$10,000 to 14,999	395	4.2%	$250-$375	
$15,000 to 24,999	1,028	10.8%	$375-$625	
$25,000 to 34,999	1,322	13.9%	$625-$875	Two-Bedroom: $747 Three-bedroom: $1,038 Four-Bedroom: $1,127
$35,000 to 49,999	1,816	19.1%	$875-$1,250	
$50,000 to 74,999	2,245	23.6%	$1,250-$1,875	
$75,000 to 99,999	1,217	12.8%	$1,875-$2,500	
$100,000 to 149,000	599	6.3%	$2,500-$3,725	
More than $150,000	143	1.5%	more than $3,750	
	9,493	100.0%		

Source: 2000 Decennial Census, Profile of Selected Economic Characteristics Household Characteristics; HUD; Analysis by David Evans and Associates, Inc.

Although many residents cannot afford even the most basic housing, most Oregon City households can. Households with incomes between $35,000 and $75,000 account for about 43 percent of households and are generally able to afford at least a two-bedroom apartment if not more.

While many Oregon City households are able to afford larger and more expensive housing, households with lower incomes are in a more precarious situation. When rent accounts for more than 30 percent of income, HUD considers the household "cost burdened." Households spending more than 50 percent of monthly income on rent are considered "extremely cost burdened" and likely to be financially stressed by emergencies or even unable to afford basic needs such as food and transportation. HUD breaks low-income households into several categories: extremely low-income (earning 30 percent or less than the median household income); very low-income (earning 50 percent or less than the median household income); and low-income (households earning 80 percent or less than the median households income). Table 21 illustrates what different Oregon City household income levels can afford based on the median household income. Extremely low-income households (earning less than $13,659 annually) cannot afford even a studio in Oregon City. Very low-income households earning less than $22,765 annually and accounting for about one-quarter of Oregon City's population are able to afford only a one-bedroom apartment. In order to find housing, very-low income households may double up or accept substandard units. Low-income residents (earning less than $36,425) can sometimes afford larger units.

Higher income households have a much better chance of securing adequate housing because they can afford to be choosy in both housing type and location. The high percentage of extremely low and very low incomes in Oregon City, in combination with high rental rates and housing costs, reveals an apparent lack of housing for low-income households.

Table 21. Monthly Affordable Housing Costs for Oregon City Residents

	Median Household Income	Affordable Monthly Housing Costs (30 percent of income)			
Percent of Median Household Income		30 percent of MHI	50 percent of MHI	80 percent of MHI	100 percent of MHI
Oregon City	$45,531	$341	$569	$911	$1,138

Source: 2000 Decennial Census, Profile of Selected Economic Characteristics Household Characteristics; Analysis by David Evans and Associates, Inc

The National Low-Income Housing Coalition (NLIHC) estimates that, nationally, 55 percent of low-income households experience cost burden, live in substandard housing, and/or live in overcrowded units. For extremely low-income households (30 percent of MHI), the likelihood that a household experiences some type of housing problem is even higher, at 88 percent.

2.3.7 Owning Versus Renting

Owning a home is often the biggest investment an individual or family will undertake and can provide a level of financial independence for those that can afford it. According to the National Low Income Housing Coalition (NLIHC) and the U.S Census Bureau, home ownership nationwide is on the increase, undoubtedly due to currently very low mortgage interest rates. Those who have not been able to secure loans in the past are now buying homes with little or sometimes no down payment. But getting a loan for a house is only part of the problem, because with a house comes upkeep costs and a mortgage payment that is not easily adjusted. Homeowners with lower incomes are often deeper in debt and more susceptible to market fluctuations. Losing a house due to foreclosure can further complicate an individual or family's chance of securing credit in the future.[7]

According to the NLIHC, households earning less than the area's median income are most susceptible to losing their homes or face a cost burden to pay the mortgage, interest and insurance. For example, households earning 80 percent of the median income will often live in less expensive older homes. Older homes are more expensive to maintain and are often located in poorer neighborhoods where the financial return on a home sale is not as great as more desirable areas. While owning a home does have the potential to create wealth, it also has the potential to exacerbate financial problems. Table 22 shows a general breakdown of owners versus renters and how housing costs affect household stability.

Attempting to determine what a household can afford is difficult because interest rates fluctuate, loan types vary, and property taxes are not the same everywhere. Nevertheless, the National Association of Homebuilders (NAHB) roughly calculated how much income a household would need to buy a home without overburdening it financially. The NAHB estimated that a home costing $150,000 (assuming 10 percent down payment, seven percent mortgage interest and insurance, and overall consuming about 30 percent of household income) would require a median household income of $47, 678. Consider that $150,000 is lower than the median home

[7] National Low Income Housing Coalition. (2002). *Advocates Guide to Housing and Community Development Policy.*

price in Oregon City and the Portland Metro area (Table 19), and the necessary household income is higher than the median household income for both Oregon City and the Portland Metro area (Table 9). Households in Oregon City earning even the median household income may experience some cost burden when buying a home in today's market.

Table 22. Affordable Housing by Median Household Income

Income	Tenure	Owns	Rents
High income (more than 120 percent of MHI)	Own home		
Middle income (120 percent of MHI: $54,637 annually)	Own home		
Median income ($45,531annually)	Likely own home, but may rent		
Low income (80 percent or less of MHI: $36,425 annually)	Own home or rent. May have some cost burden		
Very low-income (50 percent or less of MHI: $22,765 annually)	Likely rent but may own home. Probably are cost burdened. **Eligible for subsidized housing**		
Extremely low-income (30 percent or less of MHI: $13,659 annually)	Rents. **Eligible for subsidized housing**		

Source: 2000 Decennial Census, Profile of Selected Economic Characteristics Household Characteristics; HUD (2002); NLIHC (2002); Clackamas County Housing Authority; Analysis by David Evans and Associates, Inc.

3 Future Housing Need

3.1 Projected land capacity

~~3.2.1~~3.1.1 Existing Residential Land Supply

The City of Oregon City completed a land inventory in May 2002 to determine the existing vacant residential land supply within the City's UGB. The inventory was then integrated with the City's GIS system and Clackamas County's Assessor data, providing parcel level information, including ownership, zoning and comprehensive plan designations.

Oregon City allows residential development in all of its zoning districts; however, not all vacant land identified in the housing survey within the UGB will be available for new residential development. While housing units exist in most zoning districts, vacant, partially vacant, and redevelopable land was only counted in zoning designations where residential development is encouraged. These zoning designations include: LC, R-10, R-6, R-6/MH, R-8, RA-2, RD-4, RC-4, and County.

Within commercial and industrial zoning districts where residential development is not, and should not be, the dominant development type, it was assumed that vacant land identified in the land inventory would be dedicated to other uses. City staff identified which areas would be suitable for residential development and should be included. Land with existing residential designations or existing residential development was broken into the following categories:

1. Vacant land—Parcels with no structures, or parcels with structures with an assessed value less than $10,000 and a parcel area over 4000 sq. ft.
2. Partially vacant—Partially vacant land includes parcels that have at least one residential structure already located on the tax lot, but there is room for more units. Parcels were considered partially vacant if the lot size was at least triple the allowable lot size for the zone. Lots three to five times the minimum lot size were estimated to have room for at least one more unit. Lots more than five or more times the minimum lot size were assumed to develop the same as a vacant parcel for the zone.
3. Undevelopable—Parcels that are already committed to other uses. This includes any parcels with non-residential development (since residential uses are currently allowed in all zones), and parcels that are smaller than 4,000 sq. ft. Undevelopable land also includes parcels that have no vehicular access.
4. Developed residential land—Parcels with residential development and where developed land meets the current zoning designation and where the assessed value of the improvements (all structures) is greater than the assessed value of the land itself.
5. Potentially redevelopable land—Any parcel with a structure(s) or uses (i.e., a storage area), but are either not as intensive as allowed, or the existing assessed value of the improvements is less than the value of the land itself.[8]

~~3.2.1.13.1.1.1~~ Vacant Land

Vacant land within the Oregon City UGB is shown in Table 23 and Figure 2. Within the city limits, vacant land is found primarily in five zoning districts: R-10, R-6, R-6/MH, R-8, and RD-4. Overall, Oregon City estimates that approximately 22 percent of vacant land will be dedicated to public or semipublic uses such as schools, parks, and churches, and 15 percent to new roads. In calculating development capacity, it was assumed that parcels smaller than three eighths of an acre are already platted, would not require dedication of new right-of-way, and would use existing public facilities. Parcels with public or semi-public ownership were removed from the vacant lands inventory because it was assumed these parcels would be developed as non-residential uses (i.e., parks, schools, churches, public facilities, etc.).

Many vacant areas within the city limits are constrained because they are within the floodplain, are steep (greater than 25 percent), and/or are within the vegetation corridor near a waterbody or stream. These constraints reduce their development potential, so they were removed from the inventory. For example, nearly all vacant land within the R-6 zoning district is constrained. Although some development could occur on constrained land, vacant R-6 land in the entire city is extremely limited.

Overall, there are approximately 209 vacant buildable acres within the city limits, concentrated in the R-10 (63 percent), R6/MH (13 percent), R-8 (nine percent), and RD-4 zoning districts

[8] To avoid double counting vacant and partially vacant parcels as potentially redevelopable parcels (vacant parcels will have a low or zero ratio, bigger parcels will tend to have a lower ratio and could also be considered redevelopable), only parcels where the building value was greater than $10,000, met the building to land value criteria (less than 1:1), and less than three times the allowable lot size were counted as potentially redevelopable. Parcels with building values less than $10,000 were assumed to be vacant, and parcels greater than three times the allowable lot size were considered partially vacant.

(seven percent). Assuming new development reaches 80 percent of the current maximum density for each district, 1,215 new units could be constructed within the city limits on vacant land.

Outside the city limits, but within the UGB, there are approximately 126 vacant buildable acres.[9] These parcels still retain rural zoning densities and when brought into the city limits will be rezoned to more urban densities, likely a combination of R-10, R-8, and R-6 zones. Assuming an average density that is 80 percent of the maximum of a R-8 zone, about 571 additional units could be constructed. This equals 1,787 new units on vacant land within the UGB.

3.1.1.2 Partially Vacant Land

Oregon City has many parcels within the city limits that have one single-family home and are at least three times the minimum lot size, as shown in Table 24 and Figure 2. The majority of these partially vacant parcels are zoned R-10, the largest minimum lot size allowed within the city limits. There are 117 parcels zoned R-10 that are three to five times the minimum lot size and 99 parcels more than five times the minimum lot size. The R-8 and R-6 zones also have a significant number of parcels where locating new units is a possibility. Overall, potentially 223 new units could be constructed on these partially vacant lots within the city limits, assuming one unit is added on lots three to five times the minimum lot size. An additional 961 new units could potentially be built on lots larger than five times the minimum lot size, assuming these parcels are built to 80 percent of the maximum allowable density for the zone.

As with vacant lands between the city limits and UGB, estimating the total number of new housing units possible on under-utilized parcels will depend on the zoning assigned when annexed. Assuming a R-8 zoning density, there are 236 parcels that would be at least three times the minimum lot size. There would be 81 lots between three and five times the minimum lot size and 155 parcel more than five times the minimum lot size. There is the potential for additional 81 units on parcels between three and five times the allowable lot size and potentially another 1,541 units on parcels larger than five times the allowable lot size.[10]

Within the entire UGB, there is the potential for 2,806 new units on partially vacant lots within the UGB.

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[9] Vacant parcels that would be designated for non-residential uses (such as Mixed-Use Employment) are not included in total acreage.

[10] Partially vacant parcels that would be designated for non-residential uses (such as Mixed-Use Employment) are not included in total acreage.

Table 23. Vacant Residential Land by Zoning in Oregon City

Classification	Number of tax lots	Gross unconstrained Acreage	total Acreage >3/8 acres (.83)[11]	Less environmental constraints	Park, Schools and Churches Deduction (x.22)	Right of way deduction (x.15)	Gross vacant buildable acres	Max. Units per acre	Development on Parcels less than 3/8 Acres	Potential Dwelling Units (80 percent density)
Within the UGB										
LC [12]	13	1.5	1.2	0.7	0.1	0.1	0.6	7.3	11	14
R-10	146	264.8	219.8	89.4	28.7	15.3	131.5	4.4	72	535
R-6	122	72.6	60.3	58.9	0.3	0.2	13.2	7.3	80	157
R-6/MH	8	38.8	32.2	2.7	6.5	3.5	26.2	6.4	2	136
R-8	92	35.4	29.4	11.3	4.0	2.1	18.0	5.5	73	152
RA-2	10	6.5	5.4	0.4	1.1	0.6	4.4	19.8	3	72
RC-4	10	2.8	2.3	1.1	0.3	0.1	1.3	10.9	9	20
RD-4	15	22.9	19.0	4.0	3.3	1.8	13.9	10.9	7	128
Subtotal	416	445.3	369.6	168.5	44.2	23.5	209.0		257	1,215
Between the City Limits and the UGB										
County	91	226.6	188.1	55.8	29.1	15.5	100.4	5.5	16	571
Total	507	671.9	557.6	224.3	73.3	39.0	336.6		273	1,787

Source: Clackamas County Assessors Office; Analysis by David Evans and Associates, Inc.

[11] The Oregon City Functional Compliance Plan (1999) determined that 83 percent of parcels in Oregon City are over 3/8 acres. Total acres were multiplied by .83 to remove parcels less than 3/8 of an acre, which are already assumed to be platted.

[12] 50 percent of gross vacant unconstrained acres is dedicated to residential uses. There are 2.9 acres of vacant LC land.

Table 24. Partially Vacant Residential Land by Zoning in Oregon City

Classification	Tax lots 3 to 5 times minimum size	For lots 5 times or larger the allowable size: Total tax lots	Total Acres	Maximum Density	Constrained land	Right of way (15%)	Potential dwelling units (80 percent density) for all lots 5 times the lot size. One additional unit for lots 3-5 times the lot size
Within the UGB							
LC	0	0	0.0	7.3		0.0	0
R-10	117	99	238.7	4.4	53.1	27.8	672
R-6	60	25	33.2	7.3	19.7	2.0	127
R-6/MH	5	3	5.5	6.4	1.7	0.6	22
R-8	26	48	86.0	5.5	8.1	11.7	317
RA-2	0	1	2.3	19.8	0	0.3	31
RC-4	0	0	0.0	10.9	0	0.0	0
RD-4	15	0	0.0	10.9	0	0.0	15
Subtotal	*223*	*176*	*365.7*		*82.6*	*42.5*	*1,184*
Between the City Limits and the UGB							
County	81	155	470.3	5.5	58.4	61.8	1,622
Total	304	331	836.0		141.0	104.3	2,806

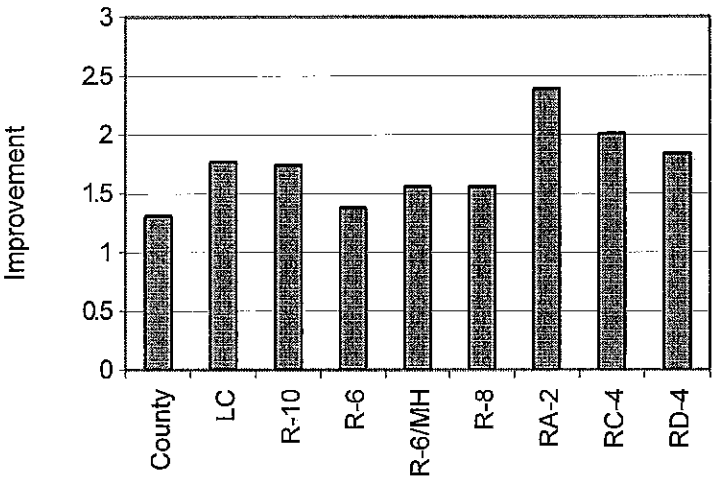
Source: Clackamas County Assessors Office, May 2002; Analysis by David Evans and Associates, Inc.

3.1.1.3 Potentially Redevelopable Land

Identification of parcels that could be redeveloped is based on the value of improvements compared to land value. The value of the structures and other improvements declines over the years if not properly maintained, and the potential for redeveloping the property increases. Figure 3 illustrates the average improvement values by residential zoning districts. Not surprisingly, improvement-to-land-value ratios are highest in zoning districts that allow denser development (RA-2, RC-4, and RD-4 zones). The RA-2 zone has the highest improvement-to-land-value ratio of any residential district. Conversely, less dense zones have lower improvement values, where one unit on a larger lot is the norm. Overall, average improvements in single-family residential zones are about 1.5 times the land value, with zones allowing higher density housing closer to two times the land value.

Parcels falling below the 1:1 building-to–land-value threshold could potentially be redeveloped with newer or higher density uses. However, just because the land is considered redevelopable does not ensure that change will actually occur. Table 25 shows the amount of potentially redevelopable land by zone. In Oregon City, there is less than one acre of land considered highly redevelopable and just over eight acres that have medium redevelopment potential. The majority of redevelopable parcels (about 90 percent) have a low potential and will likely stay in the same use as today. By far the majority of redevelopable parcels are within the R-6 zone, followed by the R-10 zone.

Figure 3. Improvement to Land Value Ratio for Residential Property



Source: Clackamas County Tax Assessor's Office (May 2002)

Table 25. Potentially Redevelopable Residential Land by Zoning in Oregon City

	Building to Land Value			
Redevelopment Potential	0-0.25 (High)	0.26-0.50 (Medium)	0.51-0.99 (Low)	Total Acres
Zoning District				
LC			0.8	0.8
R-10		1	23.5	24.5
R-6	0.8	6.9	48.7	56.4
R-6/MH			0.4	0.4
R-8				0
RA-2		0.3	0.3	0.6
RC-4		0.2	6.1	6.3
RD-4			3.0	3
Total	0.8	8.4	82.8	92

Source: Clackamas County Assessors Office; Analysis by David Evans and Associates, Inc.

3.2 Metro and Clackamas County Capacity Estimates/Land Need through 2017

Oregon City is required to determine its housing capacity within the city limits and outside of the city limits but within the UGB area that is still under Clackamas County jurisdiction. Table 26 shows the amount of expected growth in the region that Metro and Clackamas County believe Oregon City should accommodate and the projected housing capacity (using the current zoning) within the UGB to meet those targets. Within the city or UGB, Metro and Clackamas County estimated that Oregon City should expect to accommodate 9,940 additional units by 2017.

Oregon City has seen considerable growth since the projected capacity estimates were the developed. Between 1994 and 1996, Oregon City determined by reviewing building permits that 1,446 units were built within the UGB. More recent permit data supplied by Metro showed an

additional 2,219 units constructed between 1996 and 2001. This development significantly reduces the dwelling units needed by 2017 to 6,075 units. However, there does not appear to be capacity to accommodate these units within the UGB. Full development of all vacant and partially vacant land would result in 4,593 new units, based on current zoning within the city and an overall R-8 density for county land within the UGB, missing the capacity target by 1,444 units.

Table 26. Capacity Analysis based on Metro and Clackamas County Capacity Estimates

Metro and Clackamas county dwelling unit target capacity	9,940
Credit for development (9/1/94-8/31/96)	(1,446)
Credit for development (8/31/96-Current)	(2,219)
Credit for projected accessory units	(142)
Credit for development on constrained land	(58)
Adjusted dwelling unit target	6,075
Estimated dwelling unit capacity on vacant land	(1,787)
Estimated dwelling unit capacity on partially vacant land	(2,806)
New welling units in manufactured home parks	(38)
Dwelling Unit Capacity Deficiency	***1,444***

These capacity estimates do not reflect plans to permit and encourage increased density in some areas (such as downtown), because the zoning to implement these higher densities is not yet in place. Currently, there is no housing within the downtown area and no land zoned specifically for housing, although the Oregon City Downtown Community Plan (1999) recommends several areas that could accommodate higher-density housing. If this plan is implemented, a considerable number of housing units could be accommodated in the core area of the city.

Oregon City's zoning for residential land within the city limits is primarily R-10 and R-8. This is larger than the average lot size recommended by Metro for urban areas (7,000 sq. ft). There is potential for more housing if zoning were changed and densities increased.

The number of units that could be developed on unincorporated land within the UGB depends on what zoning was assigned to each parcel when it was annexed into the city. Upon annexation, parcels are typically zoned R-10, the lowest density allowed within the city limits. For the purposes of these estimates, vacant county parcels were assumed to develop at an R-8 zoning density. However, some areas could be zoned at higher densities and accommodate additional units.

Underutilized land (or land than is not developed to the maximum allowed density by zoning) actually accounts for more acreage than vacant land in the unincorporated UGB. Underutilized land that is more than five times the allowable lot size was assumed to develop the same as vacant parcels, based on Oregon City's experience where new development on these larger lots is meeting at least 80 percent of the target density for the underlying zone. Redevelopable land is not included in the capacity analysis because of the limited amount of land considered to be highly redevelopable. The number of units that might be constructed would likely be negligible.

3.3 Housing Mix Based on Demographics

Metro and Clackamas County developed a dwelling unit target for Oregon City based on expected regional growth and the amount of vacant land available within the Oregon City UGB, shown in Table 26, not accounting for current and future socioeconomic conditions. While the target assumes that a variety of housing types will be required, it does not determine what the best housing mix would be and how much residents can afford to spend on housing.

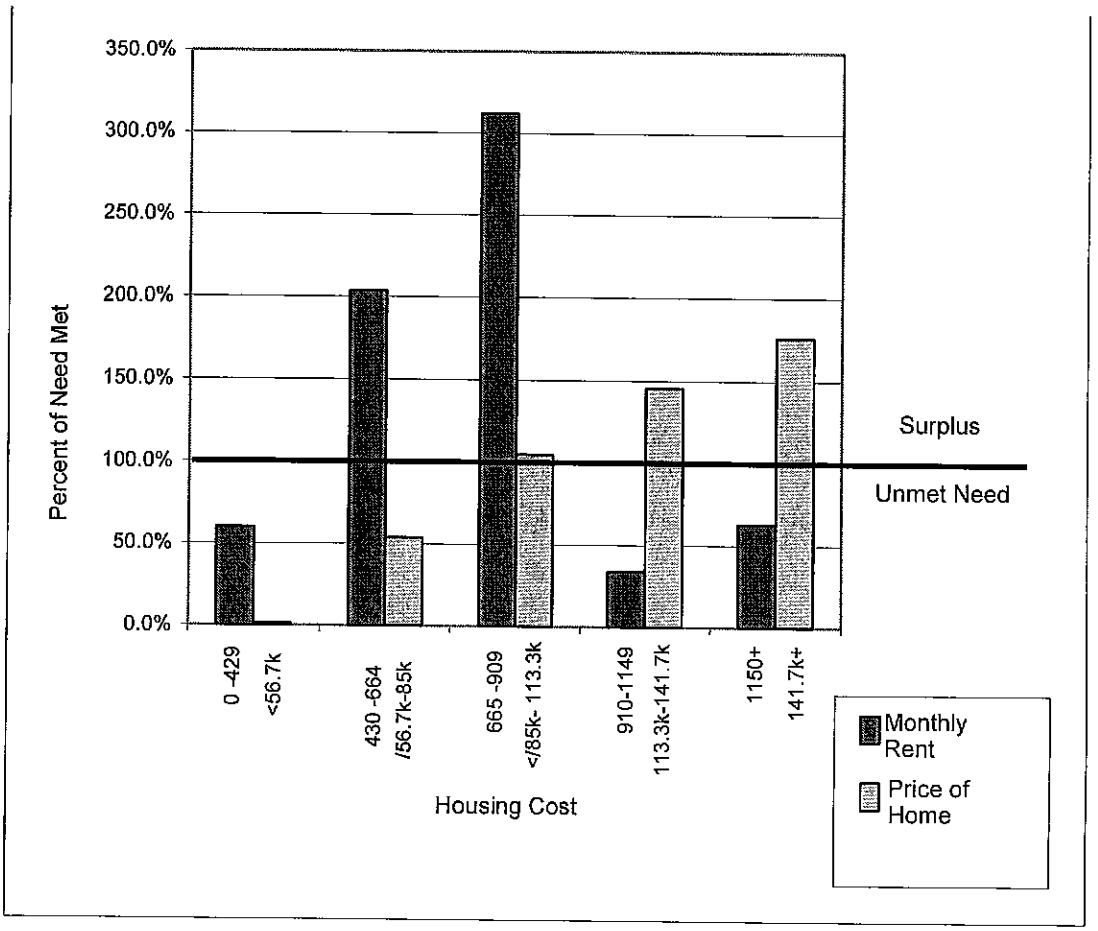
The Oregon Department of Housing and Community Services (HCS) has developed a model that projects housing needs based on the existing housing stock, demographics and anticipated population growth. The model evaluates the existing housing units by structure type and cost, compares those units to local demographics, and estimates the current demand/supply by structure type and price point. The model requires knowledge of existing housing units, tenure, and cost. The existing housing inventory was used as the base for the model, while tenure and cost were extrapolated from the 2000 Census. The model assumes no more than 30 percent of household income is spent on rent or a mortgage.

Figure 4 shows the percentage of new housing units currently needed by price and tenure. According to the model, housing need is met for a particular price point if the existing housing stock meets 100 percent of the need. According to the model, Oregon City has a surplus of rental units in the mid price ranges with monthly rents between $430 to $909. The largest surplus is in the $665 to $909 rent ranges, where need is met by more than three times for that price range, creating a surplus of those units. Oregon City does not meet residents' needs for less expensive rental units or for units costing more than $909 per month. The current housing stock meets just over 50 percent of the estimated need for units with rents less than $429 per month and, for more expensive units, the existing rental stock meets approximately 50 percent of the estimated need.

In addition to rental needs, the model also estimates the need for owner-occupied units. The model shows a surplus of units costing more than $113,300 with a greater surplus in units costing more than $141,700. Oregon City's housing stock meets the city's needs for homes costing between $85,000 and $113,000, but only meets about 50 percent of housing needs for homes priced between $56,700 and $85,000.

Affordable housing is a concern for many Oregon City residents. The model shows just over one-percent of the need is currently met for homes costing less than $56,700, which is not surprising considering a median sale price for homes in Oregon City of $184,000. The number of homes in the low price range is extremely limited, and households that can only afford a home in this range would likely rent rather than buy. Households could afford to own a home only by spending a disproportionate amount on their mortgage payment. In this case, supplying more rental units than owner-occupied units is likely more realistic when comparing the current real estate market, high cost of land, and building materials.

Figure 4. Percentage of New Housing Units Needed by Housing Type for Oregon City



Source: Oregon Housing and Community Services 2002, David Evans and Associates, Inc. 2002

Assessing the current met/unmet needs is the first step in determining a future housing mix that will satisfy the projected population and demographic changes. Table 27 shows two housing mixes based on information gathered through the housing inventory and a projected housing density from the HCS model that would meet housing needs based on tenure and cost. Oregon City's current housing mix is about 80 percent single-family units and about 20 percent multifamily, although building permit data shows that the majority of new units (about 86 percent) are single-family detached homes. About 14 percent of the new units are multifamily dwellings.

The HCS model projects the density mix needed to meet Oregon City's housing needs, and has a higher percentage of units in multifamily than the current housing mix. The model projects a housing mix of about 75 percent single-family housing and about 25 percent multifamily units. The higher number of multifamily units is based on a current unmet need for low cost housing as well as higher priced units. There is a large unmet need for low cost housing for both owners and renters, but due to high housing prices, home ownership is not a realistic option. Most people who can only afford the most inexpensive housing are likely going to rent.

Table 27: Actual and Projected Housing Mix

Housing Type	Current Mix (Housing Inventory)	HCS Model (Projected Mix to Meet Housing Needs)
Single-family	81.4%	74.7%
Single-family	67.9%	63.9%
Duplex	5.9%	4.4%
Manufactured homes in parks	7.6%	6.4%
Multifamily	18.6%	25.3%
Total	100.0%	100.0%

The need for a higher percentage of multifamily units is illustrated in the demographic analysis completed in Section 2, Existing Conditions, the HCS projections showing a need for more affordable housing, and a Metro target capacity that supports higher density development. The majority of units will be single-family, but there is also a need for a higher percentage of units in multifamily uses.

3.4 Land Needs/Surplus by Housing Type

Table 28 shows the needed housing units by housing type and the need/surplus of existing vacant land within the Oregon City UGB. The target capacity for the Oregon City is 6,075 additional units (after reductions for units already constructed). Based on the adjusted target and housing mix recommended in the HCS model, Oregon City should accommodate 4,538 single-family units and 1,537 multifamily units (75 percent single-family and 25 percent multifamily).

The majority of these new units can be accommodated on vacant or partially vacant land within the UGB, but to meet the target capacity Oregon City would need to make some zone changes that increase density. Currently, vacant and partially vacant land zoned for single-family units can accommodate all single-family unit needs with room for over 4800 units, while existing multifamily zoned land could accommodate just 103 units. Therefore, some land should be rezoned to higher density uses the provide the necessary 1,434 units.

The need for higher density development within Oregon City, especially in the downtown area, has already been the focus of extensive planning efforts in an attempt to make downtown a more lively. Higher density developments can support businesses, including restaurants and entertainment businesses that cater to these new residents. The City has developed and adopted the "Oregon City Downtown Community Plan" that recommends mixed uses with 30 units per acre of housing. Other areas where higher density uses (than is currently permitted) may be appropriate are shown in Figure 5 and described in Table 29. Approximately 193 buildable acres would be rezoned; of that about 104 acres would be rezoned for multifamily uses, including a mixed-use area north of downtown.

Table 28. Housing Need/Surplus with Rezoned Areas

		Single-family, Manufactured in Parks, Duplexes	Multifamily	Total
Adjusted Metro Target (Table 26)	6,075			
Future Housing Mix (Table 27)		74.7%	25.3%	100.0%
Metro Target using future housing mix		*4,538*	*1,537*	*6,075*
Potential New Units on Land within the UGB		Single-family Zoning Districts[13]	Multifamily Zoning District[14]	Total
Vacant Land (Table 23)		1,715	72	1,787
Partially Vacant Land (Table 24)		2,775	31	2,806
New Units in Existing Manufactured Home Parks (Table 13)		38	0	38
Total New Units		4,528	103	4,631
Needed Units				
(Need)/Surplus (New units-Metro Target Future Housing Mix)		*(10)*	*(1,434)*	*(1,444)*
Potential New units on rezoned residential land (Table 29)		365	1,510	1,875
Total Units (needed)/surplus		**355**	**76**	**431**

Areas to be rezoned would accommodate primarily multifamily housing units, duplex townhomes and other higher density uses. Some rezoned areas would retain a single-family zoning but at a higher density (e.g. R-10 rezoned to R-8 or R-6). Multifamily housing would only by allowed in the RA-2 zone and in a future MUR zone recommended in the Downtown Plan. New multifamily uses are located in areas with existing multifamily uses or near activity centers, such as Clackamas Community College, and near major thoroughfares where more transportation options are available.

Oregon City meets nearly all land needs for single-family units, but needs more land for multifamily dwellings. Converting 107 acres of single-family land to multifamily uses would accommodate additional 1,510 units, or 76 units more than required. Other rezoned land (about 93 acres) would remain in single-family use but at a higher density. This would generate 365 additional units, or 355 units more than required. Together this would provide 1,875 units, which exceeds Metro's residential target capacity by 431 units.

[13] Single-family zones include LC, R-10, R-8, R-6, R-6/MH, R-8, RC-4, RD-4, and County assumed with a density of R-8.

[14] The only zone identified as multifamily is RA-2

Table 29. Potential Changes in Zoning to Meet Density Target

Area	Existing Zone	New Zone	New Comp. Plan Designation	Gross rezoned unconstrained Acreage	Total existing Units	Less env. constraints	PSC Deduction (x.22)	ROW deduction (x.15)	Total Deduction	Gross vacant buildable acres	Max. Units per acre for current zone	Max. Units per acre for new zone	**Total new units**
1	M-1	MUOR	MUOR	2.7	0	0.0	0.0	0.4	0.4	2.3	0.0	30	**55**
	M-2			11.7	0	0.0	0.0	1.8	1.8	9.9	0.0	30	**239**
	RC-4			0.2	3	0.0	0.0	0.0	0.1	0.1	0.0	30	**3**
	C			17.4	8	0.0	0.0	0.0	0.0	17.4	0.0	30	**418**
2	R-10	RD-4	MR	51.4	13	20.3	6.8	3.6	30.8	20.6	4.4	10.9	**107**
	R-6/MH			8.8	1	1.7	1.6	0.8	4.1	4.7	6.4	10.9	**17**
	County			35.0	0	0.4	7.6	4.0	12.1	22.9	5.5	10.9	**99**
3	R-8	R-8	LR	0.0	0	0.0	0.0	0.0	0.0	0.0	5.5	5.5	-
	R-10			30.3	13	17.2	2.9	1.5	21.6	8.7	4.4	5.5	**8**
4	R-10	R-6	LR	18.0	12	10.3	1.7	0.9	12.9	5.1	4.4	7.3	**12**
5	R-6	RD-4	MR	4.0	7	2.5	0.3	0.2	3.0	1.0	7.3	10.9	**3**
6	R-6	RA-2	HR	13.3	12	7.8	1.2	0.6	9.6	3.6	7.3	19.8	**36**
	R-10			6.4	0	4.3	0.5	0.2	5.0	1.4	4.4	19.8	**17**
7	RA-2	RA-2	HR	4.4	2	0.0	1.0	0.5	1.5	2.9	19.8	19.8	-
	R-6			12.6	15	0.2	2.7	1.5	4.4	8.2	7.3	19.8	**82**
	LO			2.0	41	0.0	0.0	0.3	0.3	1.7	19.8	19.8	-
8	R-10	RD-4	MR	6.1	0	1.0	1.1	0.6	2.7	3.4	4.4	10.9	**17**
9	R-10	RD-4	MR	4.4	2	0.0	1.0	0.5	1.5	2.9	4.4	10.9	**15**
10	R-10	R-8	LR	7.9	0	0.0	1.7	0.9	2.7	5.3	4.4	5.5	**5**
11	County	RA-2	HR	10.2	13	2.8	1.6	0.9	5.3	4.9	5.5	19.8	**56**
12	R-6	RD-4	MR	4.7	6	1.3	0.0	0.5	1.8	2.9	7.3	10.9	**8**
	R-10			5.7	7	0.4	1.2	0.6	2.1	3.5	4.4	10.9	**18**
13	R-10	RA-2	HR	10.4	5	1.1	2.0	1.1	4.2	6.2	4.4	19.8	**76**
14	R-10	RA-2	HR	19.8	3	0.0	4.4	2.3	6.7	13.1	4.4	19.8	**162**
15	R-10	RA-2	HR	20.1	6	3.3	3.7	2.0	8.9	11.2	4.4	19.8	**138**
16	LO	RA-2	HR	0.3	0	0.0	0.0	0.0	0.0	0.3	19.8	19.8	-
	R-10			14.5	9	1.6	2.8	1.5	5.9	8.6	4.4	19.8	**105**
	R-6/MH			4.1	3	0.0	0.9	0.5	1.4	2.7	6.4	19.8	**29**
	RD-4			19.9	69	0.0	4.4	2.3	6.7	13.2	10.9	19.8	**94**
17	County	MUE	MUE	84.9	No new residential units								
18	R-6	MUE	MUE	9.6									
19	R-10	RD-4	MR	6.1	1	0.1	1.3	0.7	2.1	4.0	4.4	10.9	**21**
20	R-6/MH	RD-4	MR	9.9	0	1.1	1.9	1.0	4.1	5.8	6.4	10.9	**21**
	R-10			3.9	1	0.0	0.9	0.5	1.3	2.6	4.4	10.9	**13**
Total				460.8	252	77.3	55.3	32.4	165.1	201.2			**1,875**

Appendix A
Oregon City Zoning Descriptions

In accordance with David Evans & Associate's commitment to quality control, the signatures of the author and reviewer of this document are below.

AUTHOR:	**REVIEWER:**
NAME _____	**NAME** _____
DATE _____	**DATE** _____

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VIA EMAIL

Charles Kidwell, Chair
Oregon City Planning Commission
c/o City of Oregon City Planning Division
221 Molalla Avenue, Suite 200
Oregon City, OR 97045

Re: Historic Properties, LLC Map Amendments
City File Nos. ZC 15-03, PZ 15-01
Applicant's Final Written Argument

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

This office represents Historic Properties, LLC, the applicant requesting approval of the Comprehensive Plan ("Plan") and Zoning Map amendments to allow mixed-use corridor development ("Applications") on property generally bounded by Beavercreek Road, Maplelane Road, and Maplelane Court ("Property"). This letter constitutes applicant's final written argument, which is being submitted by the deadline established by the Planning Commission of January 18, 2016 at 5:00pm. This letter contains argument only and does not include any new evidence. Please consider this letter together with applicant's additional submittals, including the supplemental findings dated December 24, 2015, which were placed before and not rejected by the Planning Commission before the close of the public hearing on January 11, 2016.

I. Executive Summary

The Planning Commission should approve the Applications, subject to the conditions proposed by City staff for the following reasons:

- The application materials, including expert reports and analysis, and the January 4, 2016 City Planning staff report ("Staff Report"), which recommends approval, constitute substantial evidence to support approval of the Applications.

- As conditioned, the Applications are consistent with the applicable Statewide Planning Goals ("Goals"), including Goals 1, 2, 6, 10, 11, 12, and 13, the Oregon Transportation Planning Rule ("TPR") and the applicable Plan provisions that implement those Goals.

- Goals 5 and 7 and their implementing provisions are not applicable to the Applications.

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

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

- Compliance with ORS 105.465 is not relevant to this proceeding.

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

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

II. Responses to Opponent Testimony.

A. The City has reviewed the Applications consistent with Goal 1 and the Plan provisions that implement this Goal.

Goal 1 requires local governments to adopt and administer programs to ensure the opportunity for citizens to be involved in all phases of the planning process. Goal 1 is satisfied as long as the local government follows its acknowledged citizen involvement program. *Wade v. Lane County*, 20 Or LUBA 369, 376 (1990).

The City has adopted and followed its acknowledged citizen involvement program in Oregon City Municipal Code ("OCMC") Chapter 17.50 in this case. Applicant met with the applicable neighborhood association on two occasions. Additionally, applicant and

the City provided notice three different ways (posting on the City's website, publication in a newspaper of general circulation, and mailed notice on two occasions to landowners within 300 feet of the subject site, the neighborhood association, and the Citizens Involvement Committee. Finally, the City is accepting testimony either in writing or at either of the public hearings before the Planning Commission or City Commission.

Although Mr. Nicita contends that the City violated Goal 1 by not making the City's adopted Goal 5 inventory available to the public in this matter, the Planning Commission should deny this contention. In fact, Mr. Nicita himself has located the City's Goal 5 inventory as it applies to the Property and has submitted that into the record. He has made argument relating to the merits of Goal 5. Additionally, the Staff Report discusses Goal 5 resources on the Property. Thus, Mr. Nicita has not been prejudiced by his difficulties in finding the Goal 5 inventory. The City's consideration of the Applications is consistent with Gola 1.

Plan Goal 1.3 reads as follows:

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

Plan Goal 1.4 reads as follows:

> "Community Involvement – Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies."

Mr. Nicita contends that the City failed to comply with these Plan Goals by not making the Goal 5 inventory available to the public in this matter. The Planning Commission should deny this contention for three reasons. First, as explained above, Mr. Nicita located the Goal 5 inventory and addressed it in his testimony to the Planning Commission, as did City staff. As a result, Mr. Nicita was not prejudiced by his difficulties in locating the Goal 5 inventory. Second, nothing in the plain language of these Plan Goals indicates that they are mandatory approval criteria applicable to site-specific quasi-judicial land use applications such as the Applications. Third, the City has

implemented Plan Goals 1.3 and 1.4 by adopting the citizen participation program in OCMC Chapter 17.50, and as explained above, the City has processed the Applications consistent with that program in this case.

For these reasons, the Planning Commission should deny Mr. NIcita's contention.

B. The record includes adequate findings and evidence to support the conclusion that the Applications are consistent with Goal 2.

The Planning Commission should deny Mr. Nicita's contention that there are no findings in the record explaining compliance with Goal 2 and there is no evidence to support such findings. In fact, there are findings in two places in the record explaining compliance with Goal 2. *See* p. 2 of the applicant's supplemental findings and p. 20 of the Staff Report. Mr. Nicita does not acknowledge, let alone challenge, these findings. Additionally, there is ample evidence in the record to support these findings set forth in the application submittal and supplemental reports from applicant's transportation engineer and geotechnical consultant. Mr. Nicita does not take issue with any specific evidence. Therefore, he has not adequately developed his argument, and there is no basis to sustain his contention.

C. Goal 5 and its implementing rules are not applicable to the Applications.

Goal 5 requires the City "[t]o protect natural resources and conserve scenic and historic areas and open spaces." Goal 5 is not applicable to the Applications for two reasons. First, the City has implemented its Goal 5 program through the OCMC and related overlay zoning districts (including the Natural Resource Overlay and the Geologic Hazards Overlay, both of which apply to portions of the Property), and the restrictions in these measures only apply at the time of development, and the Applications do not propose any development. Second, there are no historic or cultural resources located on the Property.

Although Mr. Nicita contends that Goal 5 applies to the Applications due to the presence of the Natural Resource Overlay zone that applies to a small portion of the Property, he does not explain why the existence of the overlay zone triggers Goal 5. In fact, the Applications do not propose to remove or modify the overlay zone; it will continue to apply as it has, and as explained above, will apply directly to any application

that proposes development on the Property. Further, the passages Mr. Nicita quotes from the comprehensive plan about the characteristics of Newell Creek (which is located in the Natural Resource Overlay zone) are taken from general text, not Goals or Policies, and do not establish any binding requirements that apply to the Applications.

Additionally, although Mr. Nicita contends that the Applications are inconsistent with the Goal 5 implementing rules in OAR Chapter 660 Division 023, the Planning Commission should deny this contention because these rules are not applicable to the Applications for the reasons explained below:

- OAR 660-023-0030 establishes the procedure to inventory Goal 5 resources. The City has already completed this process on a City-wide basis, and the Applications do not seek to modify that inventory. This rule is not applicable.

- OAR 660-023-0040 establishes the procedure to analyze the economic, social, environmental, and energy (ESEE) consequences resulting from a decision to allow, limit, or prohibit a use that conflicts with an inventoried significant Goal 5 resource. The Applications do not propose a use that conflicts with an inventoried significant Goal 5 resource. This rule is not applicable.

- OAR 660-023-0070 establishes the procedure to respond if implementation of measures to protect significant Goal 5 resources affects the inventory of buildable lands. The Applications do not include any implementation measures to protect significant Goal 5 resources that affect the inventory of buildable lands. This rule is not applicable.

- OAR 660-023-0090 establishes the procedure to inventory riparian corridors. The City has already completed this process on a City-wide basis, and the Applications do not seek to modify this inventory. This rule is not applicable.

- OAR 660-023-023-0100 establishes the procedure to inventory wetlands. The City has already completed this process on a City-wide basis, and the Applications do not seek to modify this inventory. This rule is not applicable.

- OAR 660-023-0110 establishes alternative procedures to inventory significant wildlife habitat. The City has already completed this process on a City-wide basis,

and the Applications do not seek to modify this inventory. The rule is not applicable.

- OAR 660-023-0140 establishes the procedure to inventory significant groundwater resources. The City has already completed this process on a City-wide basis, and the Applications do not seek to modify this inventory. The rule is not applicable.

For these reasons, the Planning Commission should deny Mr. Nicita's contentions pertaining to Goal 5.

D. The Applications are consistent with Goal 6 and the Plan provisions that implement Goal 6.

Goal 6 requires the City "[t]o maintain and improve the quality of the air, water and land resources of the State." Goal 6 is satisfied where there is a reasonable expectation that the uses will be able to comply with applicable state and federal environmental regulations. *Hess v. City of Corvallis*, 70 Or LUBA 283 (2014), *aff'd* 269 Or 908, 347 P3d 1 (2015). As a result, Mr. Nicita's unsubstantiated contention to the contrary misconstrues applicable law. In response to Mr. Nicita's further concern, the Planning Commission can find that there is a reasonable expectation that the proposed uses will be able to comply with applicable state and federal standards pertaining to stormwater. The City has implemented extensive measures in the OCMC pertaining to stormwater management and erosion control, which will apply at the time of development of Property and ensure compliance with these state and federal standards.

Plan Goal 6.1 states the City is to "[p]romote the conservation, protection and improvement of the quality of the air in Oregon City." This policy is not applicable for two reasons. First, nothing in the plain text of this Plan Goal indicates that it is a mandatory approval criterion applicable to site-specific quasi-judicial land use applications. Second, the City has implemented this Plan Goal by adopting OCMC 17.620.50.A.13, which requires continuing compliance with applicable air quality standards and will apply at the time applicant submits a site plan and design review application for the Property. Compliance with OCMC 17.62.050.A.13 will ensure compliance with this Plan Goal. *See Salo v. City of Oregon City*, 36 Or LUBA 415 (1999) (affirming City Commission interpretation that requirement that application be

consistent with Plan policies is satisfied by demonstration of compliance with code standards that implement those Plan policies).

Plan Policy 6.1.1 states the City is to "[p]romote land-use patterns that reduce the need for distance travel by single occupancy vehicles and increase opportunities for walking, biking, and/or transit to destinations such as places of employment, shopping and education." This policy is not applicable for two reasons. First, nothing in the plain text of this Plan Policy indicates that it is a mandatory approval criterion applicable to site-specific quasi-judicial land use applications. Second, the City has implemented this Plan Policy by adopting OCMC 17.620.50.A.13, which requires continuing compliance with applicable air quality standards and will apply at the time applicant submits a site plan and design review application for the Property. Compliance with OCMC 17.62.050.A.13 will ensure compliance with this Plan Policy.

Plan Policy 6.1.4 states that the City is to "[e]ncourage the maintenance and improvement of the city's tree canopy to improve air quality." This Plan Policy is not applicable because it is aspirational, not mandatory. *See Bennett v. City of Dallas,* 96 Or App 645, 647-649, 773 P2d 1340 (1989) (use of term "encourage" denotes a non-binding, aspirational provision).

Plan Goal 6.2 is to "[c]ontrol erosion and sedimentation associated with construction and development activities to protect water quality." Policy 6.2.1 is to "[p]revent erosion and restrict the discharge of sediments into surface and groundwater by requiring erosion prevention measures and sediment control practices." Policy 6.2.2 states that the City is to "[w]here feasible, use open, naturally vegetated drainage ways to reduce stormwater and improve water quality." These provisions are not applicable to the Applications for two reasons. First, the Applications do not propose any development that will cause erosion or sedimentation or the need to control same. Second, any future development must comply with OCMC Chapter 17.47 ("Erosion and Sediment Control"), which implements these Plan provisions. Compliance with OCMC Chapter 17.47 will ensure compliance with these Plan provisions.

Plan Goal 6.3 reads as follows:

> "Nightlighting: Protect the night skies above Oregon City and facilities that utilize the night sky, such as the Haggart Astronomical Observatory, while

> providing for nightlighting at appropriate levels to ensure safety for residents, businesses, and users of transportation facilities, to reduce light trespass onto neighboring properties, to conserve energy, and to reduce light pollution via use of night-friendly lighting."

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

Plan Policy 6.3.1 is to "[m]inimize light pollution and reduce glare from reaching the night sky and trespassing onto adjacent properties." This Plan Policy is not applicable for the same two reasons that Plan Goal 6.3 is not applicable to the Applications.

Plan Policy 6.3.2 is to "[e]ncourage new developments to provide even and energy-efficient lighting that ensures safety and discourages vandalism. Encourage existing developments to retrofit when feasible." This Plan Policy is not applicable because it is aspirational, not mandatory. *See Bennett,* 96 Or App at 647-649 (use of term "encourage" denotes a non-binding, aspirational provision).

Plan Policy 6.3.3 states the City is to "[e]mploy practices in City operations and facilities, including street lighting, which increases safety and reduces unnecessary glare, light trespass, and light pollution." By its plain language, this policy is a directive to the City, not private landowners, to follow. As a result, it is not applicable to the Applications.

Plan Goal 6.4 is to "[p]revent excessive noise that may jeopardize the health, welfare, and safety of the citizens or degrade the quality of life." This Plan Goal is not applicable for two reasons. First, the Applications do not propose any development, so there is no basis to apply the Plan Goal. Second, any future development must comply with OCMC 17.620.50.A.13 and the City's nuisance control standards, which require continuing compliance with applicable noise standards and will apply at the time applicant submits a site plan and design review application for the Property. Compliance with OCMC

17.62.050.A.13 and the City's nuisance control standards will ensure compliance with this Plan Goal.

Plan Policy 6.4.1 is to "[p]rovide for noise abatement features such as noise walls, soil berms, vegetation, and setbacks, to buffer neighborhoods from vehicular noise and industrial uses." This Plan Policy is not applicable for the same two reasons Plan Goal 6.4 is not applicable to the Applications.

Plan Policy 6.4.2 is to "[e]ncourage land-use patterns along high-traffic corridors that minimize noise impacts from motorized traffic through building location, design, size and scale." This Plan Policy is not applicable because it is aspirational, not mandatory. *See Bennett,* 96 Or App at 647-649 (use of term "encourage" denotes a non-binding, aspirational provision).

For these reasons, the City should find that the Applications are consistent with Goal 6 and the provisions of the Plan that implement Goal 6.

E. Goal 7 and the Plan provisions that implement Goal 7 are not applicable to the Applications.

Goal 7 is "[t]o protect people and property from natural hazards." Plan Goal 7 implements this Goal. For the reasons set forth at pages 11-13 and 21 of the Staff Report, and based upon the evidence cited therein, the Planning Commission can find that Goal 7 and Plan Goal 7 are not applicable to the Applications.

Plan Policy 7.1.13 is to "[m]inimize the risk of loss of life and damage to property from wildfires within the city and the Urban Growth Boundary." The Planning Commission can find that the risk of loss of people and property resulting from wildfires is minimized because the Property is in an urban location and is already developed. Further, the Fire Chief reviewed the Applications and did not object to them. Finally, the various Plan passages quoted by Mr. Nicita are descriptive in nature and do not establish any binding requirements.

For these reasons, the Planning Commission should find that Goal 7 and the Plan provisions that implement Goal 7 are not applicable to the Applications.

F. The Applications are consistent with Goal 10.

Goal 10 is "[t]o provide for the housing needs of the citizens of the state." The Staff Report at pages 13-16 and 21 explains how the Applications are consistent with Goal 10. Although Mr. Nicita contends that applicant must determine the amount of "buildable land" on the Property in order to complete the buildable lands assessment required by Goal 10. However, the City is not completing, and is not required to complete, its buildable lands assessment in conjunction with the Applications. Therefore, Mr. Nicita's comment is not relevant to this proceeding. The Applications are consistent with Goal 10.

G. The Applications are consistent with Goal 11 and the provisions of the Plan that implement Goal 11.

Goal 11 is to "[t]o plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development." Although the Applications do not propose any development, the City has evaluated the availability of public facilities and services with relevant agencies and has concluded that it is possible, likely, and reasonable for there to be adequate public facilities and services available to serve development of the Property under the proposed zoning, subject to a condition of approval requiring applicant to limit uses and trip generation as proposed in the Applications.

Plan Goal 11.1 is to "[s]erve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities." This Plan Goal is not applicable because it is a planning directive to the City; nothing in the plain text of this Plan Goal indicates that it applies to site-specific quasi-judicial land use applications such as the Applications.

Plan Policy 11.1.2 is to "[p]rovide public facilities and services consistent with the goals, policies and implementing measures of the Comprehensive Plan, if feasible." For the reasons stated in response to Goal 11, the Applications are consistent with this Plan Policy.

Plan Policy 11.1.3 is to "[c]onfine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land-use planning goals and regulations. Facilities that serve the public will be centrally located and accessible, preferably by multiple modes of transportation." This Plan Policy is not applicable for two reasons. First, the Applications do not propose any urban public facilities and services outside the City limits. Second, this Plan Policy is a planning directive to the City; nothing in the plain text of this Plan Goal indicates that it is a mandatory approval criterion applicable to site-specific quasi-judicial land use applications such as the Applications.

Plan Policy 11.1.4 is to "[s]upport development on underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land-use compatibility can be found relative to the environment, zoning, and Comprehensive Plan goals." The Applications are consistent with this policy because they will facilitate development of infill lots in the City where public facilities and services are already available.

Plan Policy 11.1.5 is to "[d]esign the extension or improvement of any major public facility and service to an area to complement other public facilities and services at uniform levels." This Plan Policy is not applicable because it is a planning directive to the City; nothing in the plain text of this Plan Goal indicates that it is a mandatory approval criterion applicable to site-specific quasi-judicial land use applications such as the Applications.

Plan Policy 11.1.6 is to "[e]nhance efficient use of existing public facilities and services by encouraging development at maximum levels permitted in the Comprehensive Plan, implementing minimum residential densities, and adopting an Accessory Dwelling Unit Ordinance to infill vacant land." This Plan Policy is not applicable because it is a planning directive to the City, which the City has implemented through adoption of OCMC provisions. Alternatively, it is applicable and satisfied because the Applications propose to develop infill lots with a variety of housing types, including Accessory Dwelling Units.

Plan Goal 11.2 is to "[s]eek the most efficient and economic means available for constructing, operating, and maintaining the City's wastewater collection system while protecting the environment and meeting state and federal standards for sanitary sewer

systems." Plan Goal 11.2 is a directive to the City for planning and maintaining the City's facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the Applications.

Plan Goal 11.3 is to "[s]eek the most efficient and economic means available for constructing, operating, and maintaining the City's water distribution system while protecting the environment and meeting state and federal standards for potable water systems." Plan Goal 11.3 is a directive to the City for planning and maintaining the City's facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the Applications.

Plan Goal 11.4 is to "[s]eek the most efficient and economical means available for constructing, operating, and maintaining the City's stormwater management system while protecting the environment and meeting regional, state, and federal standards for protection and restoration of water resources and fish and wildlife habitat." Plan Goal 11.4 is a directive to the City for planning and maintaining the City's facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the Applications.

Plan Goal 11.5 is to "[s]eek to ensure that the most cost-effective, integrated solid waste plan is developed and implemented." Plan Goal 11.5 is a directive to the City for planning and maintaining the City's facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the Applications.

Plan Goal 11.6 is to "[o]ptimize the City's investment in transportation infrastructure." Plan Goal 11.6 is a directive to the City for planning and maintaining the City's facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the Applications.

Plan Goal 11.7 is to "[c]oordinate with utilities that provide electric, gas, telephone and television cable systems, and high-speed internet connection to Oregon City residents to ensure adequate service levels." Plan Goal 11.7 is a directive to the City for planning and maintaining the City's facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the Applications.

Plan Goal 11.8 is to "[w]ork with healthcare and education providers to optimize the siting and use of provider facilities." Plan Goal 11.8 is a directive to the City for planning and maintaining the City's facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the Applications.

Plan Goal 11.9 is to "[m]aintain a high level of fire protection and emergency medical services." Plan Goal 11.9 is a directive to the City for planning and maintaining the City's facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the Applications.

Plan Goal 11.10 is to "[p]reserve the peace and provide for the safety and welfare of the community." Plan Goal 11.10 is a directive to the City for planning and maintaining the City's facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the Applications.

Plan Goal 11.11 is to "[s]trategically locate civic facilities to provide efficient, cost-effective, accessible, and customer friendly service to Oregon City residents." Plan Goal 11.11 is a directive to the City for planning and maintaining the City's facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the Applications.

Plan Goal 11.12 is to "[e]nsure that the library has an adequate facility and resources to maintain its vital role in the community and accommodate growth of services, programs and the population of the entire service area." Plan Goal 11.12 is a directive to the City for planning and maintaining the City's facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the Applications.

For these reasons, the Planning Commission should find that the Applications are consistent with Goal 11 and the applicable Plan provisions that implement Goal 11.

H. The Applications are consistent with Goal 12 and the applicable Plan that implement Goal 12.

Goal 12 is "[t]o provide and encourage a safe, convenient and economic transportation system." Goal 12 is implemented by the TPR, which requires the City to determine whether or not approval of the Applications will significantly affect any existing or

planned transportation facilities, and if so, impose measures to mitigate that significant effect. OAR 661-012-0060. To make this determination, the City must ascertain whether the amendment will permit uses that will generate more trips than were generated by uses under the previous map designations:

> "Where the amendment changes the plan or zoning designation, an initial question in addressing OAR 660-012-0060(1)(c) is whether the amendment allows uses with greater traffic-generation capacity compared to the previous plan or zone designations. If not, there may be no need for further inquiry under the TPR. If there is an increase in traffic-generation capacity, then further analysis is required. *Barnes v. City of Hillsboro*, 61 Or LUBA 375, 399, *aff'd* 239 Or App 73, 243 P3d 139 (2010); *Mason v. City of Corvallis*, 49 Or LUBA 199, 222 (2005)."

Hess, 70 Or LUBA at __ (slip op. at 24-25). In this case, the Planning Commission should find that the Applications will not significantly affect any transportation facilities, subject to the proposed conditions limiting uses and imposing trip caps of 128 AM peak hour trips and 168 PM peak hour trips on the Property. As support for this conclusion, the Planning Commission can rely upon the testimony of Lancaster Engineering in the August 28, 2015 analysis letter, which determined that subject to the trip cap, the Applications would not result in increased traffic volumes in the vicinity of the Property. The City's transportation consultant concurred with this testimony as explained at pages 17 and 18 of the Staff Report. Lancaster Engineering based its analysis upon a proposed 107-lot shadow plat in the record, which assumed development a single-family residence and accessory dwelling unit on each lot. The shadow plat is a reliable base case for development of the Property under the proposed zoning for the reasons explained in Section II.K of this letter. For these reasons, the Planning Commission should find that the Applications are consistent with Goal 12 and the TPR.

Plan Goal 12.1 is to "[e]nsure that the mutually supportive nature of land use and transportation is recognized in planning for the future of Oregon City." This Plan Goal is not applicable to the Applications because it is a planning directive for the City to follow; nothing in the plain text indicates an intent to apply this Plan Goal as a mandatory approval criterion applicable to site-specific quasi-judicial applications such as the Applications.

Plan Policy 12.1.1 is to "[m]aintain and enhance citywide transportation functionality by emphasizing multi-modal travel options for all types of land uses." This Plan Policy is not applicable to the Applications because it is a planning directive for the City to follow; nothing in the plain text indicates an intent to apply this Plan Policy as a mandatory approval criterion applicable to site-specific quasi-judicial applications such as the Applications.

Plan Policy 12.1.2 is to "[c]ontinue to develop corridor plans for the major arterials in Oregon City, and provide for appropriate land uses in and adjacent to those corridors to optimize the land use-transportation connection." This Plan Policy is not applicable to the Applications because it is a planning directive for the City to follow; nothing in the plain text indicates an intent to apply this Plan Policy as a mandatory approval criterion applicable to site-specific quasi-judicial applications such as the Applications.

Plan Policy 12.1.3 is to "[s]upport mixed uses with higher residential densities in transportation corridors and include a consideration of financial and regulatory incentives to upgrade existing buildings and transportation systems." This Plan Policy is satisfied because the Applications propose to remap the Property as a mixed-use site to allow for higher residential densities.

Plan Policy 12.1.4 is to "[p]rovide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth." The Applications do not propose specific development; however, the shadow plat in the record demonstrates that applicant can develop the Property in a manner that provides for walkable neighborhoods connected to surrounding areas. This Plan Policy can be met.

Plan Goal 12.5 is to "[d]evelop and maintain a transportation system that is safe." The Applications do not propose specific development; however, the shadow plat demonstrates that applicant can develop the Property in a manner that maintains a safe transportation system. Further, as explained in the testimony from Lancaster Engineering, subject to the trip cap, the proposed development of the Property will not increase trips on surrounding streets and thus will not create any safety concerns due to increased congestion.

Plan Policy 12.5.1 is to "[i]dentify improvements that are needed to increase the safety of the transportation system for all users." This Plan Policy is not applicable to the Applications because it is a planning directive for the City to follow; nothing in the plain text indicates an intent to apply this Plan Goal as a mandatory approval criterion applicable to site-specific quasi-judicial applications such as the Applications.

Plan Policy 12.5.2 is to "[i]dentify and implement ways to minimize conflict points between different modes of travel." This Plan Policy is not applicable to the Applications for two reasons. First, it is a planning directive for the City to follow; nothing in the plain text indicates an intent to apply this Plan Goal as a mandatory approval criterion applicable to site-specific quasi-judicial applications such as the Applications. Second, the Applications do not propose any development. Therefore, they do not generate different modes of travel or conflict points.

Plan Policy 12.5.3 is to "[i]mprove the safety of vehicular, rail, bicycle, and pedestrian crossings." This Plan Policy is not applicable to the Applications for two reasons. First, it is a planning directive for the City to follow; nothing in the plain text indicates an intent to apply this Plan Goal as a mandatory approval criterion applicable to site-specific quasi-judicial applications such as the Applications. Second, the Applications do not propose any development or have any implications for crossings.

Plan Goal 12.6 is to "[d]evelop and maintain a transportation system that has enough capacity to meet users' needs." The Applications are consistent with this Plan Goal, subject to the conditions limiting uses of the Property and imposing the AM and PM peak hour trip caps. As support for this conclusion, the Planning Commission can rely upon the testimony of Lancaster Engineering, which determined that subject to the trip cap, the Applications would not result in increased traffic volumes in the vicinity of the Property. The City's transportation consultant concurred with this testimony as explained at pages 17 and 18 of the Staff Report.

Plan Policy 12.6.1 is to "[p]rovide a transportation system that serves existing and projected travel demand." The Applications are consistent with this Plan Goal, subject to the conditions limiting uses of the Property and imposing the AM and PM peak hour trip caps. As support for this conclusion, the Planning Commission can rely upon the testimony of Lancaster Engineering, which determined that subject to the trip cap, the Applications would not result in increased traffic volumes in the vicinity of the Property.

The City's transportation consultant concurred with this testimony as explained at pages 17 and 18 of the Staff Report.

Plan Policy 12.6.2 is to "[i]dentify transportation system improvements that mitigate existing and projected areas of congestion." This Plan Policy is not applicable to the Applications for two reasons. First, this provision is a planning directive to the City; the plain language of this Plan Policy does not indicate any intent that it function as a mandatory approval criterion applicable to site-specific quasi-judicial land use applications such as the Applications. Second, the Applications will not generate a need for any new transportation mitigation measures. As support for this conclusion, the Planning Commission can rely upon the testimony of Lancaster Engineering, which determined that subject to the trip cap, the Applications would not result in increased traffic volumes in the vicinity of the Property. The City's transportation consultant concurred with this testimony as explained at pages 17 and 18 of the Staff Report.

Plan Policy 12.6.3 is to "[e]nsure the adequacy of travel mode options and travel routes (parallel systems) in areas of congestion." The Applications are consistent with this Plan Goal, subject to the conditions limiting uses of the Property and imposing the AM and PM peak hour trip caps. As support for this conclusion, the Planning Commission can rely upon the testimony of Lancaster Engineering, which determined that subject to the trip cap, the Applications would not result in increased traffic volumes in the vicinity of the Property. The City's transportation consultant concurred with this testimony as explained at pages 17 and 18 of the Staff Report.

Plan Policy 12.6.4 is to "[i]dentify and prioritize improved connectivity throughout the city street system." This Plan Policy is not applicable to the Applications because it is a planning directive for the City to follow; nothing in the plain text indicates an intent to apply this Plan Policy as a mandatory approval criterion applicable to site-specific quasi-judicial applications such as the Applications.

For these reasons, the City should find that the Applications are consistent with Goal 12, the Plan provisions that implement Goal 12, and the TPR.

I. The Applications are consistent with Goal 13 and the Plan provisions that implement Goal 13.

Goal 13 is "[t]o conserve energy." In general, Goal 13 is mostly a planning goal "directed toward the development of local government land management implementation measures which maximize energy conservation." *Brandt v. Marion County*, 22 Or LUBA 473, 484 (1991), *aff'd in party, rev'd in part* 112 Or App 30 (1992). It does not prohibit adoption of a plan amendment that would result in a net increase in energy usage. *Setniker v. Oregon Department of Transportation*, 66 Or LUBA 54 (2012). The Applications are consistent with Goal 13 because the proposed amendments will provide for efficient use of land and energy by locating a variety of potential uses within close proximity to existing uses, including shopping, restaurants, and Clackamas County Community College. Further, the Applications propose to limit certain uses on the Property and impose a trip cap to minimize transportation impacts and energy usage. Although Mr. Nicita contends that the City should impose additional conditions of approval on the Applications such as requiring solar roofs on any development on the Property, there is no basis to impose this condition when no actual development is proposed. For these reasons, the Planning Commission should find that the Applications are consistent with Goal 13.

Plan Goal 13.1 is to "c]onserve energy in all forms through efficient land use patterns, public transportation, building siting and construction standards, and city programs, facilities, and activities." This Plan Goal is a directive to the City to implement energy-saving policies; nothing in the plain text indicates that it is a mandatory approval criterion applicable to site-specific quasi-judicial land use applications. Therefore, this Plan Goal is not applicable to the Applications.

Plan Policy 13.1.2 is to "[e]ncourage siting and construction of new development to take advantage of solar energy, minimize energy usage, and maximize opportunities for public transit." This Plan Policy is not applicable because it is aspirational, not mandatory. *See Bennett*, 96 Or App at 647-649 (use of term "encourage" denotes a non-binding, aspirational provision).

Plan Policy 13.1.3 is to "[e]nable development to use alternative energy sources such as solar through appropriate design standards and incentives." This Plan Policy is not applicable to the Applications for two reasons. First, it is a directive to the City to

implement energy-saving policies; nothing in the plain text indicates that it is a mandatory approval criterion applicable to site-specific land use applications. Second, this Plan Policy is directed at "development," but the Applications do not propose any "development."

Plan Policy 13.1.4 is to "[w]herever possible, design and develop public facilities to take advantage of solar energy, develop co-generation, and conserve energy in operations and public access." This Plan Policy is not applicable because it is concerned with design and development of public facilities, not private development.

Plan Goal 13.2 is to "[p]lan public and private development to conserve energy." This Plan Policy is not applicable to the Applications because nothing in the plain language of this provision indicates an intent that it be applied to site-specific quasi-judicial land use applications such as the Applications. Alternatively, this Plan Policy is applicable but satisfied for the reasons explained above in response to Goal 13.

Plan Policy 13.2.5 is to "[c]onstruct bikeways and sidewalks, and require connectivity of these facilities to reduce the use of petroleum-fueled transportation." This Plan Policy is not applicable to the Applications for two reasons. First, it is a directive to the City to develop public facilities; nothing in the plain text indicates that it is a mandatory approval criterion applicable to site-specific land use applications that do not actually propose any development. Second, the ultimate development of the Property will be subject to compliance with OCMC provisions regarding sidewalks and connectivity, which implement and ensure compliance with this Plan Policy.

For these reasons, the Planning Commission should find that the Applications are consistent with Goal 13 and the applicable Plan provisions that implement Goal 13.

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

The Planning Commission should deny Mr. Nicita's contention that the City erred by failing to apply the Goals to the comprehensive plan amendment application. In fact, City staff did apply the Goals to all of the Applications and determined that the Applications were consistent with the Goals. *See* pp. 20-22 of the staff report dated

January 4, 2016. Therefore, there is no basis to sustain Mr. Nicita's contention on this issue.

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

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

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

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

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

M. Compliance with ORS 105.465 is not relevant to this proceeding.

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

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

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

Although opponents express concerns about the report, their concerns do not undermine the reliability of the report and its conclusions. For example, although opponents contend that the report fails to accurately evaluate the potential for catastrophic events, this contention is mistaken. The report accurately assesses the risk of a significant seismic event or very high groundwater conditions and concludes that these events pose only a moderate risk if mitigation measures are followed. Opponents do not present any evidence to the contrary. Further, although opponents contend that applicant is acting inconsistent with recommendations of a Portland State University professor by locating detention ponds on landslides, opponents misconstrue the facts. Applicant is proposing to utilize stormwater detention ponds, but they will be lined to prevent infiltration and thus will not drain into areas of landslide risk.

For these reasons, the Planning Commission should find that applicant has correctly evaluated and proposed mitigation for geotechnical conditions on the Property.

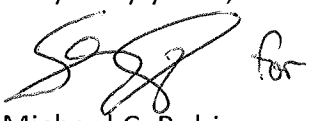
O. Delaying or prohibiting approval of the Applications until the City adopts a landslide ordinance is unnecessary and constitutes an improper moratorium.

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

III. Conclusion.

For the reasons explained above and elsewhere in the record, the Planning Commission should deny the opponents' assertions and should recommend approval of the Applications, subject to the conditions proposed by City staff. Thank you for your consideration of the arguments in this letter.

Very truly yours,



Michael C. Robinson

MCR

cc: Ms. Laura Terway (via email)
Ms. Carrie Richter (via email)
Mr. Dan Fowler (via email)
Mr. Tom Sisul (via email)
Mr. Michael Ard (via email)
Mr. Tim Blackwood (via email)
Mr. Seth King (via email)

City of Oregon City

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Staff Report

File Number: PC 16-017

Agenda Date: 1/25/2016

Status: Agenda Ready

To: Planning Commission

Agenda #: 2b.

From: Community Development Director Tony Konkol

File Type: Planning Item

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

RECOMMENDED ACTION (Motion):
Staff recommends that the Planning Commission approve the Re-Adoption of the Beavercreek Road Concept Plan - Planning File LE-15-03, and forward their recommendation to the City Commission.

BACKGROUND:
This hearing was continued from January 11, 2016.

The Planning Commission has closed the record public for LE 15-03 and will deliberate on January 25, 2015.

Staff has prepared a final memorandum responding to issues raised on January 11, 2016, which included Tri-Met public transportation service, Holly Lane and it's place in the City and County TSPs, Alternative Mobility Targets, open space amounts, and cottage manufacturing and employment.

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M E M O R A N D U M

To: Planning Commission
From: Pete Walter, AICP, Associate Planner
Re: LE-15-03, Re-Adoption of the Beavercreek Road Concept Plan
Date: January 18, 2016 (Hearing Date – January 25, 2016)

The Planning Commission has closed the record public for LE 15-03 and will deliberate on January 25, 2015. Staff has recommended that the Planning Commission find that file LE 15-03, re-adoption of the Beavercreek Road Concept Plan and appendices, meets the requirements of the Statewide Land Use Goals, Metro Title 11, Metro Title 4, as well as the applicable Comprehensive Plan criteria, based on the record and findings.

The record for the re-adoption is large and includes multiple sets of public comments, reports, memoranda and staff responses. This memorandum is intended to address the final issues raised on January 11, 2016, and summarize the concerns/ recommendations that the Planning Commission will forward to the City Commission as they consider re-adoption.

Tri-Met
Please see attached a recent letter from Public Works Director to Tri-Met regarding the Southeast Service Enhancement Plan. As you may recall, Tri-Met representatives testified about this planning process during the City CommissioHolly Lanen hearing process for the South End Concept Plan. The draft SE Service Enhancement Plan includes increased frequency during the week, the addition of service hours on weekends. The City welcomes these enhancements as they showcase the importance of a public transportation system and strengthen the value of this resource. Additionally, The City wishes to see planning for the following areas, as discussed in more detail in the letter:

- Meyers Road Extension
- Clackamette Cove Development
- South Oregon City Community / Job Connector Shuttle

Additionally, Public Works Director John Lewis informed the Planning Division that Clackamas Community College has applied for a Connect Oregon Grant that includes an impressive project at their front entrance which includes a new transit facility that will do a much better job of managing area transit and better facilitate new routing in the Beavercreek Road area. John thinks they have a great project and have high hopes that they will get the grant.

Holly Lane

The commission heard testimony demanding removal of Holly Lane from the City's Transportation System Plan (TSP). This is not the appropriate proceeding to consider amendments to the City's TSP. That said, the Planning Commission heard similar testimony during the adoption process for the TSP (April 8, 2013 and April 22, 2013 - attached). According to the minutes from those meetings, there was discussion at the time about the need for further geologic study, funding, Holly Lane, and involvement from the County.

Regarding the issue of road construction near in or near geologic hazard areas, the City Commission found that the TSP update was consistent with Statewide Planning Goal 7, Natural Hazards:

> "This goal is implemented through the applicable Goals and Policies in Section 7 of the Oregon City Comprehensive Plan: Natural Hazards. This goal primarily addresses how the city should plan development to avoid hazard posed by floods, steep slopes, geologically unstable areas and other natural hazards. The projects recommended in the TSP update were established through a "solutions identification process" with evaluation criteria that accounted for environmental hazards and impacts.
> Even when transportation projects are permitted outright in underlying zones, the Flood Management Overlay District (OCMC Chapter 17.42), US-Geologic Hazards Overlay District (OCMC Chapter 17.44) and Natural Resource Overlay District (OCMC Chapter 17.49) provide development standards for transportation projects in these overlay districts.
>
> All projects within the TSP, whether they are within the Geologic Hazards Overlay District or not, include detailed surveys conducted to identify hydrologic, topographic or other geological constraints that could hinder the widening and future extensions of the planned streets before construction is initiated. All street extensions included in this Plan are shown with conceptual alignments with a planning level illustration that street connectivity enhancements are needed in these areas. Final street alignments will be identified after these surveys have been completed. Based on development standards and review processes defined in the Oregon City Municipal Code, the TSP update is consistent with Statewide Planning Goal 7."

This issue has been addressed.

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The functional classifications, improvements and funding needs required for Holly Lane are all set by the updated 2013 Transportation System Plan which mirrors the transportation plans in both the Beavercreek Road Concept Plan and the Park Place Concept Plan. There is a need to address safety issues that have long been identified on Holly Lane. More drivers will continue to use Holly Lane. It would be imprudent not to plan for future improvements to Holly Lane. No direct alternative North-South alignment has been identified elsewhere between Maplelane Road and Redland Road to serve future development. Safety issues cannot be addressed by removing needed projects from the TSP and ignoring the impacts on the entire system.

The various portions of Holly Lane from north to south, classifications, and funding sources are consistent between the City and County TSP, as shown in the following table:

Segment	**Length (mi)**	**Concept Plan?**	**UGB**	**Functional Classification**			**Funding**
				Clackamas County TSP	**Oregon City TSP**	**Metro RTP**	
Holcomb Boulevard to Redland Road	1.1	Yes - Park Place	In	New Minor Arterial	Planned Minor Arterial	Minor Arterial	Likely
Redland Road to UGB (Existing)	0.6	Yes - Park Place	In	Minor Arterial	Minor Arterial	Minor Arterial	Likely
UGB to Maplelane Road (Existing)	0.6	None	Out	Minor Arterial	Minor Arterial	Minor Arterial	N/A
Holly Lane South Extension (planned)							
Maplelane Road to Thayer Road	0.43	None	Out (mostly)	New Collector	Planned Collector	Collector	Likely
Thayer Road to Meyers Road	.8	Yes -BRCP	In	New Collector	Planned Collector	Collector	Likely
Meyers Road to Meadow Ln	.8	Yes -BRCP	In	New Collector	Planned Collector	Collector	Likely

Finally, both the Holly Lane North Extension and the Holly Lane South Extension within the UGB as well as the other arterial road connections and collector road connections needed to complete an arterial/collector system are identified as a Medium to Long-Term, Likely to be Funded projects as part of the financially constrained projects list. This issue has been addressed.

Alternative Mobility Targets

Please refer to the findings in the Staff Report regarding this issue. The Planning Commission heard testimony from ODOT's Region 1 Planning Manager regarding this issue and the City will be working with ODOT, Clackamas County and other stakeholders to develop the refinement plan for Alternative Mobility Targets for the Beavercreek / 213 intersection in the short term as it is the only way to accommodate further growth within the existing city limits and within the UGB.

This issue has been addressed.

Open Space

The amount of Open Space in the plan is not a remand issue from the LUBA appeal. Please refer to the findings on Pages 15-16 of the Staff Report regarding this issue. The standard of 16-acres per 1,000 population was amended to a standard of 6 to 10 acres per 1,000 population as discussed in the record, which also reflects that the Parks and Recreation Advisory Committee was involved in this determination. As discussed in the findings, the Parks and Recreation Advisory Committee (PRAC) met on October 22, 2015 to hear staff's presentation on the re-adoption process. The PRAC voted unanimously to support the parks, open space and recreation elements of the Beavercreek Road Concept Plan. To change this allocation now and provide additional open space would result in either a reduction in designated industrial lands, as established by Title 4, or a reduction in lands set aside to accommodate housing.

This issue has been addressed.

Cottage Manufacturing and Employment / Home Occupations

The Planning Commission heard testimony from James Nicita that the City Commission directed staff on July 20, 2011 to include greater cottage manufacturing in the yellow zones". Staff has reviewed the meeting video[1] and minutes of that meeting – which are copied below:

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

[1] See http://oregon-city.granicus.com/MediaPlayer.php?view_id=2&clip_id=678 at 1:41

Betty Mumm, Commissioner James Nicita, Commissioner Kathy Roth, and Commissioner Rocky Smith, Jr. voting aye. [5:0:0]

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

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

In reviewing the meeting of July 20, 2011, staff did not find a specific determination by the Commission that the plan document itself must be modified to include the provision of greater cottage manufacturing in the "yellow areas" (i.e. the west and east mixed use areas). This is in all practicality a zoning issue, and staff maintains the position that the adoption of the BRCP does not preclude the provision of cottage manufacturing or a great variety of home occupations, and that these are issues that are best addressed when the city adopts zoning to implement the plan through a separate process. Rather than revise the plan, if the Planning Commission views the provision of cottage manufacturing favorably, the recommendation to the City Commission could include a request that the Commission instruct staff to consider including cottage manufacturing or the expansion of home occupations as part of the implementing zoning.

This issue has been addressed.

Conclusion

No further issues have been raised that require further staff response as of the close of the record by the Planning Commission on January 11, 2016.

Staff recommends that the Planning Commission forward LE- 15-03 to the City Commission with a recommendation of approval.

BEFORE THE CITY COMMISSION

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

I. INTRODUCTION

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

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

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

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

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

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

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

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

II. FACTS

A. Concept Plan History

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

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

B. BRCP Acreage at a Glance

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

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

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

III. The Process and Applicable Approval Standards

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

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

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

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

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

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

IV. Public Involvement and Public Comment

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

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

Planning Commission Work Session	09/28/2015

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

V. DECISION-MAKING CRITERIA:

A. Comprehensive Plan Criteria

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

Comprehensive Plan Maintenance and Implementation - Regular Review and Update.

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

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

B. Statewide Planning Goals

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

C. Metro Title 11.

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

A. Annexation;

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

IV. ANALYSIS AND FINDINGS

A. Comprehensive Plan Criteria

Comprehensive Plan Maintenance and Implementation - Regular Review and Update.

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

1. *Plan implementation process;*

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

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

The City finds this criterion is satisfied.

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

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

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

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

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

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

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

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

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

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

The City finds this criterion is satisfied.

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

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

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

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

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

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

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

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

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

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

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

The City finds this criterion is satisfied.

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

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

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

The City finds this criterion is satisfied.

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

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

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

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

The City finds this criterion is satisfied.

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

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

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

The City finds this criterion is satisfied.

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

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

The City finds this criterion is satisfied.

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

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

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

The City finds this criterion is satisfied.

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

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

The City finds this criterion is satisfied.

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

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

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

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

The City finds this criterion is satisfied.

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

B. Compliance with Statewide Planning Goals

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

Goal 1 Citizen Involvement

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

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

The City finds this Goal is satisfied.

Goal 2 Land Use Planning

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

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

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

The City finds this Goal is satisfied.

Goal 3 Agricultural Lands and Goal 4 Forest Lands

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

The City finds these Goals are not applicable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The City finds this Goal is satisfied.

Goal 6 Air, Water and Land Resources Quality

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

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

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

The City finds this Goal is satisfied.

Goal 7 Areas Subject to Natural Disasters and Hazards

To protect life and property from natural disasters and hazards.

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

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

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

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

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

The City finds this Goal is satisfied.

Goal 8 Recreational Needs

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

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

The City finds this Goal is satisfied.

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

Goal 9 Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

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

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

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

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

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

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

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

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

The City finds this Goal is satisfied.

Goal 10 Housing

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

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

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

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

The City finds this Goal is satisfied.

Goal 11 Public Facilities and Services

To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

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

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

Sanitary Sewer Infrastructure Planning

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

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

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

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

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

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

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

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

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

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

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

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

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

Water Infrastructure Planning

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

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

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

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

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

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

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

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

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

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

Stormwater Management Infrastructure Planning

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

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

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

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

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

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

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

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

The City finds this Goal is satisfied.

Police and Fire Protection Planning

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

Letters from OCPD and CFD#1 are attached.

Solid Waste Planning

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

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

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

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

The City finds this Goal is satisfied.

Goal 12 Transportation

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

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

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

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

[6] The TSP describes this analysis as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The City finds this Goal is satisfied.

Goal 13 Energy Conservation

To conserve energy.

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

The City finds this Goal is satisfied.

Goal 14 Urbanization

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

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

The City finds this Goal is satisfied.

C. Compliance with Metro Title 4.

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

TITLE 4: INDUSTRIAL AND OTHER EMPLOYMENT AREAS

3.07.410 Purpose and Intent

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

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

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

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

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

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

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

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

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

The City finds this requirement is satisfied.

3.07.430 Protection of Industrial Areas

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

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

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

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

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

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

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

The City finds this requirement is satisfied.

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

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

The City finds this requirement is satisfied.

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

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

The City finds this requirement is satisfied.

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

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

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

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

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

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

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

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

The City finds this requirement is satisfied.

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

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

The City finds this requirement is satisfied.

D. Compliance with Metro Title 11.

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

3.07.1105 Purpose and Intent

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

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

3.07.1120 Planning for Areas Added to the UGB

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

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

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

The City finds this requirement is satisfied.

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

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

The City finds this requirement is satisfied.

C. Comprehensive plan provisions for the area shall include:

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

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

The City finds this requirement is satisfied.

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

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

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

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

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

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

The City finds this requirement is satisfied.

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

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

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

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

The City finds this requirement is satisfied.

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

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

The City finds this requirement is satisfied.

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

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

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

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

The City finds this requirement is satisfied.

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

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

The City finds this requirement is satisfied.

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

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

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

The City finds this requirement is satisfied.

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

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

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

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

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

The City finds this requirement is satisfied.

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

The City finds this requirement is satisfied.

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

The City finds this requirement is satisfied.

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

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

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

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

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

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

The City finds this requirement is satisfied.

VI. CONCLUSION

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

_____ _____

DAN HOLLADAY, Mayor Date

Attested to this ___ day of ____ 20015

_____

KATTIE RIGGS, City Recorder

OREGON CITY

Public Works

625 Center Street | Oregon City OR 97045
Ph (503) 657-0891 | Fax (503) 657-7892

December 14, 2015

Vanessa Vissar
TriMet 1800 SW 1st Avenue, Suite 300
Portland, OR 97201

RE: Draft SE Service Enhancement Plan

Miss Vissar:

We are pleased to see the proposed increase in service in Oregon City! The draft SE Service Enhancement Plan includes increased frequency during the week, the addition of service hours on weekends. We welcome these enhancements as they showcase the importance of a public transportation system and strengthen the value of this resource. Additionally, we would like to see planning for the following future areas:

Meyers Road Extension
Oregon City, Clackamas Community College (CCC) & the Oregon City School District continue to work together to get Meyers Road extended to Hwy 213. This extension of Meyers Road will allow:

- *Increased Safety & Efficiency:* Routing TriMet buses through the Community College and out Meyers Road once it is constructed provides better flow and safer routes.
- *Spur Development of Industrial Sites:* Properties along the Meyers Road extension are projected to bring over 1,000 family wage jobs, helping to support the region's economic growth.

Clackamette Cove Development
The Clackamette Cove comprises approximately 80 acres of land and water just north of historic downtown, and is easily accessible from Main Street. The proposed project includes 439 dwelling units, 85,000 sf of general office, 15,000 sf of restaurants, 50,000 sf of medical/dental office space, a marina with private boat docks, and a public park surrounding the Cove.

- *Expanded Service:* We would love to see service to this area in the future to serve this upcoming development.

South Oregon City Community/Jobs Connector Shuttle
Oregon City looks forward to working with TriMet, Clackamas County and Clackamas Community College on the opportunity to implement a shuttle between the current Oregon City Transit routes and Clackamas Community College, through the southerly areas of Oregon City. This service will provide necessary transportation connections.

- *Economically Distressed:* Business Oregon considers Oregon City as a distressed City in 2015, the factors that contribute to this are lower than state average for Bachelor's Degree or higher, higher unemployment rate than state average and lower than state average per capita personal income. All factors that could be improved with increased transportation options to CCC.
- *Access to Education:* Improving access to CCC will allow more residents access to higher education and career technical education programs, 20% of students have cited transportation as a significant barrier to education. This is a key component of expanding the pool of trained workers in the region.
- *South End Concept Plan:* In April 2014 the City adopted the South End Concept Plan. This work included looking at how to serve this future development area with Transit. One option in the plan included a new local loop route that connects to the Oregon City Transit Center and serves the South End Concept Plan area, and the residential areas along South End Road, Partlow Road, Central Point Road, Warner Parrott Road, Canemah Road, Telford Road, and Center Street not currently served by transit.

Thank you for allowing us the opportunity to comment on the Draft SE Service Enhancement Plan. Public transportation performs a significant role in finding solutions to the many challenges facing our residents today.

Sincerely,

John M. Lewis, P.E.
Public Works Director

City of Oregon City

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

Meeting Minutes - Final
Planning Commission

Monday, April 22, 2013 | **7:00 PM** | **Commission Chambers**

1. Call To Order

Chair Kidwell called the meeting to order at 7:00 p.m.

Present: 6 - Paul Espe, Damon Mabee, Denyse McGriff, Robert Mahoney, Charles Kidwell and Tom Geil

Absent: 1 - Zachary Henkin

Staffers: 6 - Carrie Richter, Pete Walter, Laura Terway, Tony Konkol, John Lewis and Christina Robertson-Gardiner

2. Public Comments

Christine Kosinski, resident of unincorporated Clackamas County, discussed a comment made at a prior meeting that people of Holly Lane are against growth and development. She wanted the Commission to know the residents of Holly Lane are not against growth and development, but instead would like to see smart development in the area that addresses safety and landslide concerns. Ms. Kosinski also thanked the Commission for their attention to detail, research and solution seeking.

3. Public Hearing

PC 13-033 CU 12-01, SP 12-19, VR 12-05: Conditional Use, Site Plan and Design Review, and Variance Application for new Modular 8-Classroom Building At Gardiner Middle School.

Chair Kidwell explained the rules related to the public hearing process. Mr. Kidwell asked if the commission had any ex parte contact to declare. Commissioner McGriff stated she sits on a board of directors that has property directly adjacent to the School District property and she received notice of the hearing. Commissioner Mabee excused himself because he is employed by the School District and that is his primary source of income. Commissioner Mabee left the dais to sit in the audience. Commissioner Espe declared he had a son enrolled in Gardiner Middle School last year and his wife also works for the School District. Carrie Richter, City Attorney, explained he would need to excuse himself due to his wife being employed by the School District. Commissioner Espe left the dais to sit in the audience. There were no other declarations of ex parte.

Pete Walter, Associate Planner, gave a description of the Site Plan and Design Review for the proposed module being requested from the Oregon City School District. Mr. Walter gave a background and history of the site. Staff recommended approval of CU 12-01, SP 12-19 and VR 12-05 as submitted by the applicant with the recommended conditions of approval and with the exception of request for a variance from OCMC 17.52.040.B (number of bicycle parking spaces).

Commissioner Mahoney asked what would happen if the Commission approved the application with the variance. Mr. Walter explained that the building and the variance went hand and hand, and the applicant would be required to provide the full amount of bicycle parking spaces as a new rack in a new location.

Commissioner Geil asked how the students are currently parking their bicycles and how the variance affects the approval of the application.

Commissioner McGriff asked about the analysis of the landscape. Mr. Walter explained the proposed landscape and the requirements from the City. There was discussion regarding what types of trees would be planted in the landscape and trees that were going to be removed. The Commission discussed the lighting plan being proposed by the applicant.

Mr. Kidwell asked how staff came to the conclusion the applicant had met the building material requirements. Mr. Walter explained how staff came to that conclusion.

Chair Kidwell opened the public hearing.

Rick Givens, Planning Consultant working with the School District and Ted Thonstad, Director of Operations for the School District, were present representing the applicant, and Zach Stokes with ZCS Engineering was in the audience to answer any engineering related questions about the project. Mr. Givens discussed the project and the considerations that went into the project to provide adequate facilities to the students in the District while keeping to City Code requirements.

Mr. Thonstad discussed the reasons the School District decided to add sixth grade to the middle school. First, the 2 million dollar savings over the next three years to the School District; second, the new Common Core Standards adopted in 2010 which need to be implemented by 2014; third, better utilization of classroom space in the elementary schools. Mr. Thonstad addressed Commissioner McGriff's concerns regarding the proposed removal of trees and the reason for their removal.

Mr. Givens reviewed the conditions of approval suggested by staff. The School District would like to modify the existing bicycle racks and place all racks in a new location that added more safety. Regarding condition five, the School District proposed taking the wall out, extending the sidewalk and add a curve out for buses. They believed this proposal addressed bus safety concerns they have and would like the Commission to adopt this as part of their approval. There was further discussion regarding landscape and native plants versus non-native plants. The School District had no problem using native plants. They discussed the Commission's questions about this being a permanent structure or temporary and the cost savings to the School District for a modular building versus keeping the students at Mt. Pleasant.

William Gifford, resident of Oregon City, agreed with Commissioner McGriff regarding native plants. He asked if the Fire District had been out to the proposed site, and if the Commission or applicant had considered a covered walkway.

Damon Mabee, resident of Oregon City, discussed his concern for increased foot, bus, bike and car traffic to Hood and Ethel streets and the surrounding community. He suggested adding a continuous sidewalk from these streets to Linn Avenue. He was worried about the family homes near the abandoned schools and families moving away to an area closer to schools that were not abandoned.

Commissioner McGriff asked staff if there were any proposed plans to do any improvements in this area.

John Lewis, Public Works Director, stated he didn't know of any plans currently to add sidewalks to this area.

Commissioner McGriff suggested a work session to discuss the roads and sidewalks that surround the schools in the district.

Chair Kidwell called for a point of order and called the applicants up to address comments made.

Mr. Givens and Mr. Thonstad addressed the question regarding extra bus trips. Mr. Thonstad explained they will be using the same bus system and that didn't result in any extra trips. Additional traffic was detailed in the report from Lancaster. Mr. Givens affirmed the road met the fire safety requirements.

There was discussion regarding the amount of foot traffic to and from school versus bus traffic.

Tony Konkol, Community Development Director, discussed the transportation report by John Repplinger and the ADA sidewalk improvement on site, the bus pull-out on the north side and the landscaping requirements associated with the parking lot. Staff would be recommending the applicant consider making an adjustment and either put in additional sidewalk or a planter strip giving them the flexibility to meet the sidewalk standards and the planting requirements.

Carrie Richter, Attorney, would draft the conditions and include findings as part of the final decision that would support modifications for sidewalks.

Chair Kidwell closed the Public Hearing.

Pete Walter, Associate Planner, summarized the application, traffic analysis report from John Repplinger and recommendations from staff.

Commissioner McGriff suggested Pete Walter work with the School District on the native plants list for the project.

Commissioner Mahoney, doesn't see any adverse effects on the community.

Carrie Richter, Attorney, read into the record the conditions of approval for conditions number seven(OCMC 17.52.060(C)1(A)) and five (OCMC 17.52.040) as set forth by staff and the Planning Commission.

A motion was made by Commissioner McGriff, seconded by Commissioner Geil, to approve CU 12-01, SP 12-19, VR 12-05, Conditional Use, Site Plan and Design Review, and Variance Application for new Modular 8-Classroom building at Gardiner Middle School with the amended conditions of approval. The motion carried by the following vote:

Aye: 4 - Denyse McGriff, Robert Mahoney, Charles Kidwell and Tom Geil

Excused: 2 - Paul Espe and Damon Mabee

PC 13-012 19370 Pease Road: Request for a Zone Change and approval of an 11-lot subdivision and geologic hazards review. Planning Files ZC 12-01, TP12-04 and US 12-01.

Chair Kidwell explained this item was continued from a previous meeting. Mr. Kidwell

asked if the Commissioners had any ex parte contact to declare. Commissioner Geil, Mahoney, Espe and Mabee had visited the site.

Laura Terway, Planner, gave a brief overview of the proposed development. This application was for a zone change from R-10 to R-6 and approval of an 11-lot subdivision and geologic hazards review. Subject site is adjacent to Pease Road and a little over 2 acres. Conditions of approval include demolition of the existing single family home and accessory building before being platted. Site was annexed in 2008 and annexation agreement included the fee of $3,500 for each lot. Site is adjacent to R-6 and R-8 lots. Ms. Terway gave the conditions of approval and traffic impacts. Stormwater concerns were brought up at the last meeting. Ms. Terway introduced Todd Martinez and Gordon Monroe who would discuss the stormwater concerns.

Todd Martinez, Project Engineer, and Gordon Monroe, Kennedy Jenks Consultants, were there to address the concerns related to stormwater issues.

Commissioner McGriff wanted to make sure they would be discussing the stormwater concerns that were not addressed in the report. Staff assured her they would.

Mr. Monroe, discussed the discharge location and the potential impact to another home owner. The proposal is for lots 1-6 and 10-11 to be diverted and go down to a stormwater basin located in Pavilion Park 1, the only stormwater that will be going into the existing stormwater drainage are lots 7, 8 and 9. The proposal includes Kennedy Jenks Consultant review the data once the homes are built to determine if there is less stormwater going there after the development than before. If not, then the applicant would be required to mitigate and improve the site. They have also suggested that lots 7, 8, and 9 have soaking trenches, acting as detention and mitigating the flow of water. Storm drainage study will be continuous throughout the process. The proposal showed that diverting two-thirds of stormwater to a new catch basin would either keep the flow the same or less than. If the flow of stormwater is greater, then they are required to build new improvements across the property.

Commissioner Geil asked when the data was taken.

Mr. Monroe explained when and how they gathered the data.

Mr. Mahoney asked if this will help the neighboring house with runoff of stormwater.

Mr. Monroe stated that the runoff will either be the same or less than what occurs now. The impact from the subdivision will not make the matter worse based on what the applicant has proposed and the conditions of approval.

Carrie Richter, City Attorney, explained they are discussing condition no. 28 and that they could delete the last sentence deferring determination to city staff, and instead review the updated data report through a type II procedure thereby allowing neighbors the opportunity to comment and potentially appeal to the planning commission for further review.

There was discussion regarding the current stormwater conditions in the neighborhood, how the addition of the new subdivision would affect current conditions and who would be responsible for future stormwater conditions and concerns.

Todd Martinez, Project Engineer, continued with the presentation, discussed the road and alignment improvements to Pease Road, and lighting.

Commissioner Geil discussed his concerns regarding driveway entrances backing out onto the main road.

Mr. Konkol explained that Pease Road is considered a neighborhood connector and not a main road.

Ms. Terway, explained the driveway condition of approval for lots 8 and 9. If the applicant wanted the driveway of lot 8 to face Pease Road, staff suggested combining the driveway for lot 8 and 9. Ms. Terway continued to discuss the criteria for the conditions of approval.

Commissioner Mabee asked about the police fee associated with the annexation.

Ms. Terway explained the annexation agreement required a fee of $3,500 per lot to pay for police and that the fee was included with the building permit process.

Chair Kidwell called the applicant to speak.

Rick Givens, Planning Consultant for the applicant, and Bruce Goldson, Theta Engineering, discussed the data in the report related to stormwater and the suggested language to condition no. 28. The applicant preferred the suggested language be added to condition no. 28 that kept it at the staff level as opposed to requiring it be handled as a type II decision.

Mr. Givens discussed the change from R-10 to R-6 and asked if the commission had any further questions regarding the zone change.

Chair Kidwell asked if they had followed up to evaluate what the impact R-8 would have to the site.

At this time, the applicant entered into the record an updated stormwater document and maps of the site.

Mr. Givens discussed the difference between R-8 and R-6 and how zoning of R-8 would affect the site versus the requested R-6 zone and the reasons why the applicant is asking for R-6 zoning and the history behind the development of the property.

Commissioner Mabee asked for confirmation regarding zero runoff of additional stormwater. The applicant confirmed.

Chair Kidwell opened the public hearing.

Jeff Strohecker, resident of Oregon City, was concerned there was not enough existing stormwater data at the site to determine if there is an increase to the stormwater once the subdivision were to go in and expressed his concern in determining the responsible party if there is an increase in stormwater to the existing home owners in the area.

Linda Stroehecker, resident of Oregon City and property owner adjacent to proposed site, expressed her concerns about traffic increase on Pease Road, the increase of water at the property and water runoff once the subdivision was built.

Christine Kosinski, resident of unincorporated Clackamas County, discussed her concerns related to water drainage and the possibility of landslides to the site.

Chair Kidwell called the applicant back to address citizen comments.

Mr. Givens, said they understood the water concerns from other homeowners in the area and stated the applicant is supportive of the conditions of approval. Mr. Givens briefly discussed the traffic report and the issue of potential landslides in proximity to the detention ponds on the site.

Commissioner Mabee, asked staff how water levels are measured.

There was discussion regarding how water levels are measured.

Chair Kidwell closed the public hearing.

Carrie Richter, City Attorney, explained the new stormwater documents which have been entered into the record by the applicant and rules related to closing the public hearing. Ms. Richter explained the Commission has two options: to leave the record open or close the record.

Mr. Konkol explained this was typical and staff has reviewed the new material and set forth condition no. 28 with staff's recommendation of approval.

Commissioner Geil discussed his concerns with traffic safety.

Ms. Terway explained condition no.11, and the requirement of our code is to orient towards Pease.

A motion was made by Commissioner Mabee, seconded by Commissioner Espe, to approve, Planning Files ZC 12-01, TP 12-04, and US 12-01, Development of 12370 Pease Road to include conditions of approval. The motion carried by the following vote:

Aye: 5 - Paul Espe, Damon Mabee, Denyse McGriff, Robert Mahoney and Charles Kidwell

Nay: 1 - Tom Geil

PC 13-028

L 13-01: Transportation System Plan (TSP)
L 13-02: Associated Amendments to the Oregon City Municipal Code

Tony Konkol, Community Development Director, recommended in the interest of time to take public comments first.

Chair Kidwell opened the public hearing.

Bob Nelson, resident of Holly Lane, presented a map and discussed his concerns regarding landslides that have occurred in the past, possible future landslides and the cluster of water infiltration in this area if this becomes a major road. He was requesting Holly Lane be removed from the TSP.

Christine Kosinski, unincorporated Clackamas County, representing the hamlet of Beavercreek, discussed concerns to TSP upgrades to Holly Lane, residents of Holly Lane being left out of the noticing process, concerns related to landslides on Holly Lane and Hwy. 213, concerns regarding compliance of State Goals 1 and 7 and requests the City to meet with the residents of the hamlet of Beavercreek.

John Lewis, Public Works Director, explained the Beavercreek hamlet residents were invited to stakeholders meetings and that posters were placed outside Oregon City including Beavercreek.

Laura Terway, said the hamlet of Beavercreek is identified on the stakeholder team and included in emails. She explained that residents of Holly Lane were mailed a notice.

Commissioner Mahoney believes the City does a good job of noticing.

Jackie Cowell, resident of Holly Lane, explained that she did not receive a notice from the City. She was only aware because Christine Kosinski informed her and together they noticed residents of Holly Lane.

Chair Kidwell, closed the public testimony of the hearing.

Laura Terway, Planner, and Christina Robertson-Gardiner, Planner, gave a presentation on the public process for the TSP, transit, map of the regional center, work with the County on Holly Lane, and geologic hazards.

There was discussion regarding Holly Lane and it being the jurisdiction of the County.

Commissioner McGriff was concerned about geologic hazards and looking at the bigger picture.

Ms. Gardiner explained it is difficult to plan in areas outside the City without knowing if an area will be annexed into the City.

There was discussion about the TSP, geologic study, parking management plan and funding, Holly Lane, and involvement from the County. The Commission discussed whether to close the public hearing, deliberate and bring this item back to the next meeting or if there was consensus to vote on this tonight.

Commission consensus was recommendation to the City Commission to reduce the downtown area by 50% and defer 35% percent in the McLoughlin District at this time and require a geologic hazard study for any road that is developed in any hazardous zone prior to development.

A motion was made by Commissioner McGriff, seconded by Commissioner Espe, to recommend to the City Commission approval of L 13-01, Transportation System Plan (TSP) L 13-02, subject to the two recommendations by the Planning Commission. The motion carried by the following vote:

Aye: 6 - Paul Espe, Damon Mabee, Denyse McGriff, Robert Mahoney, Charles Kidwell and Tom Geil

4. Communications

5. Adjournment

Chair Kidwell adjourned the meeting at 11:52 P.M.

City of Oregon City

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

Meeting Minutes
Planning Commission

Monday, April 8, 2013 | **7:00 PM** | **Commission Chambers**

1. Call To Order

Chair Kidwell called the meeting to order at 7:06 PM.

Present: 7 - Paul Espe, Zachary Henkin, Damon Mabee, Denyse McGriff, Robert Mahoney, Charles Kidwell and Tom Geil

Staffers: 5 - Tony Konkol, Carrie Richter, Laura Terway, Christina Robertson-Gardiner and John Lewis

3. Public Comments

There were no public comments.

4. Public Hearing

PC 13-027 Pavilion Park 2: Request for an 11-Lot Subdivision, Zone Change and Geologic Hazards review.

Chair Kidwell reopened the public hearing.

Laura Terway, Planner, stated the applicant was requesting a continuance to April 22, 2013, to address concerns about storm water.

Tracy Owens, resident of Oregon City, lived across the street from the property. Her concern was about the smaller size lots which added more cars to the area and caused a safety issue. She had young children and there was already a problem with speeding. There were also issues with water drainage.

Linda Stroehecker, resident of Oregon City, lived adjacent to the property. She appreciated that City staff had come to look at the problems on her property that she discussed at the last public hearing on this application. She was concerned about chemicals in the water that ended up dumping onto her property. Regarding the rezoning to an R-6, the more houses that went up around her the more sunlight was blocked from her property in the backyard which kept it damper with the water.

Commissioner Geil was concerned about the driveways going onto Pease Road and suggested putting in a side road instead.

A motion was made by Commissioner McGriff, seconded by Commissioner Espe, to continue TP 12-04, with public comment to remain open, to April 22, 2013. The motion carried by the following vote:

Aye: 7 - Paul Espe, Zachary Henkin, Damon Mabee, Denyse McGriff, Robert Mahoney, Charles Kidwell and Tom Geil

PC 13-026 Clackamas County Red Soils Master Plan: Planning Files CP 12-01 and DP

12-01.

Chair Kidwell reopenend the public hearing. He read the hearing statement describing the hearing format and correct process for participation. He asked if the Commission had any ex parte contact, conflict of interest, bias, or statements to declare.

Commissioner McGriff spoke with the County's representative for clarification on the proposed iron fence.

Commissioner Mabee visited the site.

Chair Kidwell was familiar with the site and had been to the site on several occasions.

Ms. Terway presented the staff report. She explained the subject site in the Redsoils campus off of Beavercreek Road owned by Clackamas County and adjacent properties, master plan amendment to include the Silver Oak site for the Sheriff's evidentiary storage facility, Detailed Development Plan, revision to the 12 foot chain link fence to an 8 foot wrought iron fence, landscape mitigation, and Oregon City Municipal Code adjustments. Staff recommended the applicant have three months after occupying the Silver Oak facility to complete all of the construction before occupying it for evidentiary storage use. The building could be used for office without any approval from the Planning Commission. Staff recommended approval with conditions.

Becky Epstein, SERA Architects, and Kevin Poppin, Clackamas County Sheriff's Department, were the applicants.

Commissioner Mahoney disclosed he was the next door neighbor of Mr. Poppin.

Ms. Epstein said there would be other tenants in the building, not just the Sheriff's department. The State's court records facility and emergency management would also use the building. She explained the wrought iron fence proposed and passed around a sample.

Mr. Poppin said the storage of evidence was vitally important and discussed how this site would have daytime shifts instead of 24 hour shifts and security was a concern. The fencing would not provide guarantees that there would not be a breaching of security, but it would provide additional deterrant as one of the security measures in place.

Commissioner Mabee was concerned about children running into the fence since the park was nearby.

Ms. Epstein said the colors for the fence would be black for the infill material and the columns would be painted the same color as the building. They could occupy the building now for office and other storage, but when evidence and State court records went in they would need the fence to be up.

Mr. Poppin said there would be many security measures and a monitoring system for the building.

William Gifford, resident of Oregon City, was the Land Use Chair for the Hillendale Neighborhood Association. He thanked the applicant for their response to the neighborhood's concern about the fence. He thought it would provide the security needed and with the additional landscaping in front of it, it would be adequate for the neighborhood. He asked about the conditions of approval regarding replacing

existing fencing that did not specify the material for the fencing.

Ms. Terway said it did not specify material because the applicant did not propose any adjustments and it would have to be a permitted material either in the current Code or the Code that was in place when the master plan was approved in 2005. Chain link was a permitted material in 2005.

Mr. Gifford asked if landscaping included fencing? Ms. Terway said all development proposed had to be completed within three months which would include the landscaping and fence.

Mr. Gifford clarified the fence columns would be every 48 feet. He discussed buildings 11 and 12 which were for retail and office, were those the areas not to be considered for a library? The County had said no to the City purchasing property here for a new library and he did not see any footprint that would not be eligible for a library. He asked the applicant if they would look at the possibility again.

Ms. Epstein stated the court records was going to move into the building in May/June of this year and would already be in place before the evidence area. Regarding the library, it was not a conforming use on the site.

Tony Konkol, Community Development Director, said the library was not included in the original master plan that was approved. Those two buildings were later phases of the whole master plan. There was no discussion regarding putting a City facility on the County property at the time the master plan was approved. The master plan could be amended to include a library if there were negotiations in the future.

Chair Kidwell closed the public hearing.

A motion was made by Commissioner Mabee, seconded by Commissioner Henkin, to approve CP 12-01 and DP 12-01. The motion carried by the following vote:

Aye: 7 - Paul Espe, Zachary Henkin, Damon Mabee, Denyse McGriff, Robert Mahoney, Charles Kidwell and Tom Geil

PC 13-028 L 13-01: Transportation System Plan (TSP)
L 13-02: Associated Amendments to the Oregon City Municipal Code

Chair Kidwell reopened the public hearing.

Christina Robertson-Gardiner, Planner, and Ms. Terway presented the staff report. Ms. Terway gave an overview of the Transportation System Plan update. She entered the PowerPoint presentation and public comments received on the website into the record.

Ms. Robertson-Gardiner gave an update on the parking code amendments. Two districts would be created, a McLoughlin Commercial Overlay District and Downtown Parking Overlay District. She entered the revised parking overlay map into the record to extend the Downtown Overlay to the Amtrak station. She discussed a letter from Rick Williams of Rick Williams Consulting who did the parking study for downtown. Mr. Williams looked at the proposed changes and he not only supported the changes, but also suggested to continually work with the City Commission, Code Enforcement, and parking management to keep on the pulse of how to actively manage the existing on street parking. She discussed what a 25% reduction would look like for the Mcloughlin District as opposed to the 35% and what the 50% reduction for the Downtown District would look like. She then discussed the parking management for how they could be enforced. She explained these districts were for

new development for off street parking.

There was discussion regarding concerns about the parking proposal and clarifying the letter from Mr. Williams.

Commissioner McGriff was concerned about people parking in the McLoughlin neighborhood and suggested a neighborhood parking management plan before approval of the proposed change in McLouhglin.

John Ripplinger of Ripplinger and Associates gave an update on mobility standards. He discussed the shift to a volume to capacity ratio to determine the performance of an intersection and the increased congestion it would allow. There would be no performance standard applicable for minor streets. There would be more congestion than there was today during peak hours. The proposed recommendation was: where they were obligated to apply the Regional Transportation Plan within the regional center and designated arterials and corridors, the City would apply the volume to capacity ratio. For those entirely within the City's jurisdiction, the level of service standard would be retained.

Commissioner Mabee pointed out the boundary of the regional center was not adopted by the City and was something that needed to be done moving forward.

Mr. Ripplinger said they would be abandoning the am peak hour as a performance area to be analyzed and would need to change the Code language and traffic impact study guidelines to match what was adopted. The highest and second highest of the peak hours would be analyzed, which were typically the pm peak hours.

Ms. Terway said four intersections would not meet the mobility standards and were State facilities. Staff proposed to look at these four intersections in greater detail.

Gail Curtis of ODOT said the Highway Commission had recognized the problem with these intersections and had developed policy language that allowed for an alternative mobility standard. This was a region wide problem and it was possible there would be a region solution. She recommended adopting the TSP with the recommendations of staff and agree to a refinement plan effort for these State facilities that would not meet the current mobility standards in 2035. They could not build their way out of the problem and it was a balancing act between the local and State interest. The State was committed to working with the City and would help look for funding opportunities.

There was discussion regarding how the lack of capacity would affect development and the need for a refinement plan.

Ms. Terway then discussed the concerns regarding development of Holly Lane. Mr. Konkol explained what was meant by urban and rural reserve areas, Urban Growth Boundary, and City limits.

Ms. Terway said part of Holly Lane had been planned through the Park Place Concept Plan, but no planning had been done for the part outside of the Urban Growth Boundary and City limits. She said the question was how would it develop over time, was the City on the same page as the County, and how did it work with the TSP to the year 2035. Both the City and County designated the road as a minor arterial, but the County would have a rural minor arterial standard and the City would have an urban minor arterial standard. For all of Holly Lane to develop to City standards, the street would have to have a concept plan and come into the Urban Growth Boundary and be annexed.

Carl Springer, DKS and Associates, discussed the projects proposed for Holly Lane including sidewalks and better pedestrian facilities and the funding.

Paul Edgar, resident of Oregon City and representing the Citizens Involvement Council, discussed the downtown parking issue. The Clackamas County Courthouse was used by the whole county, people did not usually have a choice to come, and one in five were legally handicapped. There was no parking for the people coming to the Courthouse or the employees of the Courthouse and they wanted to reduce parking further. Tri-Met was reducing bus service and there were no handicapped parking spots downtown.

Bob Nelson, resident of unincorporated Clackamas County, submitted a letter into the record as Exhibit 2. He lived on Holly Lane and thought this would degrade the lifestyle of the current residents and increase the potential for traffic, safety hazards, and landslides. If the City upgraded the road to urban standards, 50 homes would be destroyed. He requested Holly Lane be taken out of the TSP, to stop putting more traffic on Holly Lane with other roads leading to it, and to work with the County to develop a good, viable alternative system.

Wendy Nelson, resident of unincorporated Clackamas County, submitted a letter into the record as Exhibit 3. She lived on Holly Lane and thought this fragile neighborhood needed to be protected. Increased construction and traffic would aggravate the known landslides in the area. There was already too much traffic on Holly Lane and it was too fast. It was a major route for school buses and she questioned the safety of the children. If the road did come into the City and was improved, the road would come 24 inches within her house.

Kristi Byer, resident of unincorporated Clackamas County, submitted a letter into the record as Exhibit 4. She lived on Holly Lane. Holly Lane was a narrow two lane road with no shoulder and deep ditches. It had severly limited site distance and there had been numerous accidents due to speed and traffic flow. There were pedestrians on the road as well. Since the development on Maple Lane, the number of average daily trips had increased. She suggested checking again to make sure Holly Lane traffic was not surpassing what was originally predicted by the development and school. The County had reduced the speed to 40 mph and improved a sharp curve, yet the City had not improved conditions on their boundary. Newell Creek Canyon was a protected wetlands and there would be impacts if Holly Lane was improved. The TSP was lacking in very important data and she requested the Commission answer the questions presented before moving forward wtih the TSP.

Jackie Calwell, resident of unincorporated Clackamas County, lived on Holly Lane. She thought it was inconsiderate of Oregon City to plan changes to Holly Lane without consideration of the impact those changes would have on the residents on Holly Lane. Those changes would adversely affect the quality of life on Holly Lane. The increase in traffic would substantially affect them.

Christine Kosinski, resident of unincorporated Clackamas County, submitted a handout into the record as Exhibit 5. She was on the hamlet of Beavercreek board and read a letter from the hamlet. Most of Holly Lane was in the boundaries of the hamlet, yet there was no representative on the City's transportation committee from the hamlet of Beavercreek to represent their concerns. The City had not addressed the speeding on Holly Lane or discussed the dramatic impacts the proposed changes would have on the hamlet of Beavercreek. The extension of Holly to Henrici was based on a concept plan that had not been approved. The hamlet of Beavercreek voted for denial of the proposed changes to the TSP based upon the lack of safety.

Ms. Konsinski then read a portion of a letter she had written regarding the landslides in the area which could not be mitigated. She explained the landslide map she provided to the Commission and the effects of widening Holly Lane. A new north/south connector needed to be created. She requested keeping the hearing open until the DOGAMI susceptibility maps were released in May and a complete geologic study was performed for the entire length of Holly Lane and the proposed extension of Holly Lane to Holcomb. She did not think a decision on the TSP could be made without this new information. The two biggest threats to Holly Lane were landslides and safety. She thought the City was liable for anyone who might be hurt on Holly Lane due to the increased traffic and speeds.

Kevin Manning, resident of Clackamas County, lived on Holly Lane. Widening Holly Lane and putting in sidewalks would make him lose his front yard, he may be forced to hook up to City sewer, and backing out into more traffic would be a problem. Currently the livability was excellent and he had invested a lot of money into his house. Now he thought he might not want to live there anymore if this was what was coming down the pike. He was behind Ms. Konsinski and her recommendations.

Donna Gates, resident on Holly Lane, lived near Redland Road and had a lot of road frontage and canyon on her property. If it had not been for filling the canyon, Holly Lane would have been washed out. If Holly Lane was enlarged, the City would have to fill in the canyon first to stabilize the road.

Leslie Fish, resident on Holly Lane, said the school buses drivers told him that they had been told to use Holly Lane and not Highway 213. There was construction at the intersection of Holly Lane and Maple Lane. The trucks far exceeded the weight limit for the bridge at the bottom of Holly Lane.

Chair Kidwell suggested keeping the record open and postponing the Commission discussion until the next meeting.

Commissioner Geil suggested adding a project D48a, which would add a natural resources evaluation with a complete geotechnical survey and wildlife impact report.

The Planning Commission was meeting in a joint Work Session with the City Commission on April 9 to discuss the hot topic issues. The parking proposals and parking management plan, Courthouse parking, Holly Lane, regional center adoption, and refinement of the mobility standards would be issues brought back to the next Planning Commission meeting on April 22.

Commissioner McGriff encouraged the residents on Holly Lane to be involved in the County's Transportation System Plan update process as well. The County would be coming to the Planning Commission in May regarding the County's TSP.

A motion was made by Commissioner Mabee, seconded by Commissioner Espe, to continue the Transportation System Plan hearing to April 22, 2013. The motion carried by the following vote:

Aye: 7 - Paul Espe, Zachary Henkin, Damon Mabee, Denyse McGriff, Robert Mahoney, Charles Kidwell and Tom Geil

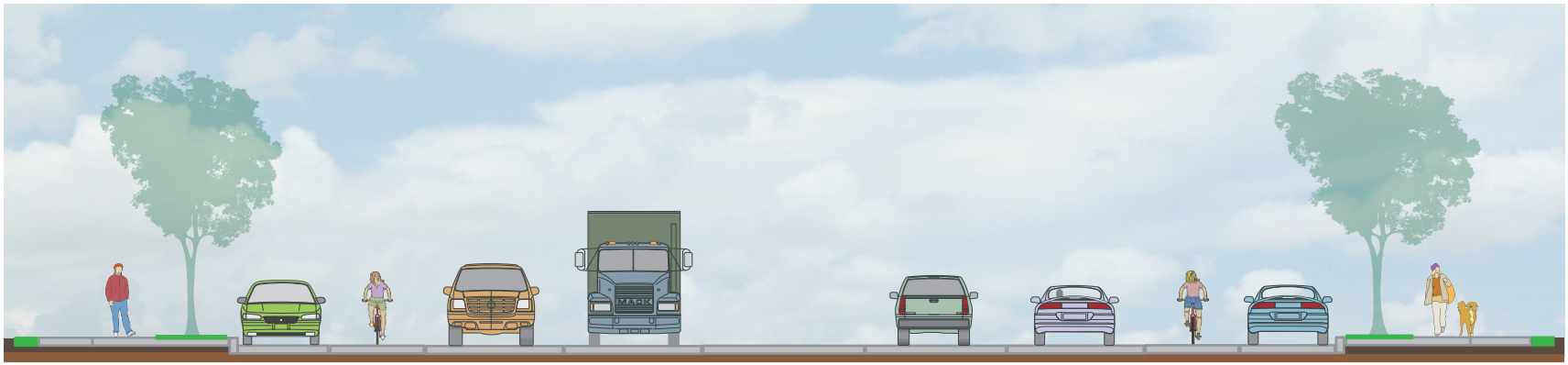
5. Communications

Mr. Konkol gave an update on the Blue Heron project and stated the RFP applications were due April 15. Commissioner McGriff volunteered to serve on the RFP review board.

6. Adjournment

Chair Kidwell adjourned the meeting at 10:38 PM.

Figure 5 - 1b
Typical Urban Minor Arterial Cross Section



	Pedestrian facility	Landscape strip with street tree	Parking	Bikeway	Travel lane	Optional: Travel lane	Optional: Left turn lane and raised median with vegetation	Optional: Travel lane	Travel lane	Bikeway	Parking	Landscape strip with street tree	Pedestrian facility	
1′ - 2′	6′ - 10′	5′ - 7′	8′	6′ - 8′	10′ - 12′	10′ - 12′	12′ - 14′	10′ - 12′	10′ - 12′	6′ - 8′	8′	5′ - 7′	6′ - 10′	1′ - 2′

Back of sidewalk

Back of sidewalk

paved width: 48′ - 94′

ROW: 72′ - 132′

Notes:

1. This standard cross section shall apply except where a Special Transportation plan in Chapter 5 specifies a different cross section.
2. For more detailed information on the implementation of this Cross Section - see the Zoning and Development Ordinance and/or the County Roadway Standards.
3. Cross section may vary to accommodate *Regional Transportation Functional Plan 3.08.110 Street System Design* or to accommodate topographical or environmental constraints.
4. Within the range stated, precise dimensions of typical paved width shall be determined by Engineering based upon adjacent land use, vehicle traffic volume, existing travel lane width, design speed and crash history.
5. Medians, pedestrian refuges, islands, curb extensions, parking, left turn lanes or right turn lanes shall be provided per the Comprehensive Plan, Capital Improvement Projects or as warranted by Roadway Standards. These improvements may require additional right-of-way.

Last Amended March 1, 2014

Road Functional Classification

Urban

Functional Classification

- Principal Interstate
- Principal Expressway
- New Principal Expressway
- Principal Arterial
- Major Arterial
- New Major Arterial
- Minor Arterial
- New Minor Arterial
- Collector
- New Collector
- Connector
- New Connector
- Local
- New Local
- Private w/ Address
- Alley
- Private w/out Address
- Driveway, School Roads
- Railroad
- Unnamed park roads, school roads
- Trails, ferry crossings
- Forest Service Paved
- Forest Service Aggregate Road
- General dirt, unknown road or trail
- Freeway Ramp
- Remove Roadway

NORTH

0 0.5 1 2 Miles

Last Amended March 1, 2014

CLACKAMAS COUNTY

Department of Transportation & Development

The information provided was derived from digital databases from Clackamas County's GIS. Although we strive to provide the best data we can, we sometimes use data developed by jurisdictions outside Clackamas County. Therefore, Clackamas County cannot accept any responsibility for any errors, omissions, or positional accuracy, and therefore, there are no warranties which accompany this product. Although information from Land Surveys may have been used in the creation of this product, in no way does this product represent or constitute a Land Survey. Users are strongly cautioned to verify all information before making any decisions. The official Comprehensive Plan map is on file in the Clackamas Planning and Zoning Division. If you have additional questions regarding this map, please contact the Planning and Zoning Division.

COMPREHENSIVE PLAN

MAP 5-4a

Beavercreek Road Concept Plan

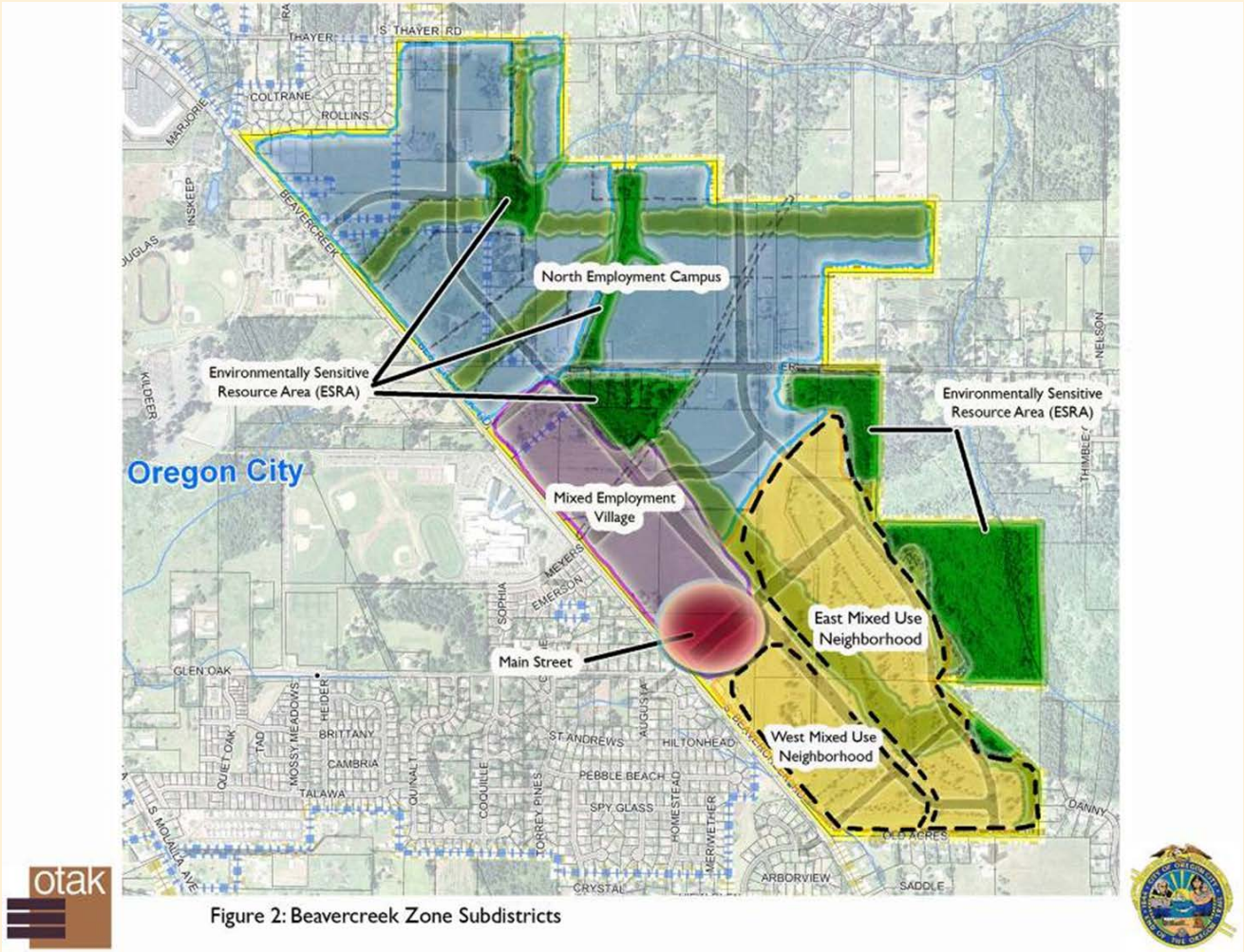


Figure 2: Beavercreek Zone Subdistricts

Planning Commission Public Hearing – January 11, 2016

OREGON CITY

Compliance Findings in Record

- Oregon City Comprehensive Plan
- Metro Title 11 – *Planning for New Urban Areas*
- Metro Title 4 – *Employment Lands*
- Statewide Planning Goals and Requirements

New Exhibits (Since 11.23.15)

- Revised Findings, prepared by Staff
- Issues “Matrix”, prepared by Staff
- Letter from John Collins, South Fork Water Board
- Clackamas County staff emails:
  - Karen Buhrig (re: alternative mobility targets)
  - Linda Preisz (re: historical resources)
- Public Comments
  - Paul Edgar emails of – 12.13.2015 & 12.21.2015
  - Paul Edgar letter to ODOT / Clack. Co - 12.21.2015
  - Christine Kosinski letter – to PC on 12.14.2015
  - Hamlet of Beavercreek letter - 12.06.2015

Outstanding Issues Raised during Hearing Process

- Job Creation
- Citizen Involvement
- Need for additional Industrial Land
- 213 / Beavercreek Transportation Capacity
- Goal 6 OAR's regarding air and water quality
- Landslides / Slopes / Slide Insurance
- Water Supply / Pressure / Jurisdiction / Reservoirs
- Sewer System Capacity and Connections
- Goal 5 Cultural / Historic Resources

Please refer to the Issues "Matrix"

Job Creation

Concerns:

- Cottage Industries
- Reconsideration of Greater Cottage Manufacturing in residential zones
- Live / Work
- Home Occupations

Response:

- Adoption of the BRCP does not preclude the provision of cottage manufacturing or a greater variety of home occupations.

Recommendation:

Review as part of implementing zoning.

Citizen Involvement

Concerns:

- CIC not representative of citizens
- 2 seats on CAC were unfilled by citizens, instead “filled by developers and officials”
- Goal 1 violation since over 10 years ago
- Claim of “Strong Public Opposition to Plan”

Response:

- CAC membership Roster indicates several county residents
- The record indicates good CAC audience participation from county and city residents
- CAC meeting summaries show strong input from a wide group of stakeholders
- Outreach and response from citizen groups regarding the plan re-adoption has been largely positive and supportive

Citizen Involvement

Recommendation:

- Continue to seek public input and provide public outreach post-adoption to address implementation of the plan regarding zoning, alternative mobility targets, green building and other core values identified by the CAC during the plan process.
- Refer back to these issues during subsequent land use processes, including annexation, zoning, and development review.

Need for Additional Industrial Land

Concern:

- Plan needs additional industrial land

Response:

- Amount of Industrial Land in plan meets Metro and City objectives and is in compliance with Title 4.

Recommendation:

- Acknowledge Metro's revised findings regarding Title 4 lands.
- Review implementing zoning to preserve and reserve Title 4 Industrial lands

213 / Beavercreek Congestion

Concern:

- A Grade Separated Interchange is required per ORDINANCE 92-1002

Response:

- 2013 TSP replaced and superseded all plans for grade separated interchange.
- TSP updated 2013 acknowledges congestion
- Funding roadways identified in the 2013 TSP and the BRCP will be accomplished through new development and reimbursement districts as well as through SDCs.
- Alternative mobility measures, setting new standards for congestion, will be adopted before any zone changes that would allow trip generation to exceed that permitted under current zoning.

Recommendation:

- Develop the refinement plan as discussed in the TSP and work with ODOT and Clackamas County to draft and adopt Alternative Mobility Targets.

Goal 6 OAR's regarding air & water quality

Concerns:

- City needs to address OAR 660-015-0000 (6)
- Waste and Process Discharges
- North Plains LUBA appeal

Response:

- City updated the stormwater and erosion control standards in 2014.
- Future development must meets NPDES-MS4 Permit requirements
- Goal 6 is satisfied where there is a reasonable expectation that uses will be able to comply with state and federal environmental regulations.
- No state or federal standard directly regulates air quality in the Beavercreek area.

Recommendation:

- None. Acknowledged land use regulations and public works standards are in place and on-going.

Landslide Risk

Concerns:

- Oregon City should lobby state and federal government to provide landslide insurance.
- The city should regulate slopes at 15% or greater rather than slopes greater than 25%.
- Amend TSP to remove Holly Lane

Response:

- The City has no control over insurance coverage issues and no statewide planning goal, comprehensive plan policy or local code provisions that requires consideration of insurance issues.
- Amendments to OCMC 17.44 to regulate steep slopes differently or to exclude projects from the City's TSP are beyond the scope of BRCP re-adoption decision.

Recommendation:

- None. Policies are in place and on-going.

Water Supply / Pressure / Jurisdiction

Concerns:

- Water Supply / Pressure
- CRW district serving area violates WMP
- CRW letter to Clackamas Board of Commissioners

Response:

- SFWB as the City's water provider has sufficient water to serve the area. See letter
- Adequate water facilities and services can be made available concurrent with development.
- Water facilities shall supply adequate water pressure in compliance with Oregon City's Water Distribution System Design Standards for fire flow protection and domestic water service.
- CRW / Oregon City have joint service agreements to serve certain areas within the city, this does not violate WMP. As development occurs in these areas, the City's water distribution system is extended and CRW withdraws from serving these areas and transfers service to the City.
- Water service to the development shall be from the City of Oregon City's water distribution system from a proposed new City pipeline in Beavercreek Road.

Recommendation:

- Continue to encourage water conservation with Agency Partners.

Reservoirs

Concerns:

- Funding mechanism for water reservoirs have not been identified

Response:

- Funding improvements, including reservoirs, have been identified in the water master plan necessary to serve Beavercreek including SDCs, development funded improvements and reimbursement districts.
- Continue to explore funding alternatives as development proposals come forward and become further refined
- City will continue to plan and budget for construction of WMP capital improvements, including the capital improvements listed for future BRCP development utilizing funding mechanisms identified for development such as SDCs

Recommendation:

- None. Policies are in place and on-going.

Sewer System Capacity & Connections

Concerns:

- Cross-Basin Connections
- Cross-Basin connection violates WMP

Response:

- *SSMP, Appendix I: Glen Oak Road Analysis, Section 4: Conclusion and Recommendations*, provides for an overall recommendation to convey flows from the Beavercreek Road Concept Plan Area through a new sewer extension constructed in Beavercreek Road. This analysis also provides routing scenarios to convey **a portion** of the BRCP area flows to another basin **as an interim alternative** until the new Beavercreek Road sewer is constructed.
- **Therefore the cross-basin connection previously approved does not violate the SSMP and that decision is not before the City.**

Recommendation:

- None. Policies are in place and on-going.

Implementation

- Alternative Mobility Targets for ODOT intersections need to be addressed prior to any re-zoning.
- Comprehensive Plan designations are needed to implement the concept plan.
- Zoning code amendments are needed to implement the concept plan.
- These will be achieved through a separate public legislative process.
- Annexation and zoning of property will be owner-initiated when conditions are suitable.

Conclusion

Staff has attempted to show, through the "issues matrix", the revised findings, and additional testimony that all the concerns have been addressed.

As we have shown, additional steps and implementation items need to be taken, however, plan adoption is the first step.

Recommendation

- Staff recommends that the Planning Commission find that file LE 15-03, re-adoption of the Beavercreek Road Concept Plan and appendices meets the requirements of the Statewide Land Use Goals, Metro Title 11, Metro Title 4, as well as the applicable Comprehensive Plan criteria.
- Staff recommends that the Planning Commission forward LE- 15-03 to the City Commission with a recommendation of approval with the implementation steps outlined by Staff and as discussed in the plan.

From: Preisz, Linda
To: Pete Walter
Subject: RE: Historic Landmarks
Date: Monday, December 28, 2015 10:51:36 AM
Attachments: image001.png

I can't find any in those areas. The ones I sent you are further south.

Linda

From: Pete Walter [mailto:pwalter@ci.oregon-city.or.us]
Sent: Monday, December 28, 2015 10:36 AM
To: Preisz, Linda
Subject: RE: Historic Landmarks

Hi Linda,

Thanks for sending these! The concept plan area is shown on the attached map.

I'll check these tax lots, but I'm pretty sure there aren't any involved.

Pete

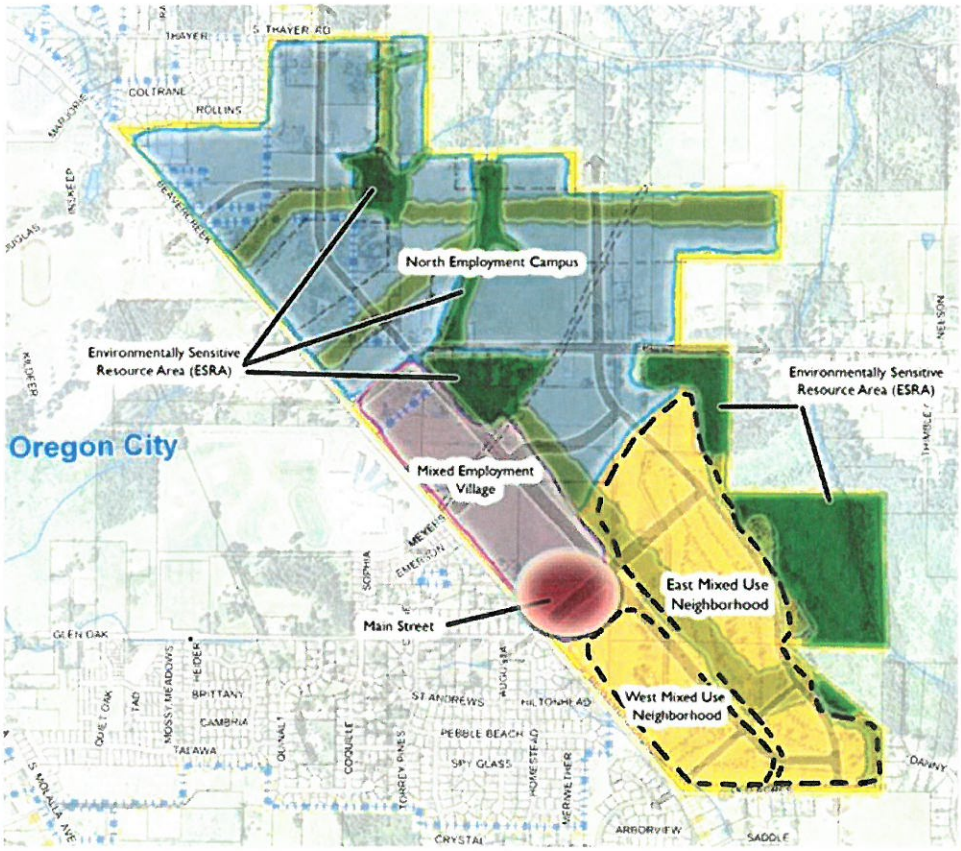


Figure 2: Beavercreek Zone Subdistricts

From: Preisz, Linda [mailto:lindap@co.clackamas.or.us]
Sent: Monday, December 28, 2015 10:00 AM
To: Pete Walter <pwalter@ci.oregon-city.or.us>
Subject: Historic Landmarks

Hi Pete:

I am not familiar with the parameters of the Beavercreek Concept Area Plan. Looking through the county landmarks I find:

1. 32E15A 00800 Henry & Joseph Meyers Cellar SHPO #1117

ENTERED INTO THE RECORD
DATE RECEIVED: 1/11/16
SUBMITTED BY: STAFF
SUBJECT: LE-15-03
BRCP
EXHIBIT A

2.	32E15C 00103	Hal & Mattie Lindsley House	SHPO #1118
3.	32E15D 02200	Christian Muralt Farm	SHPO #1119
4.	32E26B 00300	Welsh Evangelical Church	SHPO #1129
5.	32E33B 00400	Carus Episcopal Church	SHPO #1133
6.	32E33B 00700	Carus School	SHPO #1134
7.	32E35 01100	German Evangelical Church	SHPO #1136

If I am not in the correct area, please give me the proper Township and Range numbers.

Linda Preisz
Senior Planner
Clackamas County Planning Division
503.742.4528
lindap@clackamas.us

The Hamlet of
BEAVERCREEK
PO Box 587 • Beavercreek • Oregon • 97004

January 6, 2016

RECEIVED
JAN - 6 2016
@3:14 pm
CITY RECORDER
CITY OF OREGON CITY, OR

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

RE: ZC 15-03, Zone Change and PZ 15-01 Comp Plan Amendment

Dear Planning Commissioners and City Commissioners:

The Board and citizens of The Hamlet of Beavercreek are writing with regards to ZC 15-03, Zone Change and PZ 15-01 Comp Plan Amendment.

First, and importantly, we **are not against development**. We are, however, 100% for planned development that provides safety and livability regarding transportation, public services, and concurrency.

Transportation is a great concern for us (and we hope for you too) especially in the face of the many development projects earmarked along Beavercreek Road and Highway 213. A few of the planned projects are the Beavercreek Road Concept Plan, the Evergreen (Meyers/Beavercreek Roads) nine acre development, the new Oregon City School District bus barn, the Clackamas Community College $111,000,000 improvement/development, the Linn, Leland and Meyers Road corridor/development, the extensive economic enterprise zone, and the old bus barn development by Dan Fowler. As you can see, there is a lot of development along Beavercreek Road & Highway 213.

Mayor Dan Holladay, at the October 27th, 2015, Caufield Neighborhood Association meeting, shared his vision of Beavercreek Road as Oregon City's economic future with a five lane highway from Highway 213 to Henrici Road, though Beavercreek Road is controlled by Clackamas County, not the city. It is no secret that both Highway 213 and Beavercreek Road (not to mention their intersection) are failing. Clackamas County has jurisdiction over Beavercreek Road and has stated frequently the County's focus is on road maintenance throughout the County and not on the development of Beavercreek Road. Unfortunately, that leaves 6,500 Hamlet of Beavercreek rural residents (and the citizens in Colton, Molalla, Carus, Mulino, Clarkes, the Highlands, etc.) facing the same fate as that of the Happy Valley citizens many, many years ago.

ENTERED INTO THE RECORD
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SUBJECT: LE-15-03
BRCP
EXHIBIT B

Message Phone 503-632-8370

As we all know, Happy Valley and the Clackamas area grew, and Sunnyside Road (under Clackamas County jurisdiction) became a parking lot. As a result, the federal government, ODOT, Metro, and Clackamas County's Development Agency have spent over $150,000,000 to fix poorly planned growth, with the development of Sunnyside Road, the extensive creation of Sunnybrook Road, overpasses, fish habitat, etc. Unfortunately, ODOT and Clackamas County no longer have those types of funds to "fix" Beavercreek Road and Highway 213 due to poorly planned growth.

Before we move onto services, it is vital to note that the development of Highway 213 from Molalla Avenue to I-205's Environmental Impact Study resulted in Oregon City Ordinance 92-1002, signed by Mayor Dan Fowler in 1992, agreeing that no development will occur if any roads in the vicinity of the Highway 213 and Beavercreek Road intersection (including the intersection) are operating at lower than a D level (attached). And, if that happened, Oregon City would participate in a grade separation upgrade of the intersection. The most recent estimate (2009) to upgrade the intersection to a grade separation is $45,000,000 and includes Dan Fowler's recently purchased old bus barn property. In addition, Oregon's Transportation Planning Rule #12 puts a moratorium on development with a failed intersection. To consider this amount of development without the plans or funds to fix roads and intersections is seriously irresponsible.

With regard to water, Clackamas River Water has been contacted by Oregon City regarding servicing of the Beavercreek Road area as Oregon City does not have the pressure to provide service. Normally, providing water through an intergovernmental agreement would not be a problem, however, after 2015's drought and its devastating impact on the habitat of the Clackamas River, the residents in Beavercreek are extremely concerned that water is available to existing clients and that the Clackamas River habitat is valued and protected. As stated in CRW's July 23, 2015, letter to the Clackamas County Commissioners (attached), "It is our belief that as water providers on the Clackamas River we must begin to view the river less as an exclusive source of revenue and more as a valuable, finite resource that must be protected. To ignore the current river conditions and push off streamflow and temperature concerns would be irresponsible. While we do not discredit our collective utility's need to be financially stable, we believe that the long-term sustainability of the Clackamas River as a source of drinking water should trump the immediate needs of greener lawns and greater revenue."

For CRW to extend an IGA to Oregon City for all of the development planned in the next decade would most probably put the entire CRW southern service area into an annual drought conservation practice. This is not conducive for successful timber, livestock, and agricultural in Clackamas County and extremely devastating to any surviving habitat in the Clackamas River water area.

With regard to sewer, the last we heard, to pursue <u>just</u> the nine acre Evergreen development at Meyers and Beavercreek Roads, the sewer line lids along Glen Oak Road will have to be bolted down so they didn't overflow with sewage. In addition, residents along the sewer line testified of **frequent** sewer backflows into their basements. The City admitted that the sewer capacity for the development was problematic as there was a sewer bottleneck on Highway 213 at the College, but there are no funds to solve the problem. Hearing this about 9 acres of development along Beavercreek Road, how can hundreds of acres along Beavercreek Road and Highway 213 be serviced without extensive sewer upgrade planning and funding?

And, finally, DOGAMI's LIDAR maps clearly indicate the Newell Creek landslide runs from the Forest Edge Apartments, under Highway 213 south to the old bus barn property. We sincerely hope **you** take the City's "state of emergency" evacuation of the Forest Edge Apartments tenants seriously and as a warning of not what **might** happen, but what **will** happen if any development along this historically active landslide is allowed. In addition, the <u>only</u> insurance carrier in the world that offers landslide insurance is Lloyds of London. They will not cover anyone (neither residential, commercial or industrial properties) within one mile of a historical landslide. If Lloyds of London will not offer protection, will the City of Oregon City (as a government body who exists to protect its citizens) offer such insurance?

We repeat, **we are not against development,** only poorly planned development that will clearly put **all of us** traveling, working and living in and around this Beavercreek and Highway 213 area into a transportation bottleneck with no clear path to functional and environmentally responsible services.

Thank you for your time and consideration of our concerns.

Sincerely,

The Hamlet of Beavercreek

Enclosures: Ordinance 92-1002
Clackamas River Water July 23, 2015, Letter to the Clackamas County Board of County Commissioners

Cc: Clackamas County Board of County Commissioners
Clackamas River Water Board
Tri-City Wastewater Treatment
Oregon Department of Transportation

September 10, 1993

MEMORANDUM

TO: Charlie Leeson, Henry Mackenroth, Denyse McGriff, City of Oregon City
Mark Greenfield

FROM: John Spencer, Oregon City Urban Renewal Agency

RE: HWY. 213/BEAVERCREEK ROAD INTERSECTION (Revised from 9/9/93)

As a follow-up to the meeting on June 24 with Clackamas County and ODOT officials, I agreed to summarize our discussions which will be the basis for a revised Memorandum of Understanding between the City, County, and ODOT.

Overall Intent

It is the intent of all parties to provide for and implement the various transportation projects called for in the Draft Warner-Parrott Rd.-Oregon City Bypass Environmental Assessment. These projects include an at-grade interchange improvement of the Highway 213/Beavercreek Road intersection, and the future construction of a grade-separated interchange. All parties agree that existing traffic congestion at this intersection is at unacceptable levels. Until intersection and other improvements have been constructed, any new development permitted in the vicinity of this intersection should not increase the congestion problems beyond current levels. It is also agreed that if the sponsors of new development can prove that proposed development will not increase the congestion problems, then development will be allowed only when in compliance with adopted plans for an at-grade interchange at the Highway 213/Beavercreek Road intersection.

Proposed Modifications to the Draft MOU of 2/92

The Draft Memorandum of Understanding is attached. The following changes are proposed:

Paragraph 4.a., add the following:

The State, County and City consider the interchange project as high priority.

Delete paragraph 4.b.

Delete paragraph 7 and add the following:

The County and City agree that grade-separated interchange improvements for Highway 213/Beavercreek Road are adopted as part of their Comprehenstve Plans. The County and City also agree that their respective Comprehensive Plans require that major intersections operate at Level of Service (LOS) D or better. The County

and City agree that when new developments are proposed for properties along Beavercreek Road prior to construction of grade-separated interchange improvements, a professional traffic analysis shall be required prior to the issuance of any land use permits. Land use permits shall not be approved unless the traffic analysis demonstrates that the Highway 213/Beavercreek Road intersection and other nearby intersections will operate at Level of Service D or better with the proposed development. If the traffic analysis demonstrates that the Highway 213/Beavercreek Road intersection will operate at LOS D or better with the proposed development, the development plan, including access to Beavercreek Road, will not interfere with, impede the implementation of, or substantially increase the cost of the adopted grade-separated interchange improvements for Highway 213/Beavercreek Road.

First Draft Comprehensive Plan Amendments

In order to meet the obligations outlined in the paragraph above, Oregon City will need to amend the transportation element of its Comprehensive Plan. The first obligation is to adopt the interchange plan. That has been done with Ordinance 92-1002 attached. Following are draft policies to meet the other obligations outlined above.

a. *All intersections requiring full signals as shown on Figure 2, Traffic Signal Locations, Oregon City Transportation Master Plan, 1989, and any other intersections where full traffic signals are warranted, shall operate at Level of Service D or better. Level of Service (LOS) is defined in Appendix B of the Oregon City Transportation Master Plan, 1989.*

b. *A professional traffic analysis shall be required prior to the issuance of any land use permits when new developments are proposed for properties in the vicinity of fully signaled intersections. Land use permits shall be approved only when the traffic analysis demonstrates that the signalized intersection will operate at Level of Service D or better with the proposed development, and that the development plan will not interfere with, impede the implementation of, or substantially increase the cost of any adopted transportation improvements identified in the City's Comprehensive Plan*

c. *Right-of-way shall be required as a condition of approval when developments are proposed near adopted transportation improvements identified in the City's Comprehensive Plan.*

Please provide comments on these proposed plan amendments to me by the end of next week. Thanks,

John

MEMORANDUM OF UNDERSTANDING
Between the
STATE OF OREGON,
CLACKAMAS COUNTY,
And
CITY OF OREGON CITY

(1) The Oregon Department of Transportation, Highway Division, hereinafter referred to as "State"; CLACKAMAS COUNTY, a political subdivision of the State of Oregon, acting by and through its Board of Commissioners, hereinafter referred to as "County"; CITY OF OREGON CITY, a municipal corporation of the State of Oregon, acting by and through its City Officials, hereinafter referred to as "City"; enter into this Memo of Understanding to set forth the principles of mutual commitment to the proposed Cascade Highway South at Beavercreek Road Interchange.

(2) State and County previously entered into a construction finance agreement No. 8119, on June 21, 1984 for the Warner-Parrott Rd. - Oregon City Bypass project.

(3) When the Warner-Parrott Rd. - Oregon City Bypass project is constructed, State, County, and City agree the increased traffic flow will cause congestion at the Cascade Highway South / Beavercreek Rd. intersection, and all parties agree that improvements may be necessary. Proposed at this time is an at-grade interchange at Cascade Hwy. South / Beavercreek Rd.

(4) State, County, and City agree to the following conditions in preparation for the proposed interchange agreement:

(a) State will support County and City in seeking the necessary funds from Metro to construct the interchange project.

(b) The County and/or City will be responsible for the survey, writing the descriptions, and the acquisition of any necessary right-of-way for construction of at-grade interchange.

(c) The County will have the lead role in project engineering and construction management.

(d) Prior to construction of the Cascade Hwy. South / Beavercreek Rd. Interchange, State, County, and City shall enter into a cooperative improvement agreement for construction and maintenance responsibilities for the at-grade interchange.

⑤ The State, County, and City agree to consider a joint project for a future "grade-separated" interchange at the Cascade Hwy. South / Beavercreek Rd. location. The determination of financial participation will occur as part of the State's Six-year Transportation Improvement Program update process when future project becomes necessary.

⑥ Any cost of right-of-way and other improvements incurred in constructing the previously proposed at-grade project shall be considered in determining the shares of the cost of the grade-separated project.

⑦ The County and City agree to prevent additional development in areas identified as needed for constructing the Cascade Hwy. South / Beavercreek Rd. grade-separated interchange and prevent additional access that would conflict with the public's need for access control to the extent identified in the attached State drawing.

⑧ Terms of this Memorandum of Understanding can be terminated by any of the parties with 30 day, written notice.

⑨ Upon receipt of a signed copy of this Memo of Understanding, County and City shall start the process for acquiring the necessary funds for the construction of the proposed at-grade project and State shall review and release the Environmental Assessment document.

OREGON DEPT. OF TRANSPORTATION

Region Manager

Date_____

CITY OF OREGON CITY

Mayor

City Recorder

Date 2-17-92

CLACKAMAS COUNTY
Board of Commissioners

_____
Chair

_____
Commissioner

_____
Commissioner

Date_____

B3193001

CITY OF OREGON CITY

Incorporated 1844

DEVELOPMENT SERVICES DEPARTMENT
Planning, Building, Engineering
320 Warner-Milne Road
Oregon City, OR 97045
(503) 657-0895
FAX (503) 657-3339

May 27, 1993

Ron Weinman
Clackamas County
902 Abernethey Road
Oregon City, Oregon, 97045-1100

Mr. Weinman:

The Oregon City Commission, at its May 19th meeting, rescinded its approval given on February 17th, of the Memorandum of Understanding between the State of Oregon, Clackamas County and the City regarding the proposed interchange on Cascade Highway South at Beavercreek Road, effective immediately.

The Commission is concerned about the provisions and implications of the paragraph addressing the prevention of development on private lands. They further understood that the agreement was in it's final form when they originally authorized signing.

The City Commission has directed staff to reopen negotiations regarding this agreement. An identical letter is being transmitted to Ted Keasy at Region 1, of Oregon State Highway Division.

Please contact me to arrange further discussions on this matter.

Charles Leeson
City Manager

cc: City Commission
Ed Sullivan, City Attorney
Henry Mackenroth, Project Manager

COPY

ORDINANCE 92-1002

AN ORDINANCE AMENDING THE TRANSPORTATION MASTER PLAN AND THE TRANSPORTATION ELEMENT PLAN OF THE COMPREHENSIVE PLAN TO ADD TWO FUTURE ROAD PROJECTS AND A POLICY FOR COLLECTOR STREETS.

WHEREAS, the State Highway Division has requested that a proposed road project at Highway 213 and Beavercreek Road be included in the Oregon City Comprehensive Plan, and

WHEREAS, based on development patterns a future collector street needs to be designated outside of the City limits, but in the Urban Growth Boundary, and

WHEREAS, a policy on access management is needed to guide development along collector streets, and

WHEREAS, the Oregon City Planning Commission, on December 12, 1991, conducted a public hearing to consider the adoption of these proposals, and

WHEREAS, the proposed amendments to the Transportation Master Plan and Transportation Element of the Comprehensive Plan is designed to best meet the land use planning needs of the City.

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That the Transportation Master Plan and the Transportation Element of the Comprehensive Plan are hereby amended to add the following to read as follows:

1. Add the grade separation of Highway 213/Beavercreek Road.

   a. The State Highway Division has forwarded a request to add the grade separation at Highway 213/Beavercreek Road. The proposal would include maps of the proposed Phase 1 and 2 project to page 63 of the Transportation Master Plan as an addition to the roadway laneage and access control map.

   b. Roadway Laneage/Access Control Plan, page 64 of the Transportation Master Plan - Widen Highway 213 to six lanes between Beavercreek Road and I-205, with a grade separation at Beavercreek Road (to include Phase 1 and Phase 2 roadway and laneage needs).

2. Add S. Caufield Road as a future collector street - (For approximately 500 feet from Highway 213 to a proposed street that would be located between S. Caufield Road and S. Canyon Ridge Drive; added to page 60 of the Transportation Master Plan.

3. Add a policy - Regarding access management on collector streets to Policy 4 on page L-35 of the Transportation Element of the Comprehensive Plan:

   New subdivision/residential development shall minimize access on collector streets unless infeasible. If feasible, lots shall be oriented to have frontage on local streets with back yards to the collector street.

Read first time at a regular meeting of the City Commission held on the 5th day of February, 1992, and the foregoing ordinance was finally enacted by the City Commission this 5th day of February, 1992.

Jean K. Elliott

JEAN K. ELLIOTT, City Recorder

ATTESTED this 5th day of February, 1992.

Daniel W. Fowler

DANIEL W. FOWLER, Mayor

ORDINANCE NO. 92-1002

Effective: March 6, 1992

Clackamas River Water

P.O. Box 2439
Clackamas, Oregon 97015-2439

(503) 722-9220
Fax (503) 656-7086

16770 SE 82nd Drive, Clackamas
customerservice@crwater.com

To: Board of Commissioners of Clackamas County

From: Clackamas River Water

Date: July 23, 2015

Re: Water Use on the Clackamas River

On July 21, 2015 Clackamas River Water received a memorandum, *Re: Water Use on the Clackamas* written by Ernest Hayes of Clackamas County Administration. The policy question proposed was "Is the Clackamas River impacted by water shortage?" The memo ultimately concluded that, "After receiving feedback from several of the managers of local water districts, including Clackamas River Water Providers, there does not seem to be a present risk of a water shortage on the lower Clackamas River. Further, should a shortage occur, human consumption would not be limited until truly dire circumstances were met. There is no fear of this transpiring in the foreseeable future. "Clackamas River Water disagrees with Mr. Hayes' conclusion.

The state of Oregon is facing its worst drought in decades. Governor Brown has declared drought emergencies in 23 of 36 counties. Although Clackamas County eluded a drought declaration to date, it is not immune to the environmental pressures exerted upon it by low snowpack and hot, dry days. The Clackamas River, a vital resource for Clackamas County's urban centers, serves as a source of high quality drinking water for over 200,000 people and is no exception.

It is true that despite record low snowpack on Mt. Hood in the Upper Clackamas River Basin, the precipitation rate remained stable. Precipitation fell as rain, rather than snow. This is due to above average temperatures in the region. The elevation of the Upper Clackamas Basin is located near the current mid-winter snowline, as a result even minor deviations toward greater than normal temperatures can limit snow accumulation. While the Clackamas River is influenced by groundwater from large aquifers in the Upper Clackamas River Basin, the River will likely experience greater loss of streamflow and continued strain is put on the aquifer system. Trends toward warmer winters with more rain than snowpack will result in low flows on the River occurring earlier and increased stream temperatures. 2015 may very well be a preview of years to come.

Abnormally warm temperatures and record low snowpack in the Clackamas River Basin should be of great concern to water providers as the dense network of streams in the Upper Basin are strongly influenced by melting snow during the spring and summer, which in turn helps to maintain river flow and temperature. As early as May the effects could be observed on the river. Streamflows were at their

lowest in over a decade (Figure 1), and temperature was elevated (Figure 2). By mid-June fish kills were observed at the confluence of the Clackamas and Willamette Rivers, due primarily to elevated water temperatures (Figure 2), prompting the Oregon Department of Fish and Wildlife to restrict fishing on the Clackamas River below the I-205 bridge.

Currently the streamflow of the Clackamas River is well below average, at levels not seen in more than a decade, and dropping. Water providers, as good stewards of the watershed, are subject to minimum allowable flows for fish persistence and passage. The State of Oregon requires each drinking water provider to develop a Water Management Conservation plan with a clearly defined curtailment plan that would maintain fish flows while allowing for sustainable water consumption. On the Clackamas River after September 15th that flow is 640 CFS. For Clackamas River Water and one other member of the Clackamas River Water Providers, as per our adopted Water Management Conservation Plans, Stage 3 Water Curtailment (mandated water conservation) would be implemented at streamflows less than 730 CFS after September 15th. While this is not the first time water providers have seen low streamflows in July, it is important to note that currently the streamflow of the Clackamas River is below 750 CFS with prolonged periods of hot dry weather predicted in combination with the development of an El Niño event (Figure 1). The likelihood of water providers having to implement curtailment practices come September is strong.

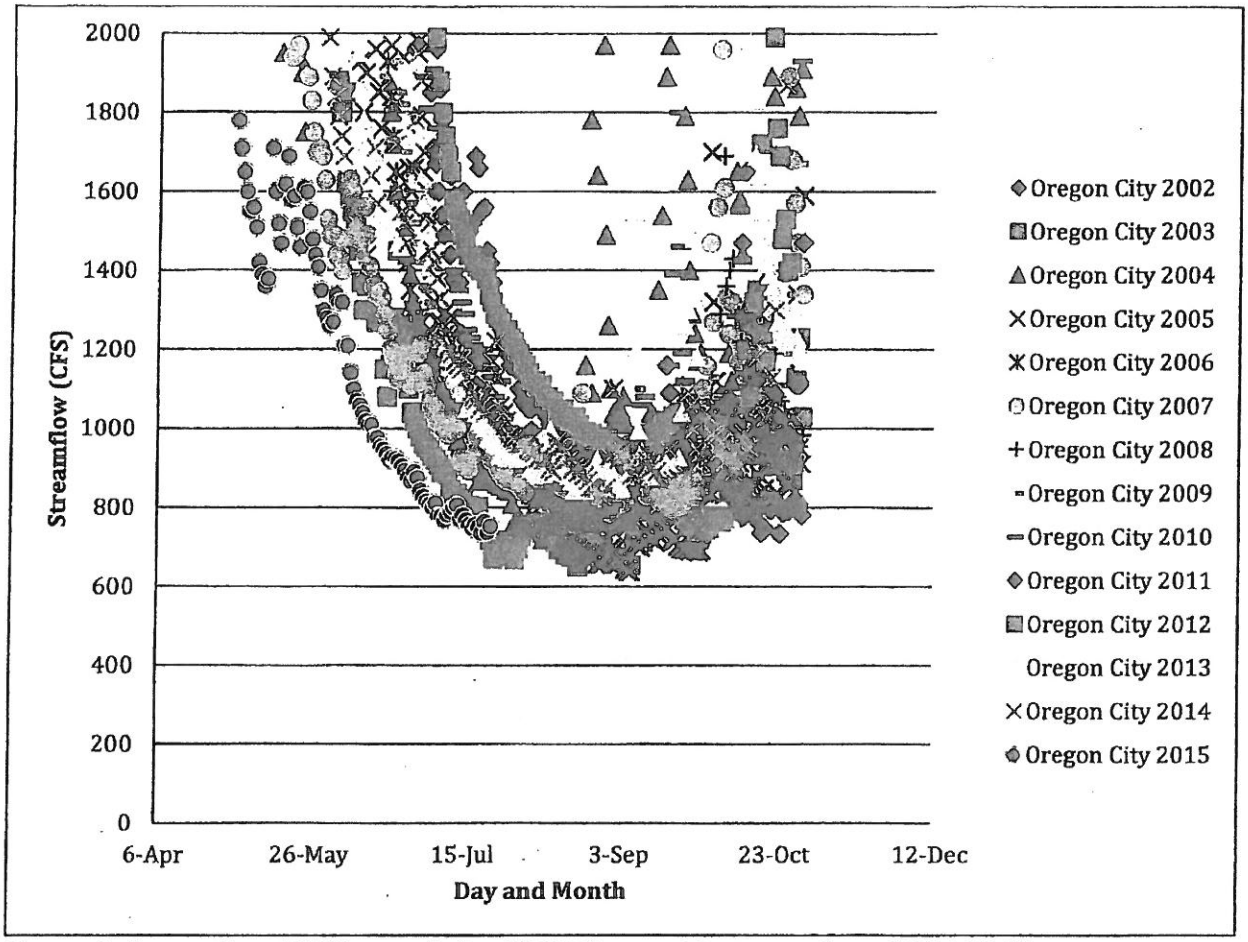


Figure 1. Streamflow (CFS) recorded at USGS Oregon City gauge from 2002-2015

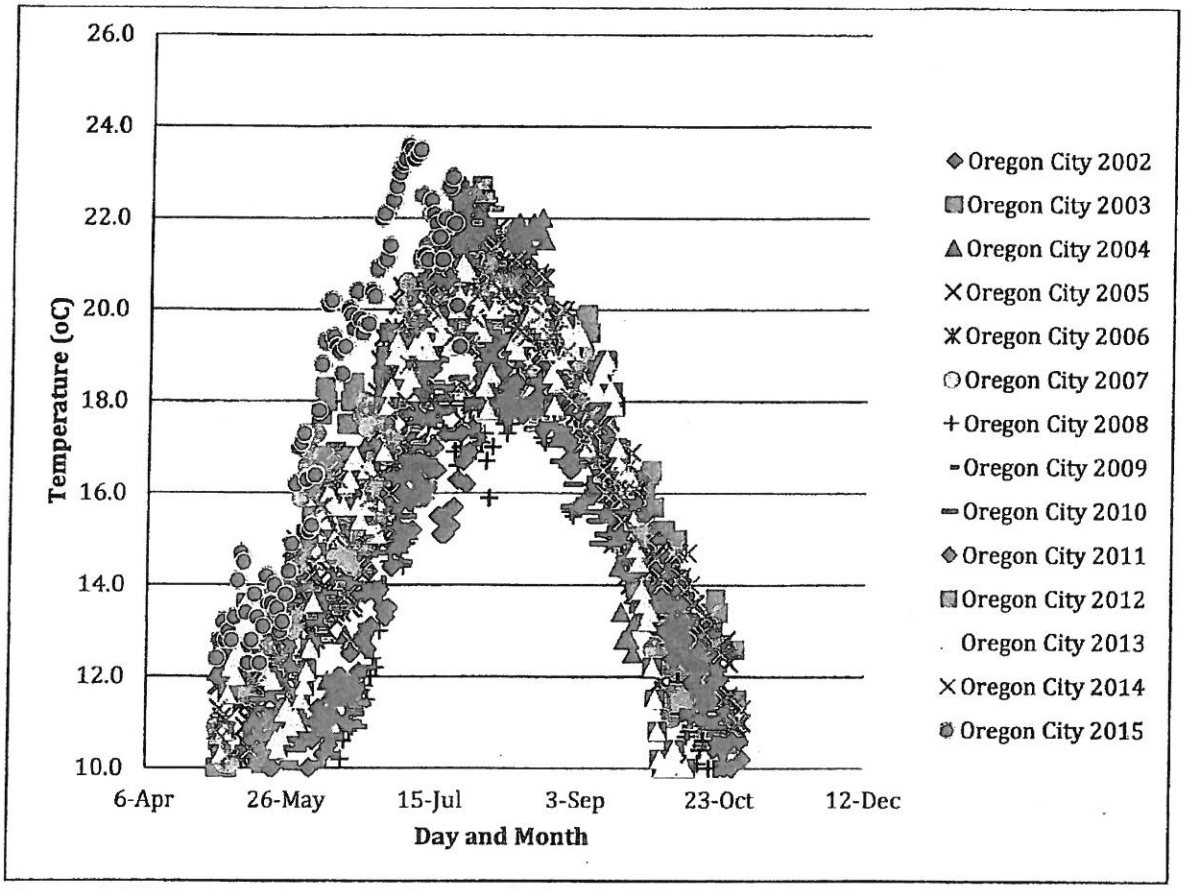


Figure 2. Water temperature (°C) recorded at the USGS Oregon City gauge from 2002-2015

Clackamas River Water issued a Stage 1 Water Advisory encouraging its customers to conduct voluntary water conservation measures in early June as dictated by our Water Management Conservation Plan upon observation of below average streamflows. Continued low flows, or a declaration of drought, will soon prompt CRW to issue a Stage 2 Water Advisory with more stringent conservation measures.

While there may not be an immediate water shortage on the Clackamas River, elevated temperatures and low streamflow suggest that mandated conservation measures for water providers may be on the horizon. It is our belief that as water providers on the Clackamas River we must begin to view the river less as an exclusive source of revenue and more as a valuable, finite resource that must be protected. To ignore the current river conditions and push off streamflow and temperature concerns would be irresponsible. While we do not discredit our collective utility's need to be financially stable, we believe that the long-term sustainability of the Clackamas River as a source of drinking water should trump the immediate needs of greener lawns and greater revenue. Responsible management of a water source does not mean simply navigating into maximum withdrawals allowed by the State of Oregon. It means preserving a drinking water source for a

larger portion of Clackamas County, preserving fish habitat and recreation, and ensuring our water source for the future.

Clackamas River Water is a special district that serves over 50,000 people in unincorporated Clackamas County, which includes Clackamas, and parts of Oregon City, Beavercreek, Milwaukie, and Portland.

We would like to offer our thanks to the Board of Commissioners for affording the water providers the opportunity to comment on this critical issue. As you are aware it is the County's role to notify the Governor when more extreme action is warranted.

Sincerely,

Lee E. Moore Sr.
General Manager
Clackamas River Water District

On behalf of the Board of Commissioners and Staff:

Ken Humberston; President
Hugh Kalani; Secretary
Naomi Angier; Treasurer
Larry Sowa; Commissioner
David McNeel; Commissioner

JAMES J. NICITA

302 Bluff Street
Oregon City, OR 97045
E-mail: james.nicita@gmail.com

January 11, 2016

Comments on PC 15-251, Re-adoption of the Beavercreek Road Concept Plan (Planning File LE 15-03)

Comment #1: The Beavercreek Road Concept Plan as presented by staff constitutes a violation of the Oregon City Charter, and violates Goal 9 of the Statewide Planning Goals, and Sections 2 and 9 of the Oregon City Comprehensive Plan.

Oregon City Charter
Section 6 of the Oregon City Charter provides: "Except as this charter provides otherwise, all powers of the city shall be vested in the commission."

The Oregon City Commission is the governing body of the City, and as such on July 20, 2011 directed staff to remand the Beavercreek Concept Plan to the Planning Commission, including a directive to add, "cottage manufacturing" to the "West Mixed Use Neighborhood" and the "East Mixed Use Neighborhood" of the Concept Plan.

Staff failed to do so, in violation of the Commission's command as well as Section 6 of the Oregon City Charter; indeed, staff has even excluded the July 20, 2011 vote from the revised findings for the Beavercreek Road concept plan.

Statewide Planning Goal 9
The City Commission legally incorporated cottage manufacturing to the Beavercreek Road Concept Plan on July 20, 2011, and staff's effective removal of cottage manufacturing from the Concept Plan violates Statewide Planning Goal 9's mandate to maintain an adequate supply of land for "a variety of industrial" uses.

Sections 2 and 9 of the Oregon City Comprehensive Plan
Similarly, staff's removal of the cottage manufacturing required by the City Commission on January 20, 2011 violates several applicable provisions of Sections 2 and 9 of the Oregon City Comprehensive Plan:

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

ENTERED INTO THE RECORD
DATE RECEIVED: 1/11/16
SUBMITTED BY: JAMES NICITA
SUBJECT: LE-15-03
BRCP
EXHIBIT C.

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

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

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

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

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

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

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

Goal 9.1 Improve Oregon City's Economic Health
Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy.

Policy 9.1.1
Attract high-quality commercial and industrial development that provides stable, high-paying jobs in safe and healthy work environments, that contributes to a broad and sufficient tax base, and that does not compromise the quality of the environment.

Finally, the staff "issues matrix" states, "Adoption of the BRCP does not preclude the provision of cottage manufacturing or a greater variety of home occupations."

The first response to this statement is that it represents the position of at least one commenter during the July 20, 2011 City Commission proceeding, and the City Commission rejected that position in directing staff to include cottage housing explicitly in the remanded Beavercreek Road Concept Plan.

The second response to this statement is that it is inaccurate. The text of the "West Mixed Use Neighborhood" and the "East Mixed Use Neighborhood" in the Beavercreek Road Concept Plan does not mention the word "manufacturing" at all. It would be an upward hill climb to try to get such a concept included in the zoning for these neighborhoods without mandating cottage manufacturing in the Concept Plan.

There is a simple solution for the Planning Commission here. The July 20, 2011 City Commission decision mandates cottage manufacturing in the "West Mixed Use Neighborhood" and the "East Mixed Use Neighborhood." The Planning Commission can, at a minimum, simply add the two words "cottage housing" to the textual description of each of these neighborhoods. If the Planning Commission wants to expand how much cottage manufacturing is added, it can go so far as to substitute cottage manufacturing over residential in each neighborhood, and that would also be consistent with the July 20, 2011 vote.

Comment #2: The findings do not demonstrate compliance with Statewide Planning Goal 6.

The application does not include substantial evidence in the whole record demonstrating compliance with Statewide Planning Goal 6.

Goal 6:

"All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards."

In Marcott Holdings v. City of Tigard, held regarding compliance with Goal 6:

> "Goal 6 requires findings that a proposed use will be able to comply with applicable environmental standards. It is not satisfied by findings stating only that the proposed use will be required through conditions to comply with applicable environmental standards. Eckis v. Linn County, 19 Or LUBA 15, 35 (1990). The city must make additional findings addressing the feasibility of compliance with Goal 6, meaning that "solutions to certain problems * * * posed by [the] project are possible, likely and reasonably certain to succeed" in achieving compliance. See Meyer v. City of Portland, 67 Or App 274, 280 n5, 678 P2d 741, rev den 297 Or 82 (1984)."

A. State Water Quality Statutes, Rules, and Standards

Page 34 of the Concept Plan indicates that storm water will be discharged into Thimble Creek, which is "waters of the state" under ORS 468B.005(10).

State Standards: There are no findings or substantial evidence in the record that the development authorized by the Concept Plan will not violate or threaten to violate the state water quality standards in OAR Chapter 340 Division 41. Storm water runoff is a waste, the discharge of which shall not violate water quality standards. 1000 Friends of Oregon v. City of North Plains, 27 Or LUBA 372 (1994).

The following sections of OAR 340 Division 41 are applicable to the storm water discharges from development authorized by the Concept Plan:

OAR 340-041-0004 Antidegradation; OAR 340-041-0007 Statewide Narrative Criteria; OAR 340-041-0009 Bacteria; OAR 340-041-0011 Biocriteria; OAR 340-041-

0016 Dissolved Oxygen; OAR 340-041-0019 Nuisance Phytoplankton Growth; OAR 340-041-0021 pH; 340-041-0028 Temperature; OAR 340-041-0031 Total Dissolved Gas; OAR 340-041-0032 Total Dissolved Solids (TDS); OAR 340-041-0033 Toxic Substances; OAR 340-041-0036 Turbidity; OAR 340-041-0340 Beneficial Uses to Be Protected in the Willamette Basin; OAR 340-041-0345 Water Quality Standards and Policies for this [Willamette] Basin.

State Statutes: The storm water drainage system for the proposed development will be a "disposal system" under ORS 468B.005(1). Before either the City of Oregon City or a private developer can construct the disposal system, construct the outlet for the disposal system, or discharge from the disposal system, the applicant must obtain a permit, including applicable effluent limitations, pursuant to ORS 468B.050. Pursuant to ORS 468.065(1), "Any permit issued by the department shall specify its duration, and the conditions for compliance with the rules and standards, if any, adopted by the Environmental Quality Commission pursuant to ORS ... 468B." Those water quality standards are authorized by ORS 468B.048.

In the absence of fails of a permit pursuant to ORS 468B, waste discharges such as storm water must comply with ORS 468B.025(1), which states that "no person" shall "Cause pollution of any waters of the state" or "Discharge any wastes into the waters of the state if the discharge reduces the quality of such waters below the water quality standards established by rule for such waters by the Environmental Quality Commission."

In addition, ORS 468 and ORS 468B also apply to this land use decision independently as "applicable law" under ORS 197.835(9)(a)(D).

There is no evidence in the record demonstrating compliance with the foregoing.

B. Federal and State Air Quality Statutes, Rules and Standards

In 1000 Friends of Oregon v. City of North Plains, 27 Or LUBA 372 (1994), LUBA held that a comprehensive plan amendment had to comply with the Clean Air Act, 42 USC §§7401 et seq., and OAR 660-12-035. There is no evidence in the record demonstrating compliance with these laws and rules.

PC 15-251 Re-Adoption of the Beavercreek Road Concept Plan
(Planning File LE 15-03))

Planning Commission
Jan. 11, 2016
Elizabeth Graser-Lindsey

Re-adoption does not account for changed conditions over 10 years

It is not acceptable that the Beavercreek Road Concept Plan be adopted by a re-adoption process because the studies done 10 years ago to support the plan are no longer valid.

1. A new transportation study is needed because extensive development is now impacting Beavercreek Rd. and Highway 213 which was not accounted for in the old study. Some examples are the Oregon City School District new bus barn and the enterprise district. The remand decision already showed problems with transportation failure and lack of funding.
2. The interchange at Beavercreek Rd. and Highway 213 is not longer planned to handle the traffic. The funding is so dire that the City has had to except this intersection and other failed intersections from its consideration. This traffic impasse cannot be the basis of a major development. It does not comply with Oregon Highway standards[1].

Transportation System Failures

1. The Beavercreek Road Concept Plan relies on internal roads paralleling Beavercreek Rd. and leading to Holly Lane to handle the traffic that a Beavercreek Rd. cannot accept. There is no funding to provide the connection to Holly Lane over the Thayer Rd. and Maplelane areas. There is no funding to improve Holly Lane (city or county) which currently is two-lane, winding and with drop offs. It has no shoulders and it has been having major accidents such as at the bends. It leads to congestion on Redlands Rd. There is no financing available or conceivably available to connect the plan area to Hwy 213 through internal roads.

Because the City intends for the development to create the internal roads, the nature of incremental development makes this road "solution" a failure: the traffic will be created before all necessary, connecting roadway segments will be ready to be used and provide connectivity, so all the traffic will be using Beavercreek Rd. for years.

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[1] It is unacceptable and not legal to basis a concept plan of a presumption that traffic standards will be further reduced in the future.

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DATE RECEIVED: 1/11/16
SUBMITTED BY: Elizabeth Graser-
SUBJECT: BRCP Lindsey
LE-15-03
EXHIBIT F.

2. Beavercreek Road cannot handle more traffic as recent traffic studies have shown such as the Beavercreek Rd. Apartments at Meyers Rd.
3. Beavercreek Road cannot be widened to handle expected traffic volumes because the Beavercreek Rd. Apartments hem the road it so it cannot be expanded to city standards with provision for a freight route with multi-modal bus stops and with off-street parallel parking and landscaping needed for retail.
4. The roadway network this plan area depends on is also failing and failed. Recently motorists took an hour to get down the hill on Hwy 213 to I 205 during rush hour and 45 minutes before rush hour. The county's TSP planning maps showed Hwy 213 and I 205 failing to meet even the reduced traffic standards.
5. The City's new TSP provides that 50% of traffic over the planning horizon (20 years until 2035) will be by alternative modes; however, the BRCP has not been reworked to allow this to happen by ensuring the jobs in the concept plan area. Currently the original focus on jobs, which LUBA's remand demonstrated was Metro's intent for this area, has been defeated by converting most of the land use to residential, so there are no jobs for residents to walk or bike to, so they will need to continue driving out of the area – violating the TSP. The 50% alternative modes – bus, bike, pedestrian – can only be achieved if the concept plan ensures jobs and services proceeds housing, but the opposite is occurring as the Beavercreek Apts. show.

<u>Sewage System Failures</u>
There is also insufficient sewage capacity in the sewer pipes and at the sewer plant to handle this development's sewage.
1. The sewer plant is trying to figure out how it will handle the excess sewage it sees coming. It currently is operating in an unsafe condition with insufficient reserve capacity below all other local sewer plants. Attachment Sewer 1-3
2. The sewer pipes are overcharged down Hwy 213 as shown by the Beavercreek Apt study. p.iii During the recent rains in December there was sewage overflowing (spraying up out of manholes) at various locations in the area.
3. There is no Beavercreek Rd. sewer pipe or any realistic plan on how one could occur. A plan or mechanism has not been made on how the developers can pay for the line. The nature of incremental development makes the lack of an overall plan fatal to the sewer system, because the development is proving to not develop progressively along Beavercreek Rd. to the outer edge of the BRCP, so, as a practical matter, incremental

development does not result in a functioning sewer pipe. And the developers, so far, are refusing to take on the cost up-front to be reimbursed later as the city could allow. The Beavercreek Apts have been exempted from contributing to the Beavercreek Rd. sewage line, so there will not be enough funds to finance the line even if the other problems could be solved.

Other Infrastructure Failures

1. The City cannot provide or obtain water needed by the Beavercreek Rd. Concept Plan area.

The city has insufficient funds to provide water to the Beavercreek Rd. Concept Plan Area. The City's Water Master Plan shows the City is underfunded to maintain its water system and no funds to enlarge the system to meet new needs. WMP

The Beavercreek Apartments application showed that the City has insufficient water pressure to serve the Beavercreek Road Concept Plan area. The City would need to create a large water reservoir near Wilson Rd., but it doesn't have the funds. WMP

An effort is being made to buy the water for the apartments (which are within the concept plan area) from the Clackamas River Water district; however, due to climate change, the reduced snow pack and the reduced summer time river flows, they had a water shortfall that caused a fish die off and required them to ask their customers to conserve water. Attachment CRW1-

2. The City cannot provide adequate emergency services to the BRCP area if the roads are so congested that they fail to meet declining roadway standards. There are no passing lanes on Beavercreek Rd. and the shoulder is used by bicyclists and pedestrians, so emergency services cannot get through the congestion.

Laws Violated

This application violates Goal 11: Public Facilities and Goal 12:Transportation, Oregon Transportation Planning Rule (OAR 660 Division 12) and Statewide Planning Goal 12 because it would cause an unacceptable loss of capacity, mobility, connectivity, convenience and safety and create excessive congestion and conflict (10-30-15 Staff Report, p. 12, 15). The negative effect is significant.

The TSP is being violated because there is no plan on how to get residents to take the bus, bike or walk to their jobs or services when these

modes are to be 50% by 2035. This provision is not merely based on sustainability and appreciation of multi-modes of transportation, but it is also reflective of the City's inability to afford to increase the capacity of its transportation system to accommodate 100% of trips being by personal automobile. A plan is needed, but has not been made, to get the needed jobs and services in the area in a coordinated fashion so jobs and services proceed housing. So far the first development (Beavercreek Apts) was approved without even a space for a bus stop. Attachment-TSP 1-5

Goal 6 and Statewide Planning Goal 6 are also violated because the congestion planned for harms air quality and it creates a new source of greenhouse gases when the local and global atmosphere is already past its air's carrying capacity and the resulting climate change is causing global and local harm such as creating summer time drought and water cutbacks.

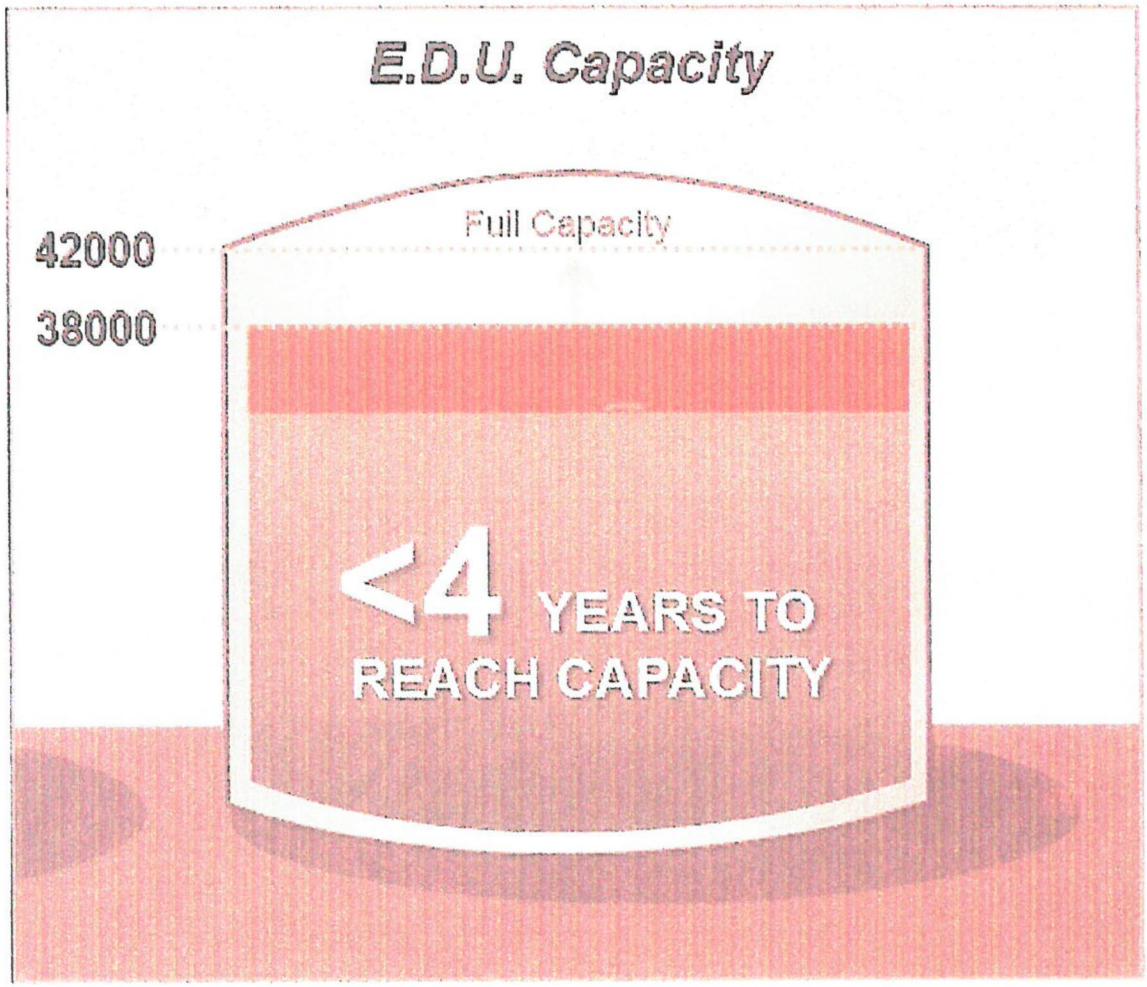
Goal 1 and Statewide Planning Goal 1 is violated by this re-adoption, because public involvement was not compliant with Goal 1 at the time this concept plan was remanded by LUBA. The abbreviated process continues the Goal 1 non-compliance.

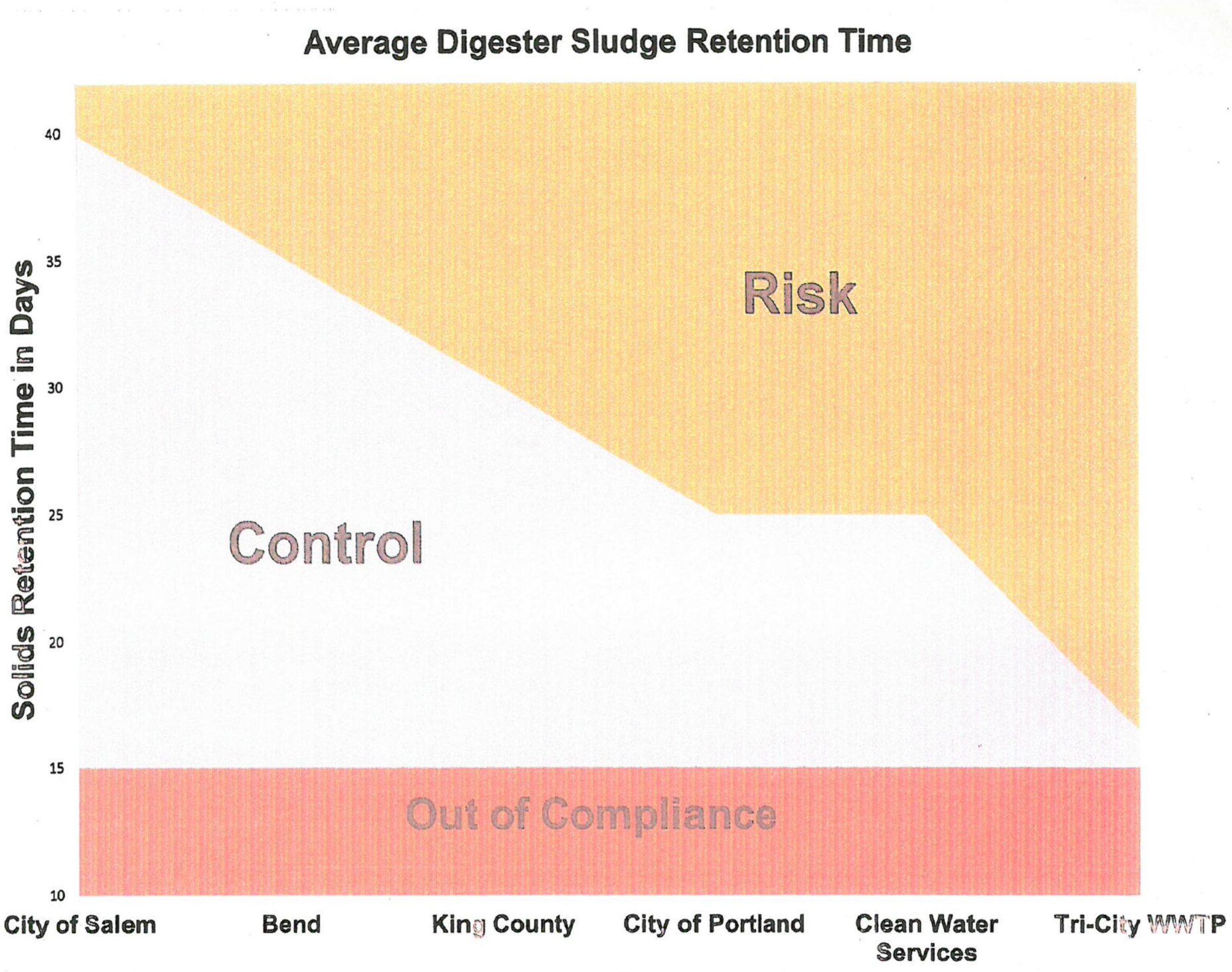
Regional Wastewater Treatment Capacity Advisory Committee

December 10, 2015

WATER ENVIRONMENT SERVICES
A Department of Clackamas County

Solids Handling Capacity Issue




Average Digester Sludge Retention Time
Solids Retention Time in Days
40
35
30
25
20
15
10
Risk
Control
Out of Compliance
City of Salem
Bend
King County
City of Portland
Clean Water Services
Tri-City WWTP

CRW 1

Clackamas River Water

P.O. Box 2439
Clackamas, Oregon 97015-2439
(503) 722-9220
Fax (503) 656-7086
16770 SE 82nd Drive, Clackamas
customerservice@crwater.com

BOARD OF COMMISSIONERS

JUL 29 2015

EH

To: Board of Commissioners of Clackamas County

From: Clackamas River Water

Date: July 23, 2015

Re: Water Use on the Clackamas River

On July 21, 2015 Clackamas River Water received a memorandum, *Re: Water Use on the Clackamas* written by Ernest Hayes of Clackamas County Administration. The policy question proposed was "Is the Clackamas River impacted by water shortage?" The memo ultimately concluded that, "After receiving feedback from several of the managers of local water districts, including Clackamas River Water Providers, there does not seem to be a present risk of a water shortage on the lower Clackamas River. Further, should a shortage occur, human consumption would not be limited until truly dire circumstances were met. There is no fear of this transpiring in the foreseeable future. "Clackamas River Water disagrees with Mr. Hayes' conclusion.

The state of Oregon is facing its worst drought in decades. Governor Brown has declared drought emergencies in 23 of 36 counties. Although Clackamas County eluded a drought declaration to date, it is not immune to the environmental pressures exerted upon it by low snowpack and hot, dry days. The Clackamas River, a vital resource for Clackamas County's urban centers, serves as a source of high quality drinking water for over 200,000 people and is no exception.

It is true that despite record low snowpack on Mt. Hood in the Upper Clackamas River Basin, the precipitation rate remained stable. Precipitation fell as rain, rather than snow. This is due to above average temperatures in the region. The elevation of the Upper Clackamas Basin is located near the current mid-winter snowline, as a result even minor deviations toward greater than normal temperatures can limit snow accumulation. While the Clackamas River is influenced by groundwater from large aquifers in the Upper Clackamas River Basin, the River will likely experience greater loss of streamflow and continued strain is put on the aquifer system. Trends toward warmer winters with more rain than snowpack will result in low flows on the River occurring earlier and increased stream temperatures. 2015 may very well be a preview of years to come.

Abnormally warm temperatures and record low snowpack in the Clackamas River Basin should be of great concern to water providers as the dense network of streams in the Upper Basin are strongly influenced by melting snow during the spring and summer, which in turn helps to maintain river flow and temperature. As early as May the effects could be observed on the river. Streamflows were at their

EXHIBIT G

lowest in over a decade (Figure 1), and temperature was elevated (Figure 2). By mid-June fish kills were observed at the confluence of the Clackamas and Willamette Rivers, due primarily to elevated water temperatures (Figure 2), prompting the Oregon Department of Fish and Wildlife to restrict fishing on the Clackamas River below the I-205 bridge.

Currently the streamflow of the Clackamas River is well below average, at levels not seen in more than a decade, and dropping. Water providers, as good stewards of the watershed, are subject to minimum allowable flows for fish persistence and passage. The State of Oregon requires each drinking water provider to develop a Water Management Conservation plan with a clearly defined curtailment plan that would maintain fish flows while allowing for sustainable water consumption. On the Clackamas River after September 15th that flow is 640 CFS. For Clackamas River Water and one other member of the Clackamas River Water Providers, as per our adopted Water Management Conservation Plans, Stage 3 Water Curtailment (mandated water conservation) would be implemented at streamflows less than 730 CFS after September 15th. While this is not the first time water providers have seen low streamflows in July, it is important to note that currently the streamflow of the Clackamas River is below 750 CFS with prolonged periods of hot dry weather predicted in combination with the development of an El Niño event (Figure 1). The likelihood of water providers having to implement curtailment practices come September is strong.

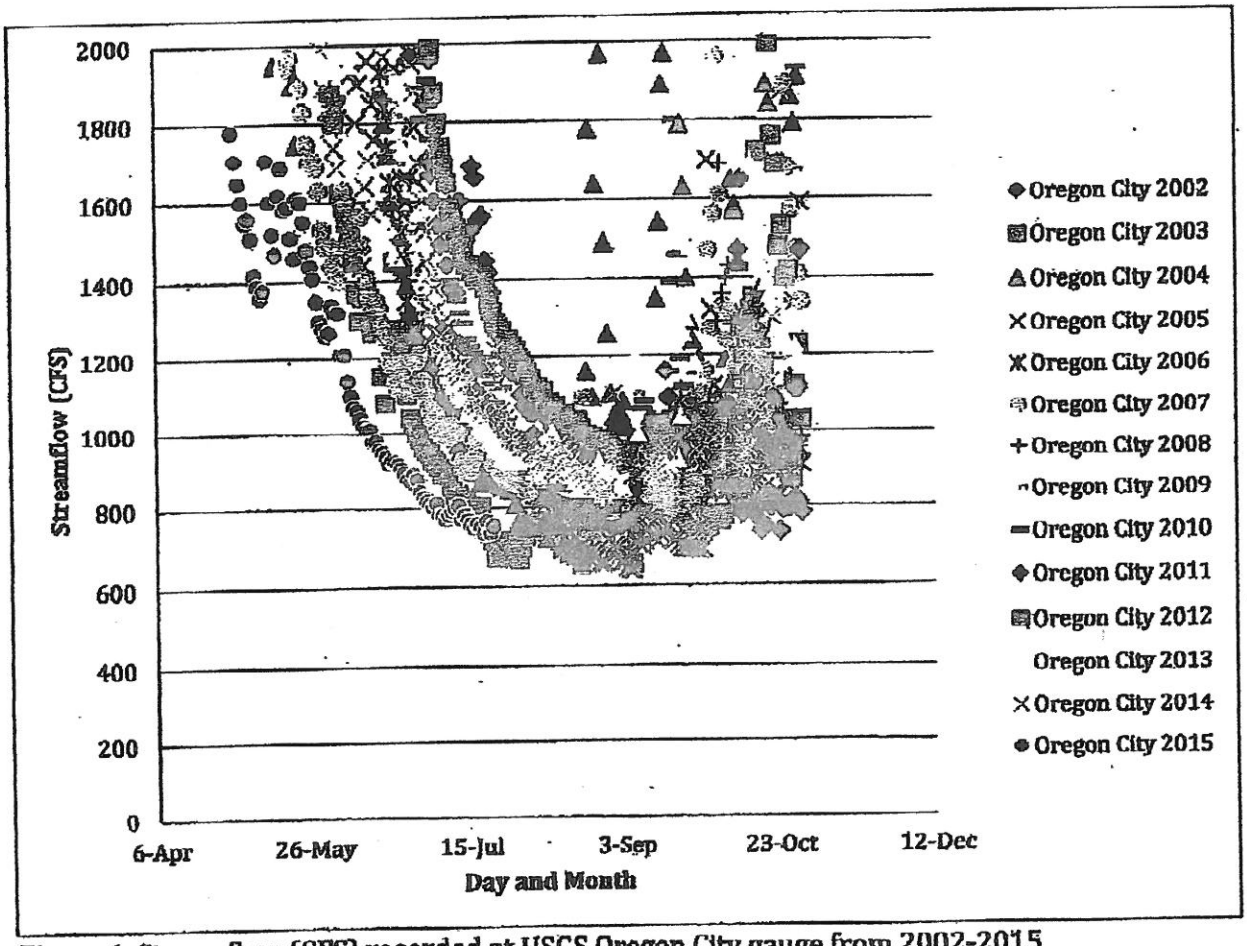


Figure 1. Streamflow (CFS) recorded at USGS Oregon City gauge from 2002-2015

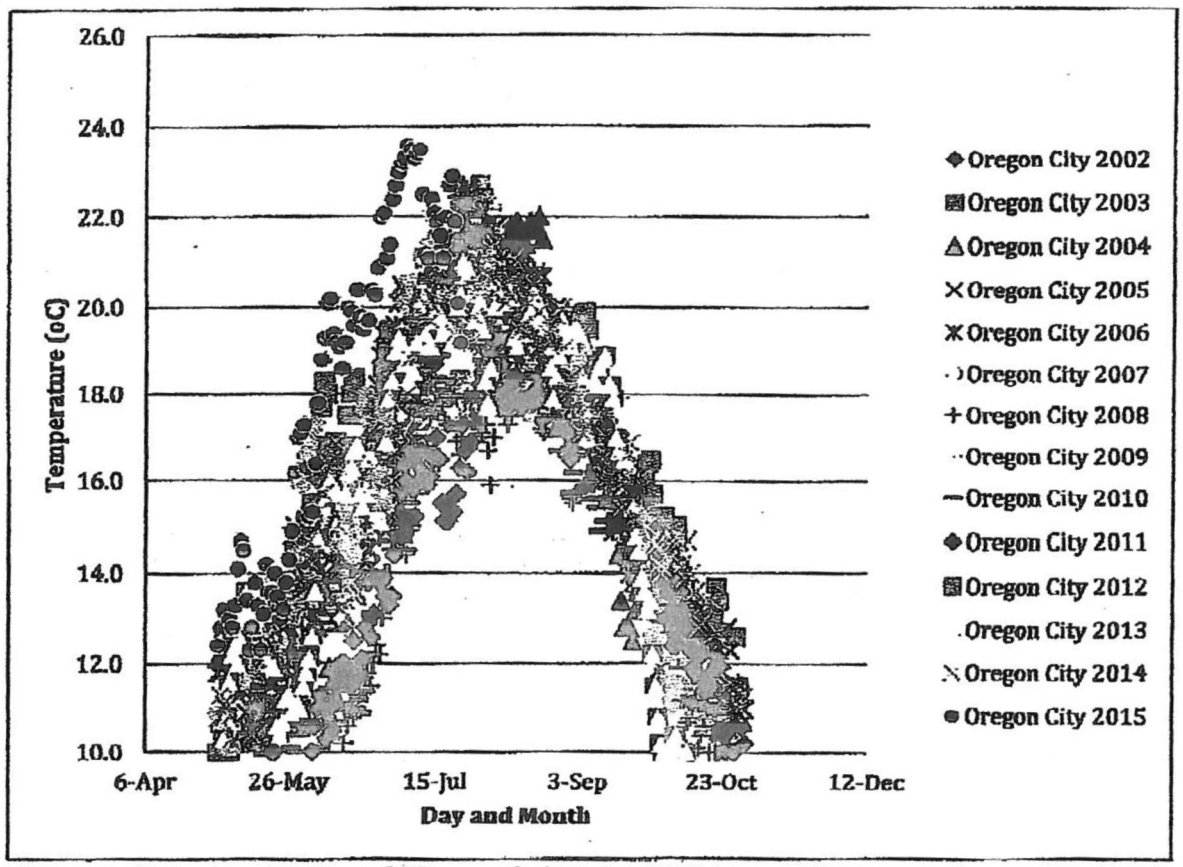


Figure 2. Water temperature (°C) recorded at the USGS Oregon City gauge from 2002-2015

Clackamas River Water issued a Stage 1 Water Advisory encouraging its customers to conduct voluntary water conservation measures in early June as dictated by our Water Management Conservation Plan upon observation of below average streamflows. Continued low flows, or a declaration of drought, will soon prompt CRW to issue a Stage 2 Water Advisory with more stringent conservation measures.

While there may not be an immediate water shortage on the Clackamas River, elevated temperatures and low streamflow suggest that mandated conservation measures for water providers may be on the horizon. It is our belief that as water providers on the Clackamas River we must begin to view the river less as an exclusive source of revenue and more as a valuable, finite resource that must be protected. To ignore the current river conditions and push off streamflow and temperature concerns would be irresponsible. While we do not discredit our collective utility's need to be financially stable, we believe that the long-term sustainability of the Clackamas River as a source of drinking water should trump the immediate needs of greener lawns and greater revenue. Responsible management of a water source does not mean simply navigating into maximum withdrawals allowed by the State of Oregon. It means preserving a drinking water source for a

larger portion of Clackamas County, preserving fish habitat and recreation, and ensuring our water source for the future.

Clackamas River Water is a special district that serves over 50,000 people in unincorporated Clackamas County, which includes Clackamas, and parts of Oregon City, Beavercreek, Milwaukie, and Portland.

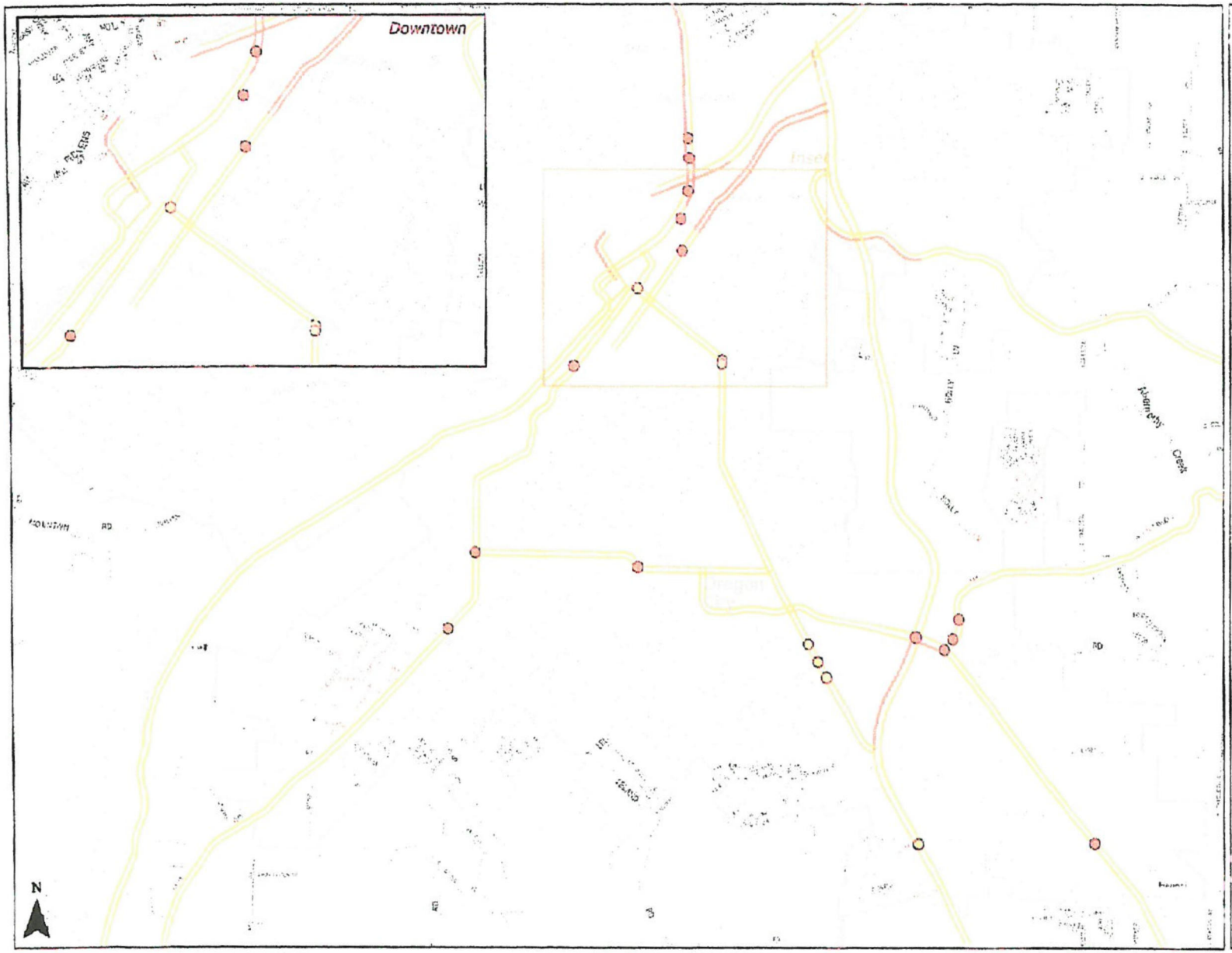
We would like to offer our thanks to the Board of Commissioners for affording the water providers the opportunity to comment on this critical issue. As you are aware it is the County's role to notify the Governor when more extreme action is warranted.

Sincerely,

Lee E. Moore Sr.
General Manager
Clackamas River Water District

On behalf of the Board of Commissioners and Staff:

Ken Humberston; President
Hugh Kalani; Secretary
Naomi Angier; Treasurer
Larry Sowa; Commissioner
David McNeel; Commissioner



OREGON CITY TRANSPORTATION PLAN

FIGURE 7

2035 Baseline Motor Vehicle Operating Conditions (P.M. Peak)

Legend

2035 Roadway Travel Speed compared to Posted Speed

- Congested, well below speed limit
- Slowing, well below speed limit
- Slowing, but near speed limit
- Uncongested, near speed limit

2035 Baseline Intersection Operations

- Good
- Marginal
- Substandard

- River
- Parks and Open Spaces
- Baseline Planned Roadways
- Railroad
- City Limit
- Urban Growth Boundary

Note: The 2035 baseline motor vehicle operations assumes no transportation system investments

Motor vehicle volumes on the roadways in Oregon City generally peak during the evening between 3:25 p.m. and 5:10 p.m.

Progress is expected to be made towards meeting the Congestion Targets

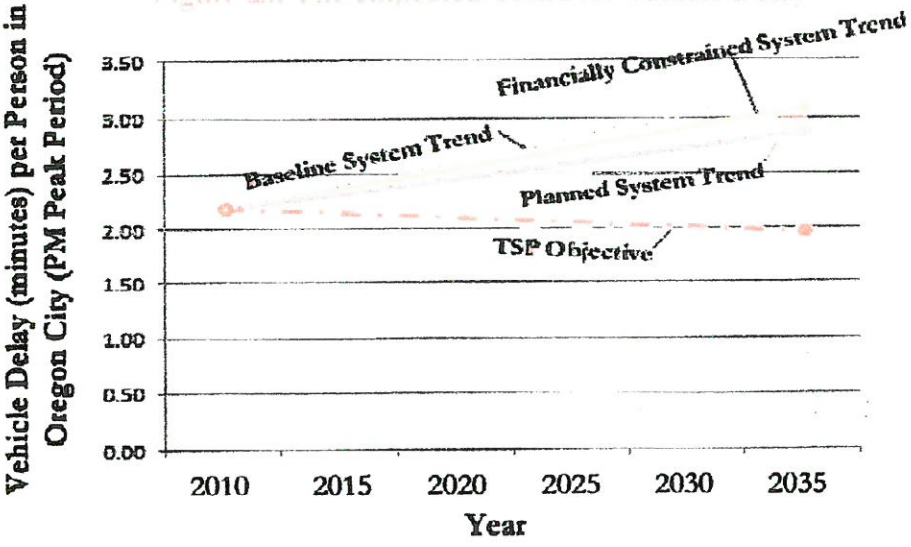
To reduce congestion, Oregon City identified over $162 million worth of projects to improve driving, and approximately $60 million to enhance walking, biking and transit usage.

Vehicle hours of Delay[4]: The same dynamics that make Oregon City an attractive place to live and open a business- its access to major regional transportation routes including I-205, OR 213, OR 99E, and OR 43- pose a challenge for meeting this performance measure. The TSP objective envisions decreasing delay by approximately ten percent through 2035, to fewer than two minutes per person during the evening peak period. However, the future trend for delay along Oregon City streets during the evening peak period (after assuming the planned system investments) is expected to increase slightly through 2035, from about two minutes to just under three minutes per person. This is generally associated with increased delay along the regional routes (such as OR 99E and OR 213), a side effect of local and regional population and employment growth. Since these routes serve outlying communities such as Molalla and Canby, trips that have origins and destinations outside of Oregon City are expected to significantly contribute to the increased delay in Oregon City.

With delay increasing, even after nearly $222 million worth of transportation system investments, the limitations of relying on infrastructure improvements as a means of meeting this objective are evident as the benefits are difficult to assess.

However, the City is working towards meeting this objective by decreasing delay nearly 15 percent from what would be expected without the transportation system investments (see the Baseline System Trend).

Figure 23: The Expected Trend for Vehicle Delay



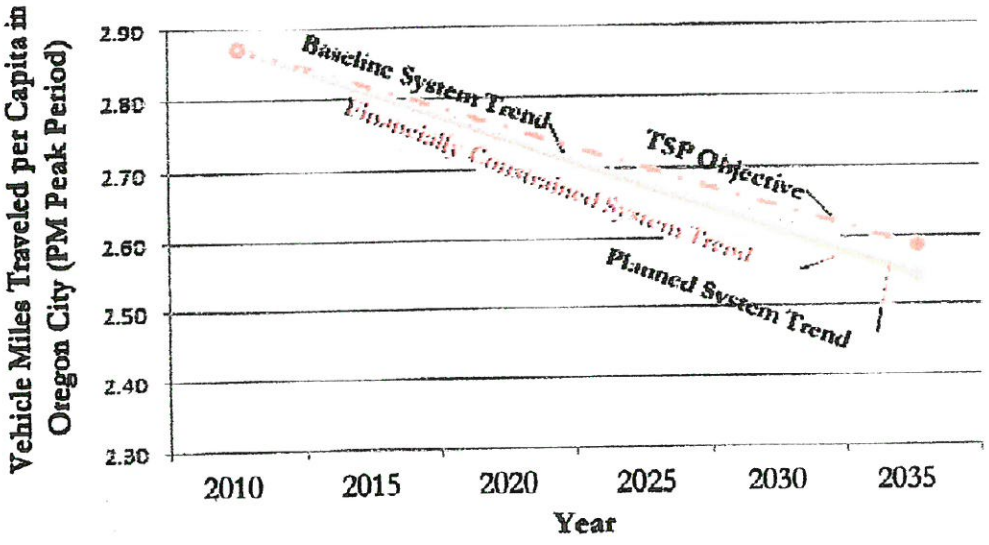
[4] Delay is defined as the amount of time spent in congestion greater than 0.90 v/c, page 5-7, 2035 Metro RTP

The Plan is expected to outperform the Climate Change Target

Despite healthy local and regional population and employment growth, vehicle miles traveled in Oregon City is expected to be reduced more than the TSP objective through 2035. The TSP objective envisions decreasing vehicle miles traveled by approximately ten percent through 2035, to about 2.6 miles per person during the evening peak period.

However, the future trend for vehicle miles traveled in Oregon City during the evening peak period (after assuming $222 million worth of investments) is expected to decrease nearly 13 percent through 2035, from about 3 miles to 2.5 miles per person. This is likely representative of job growth in Oregon City, as more residents have the option to work closer to home. In addition, the $60 million worth of investments in over 260 walking, biking, transit or other shared-use path projects in the 2013 TSP help reduce the need to drive for local trips in the City.

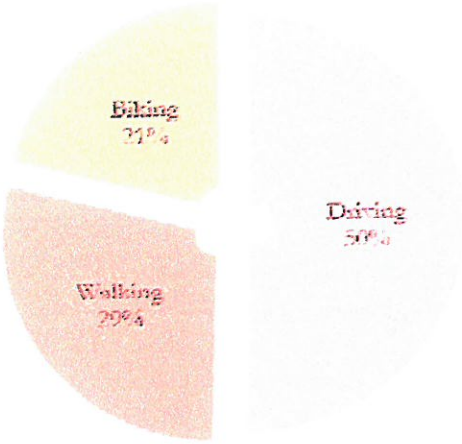
Figure 27: The Expected Trend for Vehicle Miles Traveled



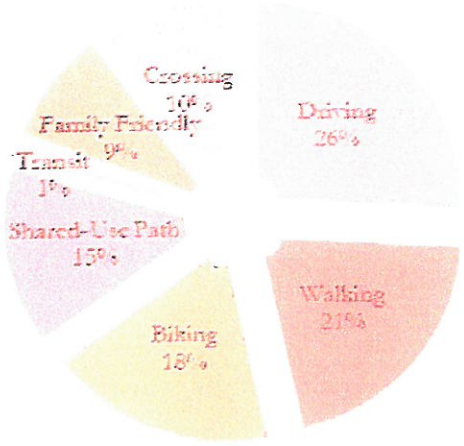
Walking, Biking and Transit Mode Share: Oregon City has identified nearly $60 million worth of investments with over 260 walking, biking, transit or other shared-use path projects in its TSP. This accounts for over 75 percent of the projects in the 2013 TSP and represents an increase of more than 25 percent when compared to the projects in the 2001 TSP. While no data is available to quantify the impact of these walking, biking and transit investments in the City, they are expected to help the City work towards tripling the walking, biking and transit mode share between 2010 and 2035.

The City identified investments to complete walking and biking gaps along the major street system, and identified a network of low-volume more comfortable walking and biking routes off the major street system to further encourage walking and biking to key destinations throughout the City.

Figure 26: Comparison of 2001 and 2013 TSP Investments



Percent of TSP Projects by Travel Mode (2001 TSP)



Percent of TSP Projects by Travel Mode (2013 TSP)

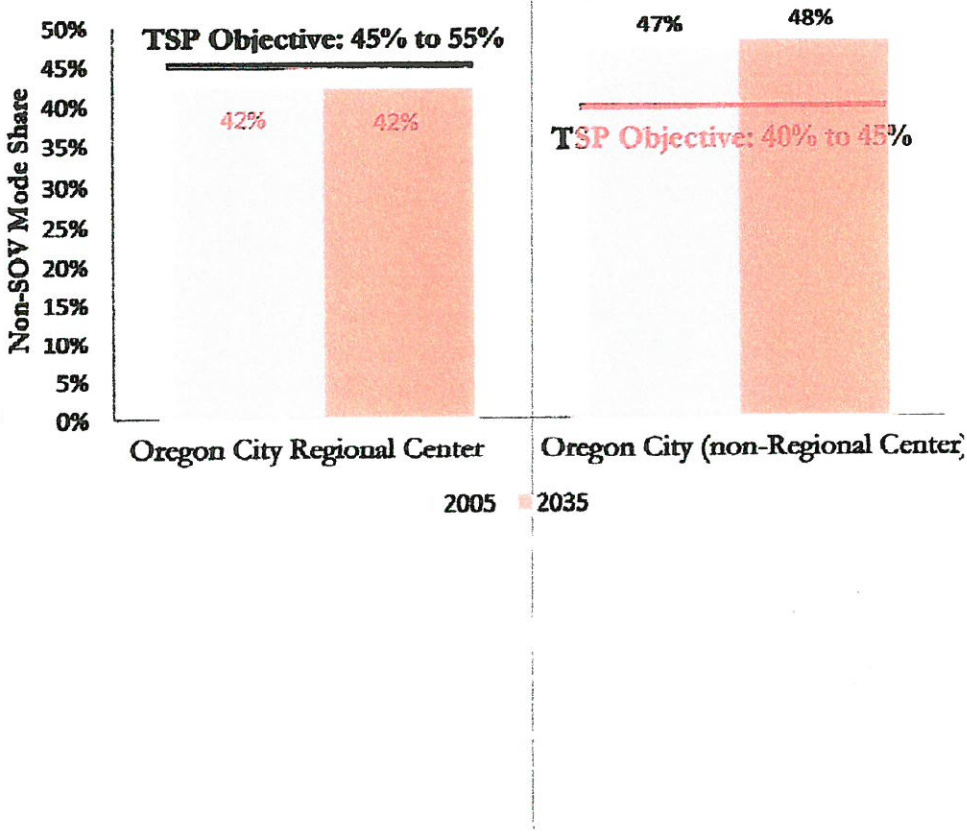
Non-Single Occupancy Vehicle (SOV) Travel: Metro's regional travel demand model was used to evaluate progress towards meeting transportation demand management (TDM) goals, specifically reducing reliance on the single occupancy vehicle.[7] Oregon City's non-SOV mode shares (outside of the Oregon City Regional Center) are expected to be above the TSP objective of 40 to 45 percent, with an estimated non-SOV mode share of 47 percent in 2005 and 48 percent in 2035. The non-SOV mode share in the Oregon City Regional Center is expected to remain steady through 2035, at around 42 percent, slightly below the TSP objective of 45 to 50 percent.

The TSP makes investment decisions that further help the City work towards achieving the non-SOV mode share targets. The City is expected to continue to increase trip share via walking, biking, carpooling or public transportation with investment decisions including a project that would help implement a Transportation Management Association (TMA) program with employers and residents within the Oregon City Regional Center.

The Oregon City TSP includes solutions to decrease single occupancy vehicle travel by focusing on investments that encourage multi-modal travel, including increased walking and bicycling facilities and transit stop access/amenity improvements.

The TSP also includes maximum public street spacing standards to allow for sufficiently spaced pedestrian crossings. Street connections to increase the convenience of walking and bicycling were also recommended throughout the City, including the Oregon City Regional Center.

Figure 25: Oregon City Non-Single Occupant Vehicle Mode Shares



[7] The Metro RTP Financially Constrained Plan was utilized for the non-SOV mode share analysis; therefore, not all of the projects included in the TSP were captured in the analysis.

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

Therefore:

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

Therefore:

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

Therefore:

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

ENTERED INTO THE RECORD
DATE RECEIVED: 1/11/16
SUBMITTED BY: Dan Edgar
SUBJECT: LE-15-03
BRCP
EXHIBIT D.

City of Oregon City
Planning Commission Meeting

January 11th, 2016

RE: Testimony of Christine Kosinski, Unincorporated Clackamas County

For: PC 15-25 Re-Adoption of the Beavercreek Road Concept Plan – Planning File LE 15-03
Beavercreek Road from Henrici to Caufield
Failure to meet State Goals 7, 12, and 2
Failure to support State Law ORS 105.465 – Real Estate Disclosure Law
Failure to meet Comprehensive Plan Landslide requirements
City lacks Transportation Plan & Infrastructure for development on hilltop

On November 23rd, 2015, I submitted testimony requesting this hearing be left open for several concerns I brought forward. I requested the City to address these at tonight's meeting, however I see many concerns remain outstanding.

The City has NO Transportation Plan to move traffic from the hilltop to the I-205 transportation corridor. Because the intersection of Beavercreek Rd and Hwy 213 is already failing, the City had no alternative other than to "control access onto Beavercreek Rd." Without access control, the intersection fails forcing the city to halt the plethora of development it has planned for Beavercreek Road.

The City has planned a central road through the Concept Plan, forcing traffic to use the central road to Thayer, Maplelane and Holly where huge amounts of traffic will be directed to a planned Roundabout at Maplelane and Holly. The peoples of Holly Lane especially have repeatedly asked the City to remove it from its TSP due to the fact that the street is lined with many fragile landslides and the people are unable to obtain Landslide insurance, as evidenced by a denial (turned into the City) to Ms. Kosinski by Lloyd's of London. For the City to plan using Holly Ln for heavy traffic is a "failure for the City to meet Landslide requirements in both the State and City Comprehensive Plans.

I cannot believe that this City would even begin to consider approval of this Concept Plan, where the huge footprint of development will have disastrous implications for the people of Holly Ln. These people are victims who cannot get insurance to protect their properties. For the City to consider approval of this Concept Plan, knowing they are planning to use Holly Ln as a "freeway", knowing these people cannot get insurance, and knowing you are placing them in harm's way is simply inconceivable, callous and immoral.

I know I speak for all the property owners of Holly Lane in asking that you "deny" approval of the Beavercreek Road Concept Plan because you have NO transportation plan. Furthermore, you cannot meet Goal 12 nor Goal 7 and it is a requirement that all State Goals be met before this Concept Plan can meet with approval. The City cannot meet Goal 7 when it is unable to protect people and their property from harm in hazardous areas and when you know they are unable to obtain Landslide insurance to protect themselves from financial ruin.

Lastly, we ask once again as we have asked before on many occasions, take Holly Lane out of your TSP. These people cannot get Landslide insurance, they have no ability to protect themselves.

ENTERED INTO THE RECORD
DATE RECEIVED: 1/11/16
SUBMITTED BY: C. Kosinski
SUBJECT: LE15-03
BRCP
EXHIBIT E.

City of Oregon City

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

Meeting Agenda

Planning Commission

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

1. Call to Order

2. Public Comments

3. Public Hearing

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

Sponsors: Community Development Director Tony Konkol

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

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

Sponsors: Planner Laura Terway

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

Exhibit 2: Signed Land Use Application Form Final

Exhibit 2: Vicinity Map_Final_8.5x11 B&W

Exhibit 2: Appendix A 2012 Master Plan Transportation Impact Analysis

Exhibit 2: Appendix B 2012 Civil Engineering Narratives

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

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

Exhibit 2: Appendix E Photos of Existing Conditions

Exhibit 2: Appendix F Neighborhood Meeting Documentation

Exhibit 2: Appendix G Pre-Application Notes

Exhibit 2: Additional Information Submitted by the Applicant

Exhibit 2: Tax Lot 32E32AA - 400

Exhibit 2: Tax Lot 22E32AB - 16

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

Exhibit 2: Supplemental Findings for Statewide Planning Goals

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

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

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

Exhibit 6: Comments from Craig and Tiffany Gillespie

Exhibit 7: Comments from Grant O'Connell with TriMet

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

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

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

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

Exhibit 11. Housing Technical Report (2002)

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

Sponsors: Planner Laura Terway

Attachments: Commission Report

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

Exhibit 1: Vicinity Map

Exhibit 2: Application Form

Exhibit 2: Applicants Narrative

Exhibit 2: Supplemental Narrative

Exhibit 2: Additional Information from the Applicant

Exhibit 2: Rezoning Area

Exhibit 2: Lot Concept Plan

Exhibit 2: Example Structures on a Lot

Exhibit 2: Present Comprehensive Plan Designations

Exhibit 2: Present Zoning

Exhibit 2: TPR Analysis

Exhibit 2: Trip Cap Analysis

Exhibit 2: Trip Cap Memorandum

Exhibit 2: Neighborhood Meeting

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4. Communications

5. Adjournment

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COMMENT FORM

OREGON CITY

PLEASE PRINT CLEARLY

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

Date of Meeting 11/23/15

Item Number From Agenda PC 15-229 LE-15-0003

NAME: ROBERT KREWSON

ADDRESS: **Street:** _____

City, State, Zip: _____

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

SIGNATURE: _____

(1)

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
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OREGON CITY

Date of Meeting 11/23/15

Item Number From Agenda 2a. LE-15-0003

NAME: Tammy Stevens, The Hamlet of Beavercreek

ADDRESS: **Street:** PO Box 736

City, State, Zip: Beavercreek OR 97004

PHONE NUMBER: 503 632 3552

E-MAIL ADDRESS:

SIGNATURE: Tammy Stevens

(2)

COMMENT FORM

*****PLEASE PRINT CLEARLY*****

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

OREGON CITY

Date of Meeting 11-23-15

Item Number From Agenda 2a LE-15-0003

NAME: Norm Andreen

ADDRESS: **Street:** 15331 S. Tioga Rd.

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER: 503-632-4330

E-MAIL ADDRESS: nandreen@bctonline.com

SIGNATURE: Norm Andreen

(3)

COMMENT FORM

*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
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OREGON CITY

Date of Meeting _____

Item Number From Agenda ____ BEAVERCREEK RD LE-15-0003

NAME: PAUL EDGAR

ADDRESS: **Street:** _____

City, State, Zip: _____

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

SIGNATURE: _____

4

COMMENT FORM

OREGON CITY

*****PLEASE PRINT CLEARLY*****

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- Give to the City staff in the Chambers ***prior*** to the meeting.

Date of Meeting 11/23/2015 LE-15-0003

Item Number From Agenda 2a. Beaver creek

NAME: James Nicita

ADDRESS: **Street:** 302 Bluff St.

City, State, Zip: Oregon City OR 97045

PHONE NUMBER: 5037290725

SIGNATURE:

COMMENT FORM

OREGON CITY

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Date of Meeting 11-23-15

Item Number From Agenda 2a LE-15-0003

NAME: Elizabeth Graser-Lindsey

ADDRESS: **Street:** 21341 S. Ferguson Rd.

City, State, Zip: Beavercreek OR 97004

PHONE NUMBER: 503 632-5568

SIGNATURE: Elizabeth Graser-Lindsey

COMMENT FORM



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Date of Meeting Nov 23, 2014 LE-15-0003

Item Number From Agenda → Readoption of Beavercreek Concept Plan

---

NAME: Doug Neeley

ADDRESS: **Street:** 11614 Parrish Rd

City, State, Zip: Oregon City, Oregon 97045

PHONE NUMBER: 503-650-5035

SIGNATURE: Doug Neeley

COMMENT FORM

*****PLEASE PRINT CLEARLY*****

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OREGON CITY

Date of Meeting 11-23-15

Item Number From Agenda BEAVER CREEK PLAN LE-15-0003

NAME: CHRISTINE KOSINSKI

ADDRESS: **Street:** HOLLY LN

City, State, Zip: OC

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE: Christine Kosinski

COMMENT FORM



PLEASE PRINT CLEARLY

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Date of Meeting ~~11-23-20~~ 11-23-2015

Item Number From Agenda LE-15-0003

2a. PC-15-229

NAME: Rose Holden

ADDRESS: **Street:** 20124 S Beavercreek Rd

City, State, Zip: Oregon City OR 97045

PHONE NUMBER: 503 807 8865

SIGNATURE: RoseHolden

City of Oregon City

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

Meeting Agenda

Planning Commission

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

1. Call to Order

2. Public Comments

3. Public Hearing

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

Sponsors: Community Development Director Tony Konkol

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

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

Sponsors: Planner Laura Terway

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

Exhibit 2: Signed Land Use Application Form Final

Exhibit 2: Vicinity Map_Final_8.5x11 B&W

Exhibit 2: Appendix A 2012 Master Plan Transportation Impact Analysis

Exhibit 2: Appendix B 2012 Civil Engineering Narratives

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

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

Exhibit 2: Appendix E Photos of Existing Conditions

Exhibit 2: Appendix F Neighborhood Meeting Documentation

Exhibit 2: Appendix G Pre-Application Notes

Exhibit 2: Additional Information Submitted by the Applicant

Exhibit 2: Tax Lot 32E32AA - 400

Exhibit 2: Tax Lot 22E32AB - 16

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

Exhibit 2: Supplemental Findings for Statewide Planning Goals

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

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

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

Exhibit 6: Comments from Craig and Tiffany Gillespie

Exhibit 7: Comments from Grant O'Connell with TriMet

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

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

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

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

Exhibit 11. Housing Technical Report (2002)

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

Sponsors: Planner Laura Terway

Attachments: Commission Report

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

Exhibit 1: Vicinity Map

Exhibit 2: Application Form

Exhibit 2: Applicants Narrative

Exhibit 2: Supplemental Narrative

Exhibit 2: Additional Information from the Applicant

Exhibit 2: Rezoning Area

Exhibit 2: Lot Concept Plan

Exhibit 2: Example Structures on a Lot

Exhibit 2: Present Comprehensive Plan Designations

Exhibit 2: Present Zoning

Exhibit 2: TPR Analysis

Exhibit 2: Trip Cap Analysis

Exhibit 2: Trip Cap Memorandum

Exhibit 2: Neighborhood Meeting

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City of Oregon City

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

Staff Report

File Number: PC 15-229

Agenda Date: 11/23/2015

Status: Agenda Ready

To: Planning Commission

Agenda #: 2a.

From: Community Development Director Tony Konkol

File Type: Planning Item

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

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

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

This is the first evidentiary public hearing.

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

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

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

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

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

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

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

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

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

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

BEFORE THE CITY COMMISSION

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

I. INTRODUCTION

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

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

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

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

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

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

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

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

II. FACTS

A. Concept Plan History

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

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

B. BRCP Acreage at a Glance

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

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

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

III. The Process and Applicable Approval Standards

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

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

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

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

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

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

IV. Public Involvement and Public Comment

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

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

Planning Commission Work Session	09/28/2015

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

V. DECISION-MAKING CRITERIA:

A. Comprehensive Plan Criteria

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

Comprehensive Plan Maintenance and Implementation - Regular Review and Update.

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

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

B. Statewide Planning Goals

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

C. Metro Title 11.

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

A. Annexation;

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

IV. ANALYSIS AND FINDINGS

A. Comprehensive Plan Criteria

Comprehensive Plan Maintenance and Implementation - Regular Review and Update.

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

1. *Plan implementation process;*

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

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

The City finds this criterion is satisfied.

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

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

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

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

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

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

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

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

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

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

The City finds this criterion is satisfied.

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

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

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

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

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

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

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

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

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

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

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

The City finds this criterion is satisfied.

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

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

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

The City finds this criterion is satisfied.

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

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

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

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

The City finds this criterion is satisfied.

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

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

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

The City finds this criterion is satisfied.

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

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

The City finds this criterion is satisfied.

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

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

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

The City finds this criterion is satisfied.

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

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

The City finds this criterion is satisfied.

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

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

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

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

The City finds this criterion is satisfied.

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

B. Compliance with Statewide Planning Goals

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

Goal 1 Citizen Involvement

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

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

The City finds this Goal is satisfied.

Goal 2 Land Use Planning

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

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

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

The City finds this Goal is satisfied.

Goal 3 Agricultural Lands and Goal 4 Forest Lands

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

The City finds these Goals are not applicable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The City finds this Goal is satisfied.

Goal 6 Air, Water and Land Resources Quality

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

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

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

The City finds this Goal is satisfied.

Goal 7 Areas Subject to Natural Disasters and Hazards

To protect life and property from natural disasters and hazards.

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

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

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

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

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

The City finds this Goal is satisfied.

Goal 8 Recreational Needs

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

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

The City finds this Goal is satisfied.

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

Goal 9 Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

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

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

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

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

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

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

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

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

The City finds this Goal is satisfied.

Goal 10 Housing

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

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

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

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

The City finds this Goal is satisfied.

Goal 11 Public Facilities and Services

To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

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

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

Sanitary Sewer Infrastructure Planning

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

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

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

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

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

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

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

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

The future sanitary sewer facilities recommended to serve BRCP developments shall be paid for in a way that does not financially burden or adversely affect existing public facilities and services in other parts of the City.

In 2014, the City issued a Type II Land Use Decision with conditions for improvements to serve the Beavercreek Road Apartment-Live-Work development (File SP 14-01)[5]. SP 14-01 was not subject to the current 2014 SSMP but the conditions attached to the land use approval require the

[5] Live/Work units and Apartment Buildings are permitted uses within the MUC-1 zone. The rezoning of the subject property to MUC-1 was conditioned to meet the intent of the yet-to-be-adopted Mixed Employment Village of the BRCP (See P. 18 of the plan document for 0details). SP 14-01 was appealed to LUBA, which upheld the City's approval of the development. The developer is in the process of working through the conditions of approval and construction plan preparation for engineering review.

applicant to pay for a component of the future Beavercreek Road trunk line and connect to the trunk line when it is available.

In summary, the 2014 SSMP documents and SP 14-01 approval consistently support sustainable development that will not financially burden existing rate payers or adversely affect the existing sanitary sewer system.

Water Infrastructure Planning

The BRCP plans for a water distribution system that primarily consists of a "backbone" network of water supply pipelines, two pressure zones with two-thirds of the BRCP area being served from the existing water main in Beavercreek Road, being the lower pressure zone, and the remaining one-third of BRCP area being served from future water facilities that include a booster pump station and reservoir, being the higher pressure zone. BRCP estimated the total cost of $5.4 million for the "backbone" network capital improvements within the study area, and an additional $6.9 million of programmed capital improvement projects needed to extend the existing water distribution system to the concept plan area. The cost estimates were based on year 2003 dollars.

In January 2012, the City adopted an update to the Oregon City Water Distribution System Master Plan (WMP), an ancillary document to the City's adopted Comprehensive Plan consistent with federal requirements, state statutes, and the Statewide Planning Goals. The WMP analyzes future water demands and develops a capital improvement program (CIP) to meet these future needs.

The WMP also recommends in more detail the future capital improvements and provides updated estimated costs based on year 2009 dollars for specific improvements, including the water storage reservoir, transmission and distribution pipelines to serve the BRCP area. The future reservoir is recommended to serve both the future BRCP higher pressure zone and the existing Fairway Downs pressure zone that currently has no water storage facilities and with this improvement will be enhanced by increasing the reliability and improving water service.

The WMP includes updated estimated costs for future water facilities recommended to increase the storage capacity of the higher pressure zone, provide a transmission main from the future reservoir to BRCP distribution system, and expand the "backbone" network of water pipelines within the BRCP area. Specifically the WMP project numbers F-CIP-4, F-CIP-5, and F-CIP-14, include the two million gallon reservoir and transmission pipeline with an estimated total cost of $5.7 million, and various "backbone" network pipelines within the BRCP area with an estimated total cost of $2.6 million.

The primary potential funding sources that may be expected to fund the future water facilities, include:

1. System Development Charges (SDCs) - Developers pay these charges up front to the City based on the proposed impact of the new development on the existing infrastructure.
2. Developer funded improvements –Developers are required to construct an appropriate level of public utility improvements within their proposed development and along all street frontages adjacent to their property, including off-site improvements as may be needed to serve the development.
3. Reimbursement District: A developer may finance and construct a public improvement that has the capacity to serve more than their development. The reimbursement district

provides developers with a mechanism to be reimbursed by other property owners that benefit from the use of the constructed public improvement.

The future water facilities recommended to serve future BRCP developments shall be paid for in a way that does not financially burden or adversely affect existing public facilities and services in other parts of the City.

In 2014, the City issued a Type II Land Use Decision with conditions for improvements to serve the Beavercreek Road Apartment-Live-Work development (File SP 14-01). SP 14-01 was subject to conditions to construct water facility improvements that included a waterline extension in Beavercreek Road, and this improvement is identified in the WMP as part of the future distribution system for the higher pressure zone.

In summary, the 2012 WMP documents and SP 14-01 approval consistently support sustainable development that will not financially burden existing rate payers or adversely affect the existing sanitary sewer system.

Stormwater Management Infrastructure Planning

The BRCP plans for a stormwater management system that primarily consists of low-impact development (LID) practices that mimic natural hydrologic processes and minimize impacts to existing natural resources. A three tier stormwater management system has been created that is focused on managing stormwater in a naturalistic manner at three separate scales: site, street and neighborhood/regional. Tier 1 being site specific stormwater management facilities utilizing on-site best management practices (BMPs), Tier 2 green street stormwater management facilities such as vegetated swales and rain gardens adjacent to streets, and Tier 3 regional stormwater management facilities such as regional detention ponds. BRCP estimated the total cost between $15 million to $23 million for stormwater management improvements to serve the concept plan area.

In August 2015, the City adopted Public Works stormwater design standards, to be incorporated as part of the City's drainage master plan. The new design standards are consistent with federal and state regulations for water quality and quantity control, and provide BMPs for LID that mimics natural hydrologic processes and minimize impacts to existing natural resources. BRCP embraces the application of LID and these new standards will guarantee compliance.

The primary potential funding sources that may be expected to fund the future stormwater management facilities, include:

1. System Development Charges (SDCs) - Developers pay these charges up front to the City based on the proposed impact of the new development on the existing infrastructure.
2. Developer funded improvements –Developers are required to construct an appropriate level of public utility improvements within their proposed development and along all street frontages adjacent to their property, including off-site improvements as may be needed to serve the development.
3. Reimbursement District: A developer may finance and construct a public improvement that has the capacity to serve more than their development. The reimbursement district provides developers with a mechanism to be reimbursed by

other property owners that benefit from the use of the constructed public improvement.

The stormwater management facilities' strategy to serve BRCP developments shall be paid for in a way that does not financially burden or adversely affect existing public facilities and services in other parts of the City.

In 2014, the City issued a Type II Land Use Decision with conditions for stormwater improvements to serve the Beavercreek Road Apartment-Live-Work development (SP 14-01). Although this site plan and design review application was submitted prior to adoption of the City adopted Public Works stormwater design standards, SP 14-01 was subject to conditions to construct storm facility improvements using an approved LID method prior to discharge to the public system consistent with the low impact development standards contemplated in the BRCP.

In summary, the 2015 stormwater design documents and development approval consistently support sustainable development that will not financially burden existing rate payers or adversely affect the existing sanitary sewer system.

The City finds this Goal is satisfied.

Police and Fire Protection Planning

Oregon City Police Department (OCPD) has indicated their ability to serve the concept plan area. The concept plan area is already within Clackamas Fire District #1 (CFD#1). Clackamas Fire District #1 has indicated their ability to serve the concept plan area.

Letters from OCPD and CFD#1 are attached.

Solid Waste Planning

The city regulates solid waste management to pursuant to ORS 459.200 and City Code 8.20 and the city has authority and obligation to franchise the provisions of service and solid waste management within the city. The franchise to provide solid waste service within the city limits of the city is granted to Oregon City Garbage Co., Inc.

Additionally, the city has an adopted set of Refuse and Recycling Standards for Non Single-Family or Duplex Uses. The purpose of these requirements is to promote:

A. Efficient, safe and convenient location of refuse and recycling areas.
B. Efficient, safe and convenient on-site maneuvering of collection vehicles, equipment and personnel for servicing solid waste and recycling areas; and
C. Compliance with the Regional Solid Waste Management Plan, OCMC Chapter 8.20 Solid Waste Collection and Disposal, and the Oregon Revised Statutes (ORS) Chapter 459.

Compliance with these standards may be demonstrated without having to go through a formal land use (site plan and design review) process, provided the application meets the standards

The City finds this Goal is satisfied.

Goal 12 Transportation

To provide and encourage a safe, convenient, and economic transportation system.

Analysis: At the time of its initial adoption, the Beavercreek Concept Plan was subject to compliance with the City's 2001 Transportation System Plan (2001 TSP). The 2001 TSP focused on identifying future transportation projects necessary to provide an adequate transportation system to serve existing and future urban growth using a horizon year of 2021. A component of ensuring adequate capacity, the 2001 TSP called for the installation of a "Single Point Diamond grade separated interchange improvement" at the intersection of Highway 213 and Beavercreek Road, at a cost of $20 million allocated between $5 million to the City and $15 million to ODOT and Metro.

The Beavercreek Concept Plan relied on the 2001 TSP as the starting point for identifying planned improvements and from there, the plan document itself forecasted future travel demand, needed improvements necessary to avoid further degradation to the performance of the facilities, and funding mechanisms through the 2027 planning horizon. However, at the time that the 2001 TSP was adopted, much of the area designated within the BRCP was located outside of the Metro UGB. As a result, the transportation impacts resulting from the proposed residential development and employment in the Beavercreek Concept Plan area were independently analyzed through the concept plan process and were described in the May 9, 2007, Kittelson & Associates transportation memorandum "Future Conditions Analysis" and in August 12, 2008, Kittelson & Associates transportation memorandum "Updated Future Traffic Conditions Analysis." These memoranda included an analysis of 2027 transportation needs and identified transportation improvements to satisfy the transportation demands in the south part of Oregon City.

In 2013, the City adopted a new Transportation System Plan (2013 TSP) that was concurrently implemented through the adoption of amendments to OCMC 12.04. The Plan identified transportation improvements necessary to accommodate existing and projected population and employment growth within the city limits as well as the city's urban growth areas through 2035. The TSP and its analysis supersede that undertaken for the 2001 TSP and the concept plan; the TSP is based on newer information relating to population and employment and uses new mobility standards consistent with Metro's Regional Transportation Plan. The 2013 TSP calculated transportation demand using a Metro model that divided land into Transportation Analysis Zones (TAZ.) In Metro's model, the TAZs represent the sources of vehicle trip generation within the region. Although each TAZ did not align perfectly with the city limits or urban growth boundary, they were subdivided to correspond with these boundaries. The land use plan designations within each TAZ were then used to determine the expected traffic generation. [6] The result was a calculation within each TAZ that estimates the total trips generated by the zone from additional development of vacant or underdeveloped properties under existing zoned

[6] The TSP describes this analysis as follows:

> The future 2035 land use projection is an estimate of the amount of each land use that the TAZ could accommodate at expected build-out of vacant or underdeveloped lands assuming Comprehensive Plan designations. The allocation of future growth to Metro TAZs was modified based on input from City of Oregon City Staff. TSP, TM #5, p. 7.

densities within the city limits and the trips generated by development of the concept planned areas within the urban growth boundary consistent with the designations in the comprehensive plan. The analysis conducted for the TSP specifically included the Beavercreek Concept Plan area. The TSP also includes updated policies to meet the travel needs of the residents and employees in the City. These include an increased emphasis on non-single occupancy automobile use and increased emphasis on multi-modal solutions and multi-modal transportation facilities.

As described in the 2013 TSP, Oregon City is currently home to over 13,000 households and over 14,500 jobs. Between 2013 and 2035, household growth is expected to increase nearly 2.4 percent a year, slightly outpacing the rate of employment growth over the same period (2.3 percent). The City is expected to be home to over 23,000 jobs and almost 21,000 households by 2035, a 58 and 61 percent increase respectively from 2010. With more people and more jobs in Oregon City, the transportation network will face increased demands. Beyond the general planned street network, the TSP provides an additional level of specificity by identifying individual projects in "Table 2: Likely to be Funded Transportation System." The following table is an extracted portion of "Table 2: Likely to be Funded Transportation System" that lists the TSP projects within or adjacent to the concept plan area.

Other solutions for the transportation network identified in the concept plan (e.g. Concept Plan, Figure 14 – Circulation Framework) are replicated in the planned network specified in the 2013 TSP (e.g. TSP, Figure 17 – Planned Street Extensions). Furthermore, the TSP emphasizes the multi-modal aspects of the transportation system within the concept plan area by identifying planned pedestrian and bicycle improvements in TSP Figure 19 – Walking Solutions; TSP Figure 20 – Biking Solutions; and Figure 21 – Shared Walking and Biking Solutions.

Extracted from TSP Table 2: Likely to Be Funded Transportation System

Project #	Project Description	Project Extent	Project Elements	Priority
D0	OR 213/ Beavercreek Rd Refinement Plan	OR 213 from Redland Road to Molalla Avenue	Identify and evaluate circulation options to reduce motor vehicle congestion along the corridor. Explore alternative mobility targets.	Short-term
D47	Meyers Road East extension	Beavercreek Road to the Meadow Lane Extension	Extend Meyers Road from Beavercreek Road to the Meadow Lane Extension as an Industrial Minor Arterial. Between the Holly Lane and Meadow Lane extensions, add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S19. Modify the existing traffic signal at Beavercreek Road	Mediu m-term
D54	Clairmont Drive extension	Beavercreek Road to Holly Lane South Extension	Extend Clairmont Drive from Beavercreek Road to the Holly Lane South extension as an Industrial Collector. Add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S17.	Long-term
D55	Glen Oak Road extension	Beavercreek Road to the Meadow Lane Extension	Extend Glen Oak Road from Beavercreek Road to the Meadow Lane Extension as a Residential Collector. Install a roundabout at Beavercreek Road (per project D39)	Long-term
D56	Timbersky Way extension	Beavercreek Road to the Meadow Lane Extension	Extend Timbersky Way from Beavercreek Road to the Meadow Lane Extension as a Residential Collector. Add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S20.	Long-term
D57	Holly Lane South extension *	Maple Lane Road to Thayer Road	Extend Holly Lane from Maple Lane Road to Thayer Road as a Residential Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S14. Install a roundabout at Maple Lane Road (per project D37).	Mediu m-term
D58	Holly Lane South extension *	Thayer Road to Meyers Road	Extend Holly Lane from Thayer Road to the Meyers Road extension as an Industrial Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S15.	Mediu m-term
D59	Holly Lane South extension *	Meyers Road to the Meadow Lane Extension	Extend Holly Lane from the Meyers Road extension to the Meadow Lane Extension as a Mixed-Use Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S16.	Long-term
D60	Meadow Lane extension **	Meadow Lane to Meyers Road	Extend Meadow Lane to the Meyers Road Extension as a Mixed-Use Collector. Between Old Acres Lane and the Glen Oak Road extension, add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S21.	Long-term
D61	Meadow Lane extension **	Meyers Road to UGB (north of Loder Road)	Extend Meadow Lane from the Meyers Road Extension to the UGB (north of Loder Road) as an Industrial Collector	Mediu m-term
D81	Beavercreek Road Upgrade	Clairmont Drive (CCC Entrance) to Meyers Road	Improve to Industrial Major Arterial cross-section	Mediu m-term
D82	Beavercreek Road Upgrade	Meyers Road to UGB	Improve to Residential Major Arterial cross-section	Long-term

*Note: Holly Lane extension is referred to as the Center Parkway in the BRCP.

** Note: Meadow Lane Extension is referred to as the Ridge Parkway in the BRCP.

The Loder Road improvements identified in the BRCP are listed on the "Not Likely to be Funded list in the TSP as Project #D85, *Loder Road Upgrade, Beavercreek Road to UGB.* It is expected that new development of the adjacent parcels would fund the entire cost of this improvement.

Alternative modes of transportation are also key strategies in the 2013 TSP and the BRCP to meeting the transportation needs of the City, its residents and employees. The TSP sets a non-single occupancy vehicle mode share target to help meet transportation demand management (TDM) goals, specifically reducing reliance on the single occupancy vehicle. As specified in the TSP, Oregon City's non-SOV mode shares[7] (outside of the Oregon City Regional Center) are expected to be above the TSP objective of 40 to 45 percent with an estimated non-SOV mode share of 47 percent in 2005 and 48 percent in 2035. The non-SOV mode share in the Oregon City Regional Center is expected to remain steady through 2035, at around 42 percent, slightly below the TSP objective of 45 to 50 percent.

The combination of policies and investments related to walking, biking and transit are expected to help the City work towards tripling the walking, biking and transit mode share between 2010 and 2035.

The 2013 TSP also recognizes the limitations brought about by the limited availability of funding. Despite the investments to the transportation system, the 2013 TSP predicts that operating conditions at a few intersections (including the OR 213/Beavercreek Road and I-205/OR 213 intersections) will be over the operating standard by 2035. For purposes of evaluating the impact of proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, the OR 213/ Beavercreek Road, and I-205/OR 213 intersections are exempt from meeting the state mobility targets until solutions (beyond those included in the 2013 TSP) or alternative mobility targets are explored for the intersections, as explained further below. However, plan amendments are still subject to the state mobility targets.

Rather than relying on "level of service" standards to determine intersection capacity, as was done in the 2001 TSP, the 2013 TSP adopted the volume / capacity ratios for state highways at levels identified in the Oregon Highway Plan (OHP), which allowed a finding that an intersection could accommodate a greater number of vehicles during peak hours. Even with the increased congestion contemplated with adoption of the new mobility thresholds, the 2013 TSP concluded that existing and planned growth, including 2035 build-out of the Beavercreek plan area, will result in congestion at the Highway 213 / Beavercreek intersection, that will exceed the OHP adopted mobility standards at the end of the 2035 planning horizon. Notwithstanding this finding of inadequacy, at the time of TSP adoption, the City concluded that the high cost of improvements necessary to meet the OHP mandated mobility standard, particularly the grade-separated interchange at Highway 213 / Beavercreek, would be prohibitive. ODOT concurred with that conclusion, indicating that it would not assist in funding what it characterized as "a low priority improvement" within the region. As a result, ODOT recommended that the City undertake additional work to develop other ways of meeting the City's transportation needs that do not involve such major construction projects on ODOT facilities. Therefore, the 2013 TSP included a Highway 213 / Beavercreek Road Refinement Plan including the potential adoption

[7] Non-SOV mode share includes carpooling, as well as bike/walk/transit.

of alternative mobility measures as a project likely to be implemented within one to five years. The adoption of the 2013 TSP, including future transportation demand for the Beavercreek concept area, was not appealed and that decision is acknowledged.

Development that has occurred in the south part of Oregon City since the development of the Beavercreek Concept Plan has been consistent with both the TSP and OCMC 12.04.205(D). For example, the approval for the Oregon City School District to construct a transportation and maintenance facility adjacent to Meyers Road and High School Avenue was allowed under the current zoning and the traffic impacts of the facility are similar to a typical medium industrial land use as assumed in the TSP. Another example of a recent development is the Beavercreek Road Apartments-Live-Work development on the east side of Beavercreek Road near Meyers Road. This development was also approved under applicable zoning and is consistent with the assumptions of residential and employment increases specified in both the Beavercreek Concept Plan and the 2013 TSP.

Adoption of the BRCP is a Plan Amendment subject to section -0060 of Oregon's Transportation Planning Rule (OAR 660-012-0060). However, the adoption of the BCRCP does not have a "significant effect" on Beavercreek / Hwy 213, because the trips from BRCP are already included in the TSP and accounted for in the evaluation and selection of transportation system alternatives, as required under OAR 660-012-0035. In other words, the Concept Plan adoption is consistent with the TSP, and that is what OAR 660-012-0060(1) requires. OAR 660-012-0060(1)(c)(C) provides that a "significant affect" occurs when the proposed plan will "degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan…based on projected conditions measured at the end of the planning period identified in the adopted TSP." The adopted TSP includes all of degradation expected to result from the development of the BRCP area as well as that due to through traffic from rural Clackamas County and other parts of the region, therefore the adoption of the BRCP will not cause further degradation than what is already accounted for in the TSP. Needed improvements and funding mechanisms were identified that will mitigate impacts of development while recognizing reasonable financial limitations of the City and its partners. The improvements needed to mitigate for the development in the Beavercreek concept plan area were identified in the Concept Plan and included in the 2013 TSP. Improvements needed for entire Oregon City planning area are identified in the TSP. The TSP shows that the mobility standards prescribed by the TSP will be met except as noted above, at the intersection of OR 213/Beavercreek Road. The 2013 TSP assumes the development in the Concept Plan and the adopted system in the TSP is based on that development. Adoption of the concept plan is necessary to fulfill the City's duties under OAR 660-012-0045(1) and to ensure consistency among all parts of the City's comprehensive plan. The amendments have already been considered, evaluated, and resolved by the TSP adoption process and no further action is necessary.

Further, the adoption of the Beavercreek concept plan will not further degrade the Highway 213 / Beavercreek intersection because it will not take effect until the City adopts urban zoning designations, which will not happen until after the City and OTC adopt alternative mobility standards and identifies and commits to financially and technically feasible solutions to address safety and congestion at the OR 213/Beavercreek intersection, per OHP Action 1F3. Concurrent with the adoption of the 2013 TSP, the City adopted amendments to OCMC Chapter 12.04, creating a temporary exemption from the mobility standards for all development that is permitted,

either conditionally, outright or through detailed development master plan approval affecting the three intersections, including Highway 213 / Beavercreek Road. OCMC 12.04.205(D). For the Beavercreek concept area, the only development that may occur prior to the adoption of alternative mobility standards is that which is already permitted under the existing City urban or county holding zone. No more intensive urban development, as contemplated in the Concept Plan, will be allowed until the implementing comprehensive plan designations and zoning classifications are created within the OCMC and applied to the City's Zoning Map. The City will not adopt urban zoning in the Beavercreek concept plan area until alternative mobility targets are adopted.

In addition to identifying projects needed to mitigate for the transportation impacts of development, the TSP (Section H) includes a discussion of current transportation funding sources and other potential sources. The existing sources identified in the TSP include the Street Fund, Street System Development Charge (SDC) Fund and Transportation Utility Fee Fund. Potential sources discussed in the TSP include general city revenues, local fuel tax, urban renewal districts, local improvement districts, and debt financing. The proposed transportation infrastructure improvements, financing and funding estimates, identified in the concept plan and as supplemented by the Transportation System Plan provide an adequate basis to demonstrate compliance with the Transportation Planning Rule.

Implementation strategies and financing tools for the needed transportation improvements have been identified at the TSP level and will be further refined during Capital Improvement Plan updates.

The City finds this Goal is satisfied.

Goal 13 Energy Conservation

To conserve energy.

Analysis: One of the adopted goals of the concept plan is that the area will be a model of sustainable design, development practices, planning and innovative thinking. The Plan assumes that sustainable practices will be a combination of private initiatives (LEED certification), public requirements (green streets) and public-private partnerships. The Commission recommends that the City use incentives, education and policy support as much as possible for promoting sustainability in the study area. Some initiatives will require mandates, but at the end of the day, it is up to the private sector to invest in sustainable development. The Beavercreek Road site's legacy as a model of sustainable design will depend on the built projects that are successful in the marketplace and help generate the type of reputation that the community desires and deserves. The concept plan identifies sustainability design strategies that address energy efficiency, water conservation, compact development, mixed use, solar orientation, green streets/infrastructure, alternative transportation options, pedestrian and cyclist system, use of the natural systems and minimizing impervious surfaces.

The City finds this Goal is satisfied.

Goal 14 Urbanization

To provide for an orderly and efficient transition from rural to urban land use.

Analysis: This goal essentially defines the purpose of the concept plan. Oregon City's Urban Growth Boundary was expanded in 2002 and 2004 through Metro's regional review process to include more industrial land. This was the result of a demonstrated need for additional land to accommodate the deficiency in available, vacant industrial lands. The revised element of the updated plan calls for implementing Metro's "concept plan" requirements under Title 11 of the Functional Plan that will result in subarea planning of new areas added to the UGB. The concept plan establishes policies to convert rural to urban land within the UGB while monitoring the supply of land to ensure its adequacy to accommodate growth. Oregon City coordinates with Clackamas County through an intergovernmental agreement that guides land uses and extension of public services in the unincorporated UGB. In addition, the transportation, parks, trails, water, and sewer master plans address orderly extension of services to accommodate growth.

The City finds this Goal is satisfied.

C. Compliance with Metro Title 4.

The findings below are intended to show compliance with the current Metro-adopted Employment and Industrial Areas Map. The northern portion of the concept plan area, known as the North Employment Campus (NEC) in the concept plan, is considered an "Industrial area" on the Metro Title 4 map, as opposed to a "Regionally significant industrial area" such as the area along the OR 212 / 224 Corridor in Clackamas County, or an "Employment area", such as existing zoned land within the city of Clackamas Community College and the commercially and industrially zoned lands adjacent to it between Beavercreek Road and OR 213. Therefore, findings for compliance with Metro Title 4 are specifically provided for section *3.07.430 Protection of Industrial Areas.*

TITLE 4: INDUSTRIAL AND OTHER EMPLOYMENT AREAS

3.07.410 Purpose and Intent

The Regional Framework Plan calls for a strong regional economy. To improve the economy, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of "clustering" to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region's transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities. The Metro Council will evaluate the effectiveness of Title 4 in achieving these purposes as part of its periodic analysis of the capacity of the urban growth boundary.

Analysis: The Commission notes that a key issue for the CAC/TAC was determining how much employment land was needed, what type and where. The Oregon City Comprehensive Plan requires that a majority of the lands be designated in a manner that encourages family-wage jobs in order to generate new jobs and move towards meeting the City's employment goals. The EcoNorthwest market analysis identified the advantages and disadvantages of industrial

development within the study area and concluded that under the right conditions it is not unreasonable to expect 150 acres of industrial and business park development to build out on the site over a 20-year period.

Metro brought 245 gross acres in the UGB in 2002 and 2004 to fulfill regional industrial employment needs. These areas (308 gross acres including those already within the UGB) are designated as the Industrial Design Type on Metro's 2040 Growth Concept Map. As noted above, Metro estimated 120 net acres of the concept plan area would be used for employment uses and indicated that it was important to fulfill the original intent for providing industrial lands and that there was flexibility for the local process to evaluate creative ways to meet the intent.

Metro's adoption of Ord. 1244B updated the EcoNorthwest analysis, concluding that the proposed plan provides an adequate amount of Title 4 employment land within the UGB, through 2029. Reflecting changes in employment needs and demands between the Metro 2002 Urban Growth Report (UGR) –Employment, and the 2009 UGR - Employment, Metro's 2009 assessment found there is adequate capacity inside the current UGB to accommodate the next 20 years of general employment and general industrial job growth even at the high end of the employment forecast range. The subsequently adopted change to the Title 4 Employment and Industrial Areas map conformed the map to the updated information about employment needs in the 2009 UGR (Employment). According to this map, which is consistent with the hybrid plan, the 151 gross acres on the revised map will supply approximately 121 net acres of employment land.

The CAC created several alternatives and finally chose a hybrid within the industrial designated area that included about 127 net acres of North Employment Campus, which is consistent with Metro's intent and similar to Oregon City's existing Campus Industrial designation, and about 29 acres of Mixed Employment Village and Main Street, which allows a variety of uses in a village-oriented transit hub and mixed use neighborhoods to the south that also provide jobs tailored to the neighborhood setting.

The North Employment Campus is to provide for the needed family wage employment that strengthens and diversifies the economy and will be compliant with Metro's Title 4 regulations. The NEC allows a mix of clean industries, offices serving industrial needs, light industrial uses, research and development and large corporate headquarters. The uses permitted are intended to improve the region's economic climate, promote sustainable and traded sector businesses, and protect the supply of site for employment by limiting incompatible uses.

Proposed policy 1.3 identifies the need to support the attraction of family wage jobs and connections with Clackamas Community College within the North Employment Campus, Policy 1.4 identifies the need to promote job creation, mixed use and transit oriented development within the Mixed Employment Village and Main Street, and recommends the adoption of minimum density requirements, limitations on stand-alone residential and other standards that implement the policy. Goal 3 – Green Jobs, includes policies recommending coordination with other local, county and state economic development agencies to recruit green industries and promote green development practices.

The concept plan provides land for an identified need within the region and state, and provides for a mix of other uses that will contribute to the economic welfare of the city, state and the citizens.

The City finds this requirement is satisfied.

3.07.430 Protection of Industrial Areas

A. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for retail commercial uses—such as stores and restaurants—and retail and professional services that cater to daily customers—such as financial, insurance, real estate, legal, medical and dental offices—in order to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:

1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and

2. Training facilities whose primary purpose is to provide training to meet industrial needs.

Analysis: Please also see findings under city comprehensive plan Policy 2.6.3.The zoning of the property in the North Employment Campus will be the same as or similar to the current CI – Campus Industrial zone in OCMC 17.37. Any commercial or retail uses within the northern employment campus would be limited to some upper limit, similar to the CI zone, which limits the square footage for retail and commercial office use in accordance with the Metro requirement:

> *L. Retail sales and services, including eating establishments for employees (i.e. a cafe or sandwich shop), located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of twenty thousand square feet or five percent of the building square footage, whichever is less, and the retail sales and services shall not occupy more than ten percent of the net developable portion of all contiguous industrial lands;*
>
> *M. Financial, insurance, real estate, or other professional offices, as an accessory use to a permitted use, located in the same building as the permitted use and limited to ten percent of the total floor area of the development. Financial institutions shall primarily serve the needs of businesses and employees within the development, and drive-through features are prohibited;*

The specific use restrictions that are necessary to assure protection of employment lands will be further refined with adoption of new zoning designations and code requirements for the BRCP.

Taken together, these requirements will protect the city's supply of undeveloped and underdeveloped land zoned for industrial uses.

The City finds this requirement is satisfied.

B. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for the uses described in subsection A to ensure that they do not interfere with the efficient movement of freight along Main Roadway Routes and Roadway Connectors shown on the Regional Freight Network Map in the RTP. Such measures may include, but are not limited to, restrictions on access to freight routes and connectors, siting limitations and traffic thresholds. This subsection does not require cities and counties to include such measures to limit new other buildings or uses.

Analysis: RTP freight routes were analyzed with the adoption of the TSP in 2014. Within the concept plan area, Beavercreek Road, Loder Road, Meyers Road extension and Ridge Parkway extension are indicated as local truck routes. Beavercreek Road is designated as a Roadway Connector on the RTP. The planned street network for the area is designed to limit new connections to Beavercreek Road, preserve the roadway capacity, and provide a secondary collector street network to serve the buildout of the area. In accordance with the TSP and RTP, the access management approach envisioned in the plan will minimize impacts and access points on the Beavercreek Road corridor. As new development is reviewed for compliance with the TSP and the city's street standards, the form and design of the land uses abutting these roads will also be reviewed.

The City finds this requirement is satisfied.

C. No city or county shall amend its land use regulations that apply to lands shown as Industrial Area on the Employment and Industrial Areas Map to authorize uses described in subsection A of this section that were not authorized prior to July 1, 2004.

Analysis: No such authorization will occur with adoption of the BRCP, and none is anticipated.

The City finds this requirement is satisfied.

D. Cities and counties may allow division of lots or parcels into smaller lots or parcels as follows:
1. Lots or parcels smaller than 50 acres may be divided into any number of smaller lots or parcels.

2. Lots or parcels 50 acres or larger may be divided into smaller lots and parcels pursuant to a master plan approved by the city or county so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.

3. Lots or parcels 50 acres or larger, including those created pursuant to paragraph (2) of this subsection, may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city or county so long as at least 40 percent of the area of the lot or parcel has

been developed with industrial uses or uses accessory to industrial use, and no portion has been developed, or is proposed to be developed with uses described in subsection A of this section.

4. Notwithstanding paragraphs 2 and 3 of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:
a. To provide public facilities and services;
b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;

To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or

d. To allow the creation of a lot solely for financing purposes when the created lot is part of a master planned development.

Analysis: No land division is proposed with the adoption of the BRCP. Land division for any parcels larger than 50 acres within the North Employment Campus would typically occur concurrently with the master planning process to assure that the site is well planned for the proposed use in compliance with this requirement. The master plan process in OCMC 17.65 is appropriate for sites of 10 acres or larger. There is only one such parcel larger than 50 acres on the north side of Loder Road and it is physically bisected by Trimble Creek, a Goal 5 resource area.

The City finds this requirement is satisfied.

E. Notwithstanding subsection B of this section, a city or county may allow the lawful use of any building, structure or land at the time of enactment of an ordinance adopted pursuant to this section to continue and to expand to add up to 20 percent more floorspace and 10 percent more land area.

Analysis: Compliance with this requirement would be considered if development is proposed within the Industrial area portion of the BRCP following adoption. Lawfully pre-existing non-conforming uses are regulated under OCMC 17.58. The specific use restrictions that are necessary to assure protection of employment lands will be further refined with adoption of new zoning designations and code requirements for the BRCP.

The City finds this requirement is satisfied.

D. Compliance with Metro Title 11.

The Plan is required to show compliance with the current version of Metro Title 11.

3.07.1105 Purpose and Intent

The Regional Framework Plan calls for long-range planning to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities. It is the purpose of Title 11 to guide such long-range planning for urban reserves and areas added to the UGB. It is also the purpose of Title 11 to provide interim protection for areas added to the UGB until city or county amendments to land use regulations to allow urbanization become applicable to the areas.

Analysis: The adoption of the BRCP achieves the purpose and intent of Metro Title 11. Detailed findings are provided below.

3.07.1120 Planning for Areas Added to the UGB

A. The county or city responsible for comprehensive planning of an area, as specified by the intergovernmental agreement adopted pursuant to section 3.07.1110C(7) or the ordinance that added the area to the UGB, shall adopt comprehensive plan provisions and land use regulations for the area to address the requirements of subsection C by the date specified by the ordinance or by section 3.07.1455B(4) of this chapter.

Analysis: The Intergovernmental Agreement with Metro to complete the concept plan for Beavercreek Road was signed by Metro Council in 2007. The City fulfilled all of the designated Milestones specified in the IGA and was fully reimbursed by Metro for the planning work following the City Commission's initial adoption of the concept plan in September 2008. The City's decision was appealed to the Land Use Board of Appeals (LUBA). LUBA remanded the Concept Plan, finding that the Plan was not consistent with the Metro 2040 Growth Concept Map. Oregon City and Metro staff worked to amend the 2040 Growth Concept Map and address the reason for remand, which was adopted by the Metro Commission early in 2011. The City requested a 3-year extension of the compliance deadline which was granted by Metro in May, 2011. Due to further legal challenges to the Metro UGB, re-adoption of the Plan by the City could not practicably occur until 2015.

Once the City Commission has adopted the revised findings and all appeal timelines have expired, the City will prepare a scope of work to prepare and adopt the implementation measures (zoning and development code amendments) for the Beavercreek Road Concept Plan. It is expected that the preparation and adoption process for the implementation measures will be included in the 2016 Community Development Department work plan and budget.

The City finds this requirement is satisfied.

B. If the concept plan developed for the area pursuant to section 3.07.1110 assigns planning responsibility to more than one city or county, the responsible local governments shall provide for concurrent consideration and adoption of proposed comprehensive plan provisions unless the ordinance adding the area to the UGB provides otherwise.

Analysis: Oregon City is solely responsible for adoption of the Beavercreek Road Concept Plan.

The City finds this requirement is satisfied.

C. Comprehensive plan provisions for the area shall include:

1. Specific plan designation boundaries derived from and generally consistent with the boundaries of design type designations assigned by the Metro Council in the ordinance adding the area to the UGB;

Analysis: The revised Industrial and Other Employment Areas map adopted by Metro in 2010 by Ordinance 10-1244B, Exhibit D is consistent with the North Employment Campus (NEC) plan area on the BRCP. The remaining plan areas – the Mixed Employment Village, Main Street, and West and East Mixed Use Neighborhoods, are consistent with the Metro Outer Neighborhoods design type designation.

The City finds this requirement is satisfied.

2. Provision for annexation to a city and to any necessary service districts prior to, or simultaneously with, application of city land use regulations intended to comply with this subsection;

Analysis: The City's Comprehensive Plan and Code establishes a framework of policies and implementing ordinances before annexation can take place and urban-level development can occur.

Applications for annexation, whether initiated by the City or by individuals, are based on specific criteria contained in Chapter 14 of the City of Oregon City Municipal Code.

Annexation to the City of Oregon City is required as a condition of extension of city services properties within the Urban Growth Boundary, including sewer, water, and stormwater utilities.

As a general policy the city does not extend services to properties outside the city limit. In situations where the timing of extension of a particular city service may not be practicable until a greater level of urbanization occurs, such as sewer connections farther than 300' from city sewer, exceptions may be made in accordance with law or based on intergovernmental agreements.

Concept plans are an important tool that identifies where and when areas might be considered for annexation in order to control the expansion of the city limits and services to help avoid conflicts and provide predictability for residents and developers. Other considerations are consistency with the provisions of the Comprehensive Plan and the City's public facility plans, with any plans and agreements of urban service providers, and with regional annexation criteria.

The City finds this requirement is satisfied.

3. Provisions that ensure zoned capacity for the number and types of housing units, if any, specified by the Metro Council pursuant to section 3.07.1455B(2) of this chapter;

Analysis: The concept plan recommends and provides for a mix of residential areas that allow and/or require different densities and housing types, including low, medium and high densities, single-family homes on a range of lot sizes, townhouses, duplexes, multi-family units and mixed

commercial/residential uses. Accessory dwelling units are allowed in all single-family residential zones, per the Oregon City Municipal Code, subject to special development and occupancy standards. Manufactured homes are typically permitted in any zone where single-family detached housing units are permitted unless other factors, such as historic review guidelines, might otherwise preclude them. Proposed policy 1.6 indicates that within the West and East Mixed Use Neighborhoods, a variety of housing types will be required and that lot size averaging and other techniques that help create housing variety while maintaining overall average density should be allowed. Requiring a mix of housing types and requiring a minimum and maximum density, rather than a minimum and maximum lot size, will allow a wide variety of housing units to be created, meeting the intent of this section.

The BRCP envisions that the West Mixed Use Neighborhood shall be a walkable, transit-oriented neighborhood with an overall average or residential uses not to exceed 22 dwelling units per acre. The East Mixed Use Neighborhood will be a walkable and tree lined neighborhood with a variety of housing types that will not exceed densities permitted in the R-5 zone (8.7 units per acre). Based on the proposed densities, the BRCP has an estimated capacity of approximately 1,000 dwellings, which is approximately 10.3 dwellings per net developable residential-designated acre. These residential densities do not apply to lands designated for industrial and employment use where residential uses are not permitted.

The City finds this requirement is satisfied.

4. Provision for affordable housing consistent with Title 7 of this chapter if the comprehensive plan authorizes housing in any part of the area.

Analysis: According to the 2000 census, the median household income in Oregon City was $45,531. The 2013 median household income (2010 inflation adjusted) was $60,223. Affordable housing is typically defined as housing that does not cost more than 30% of a household's income. In addition, very low income households are typically defined as those earning less than 30% of median household income; low-income households as those earning less than 50% of median household income; and moderate income households are those making between 50% and 80% of median income. Typically, the types of housing most affordable to people with low and moderate incomes are single-family homes on small lots, attached single-family homes, duplexes and multi-family housing, and accessory dwelling units. These types of housing types are expected to account for 390 to 480 units, providing affordable housing opportunities within the concept plan area. As stated above, requiring a variety of housing types will create opportunities for affordable housing within the proposed neighborhoods.

The City finds this requirement is satisfied.

5. Provision for the amount of land and improvements needed, if any, for public school facilities sufficient to serve the area added to the UGB in coordination with affected school districts. This requirement includes consideration of any school facility plan prepared in accordance with ORS 195.110;

Analysis: The concept plan has not identified any new school sites within the study area. The Oregon City School District High School is located directly across Beavercreek Road from the study area and the district owns a vacant parcel of land directly south of the study area that could be used as a future school facility. The Oregon City School District provided a representative that was a member of the Citizen Advisory Committee. No need for additional lands identified as a result of the implementation of the concept plan was identified.

Oregon City School District owns property adjacent to the Beavercreek Road Concept Plan and believes this is probably adequate for the near term. The District has some current capacity at the elementary school K-5 level and high school 9-12 level. The District is near capacity at the middle school 6-8 level.

According to the School District, even with existing school property adjacent to the Beavercreek Road Concept Plan, public financing support will be required to develop the additional capacity in the future. The District is embarking on a long-range facilities planning process to study existing and future capital needs.

The City finds this requirement is satisfied.

6. Provision for the amount of land and improvements needed, if any, for public park facilities sufficient to serve the area added to the UGB in coordination with affected park providers.

Analysis: The Beavercreek Road Open Space Framework plan provides a network of green spaces that are intended to provide a system of connected parks, opens spaces and natural areas, provide access to nature, preserve existing natural resources and provide green spaces near the system of trails and pedestrian connections. The power line corridors comprise approximately 52 acres of land north of Loder Road and have been utilized to provide publicly accessible opens space, trails and links to the broader open space network. The City's Parks and Recreation Master Plan requires between 6 and 10 acres of parkland per 1,000 population. The extent and location of the park is conceptual, flexible and the costs associated with acquisition and development may need to be determined through more detailed Master Planning processes, similar to the Glen Oak Road park site and the Hazel Grove parks site master planning that was conducted in 2014. Existing parks SDCs do not reflect the cost of providing parks in this area, and they may need to be updated to account for the amount of parks acreage envisioned in the concept plan. A park is proposed to extend through the central and southern areas of the BRCP. The location and linearity of the park was first indicated by Metro's Goal 5 mapping. This open space feature is intended as a continuous green space that links the districts and neighborhoods south of Loder Road.

The City finds this requirement is satisfied.

7. A conceptual street plan that identifies internal street connections and connections to adjacent urban areas to improve local access and improve the integrity of the regional street system. For areas that allow residential or mixed-use development, the plan shall meet the standards for street connections in the Regional Transportation Functional Plan;

Analysis: See also findings under Goal 12 earlier in this report. The BRCP provides for a mixed use community that provides viable options for internal trip making (i.e. many daily needs provided on-site), transit use, maximized walking and biking, and re-routed trips within the Oregon City area. Beavercreek Road will be improved as a green boulevard that will be a 5-lane arterial section to Clairmont, then a 3-lane arterial from Clairmont to the UGB. The internal street system will provide logical, but limited access to Beavercreek Road, by connecting to existing streets on the west side of Beavercreek Road and requiring that an internal street/alley system be utilized, eliminating driveway cuts on Beavercreek Road and maximizing its available capacity. The plan identifies an internal north-south connection from Old Acres Lane to Thayer Road that will reduce the need to access Beavercreek Road for daily trips within the area and an extensive pedestrian and bicycle circulation system connecting the residential, commercial and industrial areas together and extends to existing and proposed transportation systems adjacent to the study area. The plan identifies appropriate green street options to be implemented, and expanded on, as development occurs, including: vegetated swales, planter islands, curb extensions, and porous pavement.

Goal 6 of the BRCP recommends providing multi-modal transportation links connected within the site as well as to the surrounding areas and includes policies recommending that land use reviews support bus service by ensuring a mix of land uses, densities and design options that support public transportation and other alternative transportation methods, ensure that local connectivity and off-street pedestrian routes link together in a highly connected pedestrian system that is safe, direct, convenient and attractive and improve pedestrian and bicycle safety along Beavercreek Road. The concept plan process has identified and prepared the construction cost estimates for the planned transportation improvements and a detailed list of financing options has been created.

The City finds this requirement is satisfied.

8. Provision for the financing of local and state public facilities and services; and
Analysis: The plan includes adequate consideration of public facilities cost estimates and financing approaches.

The plan provides a thorough explanation of the existing conditions pertaining to this analysis and provides recommendations and preliminary cost estimates for improvements that will be necessary in order for the concept plan to be carried out. Since the BRCP was initially adopted in 2008, three public facilities plans were amended to include the concept plan area. These plan updates include cost estimates which have subsequently been updated in the city's public infrastructure and transportation planning as follows:
Transportation System Plan (2013)
Sewer Master Plan (2014)
Water Master Plan (2010)
Stormwater and Erosion Control Manual and Design Standards (2015)

Parks and recreation system development charges will need to be analyzed to reflect the type of dwelling unit to be constructed and the number of employees associated with non-residential uses in the area. Future parks planning will need to include consideration of SDCs. SDCs could be utilized to acquire open space, natural resource and natural hazard areas that are part of the larger open space framework plan. Four other primary funding sources have been identified, including: Urban Renewal/Tax Increment Financing; Local Improvement Districts; Bonds; and Developer Funded Improvements. The plan also calls for creating the Environmentally Sensitive Resource

Area to protect, conserve and enhance identified natural by applying a low-density base zoning that allows property owners to cluster density outside the ESRA and transfer to more appropriate sites.

Planning, funding and cost estimates for the transportation system plan (TSP) consistent with the Regional Transportation Plan (RTP) were adopted in early 2014 and are described in more detail under section 7 above.

The City finds this requirement is satisfied.

9. A strategy for protection of the capacity and function of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.
Analysis: The Statewide Planning Goal 12 analysis and findings provided earlier in this report on Page 25 discusses in detail the City's Transportation System Plan and consistency with the Metro RTP, as well as a discussion of mobility challenges for existing state highway interchanges.

The City finds this requirement is satisfied.

D. The county or city responsible for comprehensive planning of an area shall submit to Metro a determination of the residential capacity of any area zoned to allow dwelling units, using the method in section 3.07.120, within 30 days after adoption of new land use regulations for the area.
Analysis: See analysis under provision 3 above relating to zoned capacity.

The City finds this requirement is satisfied.

3.07.1130 Interim Protection of Areas Added to the UGB
Until land use regulations that comply with section 3.07.1120 become applicable to the area, the city or county responsible for planning the area added to the UGB shall not adopt or approve:

A. A land use regulation or zoning map amendment that allows higher residential density in the area than allowed by regulations in effect at the time of addition of the area to the UGB;
B. A land use regulation or zoning map amendment that allows commercial or industrial uses not allowed under regulations in effect at the time of addition of the area to the UGB;

C. A land division or partition that would result in creation of a lot or parcel less than 20 acres in size, except for public facilities and services as defined in section 3.07.1010 of this chapter, or for a new public school;

D. In an area designated by the Metro Council in the ordinance adding the area to the UGB as Regionally Significant Industrial Area:
1. A commercial use that is not accessory to industrial uses in the area; and
2. A school, a church, a park or any other institutional or community service use intended to serve people who do not work or reside in the area.

Analysis: The areas added to the UGB which are subject to this title are zoned County FU-10 which is a holding zone that prevents urbanization prior to concept plan adoption, and does not allow land uses A, B or C described above. None of the lands added to the UGB are considered

RSIAs, although they are considered important to the local employment and industrial land capacity of Oregon City.

The City finds this requirement is satisfied.

VI. CONCLUSION

The City finds that Beavercreek Road Concept Plan and appendices meets the requirements of the Statewide Land Use Goals, Metro Title 11, Metro Title 4, as well as the applicable Comprehensive Plan criteria.

_____ _____

DAN HOLLADAY, Mayor Date

Attested to this ___ day of ____ 20015

_____

KATTIE RIGGS, City Recorder

From:	Buehrig, Karen
To:	"pauloedgar@g.com"
Cc:	Andrew Cotugno - Metro; Bernard, Jim; BCCMail; Comer, Catherine; CRAIG Elizabeth * ODOT; Deborah Hart Redman - Metro Transportation Planner; Elizabeth Graser-Lindsey - Beavercreek; Ellen Rogalin - Clackamas Trans; Ethan Seltzer - PSU Urban Planning; GARRETT Matthew L * ODOT; James B. Cox - ODOT Major Projects; Jeff Graham - FHWA; Ludlow, John; Cartasegna, Mary Jo; Metro Council President Tom Hughes; Savas, Paul; Ray Valone - Metro Planning; Rep Bill Kennemer; REP Barton; Rep. Julie Parrish; Rian Windsheimer - ODOT; Senator Alan Olsen; Senator Chuck Thomsen - Hood River; Senator Peter Courtney; Senator Rod Monroe; Steve Schopp; Tootie Smith - CC Commissioner
Subject:	RE: Emailing - Agenda (7).pdf Beavercreek Road Concept Plan - How it can take the intersection of Hwy 213 and Beavercreek Road from LOS "F" to LOS "Z" and what that means
Date:	Monday, December 14, 2015 5:30:30 PM

Paul-

Thank you for your email. I did a little digging today, and this is what I found out.

1) Tonight, staff from Oregon City will be requesting a continuance of the Beavercreek Road Concept Plan discussion at the Planning Commission meeting. They are asking to move it to the January 11th meeting. They need more time to adequately address the issues brought up at the previous Planning Commission meeting, including concerns related to adequacy of the transportation system.

2) The City has met as recently as last week to talk with ODOT about the issue of the intersection of Hwy 213 and Beavercreek Road. The Oregon City Transportation Systems Plan acknowledged that this intersection failed to meet the mobility standard and that there was a need to work with its partners (ODOT and Clackamas County) on developing an alternative mobility standard. ODOT will be hopefully getting back to Oregon City with information on how that project can move forward.

3) Before significant development proposals and zone changes can be made, an new Alternative Mobility standard needs to be adopted.

It was very encouraging to hear that ODOT is looking at ways to move a project forward that will address mobility standards at this intersection. Clackamas County will be involved in this discussion and can bring forward your concerns about freight movement and economic development.

Sincerely,

Karen

Karen Buehrig
Transportation Planning Supervisor
Engineering Division, Clackamas County

150 Beavercreek Road
Oregon City, OR 97045
(503) 742-4683
karenb@co.clackamas.or.us

Department of Transportation and Development hours -
- 2nd and 3rd floor permit lobbies open Mon-Thurs 8a-4p and Fri 8a-3p.

-----Original Message-----

From: Paul Edgar [mailto:pauloedgar@q.com]
Sent: Sunday, December 13, 2015 12:30 PM
To: Buehrig, Karen
Cc: Andrew Cotugno - Metro; Bernard, Jim; BCCMail; Comer, Catherine; Comer, Catherine; CRAIG Elizabeth * ODOT; Deborah Hart Redman - Metro Transportation Planner; Elizabeth Graser-Lindsey - Beavercreek; Ellen Rogalin - Clackamas Trans; Ethan Seltzer - PSU Urban Planning; GARRETT Matthew L * ODOT; James B. Cox - ODOT Major Projects; Jeff Graham - FHWA; Ludlow, John; Cartasegna, Mary Jo; Metro Council President Tom Hughes; Savas, Paul; Ray Valone - Metro Planning; Rep Bill Kennemer; REP Barton; Rep. Julie Parrish; Rian Windsheimer - ODOT; Senator Alan Olsen; Senator Chuck Thomsen - Hood River; Senator Peter Courtney; Senator Rod Monroe; Steve Schopp; Tootie Smith - CC Commissioner
Subject: Emailing - Agenda (7).pdf Beavercreek Road Concept Plan - How it can take the intersection of Hwy 213 and Beavercreek Road from LOS "F" to LOS "Z" and what that means

Karen, there needs to be made a request for a continuance of this hearing process, by the City of Oregon City's to fast track the adoption
of their "Beavercreek Road Concept Plan". The justification for this
continuance request is because of inadequate and dated Transportation Studies and Understanding by Clackamas County, ODOT and Oregon City.

What is now being advanced can cause major damage to individuals, businesses and the environment in Clackamas County and subsequently have devastating effects on everyone's ability to create "Economic Development and new JOB's in a significant section of the county that has as its primary lifeline for travel and freight, Highway 213 and Beavercreek Road.

Critical in this is the intersection of Hwy 213 and Beavercreek Road, that has been identified at being at LOS "F" conditions right now.

We need adequate and responsible planning as to ascertain, the effects of what is being proposed zoning and development that will reduce the carry capacity of Hwy 213 and Beavercreek Road to below that of what it is right now at LOS "F" conditions.

Allowing for the creation of strategic Chock Points that can have permanent negative effects is in direct violation of the State of Oregon Planning Guideline and Goals.

This is not just an Oregon City issue it is a Regional, State of Oregon and Clackamas County issue too.

As member of the recent Clackamas County TSP Committee, we identified strategic Roads and Freight Routes and they are embodied in the Clackamas County Comprehensive Plan and TSP. There is on MAP 5-9a the identification of Urban Freight Routes. If this Hwy 213 and Beavercreek Road intersection is allowed to be taken to conditions of less then LOS "F" conditions, in reducing its carrying capacity to unacceptable levels, this will hurt the whole of Clackamas County economy and its ability create or retain JOB's, and that should not be allowed happen.

Without doing something, that is like saying to all people and industry that will be negatively effected by what is being proposed to happen, you don't care.

This Beavercreek Road Concept Plan was started 9-to 10--years ago. It has been in this long process, after it was approved with its appeal to LUBA and now we are faced with 6-to 10-year old data and requests to fast track this process with radically changing conditions in Transportation Needs and Urban Planning.

So read this, "Re-adoption of the Beavercreek Road Concept Plan" and request for a Continuance of (Planning File LE 15-03) at the City of Oregon Planning Commission Meeting, December 14, 2015.

My recommendation is that there is a need for a full fledged "Transportation Planning Study - Review on Hwy 213 and Beavercreek Road"
where we can at least have plans that reflect the current needs to provide for adequate Right-of-Way and Carry

Capacity for all modes of traffic, out over the next 30-years. We want economic development and JOB's, so lets figure this out.

Paul Edgar

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From: Buehrig, Karen
To: Pete Walter
Subject: FW: Beavercreek Road Concept Plan,letter to CC & ODOT
Date: Tuesday, December 22, 2015 9:18:01 AM
Attachments: Beavercreek Road Concept Plan,letter to CC & ODOT.pdf

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-----Original Message-----
From: Paul Edgar [mailto:pauloedgar@q.com]
Sent: Monday, December 21, 2015 12:25 PM
To: Buehrig, Karen; Rian Windsheimer - ODOT; Matthew L. Garrett; Ludlow, John; Savas, Paul
Subject: Beavercreek Road Concept Plan,letter to CC & ODOT

Please everyone we need a responsible Transportation Study of the State Highway 213 and Beavercreek Road Corridors, that will put accurate and quantified information in everyone's hand.

Just to remind everyone, the intersection of Hwy 213 and Beavercreek Road is at LOS F conditions right now.

Beavercreek Road is a Clackamas County Road and Highway 213 is a State Highway and they are both designated as strategic Freight Routes.

In a Oregon City Planning Commission meeting, one of the commissioners looked up and said, that it looks like we are about to approve taking the intersection (Beavercreek Road and Hwy 213) to LOS Z.

Without a plan, and with their re-classification of the intersection to Mixed Use Commercial, and the use of Volume over Capacity method, coupled with incremental planning approval within a piece meal approval process, Oregon City will be able to take this intersection to LOS Z.

That is what is happening!!

Paul Edgar

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December 21, 2015

To: State of Oregon, Department of Transportation, Region One Portland, OR. & Clackamas County, Oregon City, OR

From: Paul Edgar, Citizen – Past member of the Clackamas County Transportation Committee for the TSP, Oregon City, Oregon

Subject: Oregon City's Beavercreek Concept Plan and Development/Zoning and their impacts on State and Regional Transportation Systems i.e. State Hwy 213 & Beavercreek Road

Oregon's Statewide Planning Goals & Guidelines, GOAL 12: Transportation (OAR 660-015-0000(12), Guidelines, A. Planning: States,

1. **All current area-wide transportation studies and plans should be revised in coordination with local and regional comprehensive plans and submitted to local and regional agencies for review and approval.**

   Therefore:

   This has not occurred to where the Clackamas County has approved the Oregon City Beavercreek Concept Plan, through their Planning Commission, Transportation Department-Planning, and Oregon Department of Transportation (ODOT), Region One, in where Intergovernmental Agreements (IGA) have been issued confirming critical understandings, agreement and approval.

   Therefore:

   Until there are IGA's in hand, The City of Oregon City cannot proceed on the approval process of the Beavercreek Concept Plan, re-zoning in the affected area, issuance of building permits and/or any construction that has implications on increasing Transportation Type – New Trip Generation.

Therefore:

Clackamas County's Comprehensive Plan, reflected in their Urban Freight Routes, MAP 5-9a, where they identify State Hwy 213 and Beavercreek Road as strategic Urban Freight Routes, important to regional economies and the creation and retention of JOB's.

Therefore:

Any and all transportation considerations and TSP status changes that negatively impact "carrying capacity" with Regional and State Wide implications in increasing other areas in their cost of doing businesses and abilities that negatively affect their economic health cannot be allowed or permitted without an IGA in hand from all affected entities.

Therefore:

Any Transportation Implications that might arise from Oregon City's Beavercreek Concept Plan, zoning and issuance of building permits and construction in the area must be compliance with the Clackamas County Comprehensive Plan, MAP 5-11e, Southwest County – Northern Portion, Capital Improvement Plan, with an IGA of approval, or therefore must stop. This is to prevent construction and building of anything that is in conflict with this Comprehensive Plan. Beavercreek Road has been identified as a strategic Freight Route and additionally it has been identified as part of Multi-Use Path network, in its 20-Year Capital Improvement Projects out to Beavercreek Hamlet/CPO. Needed Right of Way (ROW) must be allocated for within any plans, zoning, building permits and construction.

6. Plans providing for a transportation system should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

Therefore:

Currently the intersection of State Hwy 213 and Beavercreek Road are at and exceed the "Carrying Capacity" of this intersection using the State approved methods to determine/measure carrying capacity by a "Level of Service" (LOS) determination , where a measurement this Hwy 213 & Beavercreek Road intersection currently reflects a LOS "F" Failing Status.

Therefore:

Before The City of Oregon City, can advance the Beavercreek Road Concept Plan, any zoning changes, building permits and construction for the area that have and create any change to any and all transportation trip generation in and through the affected area, there must be IGA's in hand from all affected entities and governments, to allow those actions.

Therefore:

A complete Transportation Study with current updated understandings needs to happen, before advancing and approval of the Beavercreek Concept Plan, in addition to any zoning changes, building permits, construction activity that can alter Transportation Trips Generation within the affected area of the Beavercreek Concept Plan.

Therefore:

All Transportation Implications of the new Beavercreek Road Enterprise Zone must be identified and quantified in how they affect Beavercreek Road and the critical intersection of State Hwy 213 & Beavercreek Road.

Therefore:

The funding implications of how to achieve needed improvements in "carrying capacity" must be identified and to be in agreement with achieving what is in and implied as possible, within the Beavercreek Concept Plan. Any proposed new zoning changes, building permits and

construction activities that can change negatively Transportation Trip Generation to where this exceeds the current LOS “F” conditions, must be stopped until needed IGA’s are received, in hand in Oregon City.

Kate Brown, Governor

Department of Transportation
Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8531

December 28, 2015

Oregon City Planning Commission
City of Oregon City
625 Center Street
Oregon City, OR 97045

Subject: **Beavercreek Road Concept Plan Re-Adoption** (File LE-15-0003)

Dear Chair Kidwell and Planning Commission Members:

The Oregon Department of Transportation has no objection to the re-adoption of the Beavercreek Road Concept Plan based on the staff findings. We have participated throughout the plan development including helping to fund the development of the Beavercreek Road Concept Plan through a Transportation Growth Management grant.

The city staff finding that more intensive urban development will be allowed within the Beavercreek Road Concept Plan area only after the implementing zoning classifications are created and applied to the City's Zoning Map satisfies ODOT. The determination of whether the (future) urban zones will have a significantly effect on the transportation system set forth by Oregon Administrative Rule 660-012-0060 will be made at a future date.

The city staff also finds that they will not be applying the (future) urban zones until alternative mobility targets are adopted for OR213/Beavercreek Road intersection. This option is consistent with Oregon Highway Plan, Action 1F3.

We look forward to working with the City of Oregon City in our continued partnership.

Sincerely,

Jon Makler, AICP
Planning Manager, ODOT Region 1

c: Pete Walter, City of Oregon City
Gail Curtis, ODOT Region 1

SOUTH FORK WATER BOARD
Combined Water Operations of Oregon City and West Linn, Oregon
15962 S. Hunter Avenue
Oregon City, OR 97045
Business Office: (503) 657-6581 Fax: (503) 656-9336
Filter Plant: (503) 657-5030

December 28, 2015

Pete Walter, AICP, Associate Planner
City of Oregon City, Community Development Department
Planning Division
221 Molalla Ave, Ste. 200
Oregon City, OR 97045

Mr. Walter,

In response to your request for verification that the South Fork Water Board will be able to provide water service to an additional 1000 residential units and approximately 127 acres of light industrial in the Beavercreek Creek Road area, I am pleased to provide the following assurance:

The South Fork Water Board's ability to service the proposed build-out in the Beavercreek Road concept plan will have little to no impact on the overall demand on the Board's water treatment system. Currently the South Fork Water Boards holds in excess of 52 million gallons per day (MGD) in water rights on the Clackamas River. To date, our peak demand has been approximately 22 MGD. The raw water intake on the Clackamas River already has the capacity to withdraw our full 52 MGD.

The South Fork Water Board 2010 Water Master Plan Update calls for capital improvements to ensure the entire treatment system is able to handle this flow as demand increases. This Water Master Plan is currently in the process of being updated with a new 20-year planning horizon and will include growth projections from both Oregon City and West Linn ensuring an adequate supply of domestic water for both cities. Additionally, a 20-year Concept Development Plan to upgrade South Fork facilities to accommodate increased demand was approved by the City of Oregon City on March 14, 2011.

Taken together, these planning documents guarantee the South Fork Water Board will have the ability to expand infrastructure to meet projected growth in our service area.

Respectfully,

John Collins
General Manager

Oregon City Planning Commission
Meeting of December 14th, 2015

Testimony of Christine Kosinski, Unincorporated Clackamas County

RE: File LE 15-003 Re-Adoption of The Beavercreek Road Concept Plan
Failure to meet State Goal 7
Failure to meet State Goals 4, 5, 17, and 18
ORS 105.465 – Real Estate Disclosure Law
Joint Interim Task Force on Landslides and Public Safety Report, October of 1998
SB 1211 Regulations

In my previous testimony to you of November 23rd, 2015, I listed many reasons why this City cannot consider approval of this Concept Plan. I requested in my testimony to keep the hearings open to allow the Planning Commission the time it would need to research and validate the fact that homeowners in the Holly Ln neighborhood are unable to obtain Landslide Insurance to cover losses should an event occur. I continued by stating, that the City and County must go to the State and Federal Government to write legislation for Hazard/Landslide/Earthquake Insurance to cover all Oregon citizens living in areas of Steep Slopes/Landslides/and other hazardous areas. I further stated that it is the responsibility of the City to support ORS 105.465 and that all prospective buyers of homes and/or property in landslide areas be made aware that their property lies within a landslide zone and that they will be unable to obtain landslide insurance for any losses due to landslide. This is not being done by either the City nor the developer **and is against State Laws.** ORS 105.465 will apply to all property owners within the Beavercreek Road Concept Plan as most of their properties will lie within one mile of a previous landslide (Lloyd's of London will deny if property is within one mile of landslide).

I would like to direct the Planning Commission to the "Joint Interim Task Force on Landslides and Public Safety Report from October of 1998" (found on the internet). In the last paragraph on Pg. 9, it is stated "Oregon's statewide land use planning goals are implemented through local comprehensive planning, State law requires each city and county to have a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect. These local comprehensive plans must be consistent with statewide planning goals." On Pg.10, paragraph 3, it is further stated that "Because Oregon's Statewide Land Use Planning Goals address development in hazardous areas, land planning was a key issue before the Task Force." Consistent with its mission, the committee reviewed Oregon's statewide planning goals and determined that five of the nineteen goals relate to its work plan. The goals are **Goal 4, Goal 5, Goal 7, Goal 17 and Goal 18.**

I now refer you to the City's Comprehensive Plan, Pg. 52 under Landslides, it is stated "landslides can be exacerbated by undercutting a slope or triggered by heavy rains, groundshaking from earthquakes and **heavy traffic**, undercutting the lower edge of a slope, cuts in road construction. Areas most susceptible to landslides in Oregon City are those with slopes of greater than 25%.

First, I again ask the City to change its Landslide Regulations to regulate slopes of **15% or greater** as recommended by a Geological Consultant in 2007. A reminder that Holly Ln landslides occurred on only 11% slope and the Street of Dreams slides occurred on only 5% or less slopes.

Kosinski
12/14/15
Exhibit 1

I now ask you why would the City even consider approval of the BRCP in its present form? You can't meet requirements of the above State Goals, you openly admit that **Groundshaking and Heavy Traffic** can exacerbate the re-activation of Landslides, and furthermore, I have recently turned into the City ***"A denial for Landslide Insurance"*** that my husband and I received this past October. In addition, I turned proof into the City that Lloyd's of London (the only underwriter of Landslide Insurance in the World) will not write Landslide Insurance for anyone living within one mile of a previous landslide. That means that every homeowner on Holly Ln, Maplelane, Thayer Rd, Morton Rd, Donovan, Holly Crest, Redland Road, Park Place and all property owners within the Beavercreek Road Concept Plan, virtually none of these homeowners will be able to get landslide insurance, **In view of this information, WHY WOULD OREGON CITY EVEN CONSIDER APPROVAL FOR THE BEAVERCREEK ROAD CONCEPT PLAN WHEN APPROVAL GOES AGAINST MANY STATE GOALS?**

In 2010, the people of Holly Ln filled your chambers "begging you" to take Holly Ln out of your TSP, telling you "we cannot get landslide insurance," and then asking you "if you re-activate landslides on Holly Ln when you try to widen, excavate and cut into the slopes, will you, the City, pay for our losses knowing we have NO insurance?" You gave us NO answer. We have asked you this same question on numerous occasions, again with NO answer from the City. You are giving us no answer because you know the City is wrong in taking over a County road that is filled with fragile landslides and sinkholes.

What you are attempting to do goes against all State Goals, goals that the State has told you must be aligned with the State in your comprehensive plan.

I ask you again, for all the people of Holly Ln, take Holly Ln out of your TSP for all the above reasons, but for the most important reason, and that is, "for the safety of the people and their property."

I understand that the City needs a way to bring traffic from the hilltop down to the I-205 transportation corridor, however, we the people, have been trying to tell you for more than ten years that Holly Ln and all the streets in this area of Clackamas County are dangerous. This is "landslide city" and is an area that should be avoided and protected from heavy development. Your plans to make Holly Ln a "literal freeway" that would carry upwards of 50,000 ADT's per day and more are ill conceived. These plans were all about Profit and Greed at the expense of the poor citizen who can't even get insurance to cover losses should a landslide strike their property. I can't think of anything worse than to have government and developers profit while allowing the poor property owner to take all the losses.

For all these reasons I cannot support approving the Beavercreek Concept Plan. I encourage the City to seek a Transportation Plan for this region that will allow development on the hilltop with a proven road system to support the industrial, retail and residential plans for the hilltop area, however, know that I will never support any plans for development that will take advantage of the property owner, many of these are voters that look to you for leadership, for truth and honesty, and only this is what I will support.

GARVEY SCHUBERT BARER

MEMORANDUM

TO: Oregon City Planning Commissioners

FROM: Carrie Richter, Deputy City Attorney

DATE: November 20, 2015

RE: Beavercreek Road Concept Plan Summary

A number of Planning Commissioners have asked for a quick outline of LUBA's decision and how staff is recommending that the City respond to LUBA's decision. This memorandum is intended to provide a summary of the arguments made by petitioner Graser-Lindsey, the City's response and how the findings respond to LUBA's decision.

In the LUBA case, the petitioner raised three assignments of error. The first addressed the amount of industrial lands in the plan, the second with utility and natural resource issues and the third with the process for adoption. LUBA did not reach several of the arguments, finding that the concept plan did not designate sufficient industrial lands to meet a Metro requirements. A copy of LUBA's decision is attached for your reference.

Applicable Standards

Before turning the petitioner's arguments, it is important to identify the standards that the City must meet in adopting a concept plan. The BRCP is an amendment to the City's comprehensive plan and, when the City amends its plan, it must make findings that the amendments are consistent with the statewide planning goals, Metro code requirements and the City's existing Comprehensive Plan - including any ancillary transportation and utility master plans. In addition to those requirements, when Metro amended the UGB bringing rural land into the urban area, the City was also obligated to plan those areas consistently with Metro's Urban Growth Management Functional Plan Title 11. Part of Title 11 planning requires compliance with the Regionally Significant Industrial, Industrial or Employment design types, set forth in Metro's UGMFP Title 4.

LUBA's Decision & Title 4 Industrial Lands

When LUBA reviewed the BRCP, the Metro Title 4 map identified 308 acres with an Industrial design concept and the Beavercreek Road Concept Plan designated only 121 net acres - the North Employment Campus - for industrial uses. LUBA found that the City failed to designate sufficient industrial lands to comply with the Title 4 design type requirements.

After LUBA's decision, the City Commission decided not to revise the BRCP to designate more industrial land. Instead, in 2010, as part of adopting a new regional population and employment range forecast, Metro found that the identified deficiency in industrial lands would be remedied

by including additional lands for industrial uses north of the City of Hillsboro. Metro went on to identify a shortage in residential lands that justified reducing the amount of Title 4 designated industrial lands within the City of Oregon City to 220.41 gross acres that is estimated to yield approximately 123 acres for industrial uses. As a result of Metro's Title 4 map amendment, the BRCP, as adopted in 2010, now complies with Metro's Title 4 land designations.

Transportation and Utility Plans

In addition, to the industrial land issue, the petitioner challenged the adequacy of the City's findings in the inventory of infrastructure demands. The challenges included challenges to the financing approaches for transportation, parks, police, fire and sold waste, and schools and whether serving the Beavercreek area would impact services and costs on the city as a whole.

When the BRCP was originally adopted, it was evaluated against transportation and other utility plans in place at that time, which did not contemplate development demands in the areas covered by the BRCP. As a result, the BRCP attempted to analyze those impacts in the first instance but because LUBA did not weigh in on those issues, we do not know if those findings were adequate.

Since that time, the City has adopted new transportation system, water, sewer master plans as well as new low impact development stormwater standards. These utility master plans assumed development at the levels set out in the BRCP and included updated lists of projects and costs necessary to serve the BRCP area. As a result, these master plans more fully flesh out service demand, their costs, and explain how utilities will be funded so as not to increase costs to existing City residents.

The findings for the BRCP have been revised to include consideration of these updated plans. Since the City decided to open the record to allow consideration of these new plans, it made sense to revisit the provision of parks, schools, police and fire adequacy issues as well.

Natural Resources and Landslides

The petitioner also argued that the City failed to adequately protect streams and wetlands as well as protect for natural hazards and landslides. As the draft findings provide, the City's natural resource and hazard overlay zone protections already in the City's code will be applicable to all development within the BRCP area responds to these issues.

Public Process

Finally, with regard to public process, the petitioner argued before LUBA that the hybrid BRCP put forward by the Citizen Involvement Committee (CIC) did not consider "community input [or] adequately reflect community desires." As pointed out in the findings, the CIC held multiple meetings to consider three different concept plans. The CIC voted to put forward the hybrid plan which was fully vetted by the Planning Commission and City Commission over numerous public hearings. Petitioner was given a full and fair opportunity to present oral and

written testimony during the previous proceedings and will have the same opportunity during the City's limited review of the record on remand.

Conclusion

It is important to remember that staff has not made any amendments to the Beavercreek Concept Plan document. Rather, the only revisions appear in the findings supporting the concept plan as originally drafted and with new, more current evidence addressing the Title 4 map issues, the utility and natural feature issues raised by the petitioner in the LUBA appeal.

We look forward to discussing this issue with you further during the hearing.

GSB:7394391.2

BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

ELIZABETH GRASER-LINDSEY,
Petitioner,

vs.

CITY OF OREGON CITY,
Respondent,

and

OREGON CITY GOLF CLUB,
Intervenor-Respondent.

LUBA No. 2008-170

FINAL OPINION
AND ORDER

Appeal from City of Oregon City.

Elizabeth Graser-Lindsey, Beavercreek, filed the petition for review and argued on her own behalf.

Carrie A. Richter, Portland, filed the response brief. Carrie A. Richter and Jennifer M. Bragar argued on behalf of respondent. With her on the brief were Edward J. Sullivan and Garvey Schubert Barer, PC.

Kelly S. Hossaini, Portland, represented intervenor-respondent.

HOLSTUN, Board Member; RYAN, Board Member, participated in the decision.

BASSHAM, Board Chair, did not participate in the decision.

REMANDED 08/20/2009

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

ENTERED INTO THE RECORD
DATE RECEIVED: 11/23/15
SUBMITTED BY: STAFF
SUBJECT: LE-15-0003
EXHIBIT A

Opinion by Holstun.

NATURE OF THE DECISION

Petitioner appeals a city ordinance that amends the city's comprehensive plan to adopt a concept plan for an area that was recently included within the Metro urban growth boundary (UGB).[1] The city has not yet amended its comprehensive plan and zoning maps to make them consistent with the concept plan. The city proposes to adopt those amendments separately.

MOTION TO FILE AN OVERLENGTH PETITION FOR REVIEW

Petitioner filed a petition for review that is 50 pages long. Under OAR 661-010-0030(2)(b), a petition for review may not exceed 50 pages unless LUBA gives permission to file a petition for review with more than 50 pages. Petitioner included five more pages of argument at the end of the petition for review, and requests permission to include those additional five pages in her petition for review.

If petitioner had focused her arguments and written more concisely she could easily have included the five pages of argument and her other arguments in a petition for review with fewer than 50 pages. Petitioner's request to include the additional five pages of argument in her petition for review is denied.

In opposing petitioner's request to file an overlength petition for review, the city moves to strike three appendicies (Appendicies C, F and G). According to the city those appendicies include calculations made by petitioner, and they should have been included in the 50-page petition for review rather than attached as an appendix to the petition for review.

---

[1] The Oregon City Comprehensive Plan (OCCP) explains:

> "Concept plans are land-use plans for areas of the city that have just been included in the Urban Growth Area. Before these areas can be zoned or subdivided, a concept plan must be completed and adopted by the City Commission and accepted by Metro. Concept plans require a detailed assessment of the area to determine the most appropriate intensity and type of land use, and when completed, are adopted as part of the comprehensive plan." OCCP 4.

Appendix F is simply a copy of a zoning map, and the city does not explain what is objectionable about that map. The city is correct, with regard to Appendix C and Appendix G that those appendices include material that is best viewed as additional argument that should have been included in the 50-page petition for review. However, Appendices C and G assist us in understanding the parties' arguments, and we therefore deny the city's motion to strike the three appendices.

MOTION TO FILE A REPLY BRIEF

Petitioner moves for permission to file a reply brief. The first part of the reply brief quibbles with some of the city's statement of facts. That part of the reply brief is not allowed. The balance of the reply brief is captioned "New Arguments." But that part of the reply brief is most fairly characterized as a mixture of responses to alleged new matters in the city's brief and embellishments of arguments that were already presented in the petition for review. Under OAR 661-010-0039, reply briefs are permitted to respond to new issues in the respondent's brief; reply briefs are not permitted to embellish upon arguments that were presented in the petition for review. *Wissusik v. Yamhill County*, 20 Or LUBA 246, 250 (1990). However, given the nature of the petition for review, it would be difficult to sort out embellishment arguments from responses to new matters in the respondent's brief. We decline to do so, and elect simply to allow the "New Arguments" portion of the reply brief.

FACTS

Metro amended the Metro UGB in 2002 to include 245 acres of land next to Oregon City. Metro amended the UGB again in 2004 to include 63 additional adjoining acres, for a total of 308 acres. Those 308 acres have been included on Metro's Employment and Industrial Lands Map, and have been designated for Industrial use. Sometime before those UGB amendments, Metro applied Employment or Outer Neighborhood map designations to

another 145 acres in the same general area.[2] Altogether, this area includes 453 acres designated Industrial, Employment or Outer Neighborhood. The city concept plan that is before us in this appeal applies to this 453-acre area. That concept plan calls for a 175-acre North Employment Campus to satisfy the city's planning obligations for the 308-acre Industrial area. The balance of the concept plan calls for a variety of mixed employment, commercial and residential development. According to petitioner, the concept plan is inconsistent with Metro's designation of the 308 acres for Industrial use, and is also inconsistent with city comprehensive plan policies that encourage industrial development.

INTRODUCTION

The primary issue in this appeal is whether the challenged concept plan is consistent with Metro's regional planning for the subject property. Specifically, the dispute centers on the legal effect of Metro's decision to include 308 acres of property in the urban growth boundary and to designate those acres for industrial use. As briefed, this appeal is exceedingly complicated. Resolution of this appeal, in large part, requires us to resolve the parties' differing views regarding the correct interpretation of Titles 4 and 11 of Metro's Urban Growth Management Functional Plan (UGMFP), which is codified at Metro Code (MC) Chapter 3.07. Our review and resolution of those arguments has been difficult, because those Titles of MC Chapter 3.07 are ambiguous, and Metro is not a party to this appeal and has not filed a brief.

A basic understanding of the relevant Metro regional planning framework is necessary to sort out the parties' arguments. We discuss key sections of the MC before turning to the parties' arguments.

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[2] We discuss these Metro map designations further later in this opinion.

A. Metro 2040 Growth Concept Design Types

The UGMFP (Metro Code Chapter 3.07) sets out how cities and counties are to incorporate regional planning into their local comprehensive planning. The UGMFP explains:

> "The regional policies which are adopted by this [UGMFP] recommend and require changes to city and county comprehensive plans and implementing ordinances. The purpose of this functional plan is to implement regional goals and objectives adopted by the Metro Council as the Regional Urban Growth Goals and Objectives (RUGGO), including the Metro 2040 Growth Concept and the Regional Framework Plan. The comprehensive plan changes and related actions, including implementing regulations, required by this functional plan as a component of the Regional Framework Plan, shall be complied with by cities and counties as required by Section 5(e)(2) of the Metro Charter." MC 3.07.010.

Metro's 2040 Growth Concept is made up of a number of components, called "design types," which are applied to properties within the Metro region. The UGMFP requires that City and County comprehensive planning for property within the city or county must be amended to make that planning consistent with the Metro 2040 Growth Concept design types (hereafter design types) that have been applied to that property. MC 3.07.130.[3]

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[3] MC 3.07.130 provides:

> "For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map or on maps adopted by ordinances adding territory to the UGB:
>
> "Central City--Downtown Portland is the Central City which serves as the major regional center, an employment and cultural center for the metropolitan area.
>
> "Regional Centers--Seven regional centers will become the focus of compact development, redevelopment and high-quality transit service and multimodal street networks.
>
> "Station Communities--Nodes of development centered approximately one-half mile around a light rail or high capacity transit station that feature a high-quality pedestrian environment.
>
> "Town Centers--Local retail and services will be provided in town centers with compact development and transit service.
>
> "Main Streets--Neighborhoods will be served by main streets with retail and service developments served by transit.

B. UGMFP Title 11—Planning for New Urban Areas

When Metro amends the UGB to bring rural land into the urban area, additional local planning must be done because the formerly rural land becomes urbanizable land that is available for urban development. UGMFP Title 11 (MC 3.07.1105 through MC 3.07.1140) sets out local government planning requirements for new urban areas. In this opinion we refer to this planning as Title 11 planning. MC 3.07.1120 sets out specific requirements for planning for areas that Metro brings within the UGB. Under MC 3.07.1120, that planning must, among other things, be "consistent with the requirements of all applicable titles of the Metro Urban Growth Management Functional Plan" and be in "compliance with * * * the Metro Council adopted 2040 Growth Concept design types."[4] Under MC 3.07.1120(A), a

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"Corridors--Along good quality transit lines, corridors feature a high-quality pedestrian environment, convenient access to transit, and somewhat higher than current densities.

"Employment Areas--Various types of employment and some residential development are encouraged in employment areas with limited commercial uses.

"Industrial Areas--Industrial areas are set aside primarily for industrial activities with limited supporting uses.

"Regionally Significant Industrial Areas--Industrial areas with site characteristics that are relatively rare in the region that render them especially suitable for industrial use.

"Inner Neighborhoods--Residential areas accessible to jobs and neighborhood businesses with smaller lot sizes are inner neighborhoods.

"Outer Neighborhoods--Residential neighborhoods farther away from large employment centers with larger lot sizes and lower densities are outer neighborhoods."

[4] As relevant, MC 3.07.1120 provides:

"All territory added to the UGB as either a major amendment or a legislative amendment pursuant to Metro Code Chapter 3.01 shall be subject to adopted comprehensive plan provisions *consistent with the requirements of all applicable titles of the Metro Urban Growth Management Functional Plan* and in particular this Title 11. The comprehensive plan provisions shall be fully coordinated with all other applicable plans. The comprehensive plan provisions shall contain an urban growth plan diagram and policies that demonstrate compliance with the RUGGO, *including the Metro Council adopted 2040 Growth Concept design types*. Comprehensive plan amendments shall include:

local government's comprehensive plan map designations must be consistent with the "general boundaries of design type designations." Under MC 3.07.1120(F), local government comprehensive plans must provide "for sufficient commercial and industrial development for the needs of the area to be developed consistent with 2040 Growth Concept design types."[5]

C. UGMFP Title 4—Planning for Industrial and Employment Areas

For areas that are subject to the Regionally Significant Industrial, Industrial or Employment design types, UGMFP Title 4 (MC 3.07.410 through MC 3.07.450) imposes additional planning requirements to protect these areas and encourage industrial development that benefits from clustering and freedom from potentially incompatible non-industrial uses.[6] In this opinion we sometimes refer to these planning requirements as Title 4 requirements or Title 4 planning. Within areas subject to the Industrial design type, non-industrial

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> "A. Specific plan designation boundaries derived from the general boundaries of design type designations assigned by the Council in the ordinance adding the territory to the UGB.
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> "* * * * *
>
> "F. Provision for sufficient commercial and industrial development for the needs of the area to be developed consistent with 2040 Growth Concept design types. Commercial and industrial designations in nearby areas inside the Urban Growth Boundary shall be considered in comprehensive plans to maintain design type consistency.
>
> "* * * * *." (Emphasis added.)

[5] Other subsections of MC 3.07.1120 impose requirements to plan for housing, transportation, areas to be protected from development, public facilities, and schools. MC 3.07.1120 requires that local governments adopt an urban growth diagram that displays the general location of "streets," "unbuildable lands," "Habitat Conservation Areas," "mixed use areas, commercial and industrial lands," "single and multi-family housing," "public open space, plazas and neighborhood centers," and "needed school, park or fire hall sites."

[6] MC 3.07.410 describes the purpose and intent of Title 4:

> "The Regional Framework Plan calls for a strong economic climate. To improve the region's economic climate, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of 'clustering' to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. * * *"

development must be limited to commercial uses that "serve primarily the needs of workers in the [industrial] area." MC 3.07.430.[7] Non-industrial development is also strictly limited in areas subject to the Employment design type. MC 3.07.440.[8]

For purposes of this appeal, the UGMFP Title 4 requirements that are set out in the subsections of MC 3.07.450 supply important context. Those subsections explain how Metro allows local governments to deviate from the Employment and Industrial Areas Map and maintains consistency between the Employment and Industrial Areas Map and local comprehensive planning. We have attached the complete text of MC 3.07.450 as an appendix to this opinion. We discuss the key subsections of MC 3.07.450 below.

1. MC 3.07.450(A) Employment and Industrial Areas Map

MC 3.07.450(A) provides that the Employment and Industrial Areas Map (the E&IAs Map) "is the official depiction of the boundaries of Regionally Significant Industrial Areas, Industrial Areas, and Employment Areas."

2. MC 3.07.450(B) – Conforming E&IAs Map Changes After Title 11 Planning

After initial Title 11 planning has been completed, MC 3.07.450(B) requires the Metro Chief Operating Officer to conform the E&IAs Map to the comprehensive plan map

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[7] MC 3.07.430 provides in part:

> "Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for retail commercial uses - such as stores and restaurants - and retail and professional services that cater to daily customers – such as financial, insurance, real estate, legal, medical and dental offices – in order to ensure that they serve primarily the needs of workers in the area. * * *"

[8] None of the subject property is designated Regionally Significant Industrial Area, but as we have already noted, the 308 acres that were added to the UGB in 2002 and 2004 carry the Industrial design type and the Employment design type was applied to other property in the concept plan area sometime before 2002. The limits imposed on commercial uses on lands subject to the Industrial and Employment design types by MC 3.07.430 and 3.07.440 are fairly detailed and are more stringent for the Industrial design type than for the Employment design type. For purposes of this appeal the precise details of these limits on commercial uses are not important. In both cases, the limits are designed to ensure that any commercial development is appropriate for serving employees in the Industrial and Employment areas, rather than the general public.

boundaries that are established by local governments in their Title 11 planning. *See* Appendix.

3. MC 3.07.450(C) – Small Changes in Local Government Planning for Industrial and Employment Areas to Allow Non-Title 4 Uses

MC 3.07.450(C) authorizes cities and counties to change their comprehensive planning for areas that are subject to Title 4, to allow non-industrial uses that would not otherwise be allowed by Title 4. However, for land that is subject to the Industrial design type, the area affected may not exceed 20 acres and additional restrictions apply to such amendments. *See* Appendix. We will refer to these changes as "small changes," to distinguish them from the "large changes," authorized by MC 3.07.450(H), which is discussed below.

The decision that is before us in this appeal is the city's initial Title 11 planning for the 453-acre concept plan area. We note here that a key question is whether the requirements of MC 3.07.450(C) and the other subsections of MC 3.07.450 that follow MC 3.07.450(C) apply to the city's initial Title 11 planning or only apply to comprehensive plan amendments that may be adopted after the initial Title 11 planning has been completed. If they do apply to Title 11 planning, they significantly constrain a local government's authority to deviate from the requirements of Metro's design types when conducting Title 11 planning. If they do not apply to initial Title 11 planning, they do not constrain Title 11 planning and only severely constrain a local government's authority to deviate from Metro's design types *after* Title 11 planning has been completed. We return to that question after we summarize the remaining key MC 3.07.450 subsections.

4. MC 3.07.450(D) – Unbuildable and Previously Developed Lands

MC 3.07.450(D) authorizes local governments to amend their comprehensive plans and land use regulations to allow land that is subject to Title 4 to be put to uses that are not allowed by Title 4, if the "entire property is not buildable." Additionally, under MC

3.07.450(D), land may be put to uses that are not allowed by Title 4 if the property was previously developed and the property as developed meets a specified improvement value to land value ratio.

5. MC 3.07.450(E) – Conforming E&IA Map Changes After Small Changes in Local Planning for Title 4 Land Under MC 3.07.450(C)

If a local government takes advantage of MC 3.07.450(C) to make one of the permitted small changes in planning for Title 4 lands, MC 3.07.450(E) directs the Metro Chief Operating Officer to conform the Metro E&IAs Map to the changed local planning after the deadline for appealing the small change amendment to LUBA expires or after the small change amendment is upheld if appealed to LUBA. We do not know why MC 3.07.450(E) does not also require conforming changes to the E&IAs Map following local mapping changes under subsection D of MC 3.07.450. Our guess is that omission was simply an oversight.

6. MC 3.07.450(F) – Suspension of MC 3.07.450(C) "Small" Amendments

MC 3.07.450(F) provides that the Metro Council may suspend operation of MC 3.07.450(C), if the cumulative local government small changes authorized by that subsection have exhausted the 20-year industrial land surplus. MC 3.07.450(F) appears to have been adopted to allow the Metro Council to suspend the authority for small changes under MC 3.07.450(C), if those changes would cause the regional vacant industrial land supply to fall below a 20-year supply.

7. MC 3.07.450(G) Metro Council May Amend the E&IAs Map At Any Time

The Metro Council may amend the E&IAs Map at any time "to better achieve the policies of the Regional Framework Plan."

8. MC 3.07.450(H) – Large Changes in Local Government Planning for Industrial and Employment Areas to Allow Non-Title 4 Uses

MC 3.07.450(H) authorizes the Metro Council to amend the E&IAs Map to permit local governments to adopt "large changes" that exceed the size limit imposed by MC 3.07.450(C), if certain criteria that are designed to ensure the continued adequacy of the industrial and employment land supply are satisfied.

D. Summary

Title 4 is not ambiguous in how it applies to comprehensive plan amendments after Title 11 planning is complete. As to post-Title 11 planning, Title 4 clearly grants local governments very limited authority to amend their comprehensive plans to allow non-industrial and non-employment uses on lands that carry the Industrial and Employment design type. Small changes (up to 20 acres) are authorized by MC 3.07.450(C) for property subject to the Industrial design type, provided that the criteria in MC 3.07.450(C) are met. MC 3.07.450(D) provides another limited exception for unbuildable land and land that is already developed. Finally, for larger properties that exceed the 20-acre size limit in MC 3.07.450(C)(6), MC 3.07.450(H) authorizes the Metro Council to amend the E&IA Map to allow non-industrial development if the criteria in MC 3.07.450(H) are met. Those criteria include standards designed to protect the quantity and quality of industrially designated lands. Beyond MC 3.07.450(C), MC 3.07.450(D) and MC 3.07.450(H), after a local government's Title 11 planning is complete, it appears that the only way a local government would be permitted to amend its comprehensive plan and land use regulations to authorize non-industrial use of lands that carry the Industrial design type, would be to request that the Metro Council first exercise its authority under MC 3.07.450(G) to apply a different design type that would allow planning and zoning such lands for non-industrial uses.

One of the questions that we must answer in resolving petitioner's first assignment of error, is whether MC 3.07.450(C) through (G) also apply during Title 11 planning when a

local government first applies its comprehensive planning to land that has been added to the UGB and designated Industrial and Employment by Metro.

FIRST ASSIGNMENT OF ERROR

Petitioner's first assignment of error is 29 pages long and very difficult to follow in places. A recurring theme under the first assignment of error is that the city is obligated under MC 3.07.1120 and other laws to ensure that its Title 11 planning for the entire 308 acres that carry the Industrial design type complies with MC 3.07.430.[9] Many of the authorities petitioner cites in her argument under the first assignment of error appear to have little or nothing to do with petitioner's central theme. We have simplified petitioner's arguments under the first assignment of error and delve no more deeply into the facts than is necessary to resolve this assignment of error.

MC 3.07.1120 requires that the city's Title 11 planning must "demonstrate compliance with * * * the Metro Council adopted 2040 Growth Concept design types." *See* n 4. MC 3.07.1120 also requires that such local planning must be "consistent with the requirements of all applicable titles of the [UGMFP]." *Id.* We do not understand the city to dispute that MC 3.07.430 requires that its Title 11 planning for the 453-acre concept plan area must protect the parts of that area that will ultimately retain the Industrial design type. We understand the city to concede that for those parts of the 453-acre concept planning area, the city must limit non-industrial uses to commercial uses that "serve primarily the needs of workers in the [industrial] area." *See* n 7.

On the other hand, we do not understand petitioner to dispute that the 175 acres that make up the North Employment Campus have been planned for industrial uses, in accordance with MC 3.07.430.[10] Petition for Review 6. Petitioner's dispute is with the

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[9] As we have already explained, MC 3.07.430 only allows very limited non-industrial use of land that carries Metro's Industrial design type.

[10] As we explain later, those 175 acres include approximately 120 acres that are buildable.

Industrially designated lands to the south of the North Employment Campus. Petitioner contends that those Industrially designated lands have been planned for uses that do not comply with MC 3.07.430.[11] We understand the city to concede that those lands have not been planned for industrial uses in accordance with MC 3.07.430. Respondent's Brief 6. But the city contends that it was not obligated by MC 3.07.1120 or 3.07.430 or any of the many other laws cited by petitioner, to plan all 308 acres that carry the Industrial design type in accordance with 3.07.430.[12]

A. The City's Preliminary Arguments

The city offers two arguments that, if meritorious, would require that we deny the first assignment of error. We address those arguments first.

1. MC 3.07.430 Applies Exclusively to Land Use Regulations

As we noted earlier in this opinion, the challenged ordinance amends the city's comprehensive plan to adopt the concept plan. The city chose not to adopt contemporaneous amendments to its land use regulations that will be needed to implement the concept plan. Because the city's land use regulations will not be amended until a future date, we understand the city to argue that MC 3.07.430 does not apply.

We reject the argument. It is true that MC 3.07.430 directs that local governments must "review their land use regulations and revise them, if necessary, to include measures to limit new buildings for retail commercial uses * * *." *See* n 7. But the direction in MC 3.07.430 is broad enough to require that local governments also adopt any conforming comprehensive plan amendments that might be necessary to allow the local government to adopt revised land use regulations that are consistent with Title 4 and remain consistent with

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[11] Determining the precise number of acres is not easy, but it appears clear that more than half of the 308 acres that carry the Industrial design type have not been planned in accordance with MC 3.07.430.

[12] The city states "the mixed use and employment areas are not required (and were never intended) to qualify as industrial areas protected by MC 3.07.430." Respondent's Brief 9.

the local government's comprehensive plan. We conclude that the city may not adopt a concept plan for lands that are subject to MC 3.07.430, as part of its comprehensive plan, if that concept plan would allow uses that are inconsistent with MC 3.07.430.

2. Petitioner's Failure to Appeal Metro's Decision

MC 3.07.1130 requires that a local government give Metro 60 days prior notice before it adopts a comprehensive plan amendment. In addition, Title 8 of the UGMFP (MC 3.07.810 through MC 3.07.890) sets out a process by which Metro can review city and county comprehensive plans and land use regulations to determine whether they are consistent with the requirements of the UGMFP. Respondent suggests that Metro issued a decision that approved the city's proposal to plan many of the 308 acres for non-industrial uses. We understand respondent to argue that decision is final, and that LUBA must defer to that decision. Respondent's Brief 12-13.

We reject this argument as well. The process that Metro has adopted in Title 8 has some similarities to LCDC acknowledgment review under ORS 197.251, but it also has some differences. An important difference is that compliance review under Title 8 is initiated by the Metro Chief Operating Officer. MC 3.07.820. If the Metro Chief Operating Officer believes a proposed comprehensive plan amendment complies with Metro's functional plan, the Chief Operating Officer does nothing. Only if the Chief Operating Officer believes the proposed amendment "does not comply with the functional plan," is the Chief Operating Officer required to advise the local government of any revisions that may be necessary. MC 3.07.820(B).[13] If the Chief Operating Officer takes the position that the proposed

[13] MC 3.07.820(B) provides:

> "If the Chief Operating Officer concludes that the proposed amendment does not comply with the functional plan, the Chief Operating Officer shall advise the city or county that it may (1) revise the proposed amendment as recommended in the Chief Operating Officer's analysis; (2) seek an extension of time, pursuant to Section 3.07.850, to bring the proposed amendment into compliance with the functional plan; or (3) seek review of the noncompliance by MPAC and the Metro Council, pursuant to Sections 3.07.830 and 3.07.840."

amendment "does not comply with the functional plan," that decision is appealable and could ultimately result in a decision by the Metro Council regarding "compliance or noncompliance." MC 3.07.840(C). Such a Metro Council order is appealable to LUBA. MC 3.07.840(E). The Chief Operating Officer is also authorized to seek review of a proposed comprehensive plan amendment by the Metropolitan Policy Advisory Committee. MC 3.07.830(B). Such a review might also result in an appealable final order by the Metro Council under MC 3.07.840(C).

In this case, it appears that Metro never had any objections to the city's proposal. The city cites no evidence that any review that Metro may have conducted under MC 3.07.1130 or MC Chapter 3.07 Title 8 resulted in an appealable decision by the Metro Council under MC 3.07.840(C). The letter signed by the Metro President and the statements of a Metro planner that the city cites are certainly not appealable Metro Council orders under MC 3.07.840(C) and (D). Record 566, 691.

B. The City's Planning Obligation Concerning the 308 Industrially Designated Acres

In support of its position that it need not plan all 308 Industrially designated acres in accordance with MC 3.07.430, the city relies on (1) MC language that it believes gives the city the flexibility to plan those acres for non-industrial uses, (2) its findings that Metro only planned for the 308 acres to result in 120 buildable acres and (3) a city study that determines that Oregon City only needs approximately 150 buildable acres of land for industrial development in the concept plan area in the next 20 years. Although those arguments are interrelated, we discuss them separately below.

1. MC Text

The city contends that the text of the MC supports its view that the city has flexibility under the MC to designate some of the 308 Industrially designated acres for uses that are not allowed under Title 4. The city points out that MC 3.07.1120(A) only requires that the city's

comprehensive plan designation be "derived from the *general* boundaries of design type designations assigned by the Council in the ordinance adding the territory to the UGB." (Emphasis added.) *See* n 4.[14] We do not believe that any *flexibility* that the city has under the "general boundaries" language allows the city to designate a substantial portion of the 308 Industrially designated acres for non-industrial use, as the city has done here.

The city next cites MC 3.07.1120(F), which the city contends establishes that the quantity of land that must be planned in accordance with Title 4 is to be based on the "needs of the area." *See* n 4. The city contends there is evidence in the record that the needs of the area can be accommodated on approximately 150 acres.[15] The problem with that argument is that MC 3.07.1120(F) does not say the city need only consider the needs of the concept plan area or the needs of the city. The 308 acres are part of Metro's inventory of Industrial land to meet regional needs. We conclude below that there is not substantial evidence in the record to support a conclusion that the portions of the 308 acres that the city has planned for non-industrial development are not needed to meet the region's 20-year needs for industrial land.

The city also cites and relies on MC 3.07.030, which expressly provides that local governments are to have "flexibility" in how they go about meeting UGMFP requirements.[16]

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[14] Similarly, MC 3.07.130 directs that comprehensive plans must be "consistent with the *general* locations shown on the 2040 Growth Concept Map or on maps adopted by ordinance adding territory to the UGB." (Emphasis added.) *See* n 3.

[15] We address the city's reliance on that study to conclude that only 150 acres are needed for Industrial Development later in this opinion.

[16] MC 3.07.030 provides:

> "The Urban Growth Management Functional Plan is a regional functional plan which contains 'requirements' that are binding on cities and counties of the region as well as recommendations that are not binding. 'Shall' or other directive words are used with requirements. The words 'should' or 'may' are used with recommendations. In general, the plan is structured so that local jurisdictions may choose either performance standard requirements or prescriptive requirements. The intent of the requirements is to assure that cities and counties have a significant amount of flexibility as to how they meet requirements. Performance standards are included in most titles. If local jurisdictions demonstrate to Metro that they meet the performance standard, they have met that requirement of the title. Standard methods of compliance are also included in the plan to establish one very specific way that

But that flexibility is the flexibility to use performance standards rather than prescriptive requirements. MC 3.07.030 does not give the city the flexibility to simply plan Industrially designated land for non-industrial uses.

Perhaps the MC text that potentially lends the most support to the city's position is MC 3.07.450(B), which requires that "after completion of Title 11 planning by the responsible city or county, the Chief Operating Officer shall issue an order to conform the map to the boundaries established by the responsible city or county." *See* Appendix. MC 3.07.450(B) would not be necessary, unless local governments have some authority to deviate from the planning that is required by Metro's design types.

Petitioner suggests that MC 3.07.450(B) only envisions minor changes that may be necessitated by the small scale of Metro's mapping (less detailed mapping) and the larger scale of local government planning maps (more detailed mapping). It is hard to imagine what purpose would be served by those kinds of scale-reconciling amendments and we reject the argument. We do not believe the changes envisioned by MC 3.07.450(B) are limited to reconciling differences that can be attributed to the different scales of Metro and local government mapping. But our conclusion that the city has some authority to plan the 308 acres of Industrially designated lands for uses that are not allowed by Title 4 does not necessarily mean the city is free to plan significant portions of the land that carries the Industrial design type for whatever uses the city wishes or for whatever uses the city may determine there is a market.

As we indicated earlier in this opinion, there is a significant question in our mind whether MC 3.07.450(C) through (H), which under limited circumstances allow a city or county to amend its comprehensive plan and land use regulations to allow use of lands that are on the E&IAs map that would otherwise be prohibited by Title 4, also apply to the city's

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jurisdictions may meet a title requirement, but these standard methods are not the only way a city or county may show compliance. In addition, certain mandatory requirements that apply to all cities and counties are established by this functional plan."

initial Title 11 planning. It could be that the limited deviations authorized by those subsections of MC 3.07.450 are the same changes to which the Metro Chief Operating Officer is to conform Metro's mapping under MC 3.07.450(B). We understand the city to take the position that those subsections of MC 3.07.450 only apply *after* initial Title 11 planning has been completed and that those subsections of MC 3.07.450 do not apply to constrain the city's initial Title 11 planning.

MC 3.07.450(C) through (H) clearly apply to post-Title 11 plan and land use regulations amendments. It is much less clear whether they also apply to adoption of the city's initial Title 11 planning. Although we cannot think of a principled reason why MC 3.07.450(C) through (H) should *not* apply to Title 11 planning, based on the text and structure of MC 3.07.450 viewed as a whole we conclude that MC 3.07.450(C) through (H) do not apply to limit initial Title 11 planning. Those subsections of MC 3.07.450 appear immediately after 3.07.450(B), which requires the Metro Chief Operating Officer to conform Metro's mapping to local government initial Title 11 mapping. The language of MC 3.07.450(C) through (H) seems to be directed at post-Title 11 comprehensive plan amendments, and those subsections have their own separate subsection for conforming Metro's mapping to the plan amendments authorized by these subsections of MC 3.07.450. MC 3.07.450(E). *See* Appendix. To conclude that MC 3.07.450(C) through (H) apply to initial Title 11 planning would require us to overlook this text and structure. If Metro intended the limits in subsections (C), (D) and (H) of MC 3.07.450 to apply to initial Title 11 planning, Metro will need to amend the MC to more clearly state that intent.

In conclusion, we agree with the city that nothing cited by petitioner necessarily obligates a local government, in its Title 11 planning, to in all cases plan every Industrially designated acre in accordance with MC 3.07.430. MC 3.07.450(B) seems to anticipate that the city has some authority to plan at least some part of those 308 acres for uses that are not allowed by Title 4. But that does not mean the city is necessarily free to plan a substantial

number of those 308 acres for uses that are not permitted under MC 3.07.430, which is what the city has done here. We consider that question next.

2. Metro's Intent in Adding the 308 Acres and Designating Them for Industrial Uses

The North Employment Campus apparently includes a total of 175 gross acres and of those 175 gross acres 120 are net buildable acres. Those 120 acres have been planned in accordance with MC 3.07.430. The city takes the position that when Metro amended the UGB in 2002 and 2004 to add the disputed 308 acres to the UGB, and applied the Industrial design type to those 308 acres, it only anticipated or intended that 120 of those 308 acres would be put to industrial use in accordance with MC 3.07.430. If the record established that such is the case, we likely would agree with the city that it need not plan all 308 acres for Industrial use. But as we explain below, the record does not establish that such is the case.

The city adopted the following findings to explain its decision to only plan 127 acres in accordance with MC 3.07.430:

> "Metro brought 245 gross acres in the UGB in 2002 and an additional 63 acres were added in 2004. The remaining acreage was in the UGB and/or Oregon City limits prior to 2002. These areas (308 gross acres) are designated as the Industrial Design Type on Metro's 2040 Growth Concept Map. Given the expected net acreage once non-buildable areas such as power lines, natural areas, were removed from the buildable lands inventory, Metro intended 120 net acres of the concept plan area would be used for employment uses. Metro noted that it was important to fulfill the original intent for providing industrial lands and that there was flexibility for the local process to evaluate creative ways to meet the intent. See Metro's vacant lands methodology.[17] This approach was blessed by [the] Metro Council President, in a letter dated May 14, 2007 as well as [a] Metro planner * * * in a letter dated March 19, 2008.
>
> "The [Citizen Advisory Committee] created several alternatives and finally chose a hybrid that included about 127 net acres of North Employment Campus (NEC), which is consistent with Metro's intent and similar to Oregon City's existing Campus Industrial designation, about 29 acres of Mixed

[17] Apparently this is a reference to the Metro vacant lands methodology that we discuss below.

> Employment Village and Main Street, which allows a variety of uses in a village-oriented transit hub and mixed use neighborhoods to the south that also provide jobs tailored to the neighborhood setting.
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> "The North Employment Campus is to provide for the needed family wage employment that strengthens and diversifies the economy and will be compliant with Metro's Title 4 regulations. The NEC allows a mix of clean industries, offices serving industrial needs, light industrial uses, research and development and large corporate headquarters. The uses permitted are intended to improve the region's economic climate, promote sustainable and traded sector businesses, and protect the supply of site for employment by limiting incompatible uses." Record 18.

The first serious problem with the above findings is that they suggest that the 127 buildable acres that are designated Industrial and included in the North Employment Campus and planned consistently with MC 3.07.430 were derived from the 308 acres that Metro has designated for Industrial use. That is not the case. Approximately 46 of the North Employment Campus's 127 buildable acres came from the part of the 453-acre concept plan area that was previously designated Employment design type by Metro, before the 2002 and 2004 Industrial design type amendments. That means that only approximately 81 buildable acres in the North Employment Campus were derived from the 308 acres that carry the Industrial design concept.

Petitioner estimates that only 54.7 of the 127 acres mentioned in the city's findings coincide with the 308 acres that carry the Industrial design type. Petitioner may not have the acreages exactly right, but she is correct that a substantial number of the 127 buildable acres in the North Employment Campus come from Employment design type lands, not the 308 acres of Industrial design type land that were included in the UGB in 2002 and 2004. Therefore, even if the record established that it was Metro's intent that the 308 acres only result in 120 acres of buildable land to be developed in accordance with MC 3.07.430, the concept plan only plans about 81 of those 308 acres in accordance with MC 3.07.430.

A second and more serious problem with the above findings is that the record does not include substantial evidence that Metro intended that only 120 acres of the 308 acres be

planned for Industrial use in accordance with MC 3.07.430. The record includes statements made in 2007 and 2008 to that effect by the Metro Council President and a Metro planner. Record 566; 691. The record also includes two staff reports, in which a city planner takes the position that only 120 acres were intended for industrial use and that Metro intended that the city have the flexibility to plan the other acres for non-industrial uses. Record 644-45; 842-43. Finally, the record includes an e-mail message from a Metro planner with an attached five-step methodology that Metro uses for assessing buildable lands. Record 739-42. This five-step methodology, or one like it, seems to be the basis for Metro's and the city's position that Metro assumed at the time the UGB was amended in 2002 and 2004 that only 120 acres of the 308 acres would actually be developed for Industrial use in accordance with MC 3.07.430.

The statements by the Metro Council President and planner include no reference to the ordinances that added the 308 acres to the UGB and applied the Industrial designation or the findings in support of those ordinances that might support the statements. Those statements make no attempt to explain how the 120-acre figure was computed. We do not believe a reasonable person would rely on those undocumented statements to conclude that Metro intended that only 120 of the 308 acres be planned and developed in accordance with MC 3.07.430. *See Younger v. City of Portland,* 305 Or 346, 351-52, 752 P2d 262 (1988) (substantial evidence exists to support a finding of fact when the record, viewed as a whole, would permit a reasonable person to make that finding). For the same reason, the two city planner staff reports that rely on those letters are not substantial evidence that Metro intended that only 120 of the 308 acres it added to the UGB and designated for Industrial use be planned and developed in accordance with MC 3.07.430.

Metro's and the city's apparent belief that the five-step methodology for assessing vacant buildable lands supports a conclusion that only 120 acres of the 308 acres were anticipated to be actually developed for industrial uses is particularly hard to understand.

Under that methodology, vacant lands are identified (Step 1), environmentally constrained lands are eliminated (Step 2), steeply sloped areas are eliminated (Step 3), lands needed for "streets, parks, schools and churches/fraternal organizations" are eliminated (Step 4) and vacant lands on tax lots with higher value homes are eliminated (Step 5). If either Metro or the city actually applied that five-step methodology to the 308 acres and determined that only 120 acres of buildable land remained after Step 5 was completed, no one has identified where that exercise can be found in the record. Moreover, it seems highly unlikely to us that the mixed use residential and commercial development that the concept plan proposes for the large southern portion of the 308 acres is to be located on developed or constrained lands that would be eliminated by Steps 1 through 5. Petitioner contends that many of the Industrially designated acres in the southern part of the concept plan area that the concept plan designates for mixed commercial and residential uses are actually the flattest and best land for industrial development. The city's economic consultant appears to agree: "the south half of the property, flat and assembled, has no significant constraints on design and development." Record 1789-1790.

3. The ECONorthwest Market Analysis

The record includes a market analysis that was prepared by ECONorthwest. Record 1781-1808. The city argues that study "concluded that 150 acres of industrial and employment lands would be sufficient to meet the regional demand over a 20 year period. R. 1781 – 1808." Respondent's Brief 11. What the ECONorthwest market analysis actually concludes is that "[u]nder the right conditions, it is not unreasonable to expect 150 acres of industrial and business park development to build out on the site over a 20-year period." Record 1800. If the ECONorthwest market analysis concludes that only 150 of the 308 acres are needed to meet regional demand for industrial and other employment development we have been unable to find that conclusion in the market analysis. In fact, the ECONorthwest

analysis in several places states that the region currently does not have enough developable industrial land:

> "Metro's employment land needs analysis reports that about 9,300 net acres of industrial land is needed between 2002 and 2022. This includes about 3,000 acres of *'refill'* or existing developed land for future reuse, business intensification or relocation. Thus, about 6,300 net acres of *vacant* land is needed for industrial development between 2002 and 2022. Metro's analysis concludes that the region has a shortage of large and small industrial lots and has a significant shortfall of about 5,700 net acres of *both* refill and vacant land through 2022.
>
> "Considering the amount of immediately developable land industrial land—2,100 net acres—the *vacant* shortfall is about 4,200 net acres through 2022. With absorption at about 200 acres of industrial land per year, the existing supply of immediately developable net acres could be exhausted between 2012 and 2015. Record 1791 (emphases in original; footnotes omitted).

Although the ECONorthwest study may be substantial evidence that market demand for industrial land in Oregon City could be expected result in development of 150 of the 308 acres, it is not substantial evidence that there is not a regional demand for the 308 acres that carry the Industrial design type.

4. Conclusion

On the one hand, MC 3.07.1120 commands that the city's Title 11 planning must "demonstrate compliance with * * * 2040 Growth Concept design types" and must be "consistent with the requirements of all applicable titles of he Metro Urban Growth Management Functional Plan." On the other hand, MC 3.07.450(B) commands Metro to conform its mapping to local government mapping that is adopted under Title 11. We have had a great deal of difficulty reconciling those two commands. MC 3.07.450(B) seems to envision that local governments may plan property in ways that are inconsistent with the design types that Metro applied to those properties, whereas MC 3.07.1120 seems to command that Title 11 planning be consistent with Metro's design types. We can see three

possible explanations for this apparent inconsistency in the Metro Code, which give effect to both commands. We discuss each of those explanations below.[18]

a. Non-developable Lands

MC 3.07.1120(F) directs local governments to identify unbuildable lands and other lands that will be protected from development. *See* n 5. Presumably lands that are unbuildable for industrial use and lands that will be protected from industrial development pursuant to other Metro environmental protection mandates, need not be planned for industrial development in accordance with MC 3.07.430, even if those lands carry Metro's Industrial design type. MC 3.07.450(B) could have been adopted in whole or in part to permit the Metro Chief Operating Officer to amend Metro's E&IAs map to conform to a local government's more detailed mapping that identifies non-developable lands.

However, even if this is a partial or complete explanation for MC 3.07.450(B), as we have already noted, the city did not establish in the decision that is before us in this appeal that the Industrially designated lands that have been planned for non-industrial uses cannot be developed with industrial uses. Nor, based on this record, does it seem likely the city could establish that those lands are not suitable for the uses permitted by Title 4 of UGMFP.

b. The UGB Amendment and Industrial Designation

If the Metro decisions that amended the UGB in 2002 and 2004 expressly envisioned that the 308 acres that now carry the Industrial design concept would not all be planned in accordance with MC 3.07.430, then we believe it would follow that the city would not have to plan and develop all 308 acres in accordance with MC 3.07.430. In that circumstance, so long as a concept plan that designated some of those 308 acres for uses that are not allowed by MC 3.07.430 was consistent with any limits that were placed on such non-industrial planning by the UGB amendment and Industrial designation decisions for the 308 acres, such

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[18] As we noted earlier, Metro is not a party to this appeal. We do not mean to foreclose the possibility that there are additional explanations for the apparent inconsistency.

non-industrial planning would not violate MC 3.07.1120. In that circumstance, MC 3.07.450(B) would direct the Metro Chief Operating Officer to conform Metro's mapping to the local government's mapping at the end of the Title 11 planning process. But even if such express language in the 2002 and 2004 decisions might have permitted what the city has done here, no party has identified any such express language in those decisions, and we have found none.

c. Lack of Regional Need for Land with the Industrial Design Type

If the evidentiary record that supports the city's Title 11 planning included substantial evidence that the Metro region has a 20-year surplus of land with the Industrial design type, such that all 308 acres are not needed to maintain a 20-year supply of developable industrial land, we believe the city might be able in its Title 11 planning to plan the unneeded acres for uses that are not allowed by MC 3.07.430. In that event, MC 3.07.450(B) would operate to allow the Metro Operating Officer to conform Metro's mapping to (1) the city's Title 11 mapping and (2) Metro's actual 20-year need for land with the Industrial design type.

But the evidentiary record does not establish that there is a surplus of industrial land to meet Metro's 20-year regional need for such lands. To the contrary, the ECONorthwest market analysis seems to conclude that there is a shortage of Industrial land to meet Metro's 20-year need for Industrial land. While the ECONorthwest market analysis concludes that under assumed market conditions there will be a market demand for only 150 acres of land for industrial development within the concept plan area, that does not show there is a regional surplus of Industrial land to meet the regional 20-year need. At most the ECONorthwest market analysis might support a conclusion that despite the existing shortage of Industrial land to meet the region's 20-year need for Industrial land, only 150 acres of land within the concept plan area will likely be developed over the next 20 years under expected market conditions. That market analysis, if accurate, might provide a reason for Metro to reconsider whether the Industrial design concept should continue to apply to all 308 acres.

But the ECONorthwest market analysis is not a sufficient basis for the city to proceed with its Title 11 planning to divert some of the 308 Industrially designated acres to allow non-industrial development of those acres. If the city were permitted to do so, and Metro simply conformed its mapping to the city's concept plan under MC 3.07.450(B), the regional shortage of Industrially designated land would simply be exacerbated.

For the reasons explained above, we conclude above that the city's decision to designate only approximately 74 acres out of the total 308 acres that carry the Industrial design type for industrial use in accordance with MC 3.07.430 is not consistent with that design type and is not consistent with the city's obligation under MC 3.07.1140 to conduct its Title 11 planning consistently with Metro's design types. Remand is therefore required.

We have addressed some, but not all of petitioner's arguments under her first assignment of error. The petition for review also includes two more assignments of error that we have not addressed. The issues presented by those arguments may or may not arise if the city on remand adopts a new concept plan that complies with MC 3.07.1120 and 3.07.430.

ORS 197.835(11)(a) provides:

> "Whenever the findings, order and record are sufficient to allow review, and to the extent possible consistent with the time requirements of ORS 197.830 (14), the board shall decide all issues presented to it when reversing or remanding a land use decision described in subsections (2) to (9) of this section or limited land use decision described in ORS 197.828 and 197.195."

The statutory deadline established by ORS 197.830(14) for LUBA's final opinion in this appeal expired some time ago. We therefore remand the decision without considering petitioner's remaining arguments.

The city's decision is remanded.

Appendix
MC 3.07.450

3.07.450 Employment and Industrial Areas Map

A. The Employment and Industrial Areas Map is the official depiction of the boundaries of Regionally Significant Industrial Areas, Industrial Areas and Employment Areas.

B. If the Metro Council adds territory to the UGB and designates all or part of the territory Regionally Significant Industrial Area, Industrial Area or Employment Area, after completion of Title 11 planning by the responsible city or county, the Chief Operating Officer shall issue an order to conform the map to the boundaries established by the responsible city or county. The order shall also make necessary amendments to the Habitat Conservation Areas Map, described in Section 3.07.1320 of Title 13 of this chapter, to ensure implementation of Title 13.

C. A city or county may amend its comprehensive plan or zoning regulations to change its designation of land on the Employment and Industrial Areas Map in order to allow uses not allowed by Title 4 upon a demonstration that:

1. The property is not surrounded by land designated on the map as Industrial Area, Regionally Significant Industrial Area or a combination of the two;

2. The amendment will not reduce the jobs capacity of the city or county below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan, or the amount of the reduction is replaced by separate and concurrent action by the city or county;

3. If the map designates the property as Regionally Significant Industrial Area, the subject property does not have access to specialized services, such as redundant electrical power or industrial gases, and is not proximate to freight loading and unloading facilities, such as trans-shipment facilities;

4. The amendment would not allow uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System Map below standards in the Regional Transportation Plan ("RTP"), or exceed volume-to capacity ratios on Table 7 of the 1999 Oregon Highway Plan for state highways, unless

mitigating action is taken that will restore performance to RTP and OHP standards within two years after approval of uses;

5. The amendment would not diminish the intended function of the Central City or Regional or Town Centers as the principal locations of retail, cultural and civic services in their market areas; and

6. If the map designates the property as Regionally Significant Industrial Area, the property subject to the amendment is ten acres or less; if designated Industrial Area, the property subject to the amendment is 20 acres or less; if designated Employment Area, the property subject to the amendment is 40 acres or less.

D. A city or county may also amend its comprehensive plan or zoning regulations to change its designation of land on the Employment and Industrial Areas Map in order to allow uses not allowed by Title 4 upon a demonstration that:

1. The entire property is not buildable due to environmental constraints; or

2. The property borders land that is not designated on the map as Industrial Area or Regionally Significant Industrial Area; and

3. The assessed value of a building or buildings on the property, built prior to March 5, 2004, and historically occupied by uses not allowed by Title 4, exceeds the assessed value of the land by a ratio of 1.5 to 1.

E. The Chief Operating Officer shall revise the Employment and Industrial Areas Map by order to conform to an amendment made by a city or county pursuant to subsection C of this section within 30 days after notification by the city or county that no appeal of the amendment was filed pursuant to ORS 197.825 or, if an appeal was filed, that the amendment was upheld in the final appeal process.

F. After consultation with Metropolitan Policy Advisory Committee, the Council may issue an order suspending operation of subsection C in any calendar year in which the cumulative amount of land for which the Employment and Industrial Areas Map is changed during that year from Regionally Significant Industrial Area or Industrial Area to Employment Area or other 2040 Growth Concept design type designation exceeds the industrial land surplus. The industrial land surplus is the amount by which the current supply of vacant land designated Regionally Significant Industrial Area and Industrial Area

exceeds the 20-year need for industrial land, as determined by the most recent 'Urban Growth Report: An Employment Land Need Analysis', reduced by an equal annual increment for the number of years since the report.

G. The Metro Council may amend the Employment and Industrial Areas Map by ordinance at any time to make corrections in order to better achieve the policies of the Regional Framework Plan.

H. Upon request from a city or a county, the Metro Council may amend the Employment and Industrial Areas Map by ordinance to consider proposed amendments that exceed the size standards of paragraph 6 of subsection C of the section. To approve an amendment, the Council must conclude that the amendment:

1. Would not reduce the jobs capacity of the city or county below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan;

2. Would not allow uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System Map below standards in the Regional Transportation Plan ("RTP"), or exceed volume-to capacity ratios on Table 7 of the 1999 Oregon Highway Plan ("OHP") for state highways, unless mitigating action is taken that will restore performance to RTP and OHP standards within two years after approval of uses;

3. Would not diminish the intended function of the Central City or Regional or Town Centers as the principal locations of retail, cultural and civic services in their market areas;

4. Would not reduce the integrity or viability of a traded sector cluster of industries;

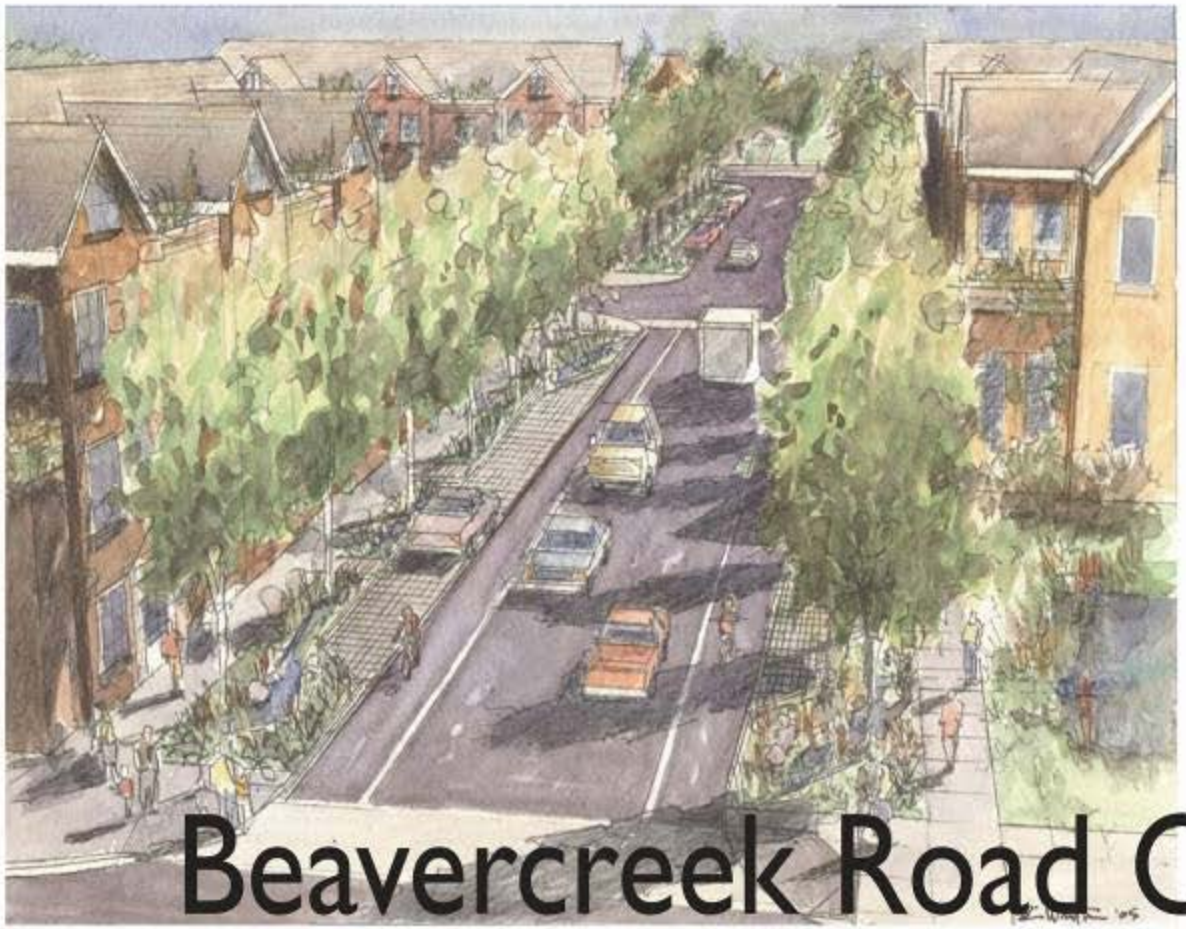
5. Would not create or worsen a significant imbalance between jobs and housing in a regional market area; and

6. If the subject property is designated Regionally Significant Industrial Area, would not remove from that designation land that is especially suitable for industrial use due to the availability of specialized services, such as redundant electrical power or industrial gases, or due to proximity to freight transport facilities, such as trans-shipment facilities.

I. Amendments to the Employment and Industrial Areas Map made in compliance with the process and criteria in this section shall be deemed to comply with the Regional Framework Plan.

J. The Council may establish conditions upon approval of an amendment to the Employment and Industrial Areas Map under subsection F to ensure that the amendment complies with the Regional Framework Plan and state land use planning laws.

K. By January 31 of each year, the Chief Operating Officer (COO) shall submit a written report to the Council and the Metropolitan Policy Advisory Committee on the cumulative effects on employment land in the region of the amendments to the Employment and Industrial Areas Map made pursuant to this section during the preceding year. The report shall include any recommendations the COO deems appropriate on measures the Council might take to address the effects.



Beavercreek Road Concept Plan

Envisioning a Complete and Sustainable Community

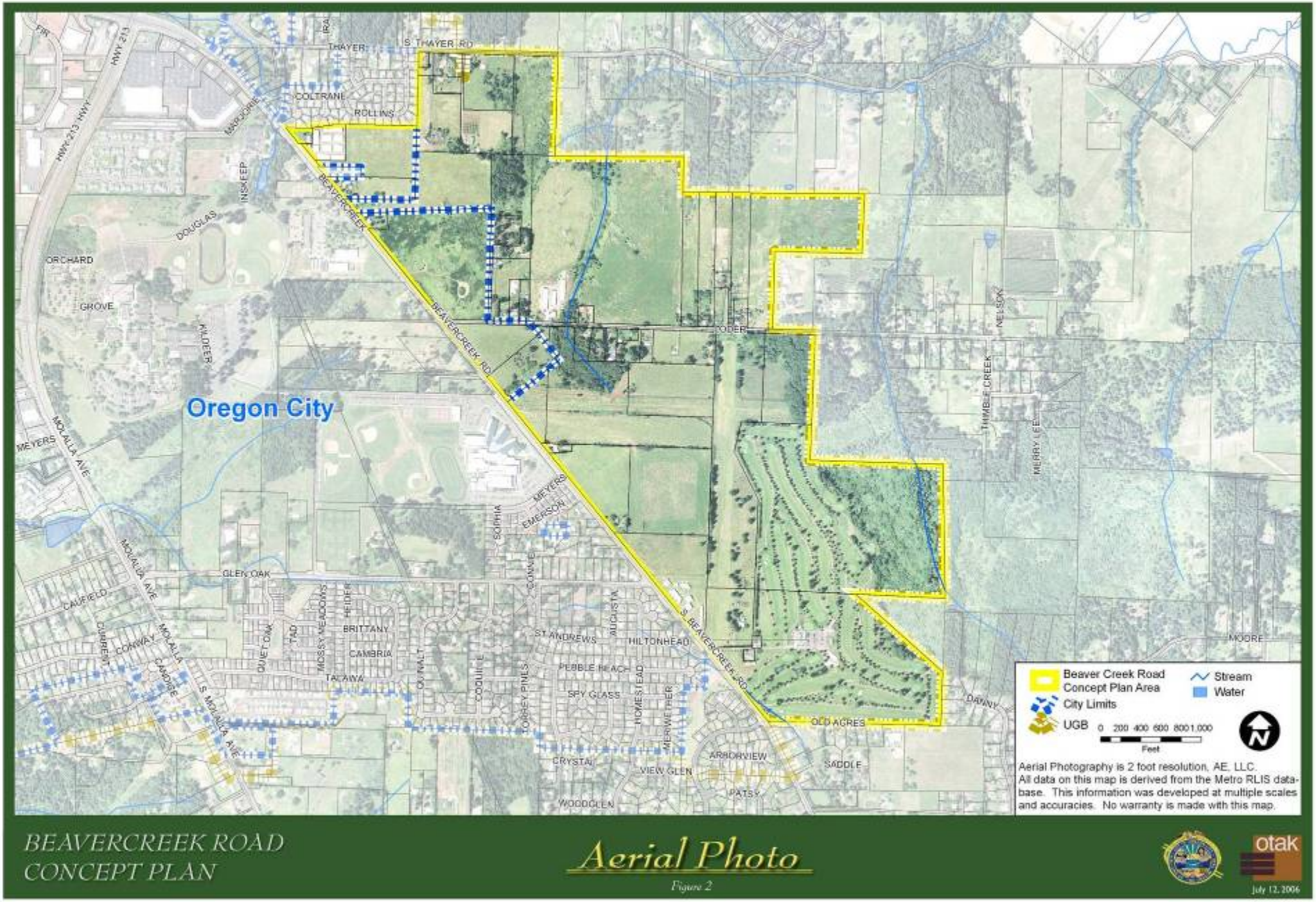
Planning Commission Worksession Presentation September 28, 2015





Goals

1. Complete and Sustainable Community
2. Model of Sustainable Design
3. Green Jobs
4. Sustainable Industries
5. Natural Beauty
6. Multi-Modal Transportation
7. Safety Along Beavercreek Road
8. OCHS and CCC
9. Unique Sense of Place
10. Ecological Health



BEAVERCREEK ROAD
CONCEPT PLAN

Aerial Photo

Figure 2

otak

July 12, 2006

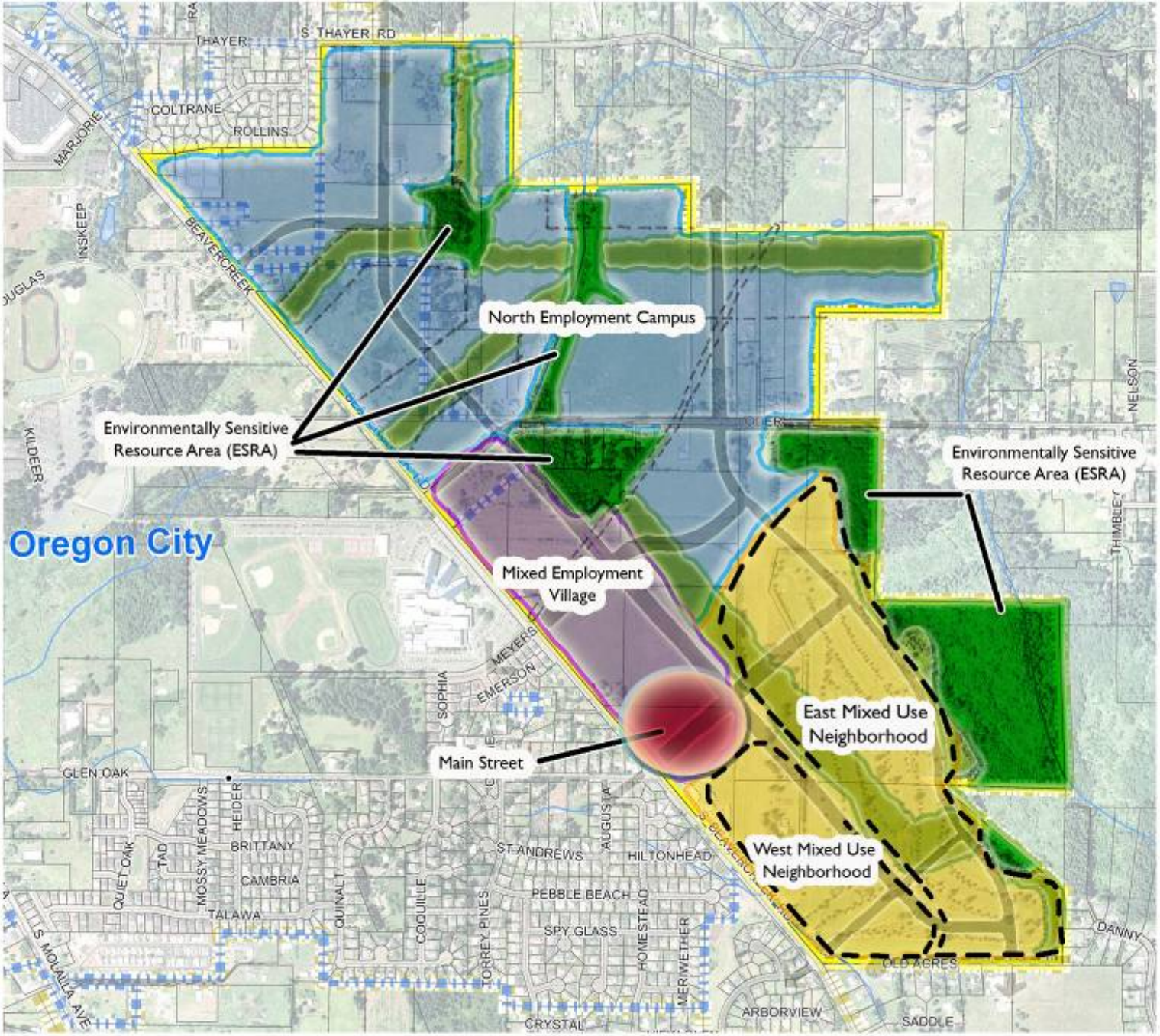


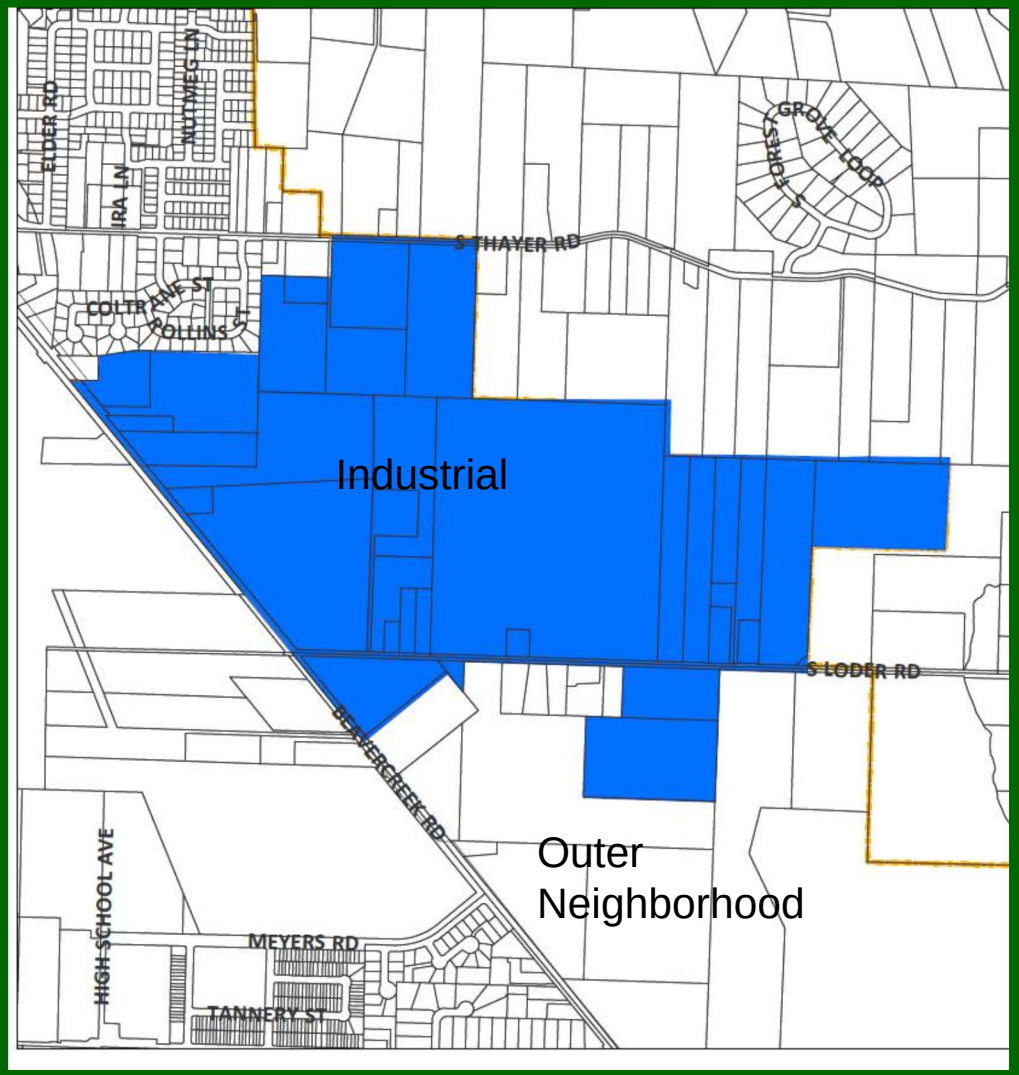
Figure 2: Beavercreek Zone Subdistricts

Current Status

- Overview of LUBA appeal, LCDC appeal and remand
- City Commission remanded to Planning Commission
- Re-open the record for the limited purpose of addressing the protection of the Title 4 lands, inserting the recently implemented transportation system plan and public utility plans, identifying transportation improvements and addressing police and fire services.

Limited Record

- Title 4 Industrial lands
- Transportation
  - TSP adopted August 2013
- Utilities
  - Sewer Master Plan adopted Nov 2014
  - Water Master Plan adopted Feb 2012
  - Stormwater standards adopted May 2015
- Police/ Fire Services



Metro 2040 Concept Plan Design Types

Metro Ord. 10-1244B Dec. 12

151 ac. (121 net) of Industrial

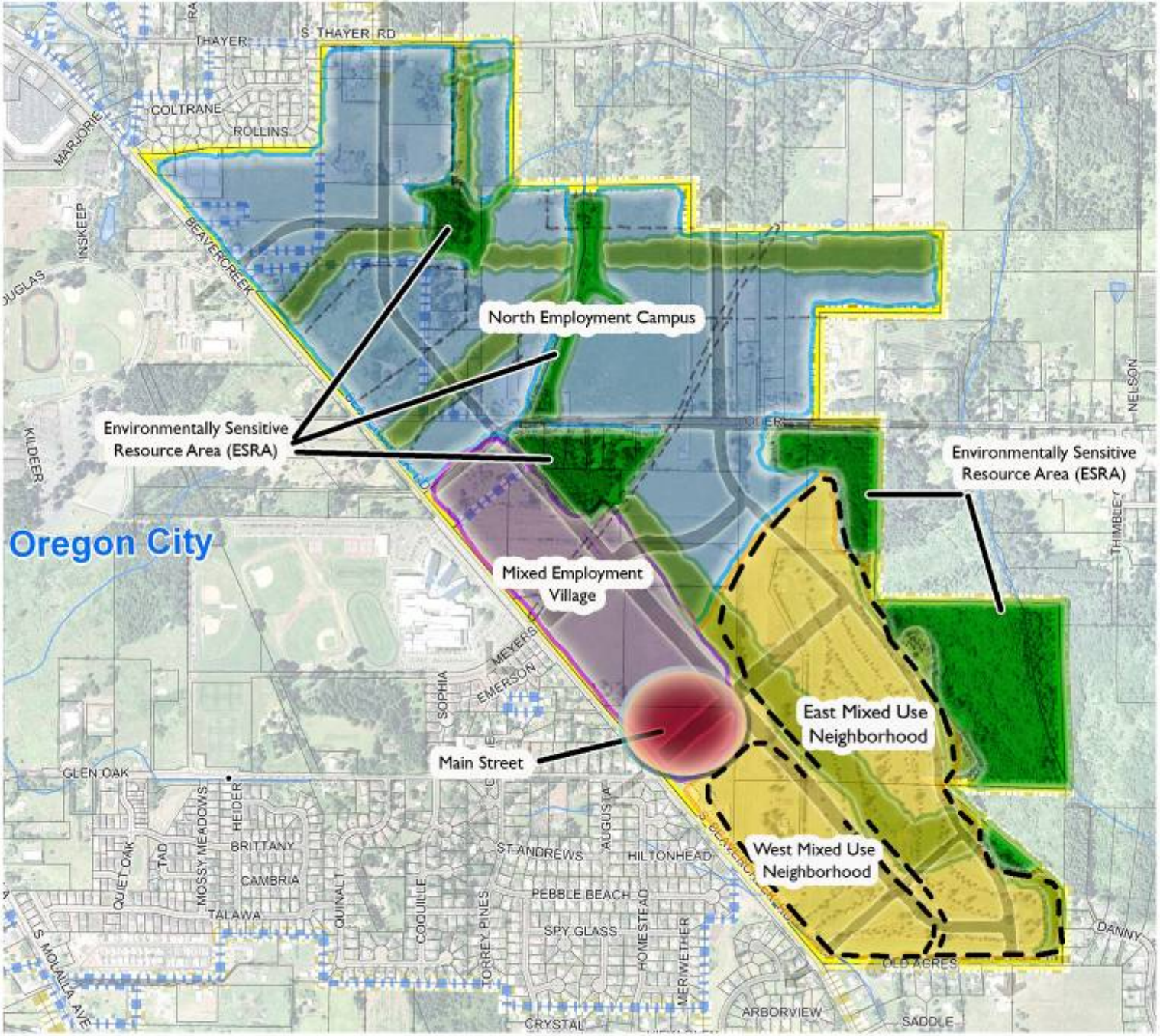


Figure 2: Beavercreek Zone Subdistricts

2006 – 2007 Process Summary

- 12 CAC/ TAC meetings
- Study Area Site Visit
- 2 Open Houses
- Meeting with Metro – Employment Discussion
- Community Design Workshop Meeting
- Market Focus Group
- Sustainability Focus Group
- Website
- Project posters, signs, mailers
- 10 City Commission hearings
- 4 Planning Commission hearings

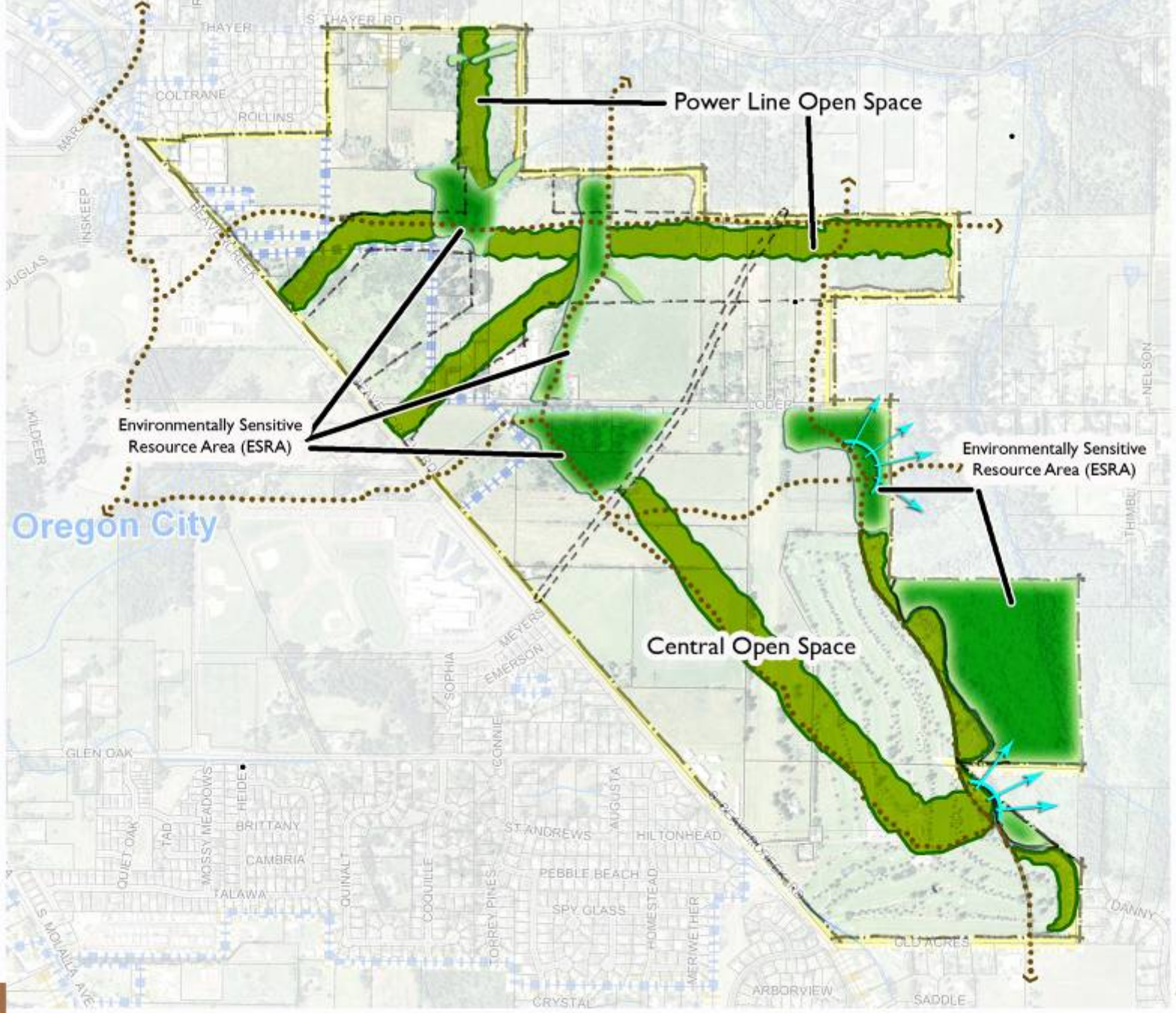


Figure 3: Beavercreek Zone Open Spaces and Natural Areas

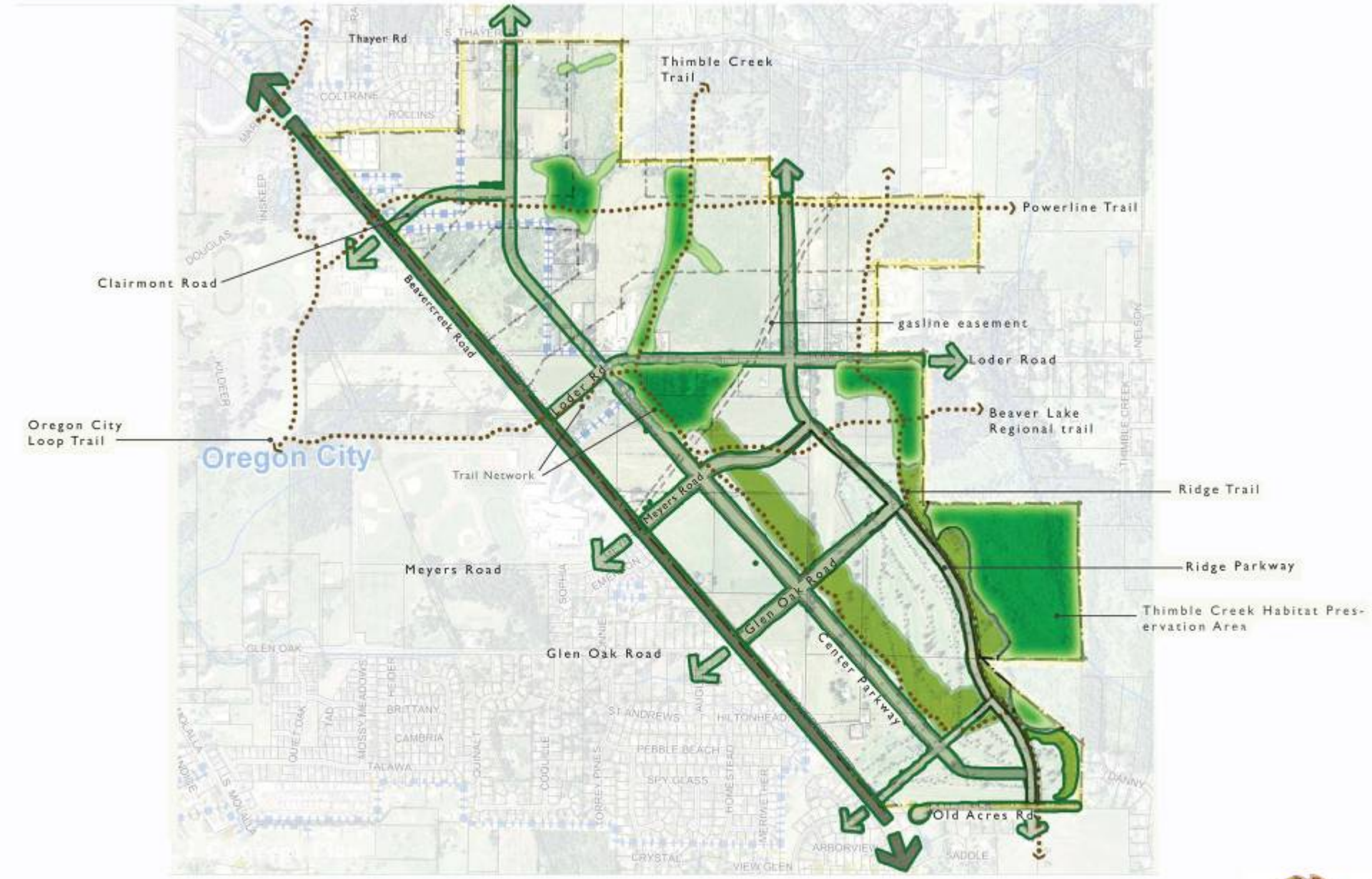
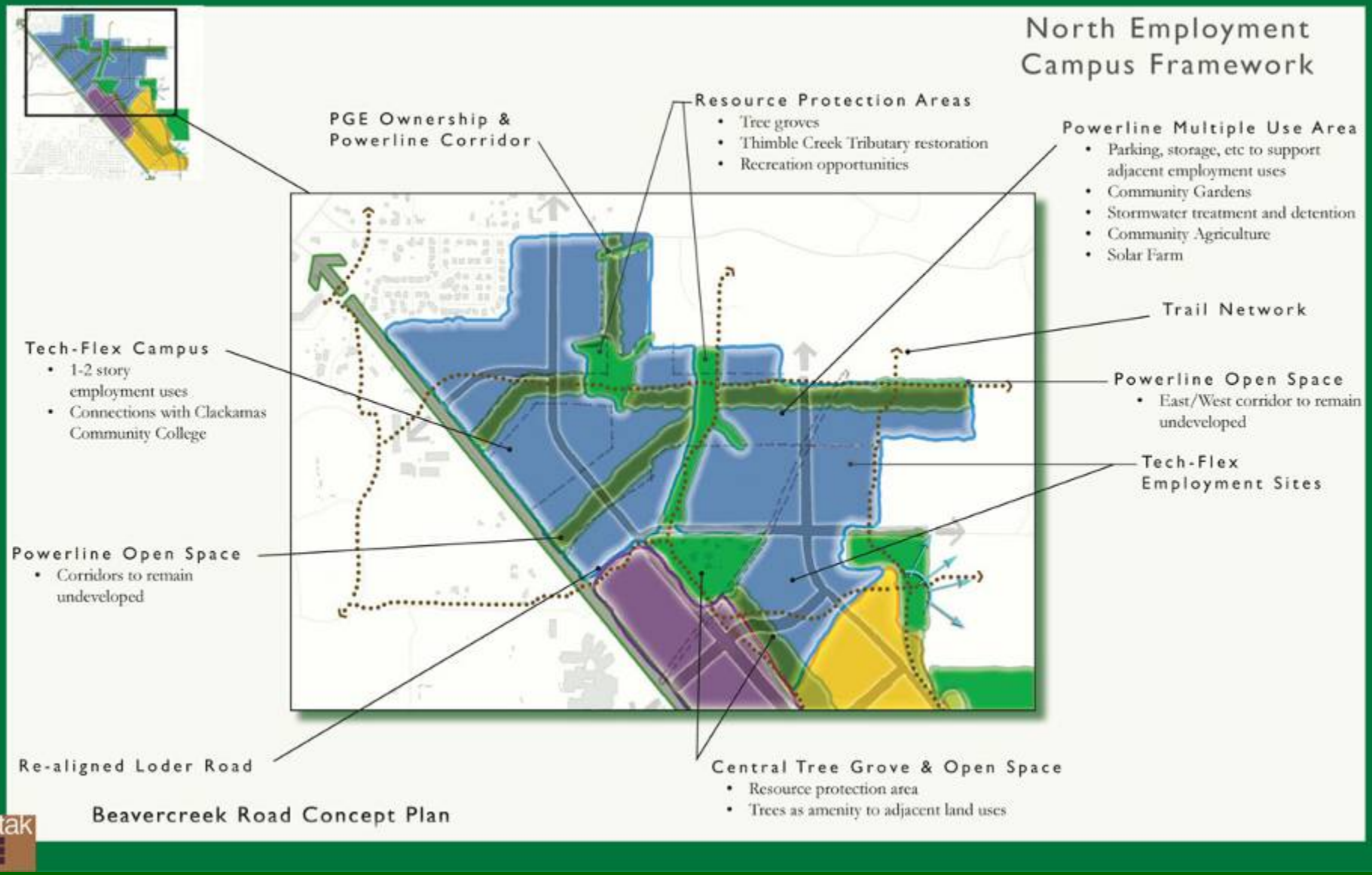


Figure 4: Beavercreek Zone Site Circulation



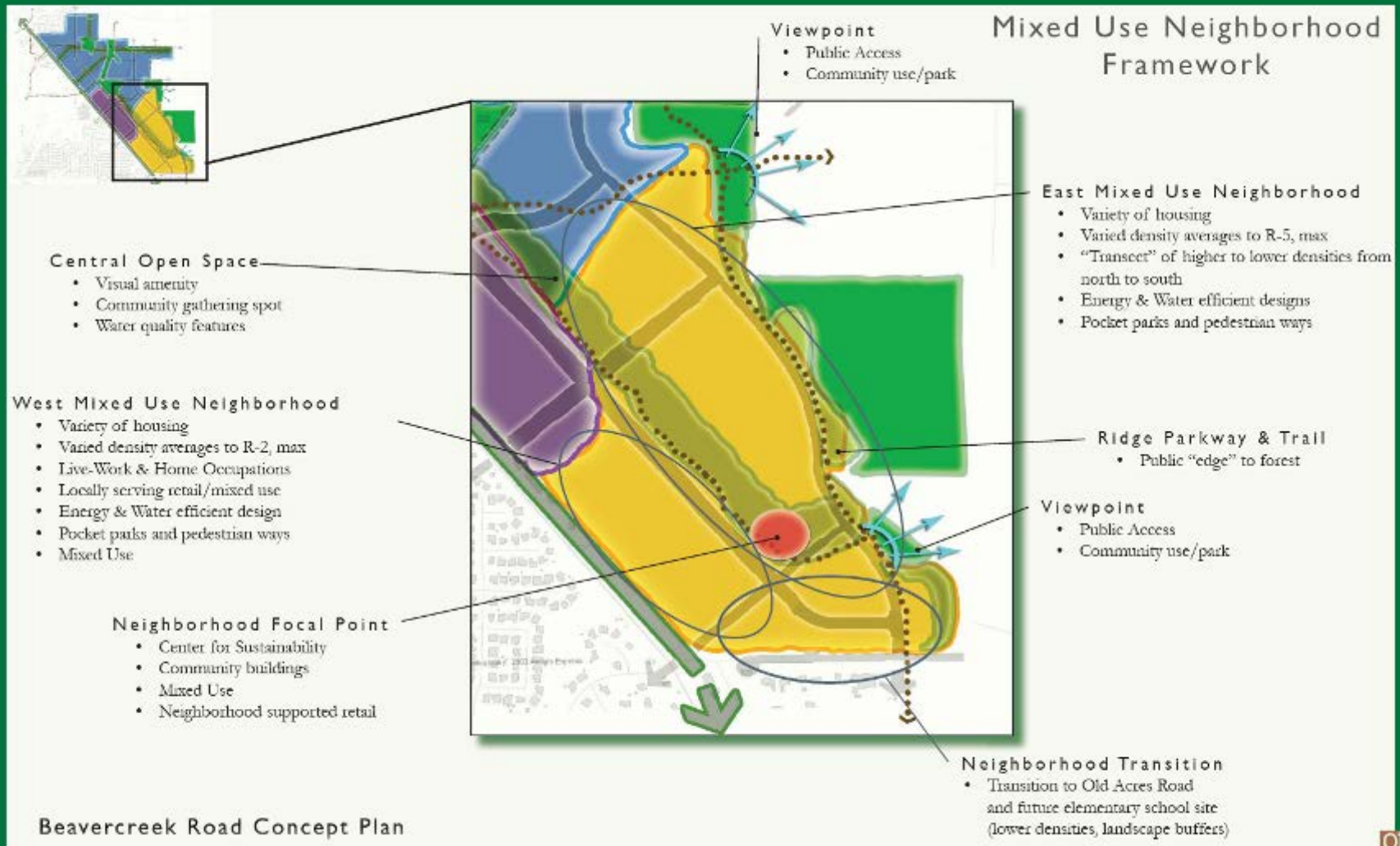
Figure 5: Beavercreek Zone Connectivity Options



BEAVERCREEK ROAD CONCEPT PLAN



BEAVERCREEK ROAD CONCEPT PLAN



BEAVERCREEK ROAD CONCEPT PLAN

Beavercreek Road Concept Plan

Figure 4:
Hybrid Alternative
Stormwater System

Legend

- Streams

Teir 1 - Site Specific
(Not Illustrated)

Tier 2 - Greenstreets

- Conveyance & Treatment

Tier 3 - Regional Facilities

- Detention
- Detention Outfall

Map Creation Date: 03/01/07
(Based on CAD Data from 03/01/07)

0 250 500 1,000
Feet

Aerial Photography is 2 foot resolution, AE, LLC.
All data on this map is derived from the Metro RLIS data-base. This information was developed at multiple scales and accuracies. No warranty is made with this map.



BEAVERCREEK ROAD CONCEPT PLAN

Stormwater System

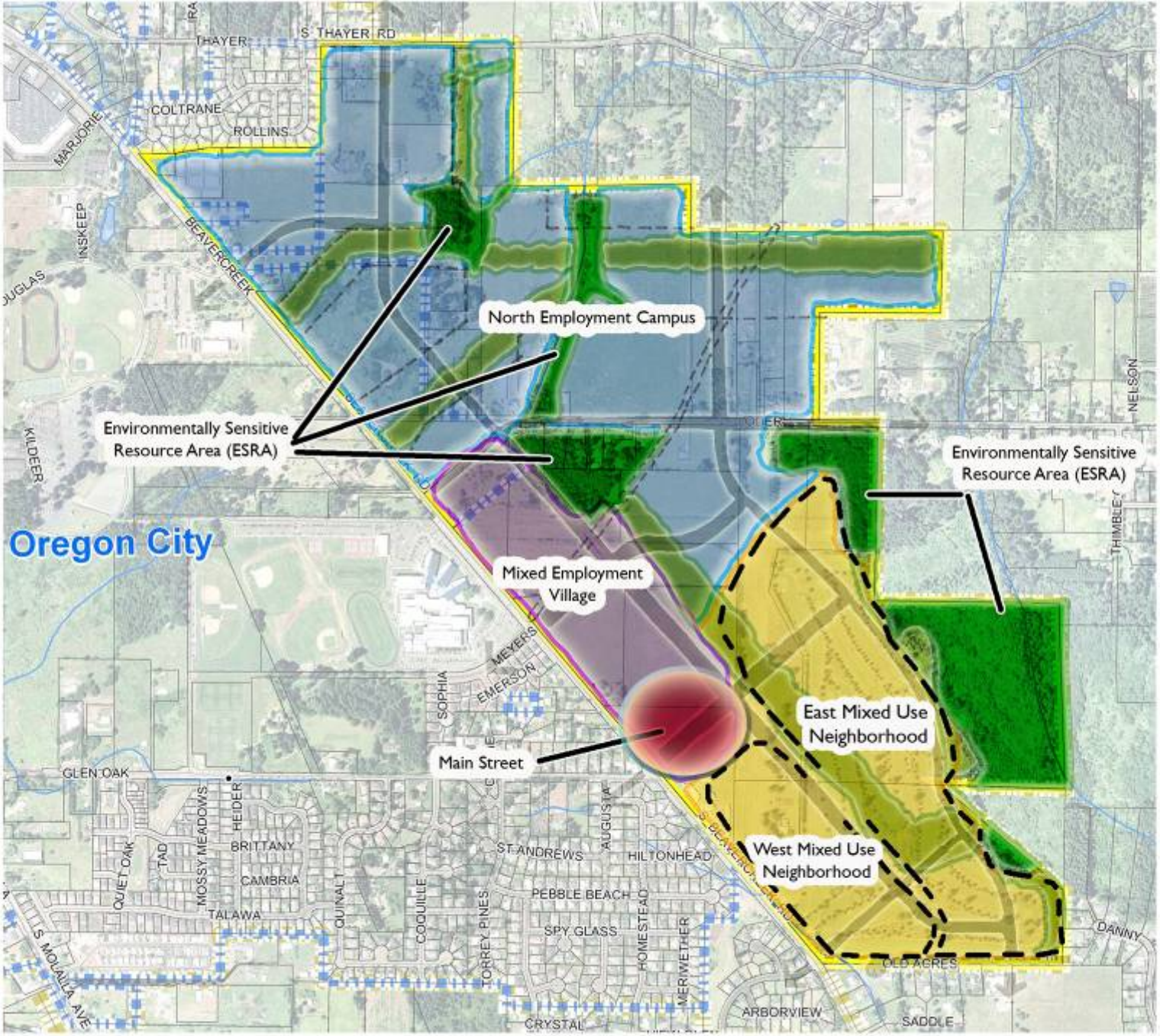


Figure 2: Beavercreek Zone Subdistricts

Acres*	Gross	Net
North Employment Campus	149	127
Mixed Employment Village	26	21
Main Street	10	8
West Mixed Use Neighborhood	22	18
East Mixed Use Neighborhood	77	62
	284	235
Parks/ Open Space/ Natural	113	
Major ROW	56	
Total	~453	

*Acres are preliminary and rounded

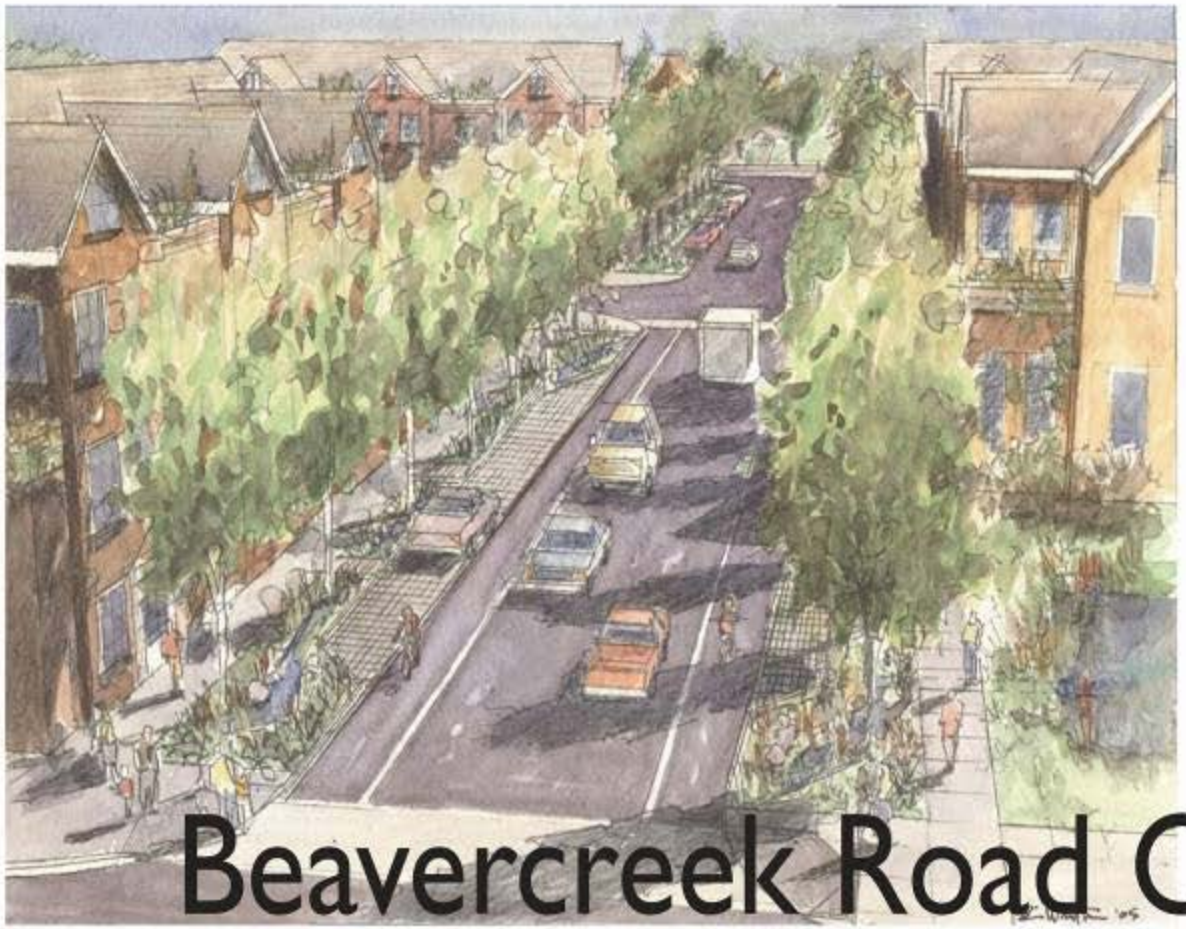
	Jobs	Housing
North Employment Campus	3,678	
Mixed Employment Village	1,139	
Main Street	219	100
West Mixed Neighborhood	15	387
East Mixed Neighborhood	21	536
	5,073	1,023

Next Steps

- Meetings:
  - Citizen Involvement Committee 10/05
  - Natural Resources Committee 10/14
  - Transportation Advisory Committee 10/20
  - Parks & Recreation Advisory Committee 10/22
  - Caufield Neighborhood Association 10/27
- Planning Commission - 11/23/2015
- City Commission - 12/02/2015

Thank You

- Website:
- http://www.orcity.org/planning/landuse case/le-15-0003-re-adoption-beavercreek-road-concept-plan
- Pete Walter, Associate Planner
- (503) 496-1568
- pwalter@orcity.org



Beavercreek Road Concept Plan

Envisioning a Complete and Sustainable Community

Citizen Involvement Council Presentation October 5, 2015



History

- *The Beavercreek Road Concept Plan was developed with strong community input between 2007 and 2008, and was adopted by the City Commission in September 2008.*
- *The plan was then appealed to LUBA, who remanded the plan back to the City and Metro to resolve employment (industrial) land mapping acreages.*
- *Metro adopted a revised title 4 Industrial Lands map in December 2010.*
- *Re-adoption was further delayed due to various legal objections to the larger Metro UGB Capacity Ordinance and urban reserves issues.*
- *These issues were finally settled by the State Legislature which resolved the UGB in 2014.*
- *In September 2014 the final appeal issues were dismissed and the City is free to proceed with re-adoption of the BRCP on remand.*

What is the basic approach?

- *The final concept plan will not be revised - i.e. the vision, goals and policies, land use areas, general transportation system, etc. - BUT*
- *The recently updated public facilities plans and cost estimates for this area will be addressed in the City's revised findings:*
  - *Transportation System Plan (2013)*
  - *Sewer Master Plan (2014)*
  - *Water Master Plan (2010)*
  - *Stormwater Design Standards (2015)*

BRCP Goals

- Complete and Sustainable Community
- Model of Sustainable Design
- Green Jobs
- Sustainable Industries
- Natural Beauty
- Multi-Modal Transportation
- Safety Along Beavercreek Road
- Connections to OCHS and CCC
- Unique Sense of Place
- Ecological Health

What must a concept plan address?

- *Natural Resources, Parks, and Open Space*
- *Employment Land (Title 4)*
- *Housing*
- *Schools*
- *Amenities*
- *Transportation (all modes)*
- *Zoning*
- *Infrastructure*
- *Financing*

Specific Re-adoption Items

- *Metro Title 4 (employment land)*
- *Title 11 (new urban areas)*
- *Transportation System (2013 TSP)*
- *Sewer, Water, and Stormwater Updates*
- *Police & Fire services*
- Comprehensive Plan Designations
- Zoning Map and Code

2007 Community Engagement

- 12 Citizen Advisory / Technical Advisory Committee meetings
- Technical Advisory Committee meetings
- Study Area Site Visit
- 2 Open Houses
- Meeting with Metro – Employment Discussion
- Community Design Workshop Meeting
- Market Focus Group
- Sustainability Focus Group
- Website
- Project posters, signs, mailers
- 4 Planning Commission hearings
- 10 City Commission hearings

Concept Plan: Land Use Areas

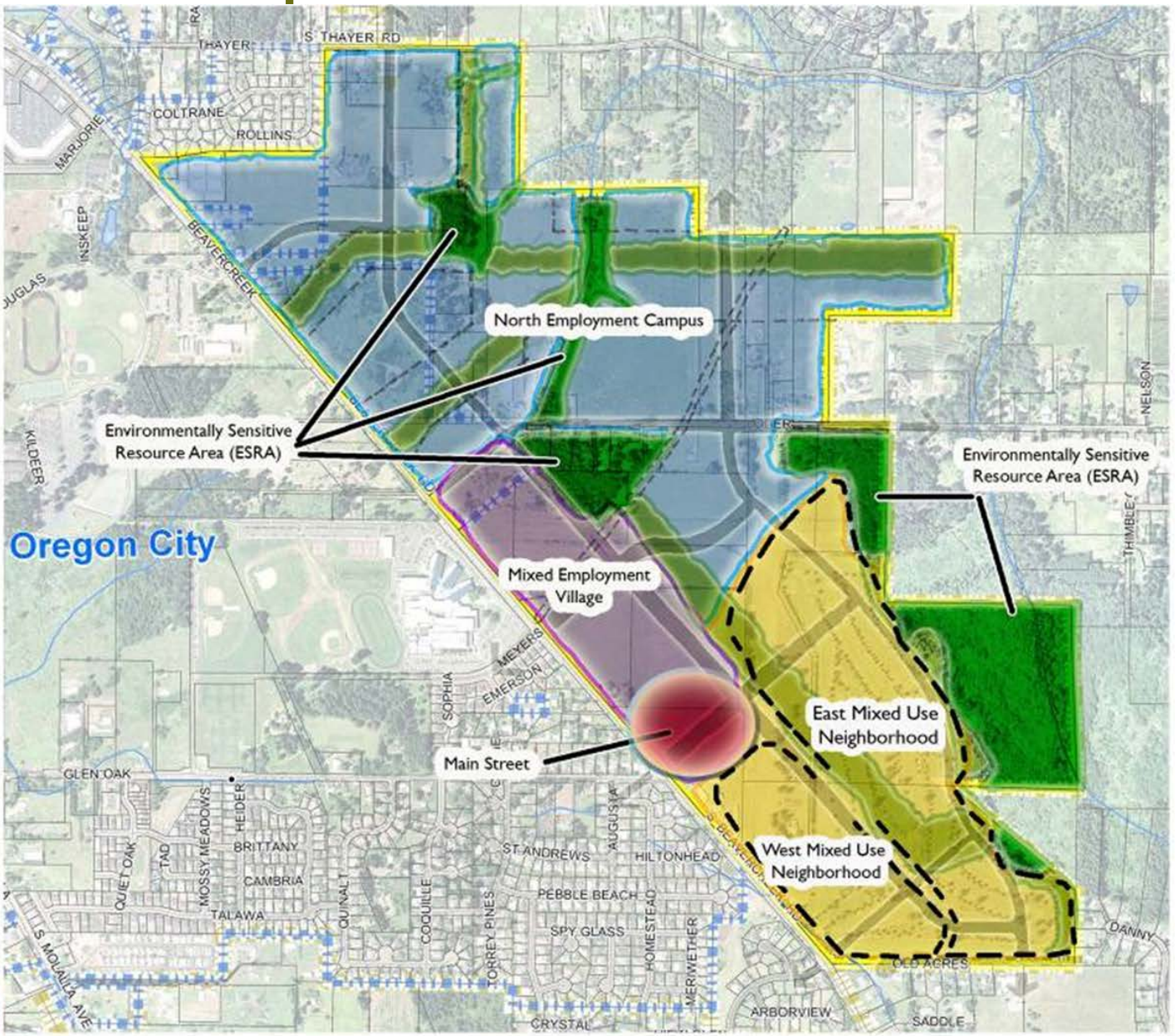


Figure 2: Beavercreek Zone Subdistricts

Concept Plan: Land Use Areas

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Parks/ Open Space/ Natural	113	
Major ROW	56	
Total	~453	

*Acres are preliminary and rounded

Jobs and Housing Estimates

	Jobs	Housing
North Employment Campus	3,678	
Mixed Employment Village	1,139	
Main Street	219	100
West Mixed Neighborhood	15	387
East Mixed Neighborhood	21	536
	5,073	1,023

Based on Hybrid Plan – See draft plan for all stated assumptions.

How is the plan implemented?

Policies and Ordinances

- Comprehensive Plan Map
- Code amendments (Zoning Map, Zoning Code & Development Standards)
- Financing

What happens after re-adoption?

- More refined public facilities planning (Public Works studies and plans)
- Code Amendments
- Transportation Mobility Standards
- Update System Development Charges (SDCs)
- Applications for annexation
- Applications for zoning, development review, construction, etc. etc.

Meetings

- Planning Commission Work Session 09/28
- Citizen Involvement Committee 10/05
- Natural Resources Committee 10/14
- Transportation Advisory Committee 10/20
- Parks & Recreation Advisory Committee 10/22
- Caufield Neighborhood Association 10/27
- Hamlet of Beavercreek 10/28
- City Commission Work Session 11/10
- Planning Commission Hearing #1 11/23/2015
- City Commission Hearing #1 12/02/2015

How to do I stay involved?

Website:

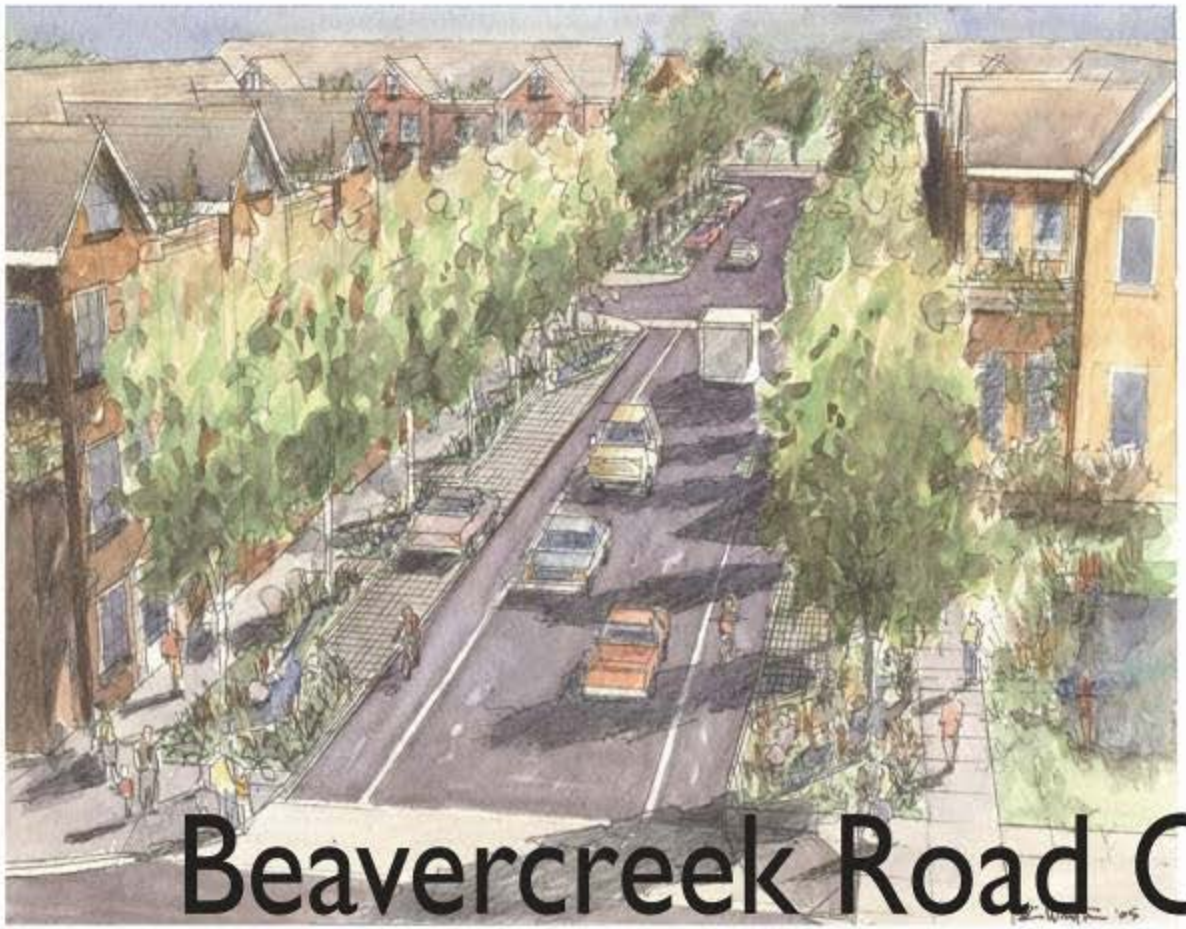
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Pete Walter, Associate Planner

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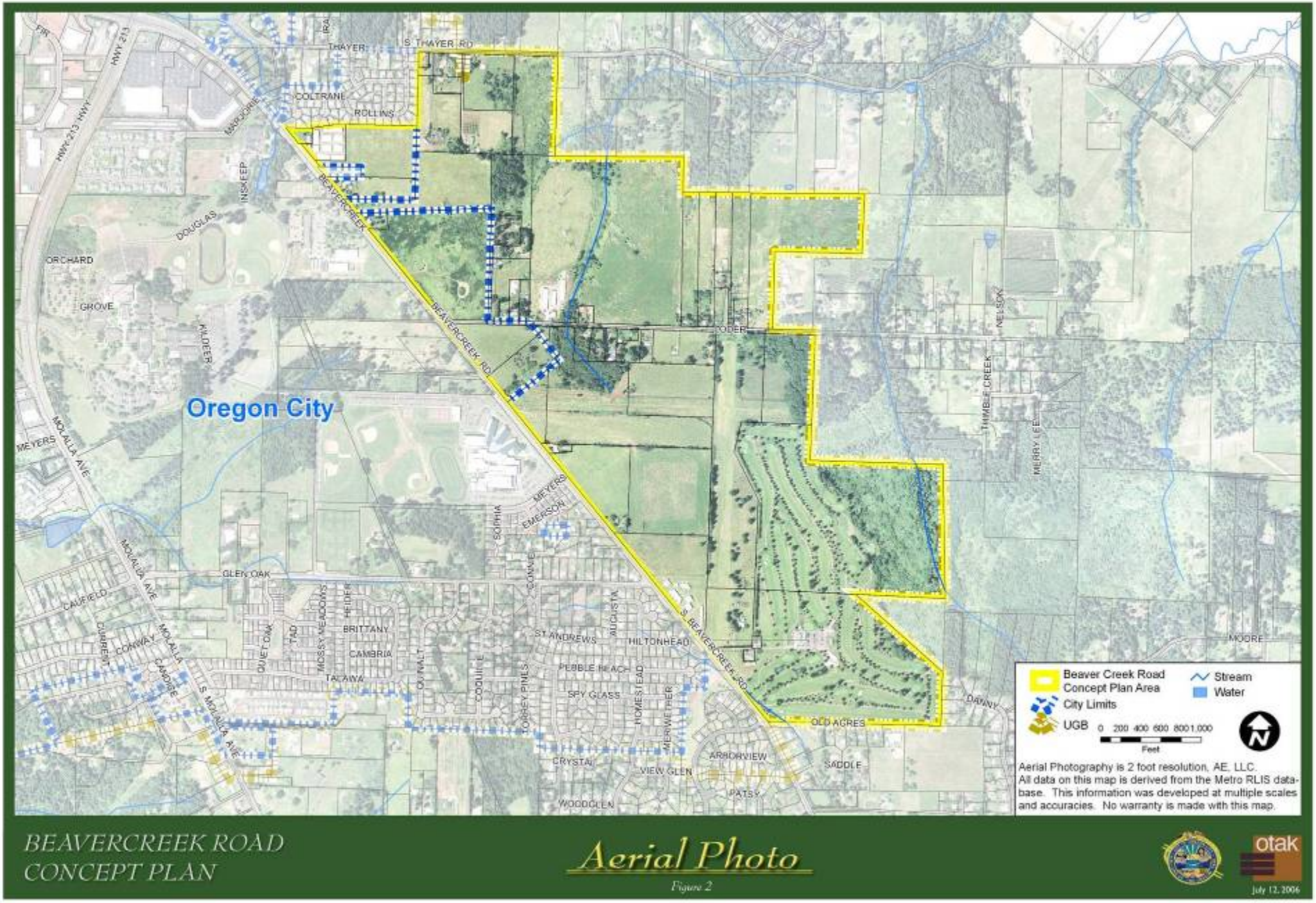


Beavercreek Road Concept Plan

Envisioning a Complete and Sustainable Community

Transportation Advisory Committee Presentation October 20, 2015





BEAVERCREEK ROAD
CONCEPT PLAN

Aerial Photo

Figure 2

otak

July 12, 2006

History

- *The Beavercreek Road Concept Plan was developed with strong community input between 2007 and 2008, and was adopted by the City Commission in September 2008.*
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Concept Plan: Land Use Areas

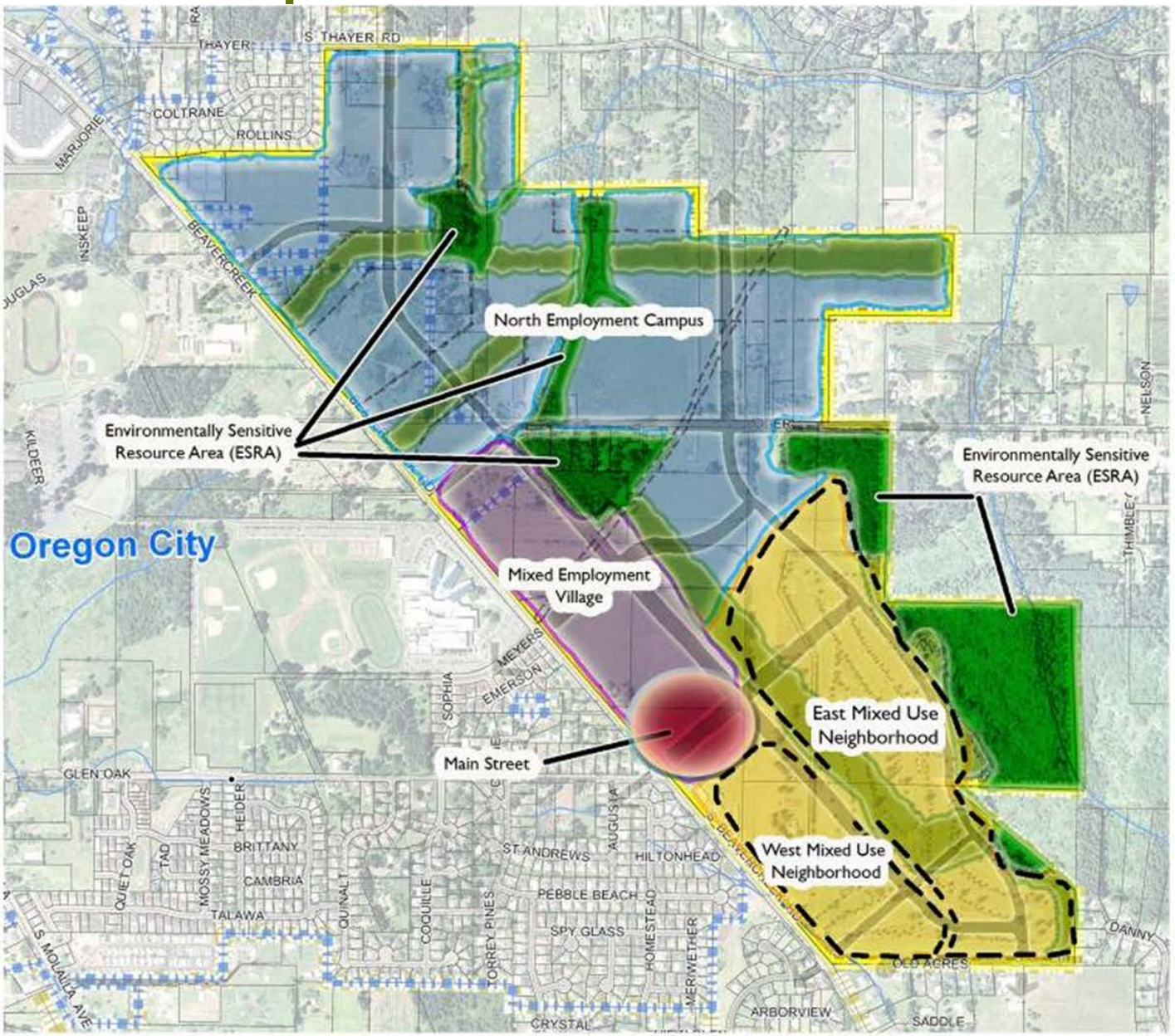


Figure 2: Beavercreek Zone Subdistricts

What is the basic approach?

- *The draft plan – i.e. the vision, goals and policies, land use areas, transportation system, etc. will not be revised.*
- *Summarize the existing adopted plans and cost estimates for public improvements for the BRCP area:*
  - *Transportation System Plan (2013)*
  - *Sewer Master Plan (2014)*
  - *Water Master Plan (2010)*
  - *Stormwater Design Standards (2015)*

What must a concept plan address?

- *Natural Resources, Parks, and Open Space*
- *Employment Land (Title 4)*
- *Housing*
- *Schools*
- *Amenities*
- *Transportation (all modes)*
- *Zoning*
- *Infrastructure*
- *Financing*

2007 Community Engagement

- 12 Citizen Advisory / Technical Advisory Committee meetings
- Technical Advisory Committee meetings
- Study Area Site Visit
- 2 Open Houses
- Meeting with Metro – Employment Discussion
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Concept Plan: Land Use Areas

Acres*	Gross	Net
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Major ROW	56	
Total	~453	

*Acres are preliminary and rounded

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Based on Hybrid Plan – See draft plan for all stated assumptions.

Concept Plan: Land Use Areas

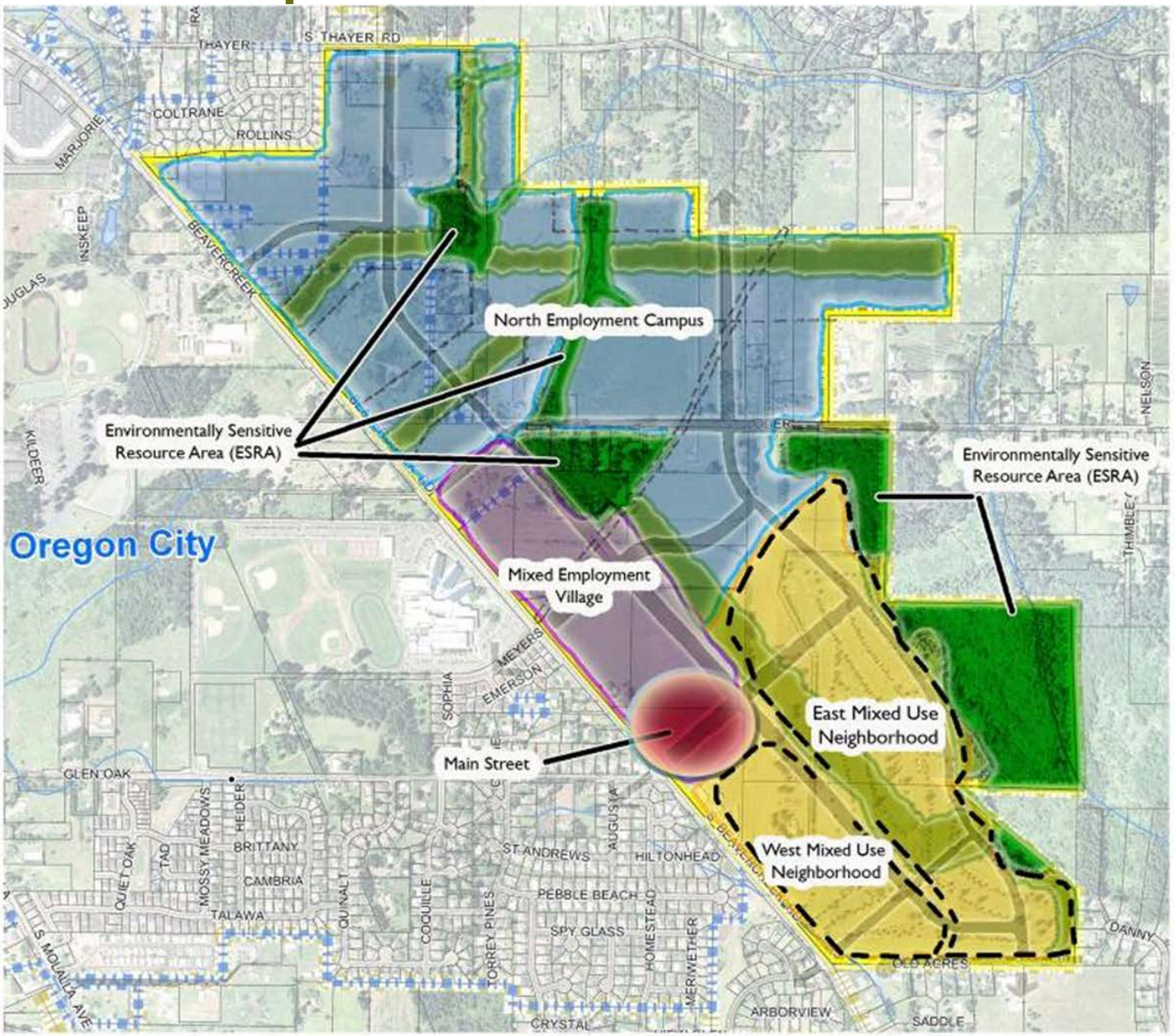


Figure 2: Beavercreek Zone Subdistricts

BRCP Transportation Goals and Policies

Goal 6 Multi-modal Transportation

Provide multi-modal transportation links (such as bus routes, trails, bikeways, etc.) that are connected within the site as well as to the surrounding areas.

Policy 6.1

Work with Tri-Met and stakeholders to provide bus service and other alternatives to the Concept Plan area.

Policy 6.2

As land use reviews and development occur prior to extension of bus service, ensure that the mix of land uses, density and design help retain transit as an attractive and feasible option in the future.

Policy 6.3

Ensure that local street connectivity and off-street pedestrian routes link together into a highly connected pedestrian system that is safe, direct, convenient, and attractive to walking.

BRCP Transportation Goals and Policies

Policy 6.4

The “walkability” of the Concept Plan area will be one of its distinctive qualities. The density of walking routes and connectivity should mirror the urban form – the higher the density and larger the building form, the “finer” the network of pedestrian connections.

Policy 6.5

Require trails to be provided consistent with the Concept Plan Circulation Framework.

Policy 6.6

Provide bike lanes on Beavercreek Road and all collector streets, except for Main Street. The City may consider off-street multi-use paths and similar measures in meeting this policy. Bike routes will be coordinated with the trails shown on the Circulation Framework.

BRCP Transportation Goals and Policies

Goal 7 - Safety Along Beavercreek Road

Implement design solutions along Beavercreek Road that promote pedestrian safety, control traffic speeds and access, and accommodate projected vehicular demand.

Policy 7.1

Design Beavercreek Road to be a green street boulevard that maximizes pedestrian safety.

Policy 7.2

Work with the County and State to establish posted speeds that are safe for pedestrians and reinforce the pedestrian-oriented character of the area.

Policy 7.3

Control access along the east side of Beavercreek Road so that full access points are limited to the intersections shown on the Circulation Framework. Right in-Right-out access points may be considered as part of master plans or design review.

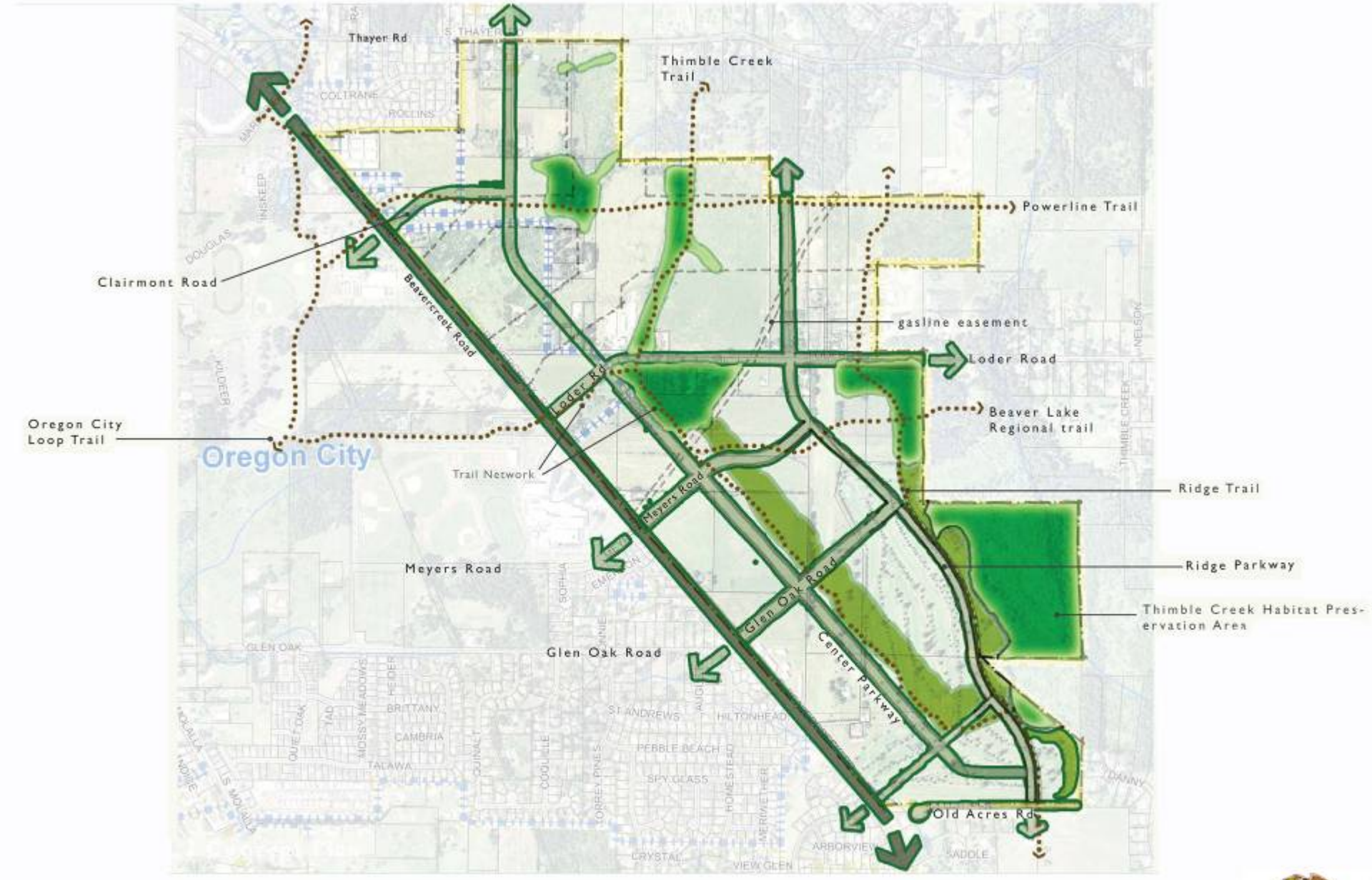
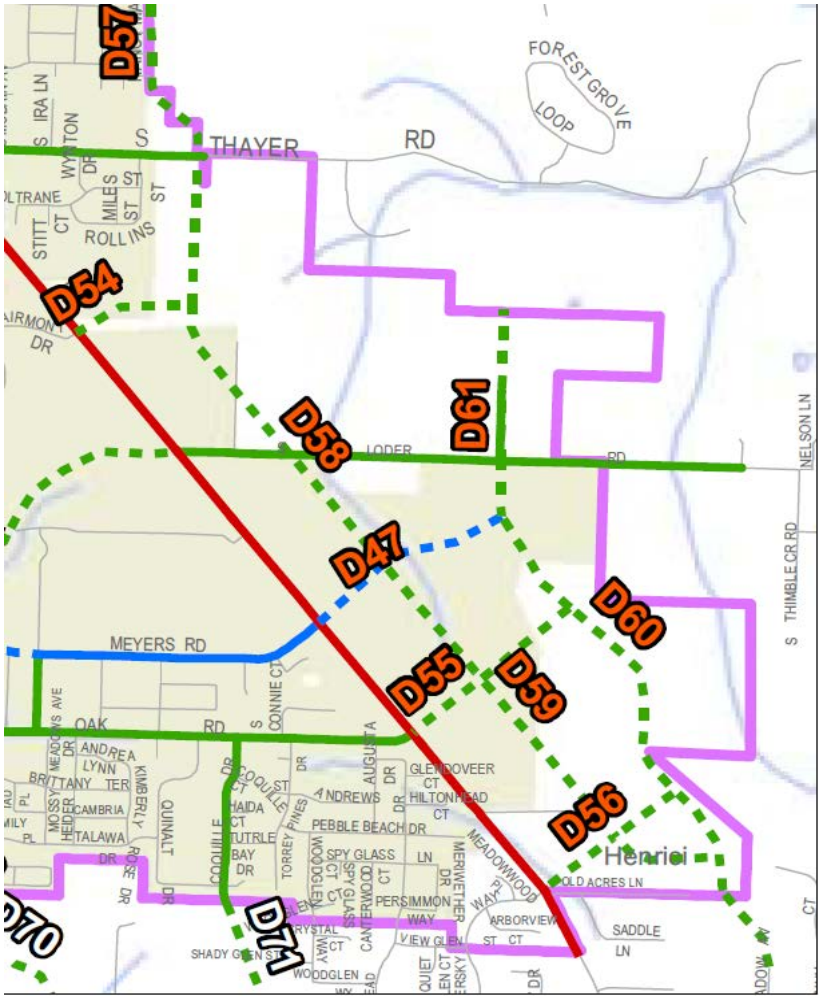


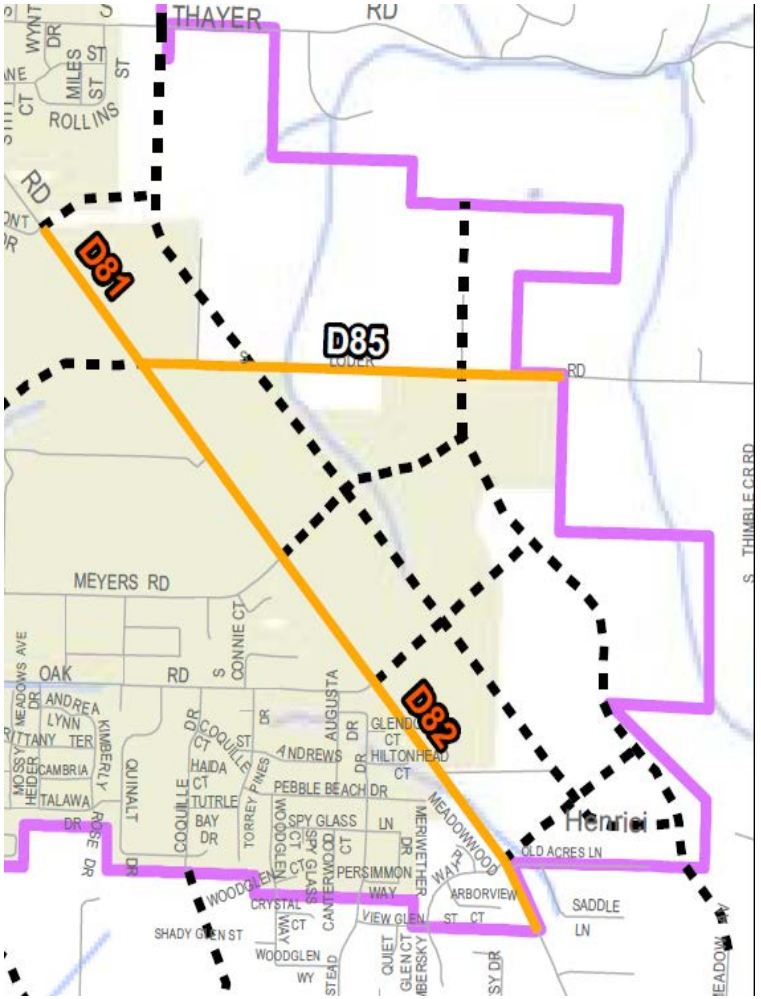
Figure 4: Beavercreek Zone Site Circulation

Likely to be Funded TSP Projects

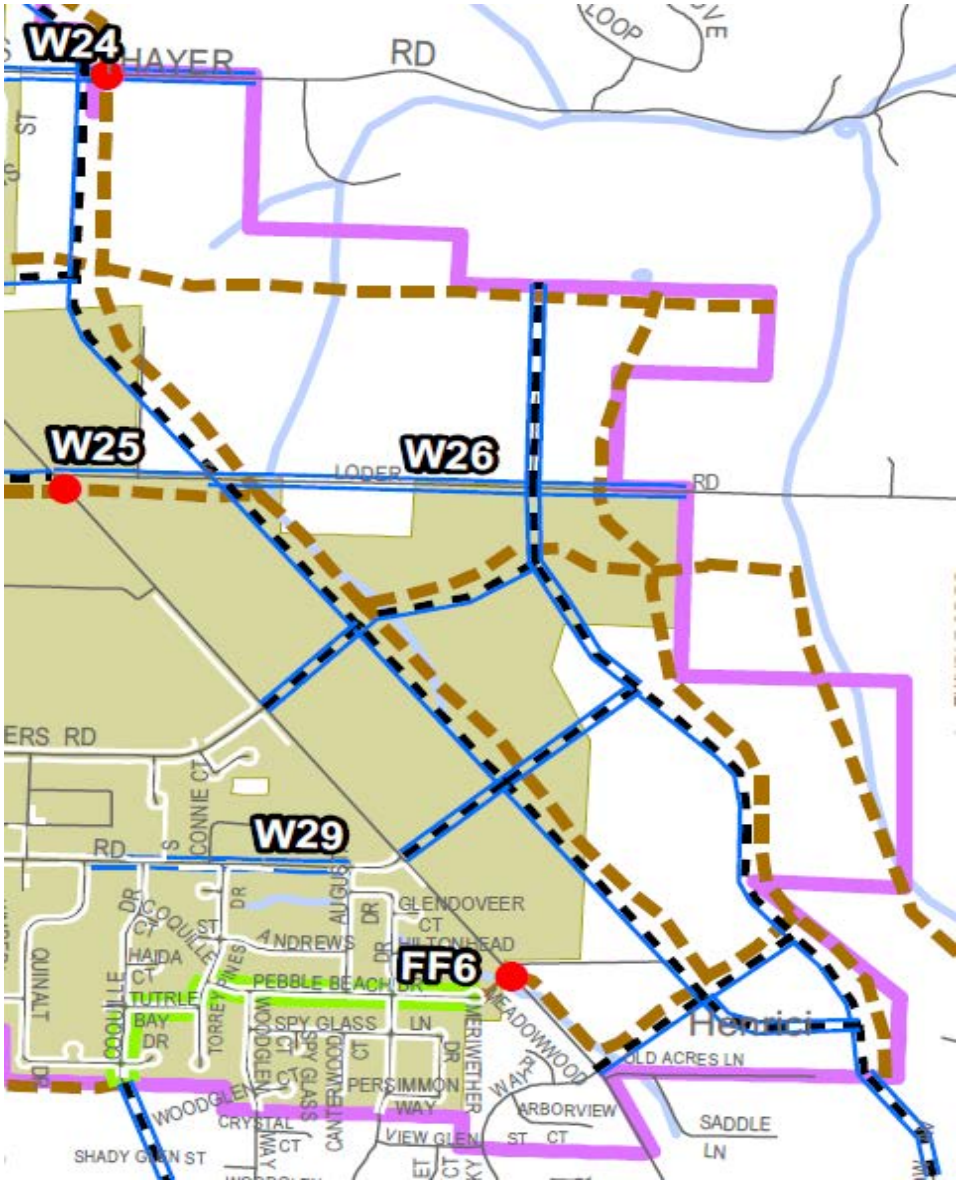
Project #	Project Description	Project Extent	Project Elements	Priority
D47	Meyers Road East extension	Beavercreek Road to the Meadow Lane Extension	Extend Meyers Road from Beavercreek Road to the Meadow Lane Extension as an Industrial Minor Arterial. Between the Holly Lane and Meadow Lane extensions, add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S19. Modify the existing traffic signal at Beavercreek Road	Medium-term
D54	Clairmont Drive extension	Beavercreek Road to Holly Lane South Extension	Extend Clairmont Drive from Beavercreek Road to the Holly Lane South extension as an Industrial Collector. Add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S17.	Long-term
D55	Glen Oak Road extension	Beavercreek Road to the Meadow Lane Extension	Extend Glen Oak Road from Beavercreek Road to the Meadow Lane Extension as a Residential Collector. Install a roundabout at Beavercreek Road (per project D39)	Long-term
D56	Timbersky Way extension	Beavercreek Road to the Meadow Lane Extension	Extend Timbersky Way from Beavercreek Road to the Meadow Lane Extension as a Residential Collector. Add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S20.	Long-term
D57	Holly Lane South extension	Maple Lane Road to Thayer Road	Extend Holly Lane from Maple Lane Road to Thayer Road as a Residential Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S14. Install a roundabout at Maple Lane Road (per project D37).	Medium-term
D58	Holly Lane South extension	Thayer Road to Meyers Road	Extend Holly Lane from Thayer Road to the Meyers Road extension as an Industrial Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S15.	Medium-term
D59	Holly Lane South extension	Meyers Road to the Meadow Lane Extension	Extend Holly Lane from the Meyers Road extension to the Meadow Lane Extension as a Mixed-Use Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S16.	Long-term
D60	Meadow Lane extension	Meadow Lane to Meyers Road	Extend Meadow Lane to the Meyers Road Extension as a Mixed-Use Collector. Between Old Acres Lane and the Glen Oak Road extension, add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S21.	Long-term
D61	Meadow Lane extension	Meyers Road to UGB (north of Loder Road)	Extend Meadow Lane from the Meyers Road Extension to the UGB (north of Loder Road) as an Industrial Collector	Medium-term
D81	Beavercreek Road Upgrade	Clairmont Drive (CCC Entrance) to Meyers Road	Improve to Industrial Major Arterial cross-section	Medium-term
D82	Beavercreek Road Upgrade	Meyers Road to UGB	Improve to Residential Major Arterial cross-section	Long-term

TSP Street & Intersection Expansions

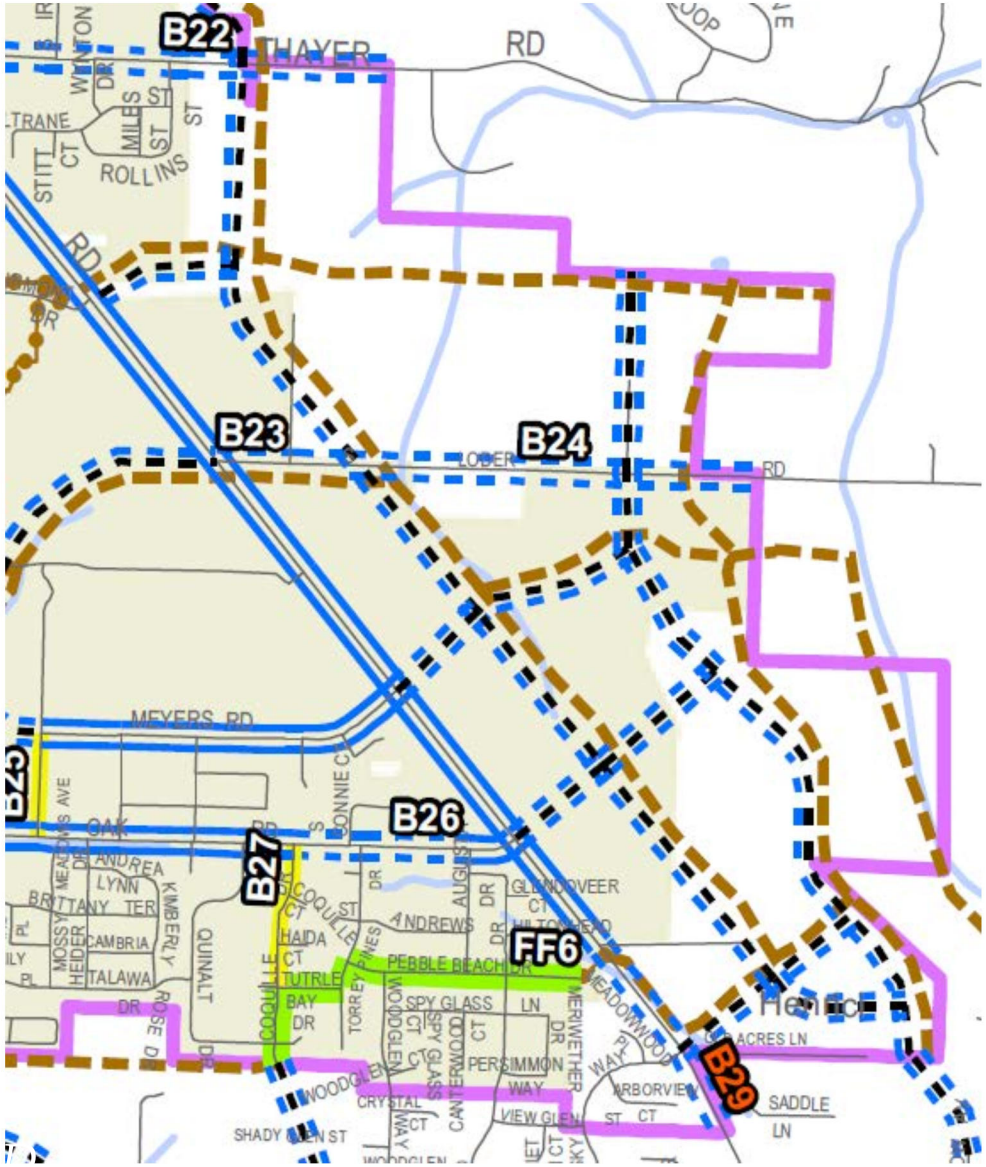




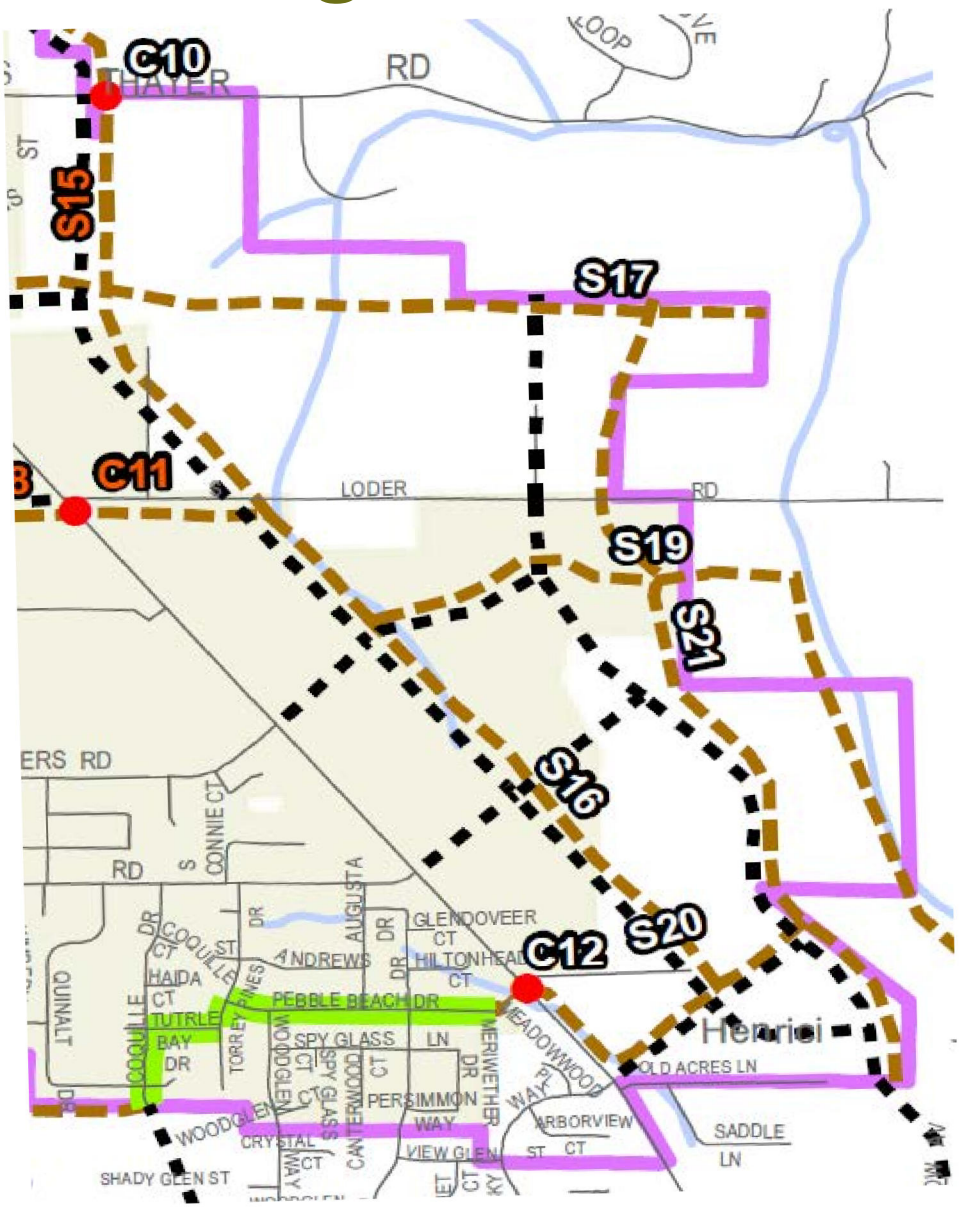
TSP Conceptual Walking Solutions



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TSP Shared Biking and Walking Solutions



Concept Plan: Land Use Areas

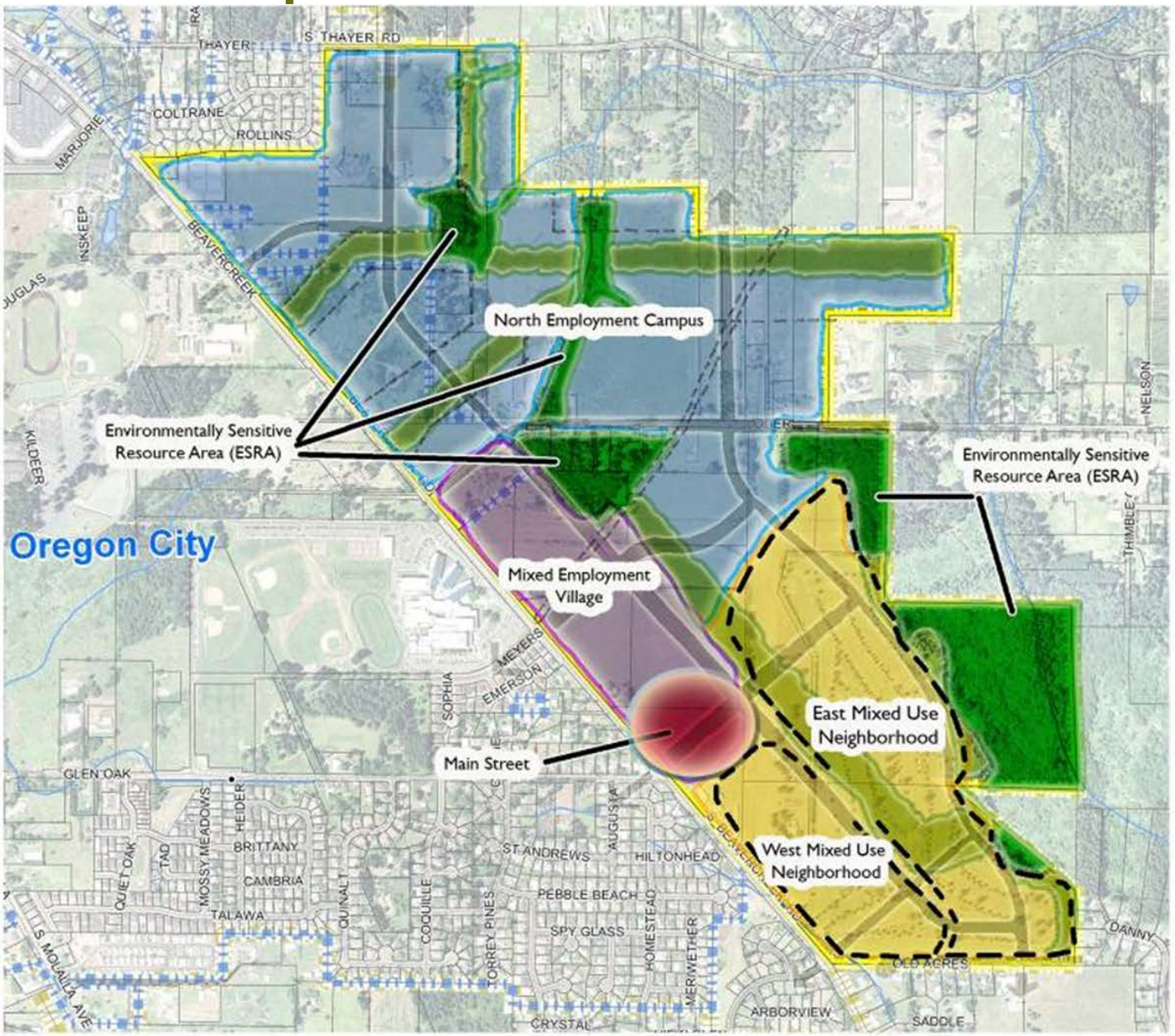
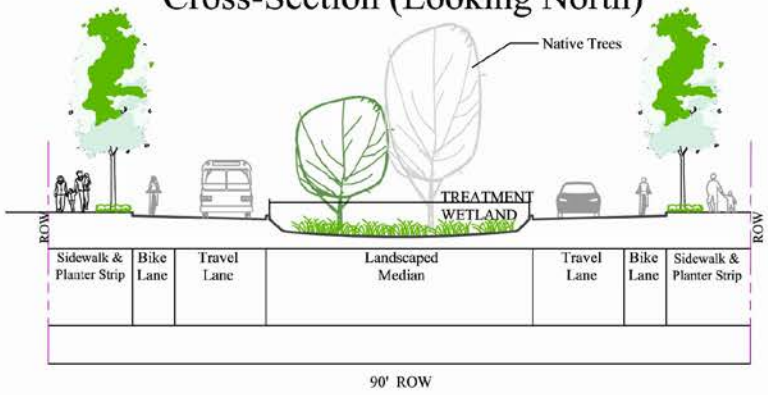


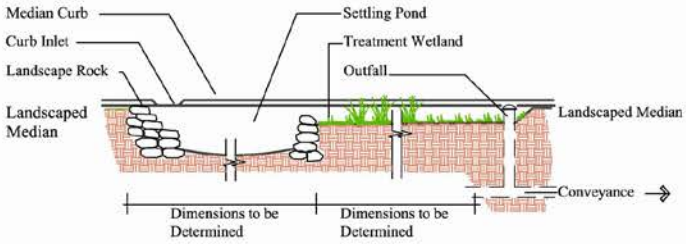
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Beavercreek Road Concept Plan

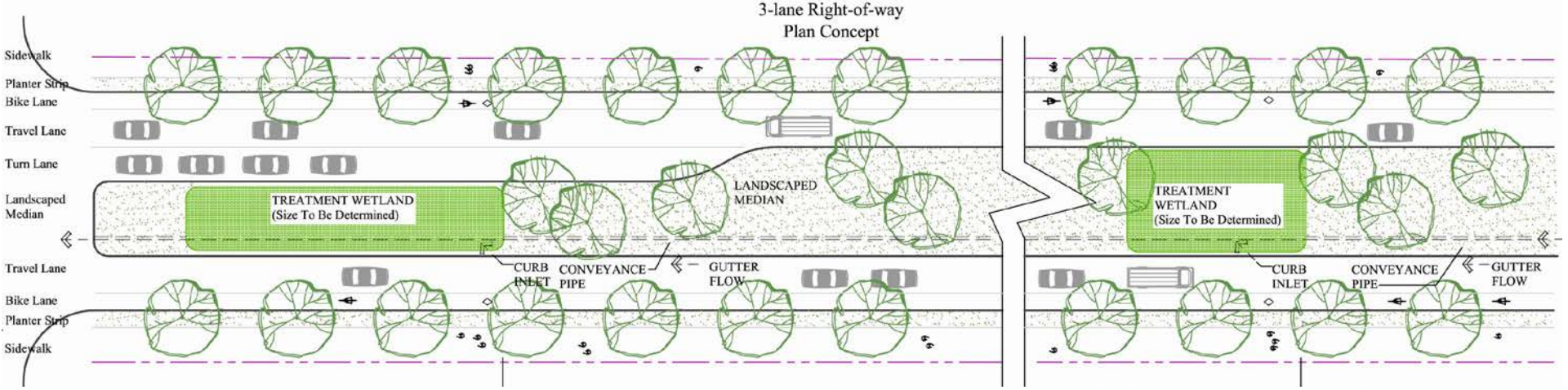
Beavercreek Road Greenstreet - Option 1
3-lane Right-of-way
Cross-Section (Looking North)



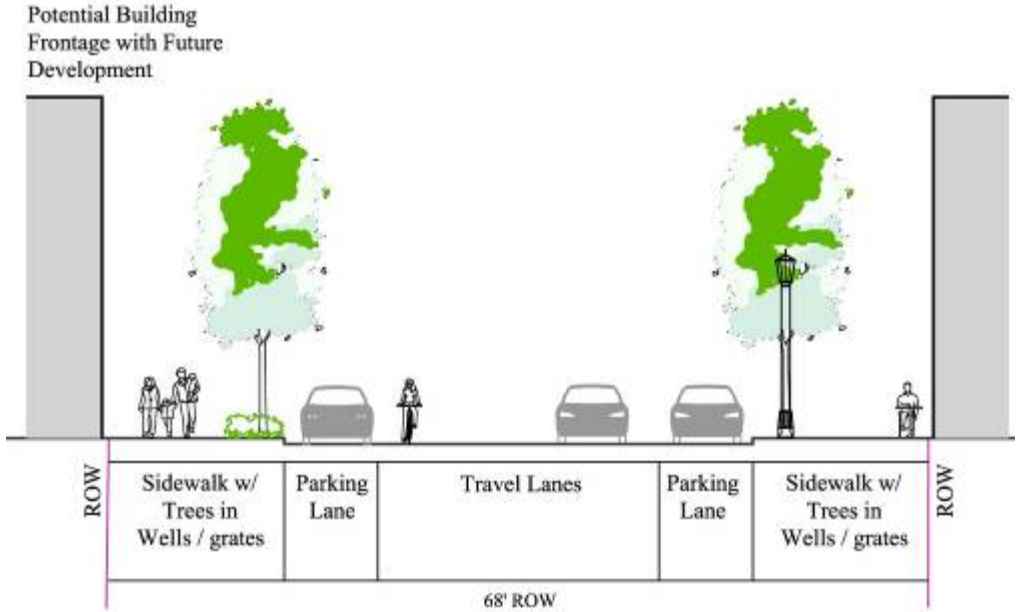
Median Treatment Wetland
Conceptual Detail



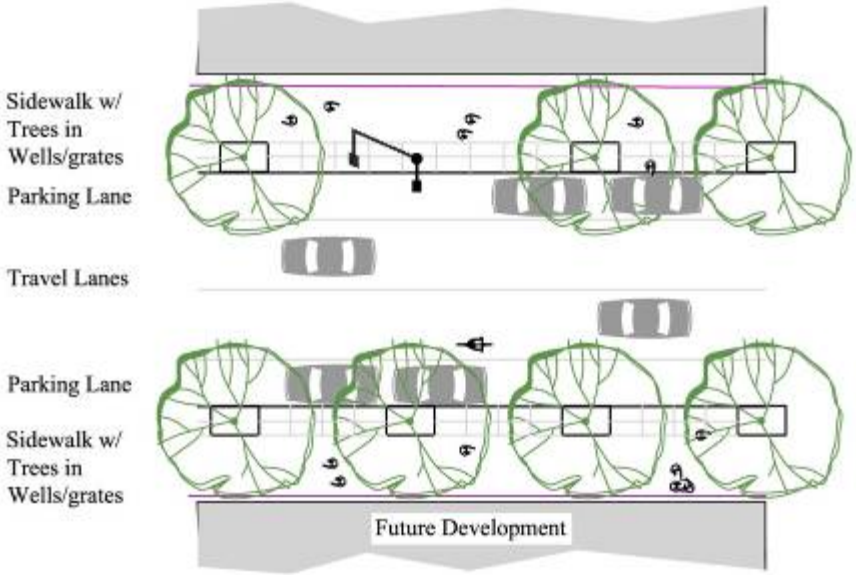
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Plan Concept



Main Street Collector



Main Street Collector
Plan View



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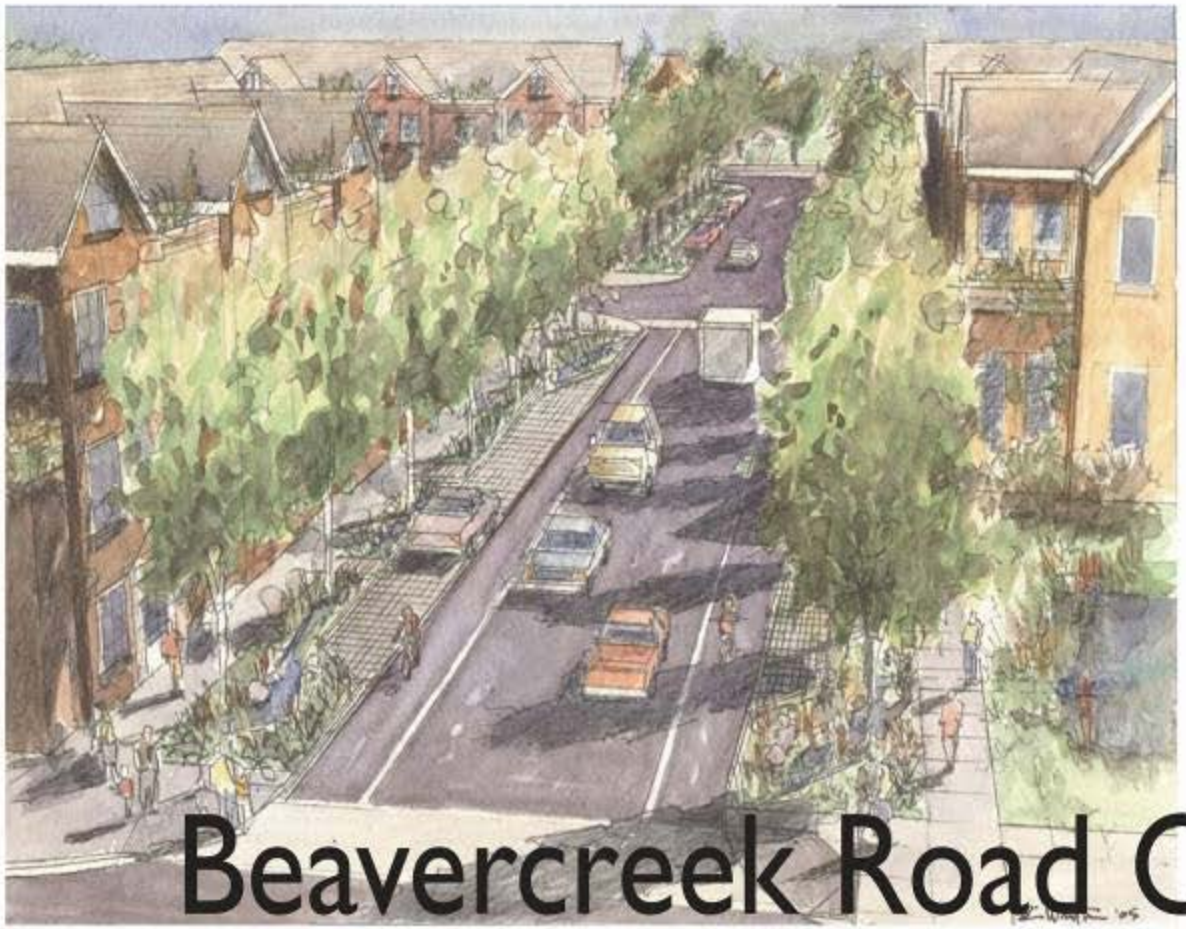
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Thank You

NOTE: Planning Staff provided a PowerPoint presentation on the Beavercreek Road Concept Plan to the Oregon City Natural Resources Committee on October 14, 2015. Staff used the same PowerPoint presentation that was presented to the Citizen Involvement Committee on October 22, 2015, which is in the record.



Beavercreek Road Concept Plan

Envisioning a Complete and Sustainable Community

Parks and Recreation Advisory Committee Presentation, October 22, 2015



Concept Plan: Land Use Areas

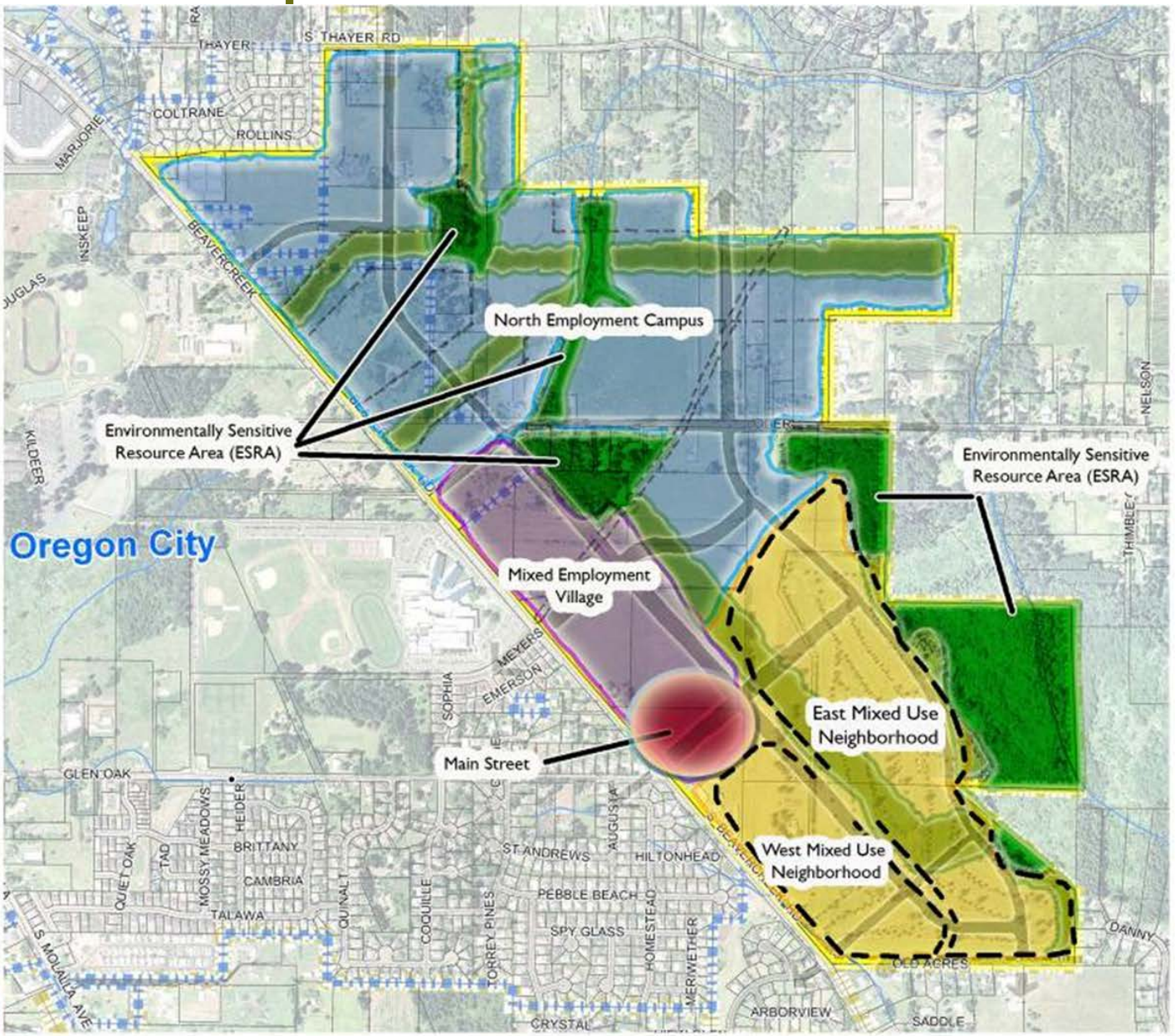


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- Housing
- Schools
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- Transportation (all modes)
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BRCP Goals

- Complete and Sustainable Community
- Model of Sustainable Design
- Green Jobs
- Sustainable Industries
- Natural Beauty
- Multi-Modal Transportation
- Safety Along Beavercreek Road
- Connections to OCHS and CCC
- Unique Sense of Place
- Ecological Health

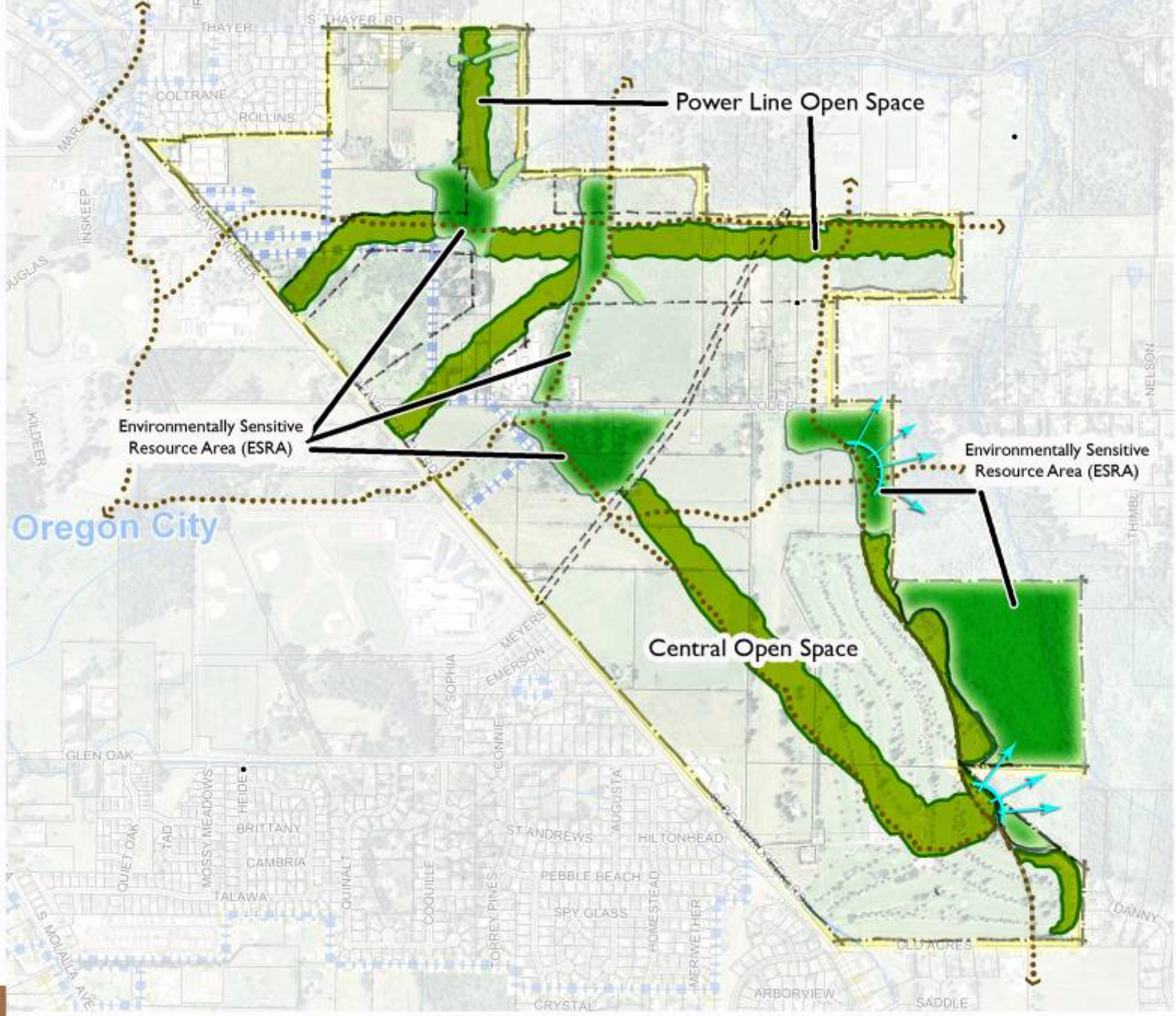


Figure 3: Beavercreek Zone Open Spaces and Natural Areas

BRCP Parks, Open Space & Recreation Goals and Policies

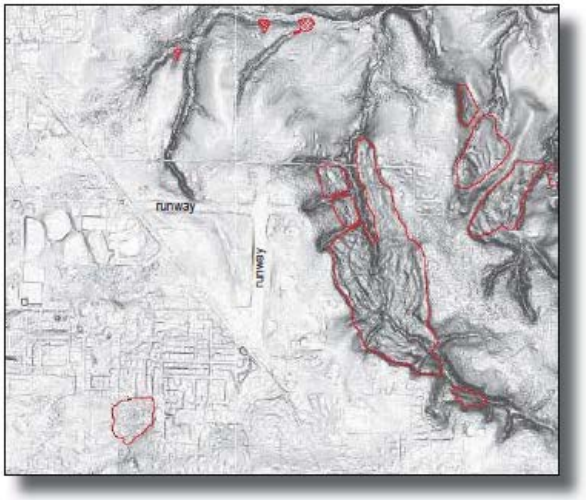
Open Space

- The Open Space Framework provides a network of green spaces intended to provide:
- A connected system of parks, open spaces and natural areas that link together and link to the Environmentally Sensitive Resource Areas, Scenic and open space amenities and community gathering places
- Access to nature
- Tree and natural area preservation
- Locations where storm water and water quality facilities can be combined with open space amenities, and opportunities to implement sustainable development and infrastructure
- Green spaces near the system of trails and pedestrian connections
- Open spaces which complement buildings and the urban, built environment

South-Central Open Space Concept

- Park space will be provided consistent with the City's Park and Recreation Master Plan standard of 6 to 10 acres per 1000 population.
- The required acreage may be proposed to be distributed to a multiple park spaces, consistent with proposed land uses and master plan design.
- A central park will be provided. The location and linearity of the park was first indicated by Metro's Goal 5 mapping. It was illustrated by several citizen groups during the design workshop held in October, 2006. This open space feature is intended as a connected, continuous and central green space that links the districts and neighborhoods south of Loder Road.

East Ridge



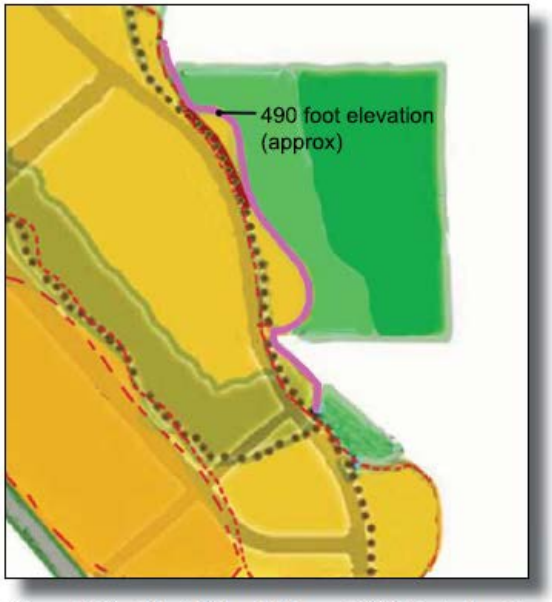


Figure 13A - East Ridge Lidar and 490 foot elevation

- Establishes open space area w/ no development near the 490’ elevation
- Window to adjacent natural area
- 2 scenic views points (small public parks)
- Part of East Ridge Trail system

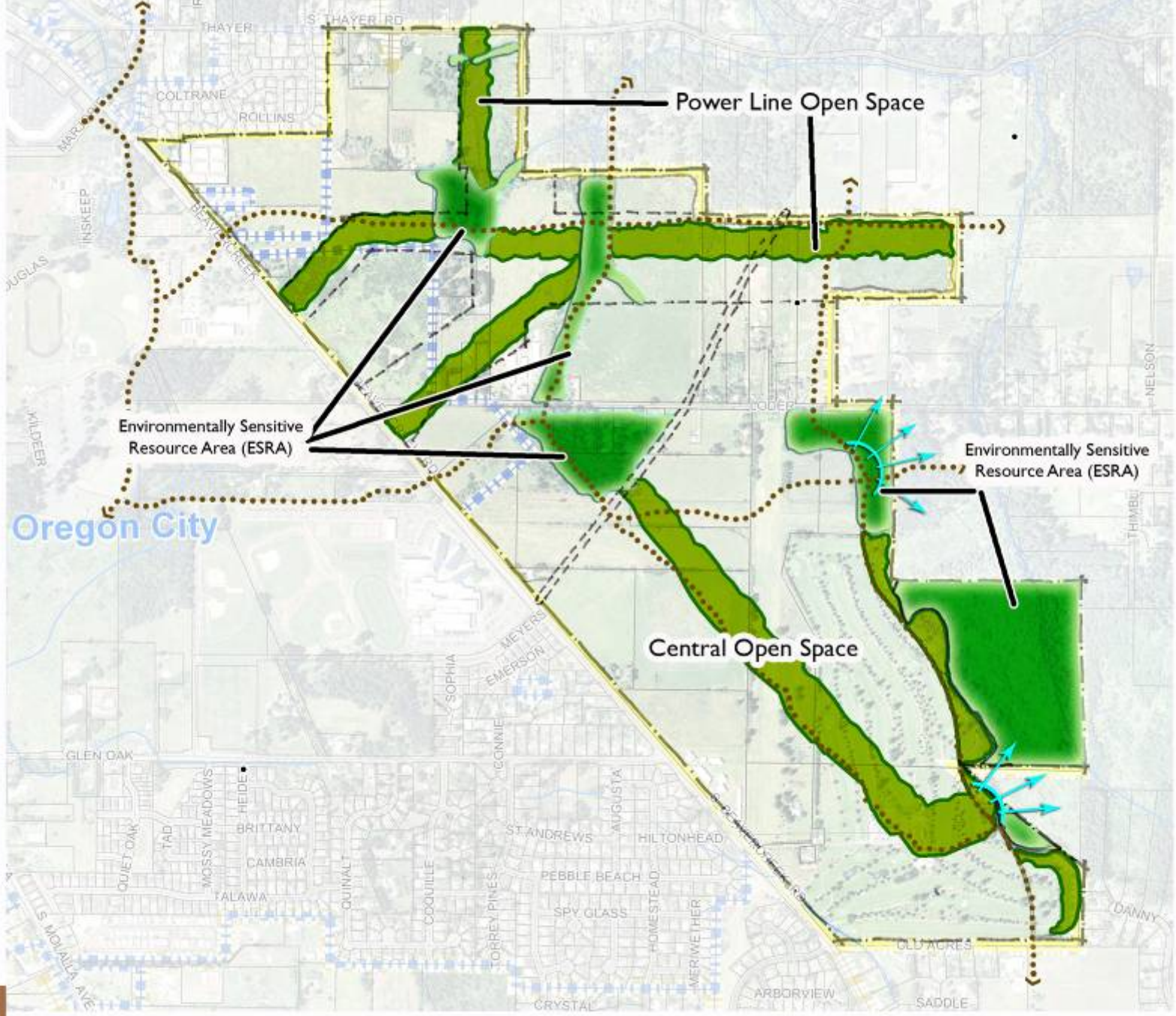
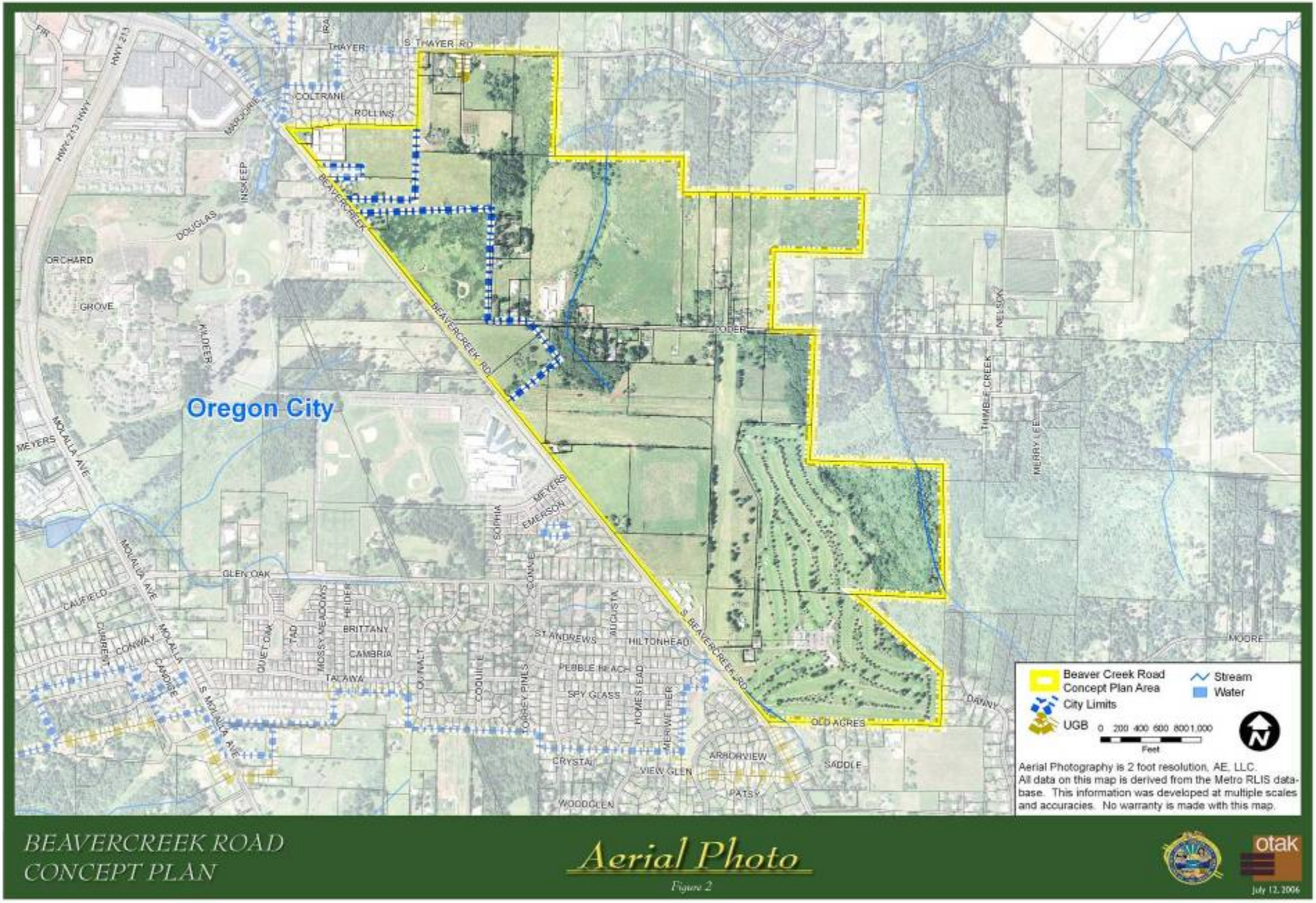


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BEAVERCREEK ROAD
CONCEPT PLAN

Aerial Photo

Figure 2

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July 12, 2006

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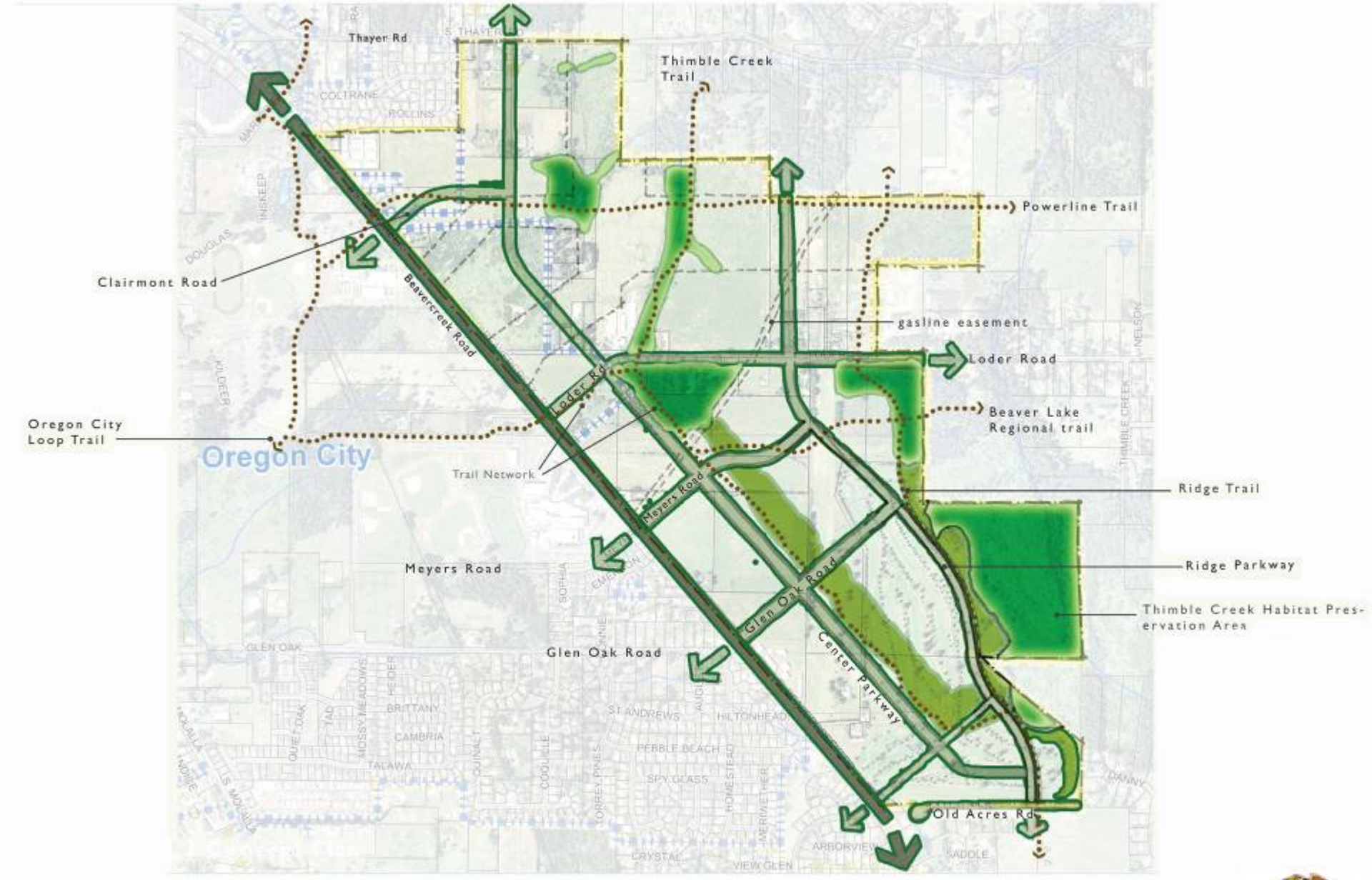
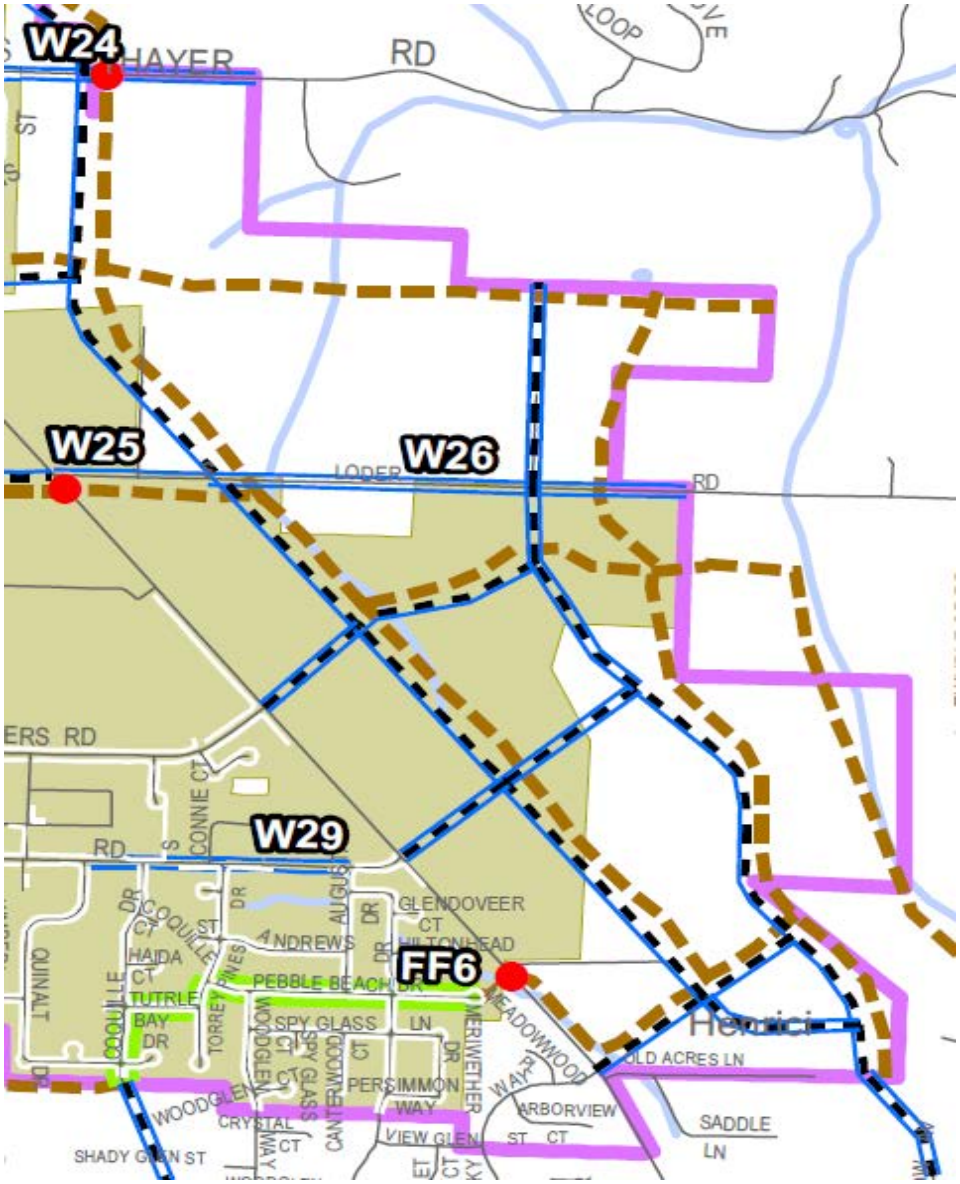
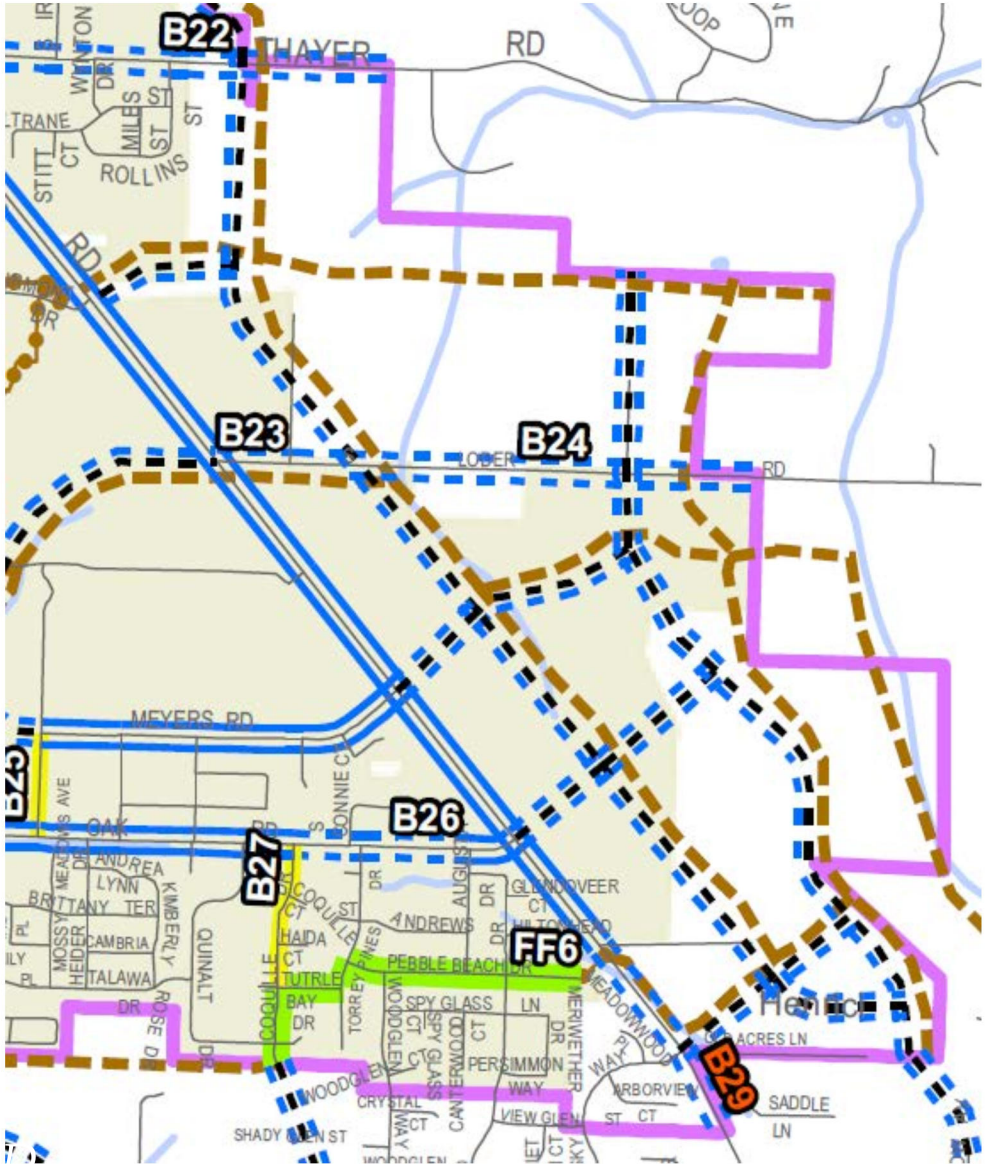


Figure 4: Beavercreek Zone Site Circulation

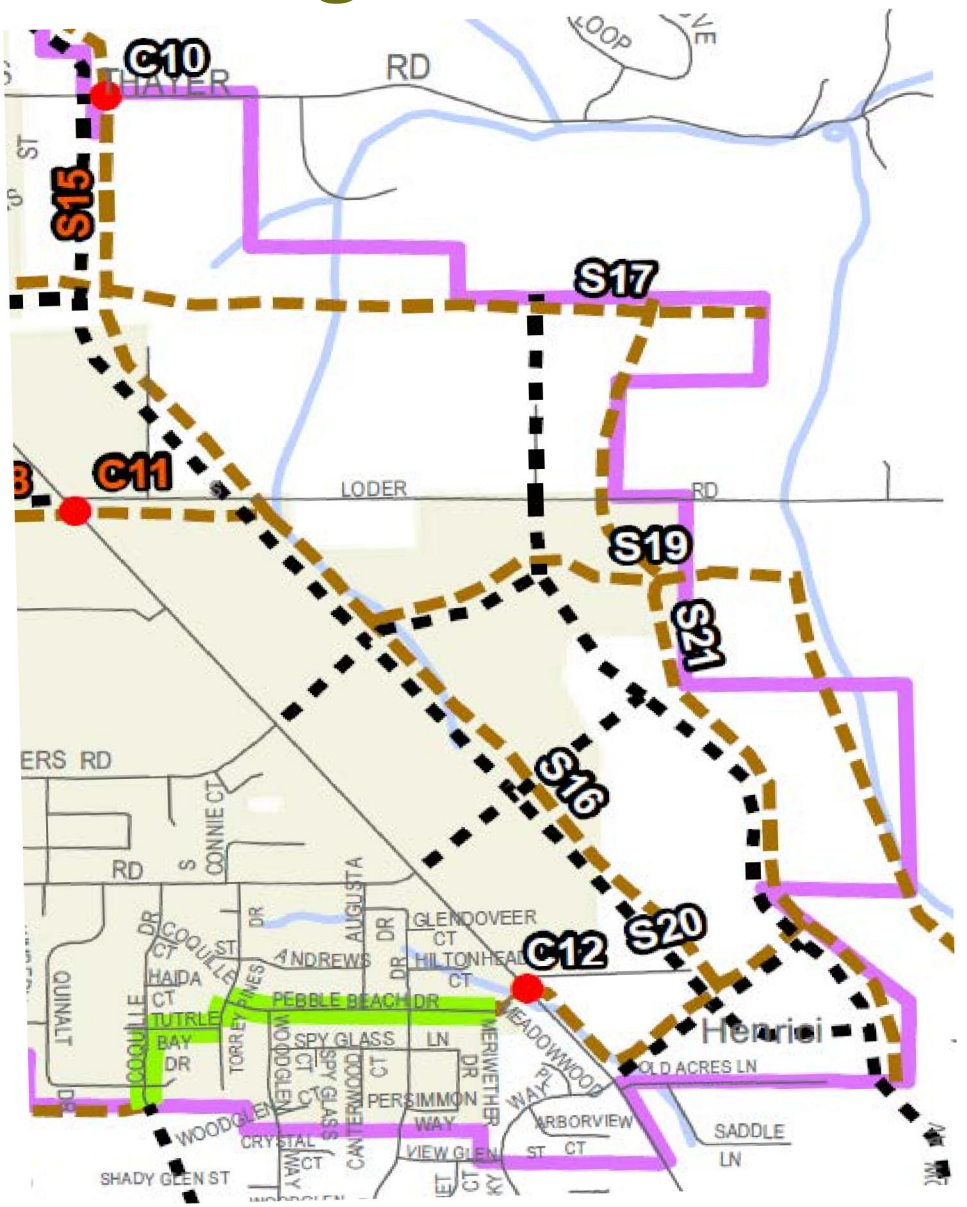
TSP Conceptual Walking Solutions



TSP Conceptual Biking Solutions



TSP Shared Biking and Walking Solutions



Costs / Funding

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- The required acreage may be proposed to be distributed to a multiple park spaces, consistent with proposed land uses and master plan design.
- The 2007 plan estimates Parks SDC revenues between $4- $4.4M
- Additional analysis of SDCs and other Funding Sources will be done to support the City's findings for re-adoption
- Funding sources still need to be found for Walking, Biking and Shared Use paths and trails

Meetings

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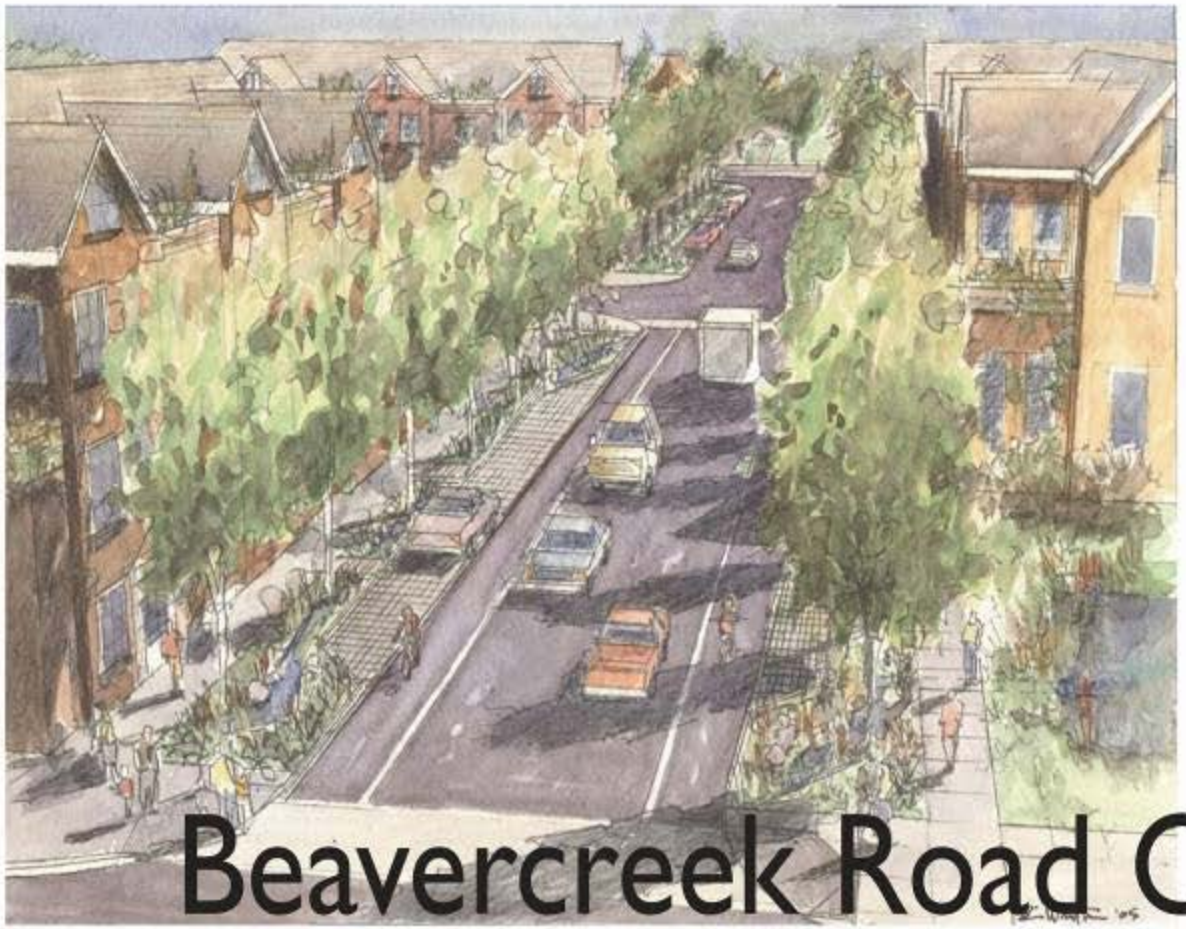
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Thank You



Beavercreek Road Concept Plan

Envisioning a Complete and Sustainable Community

Caufield Neighborhood Association Presentation October 27, 2015





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BRCP Goals

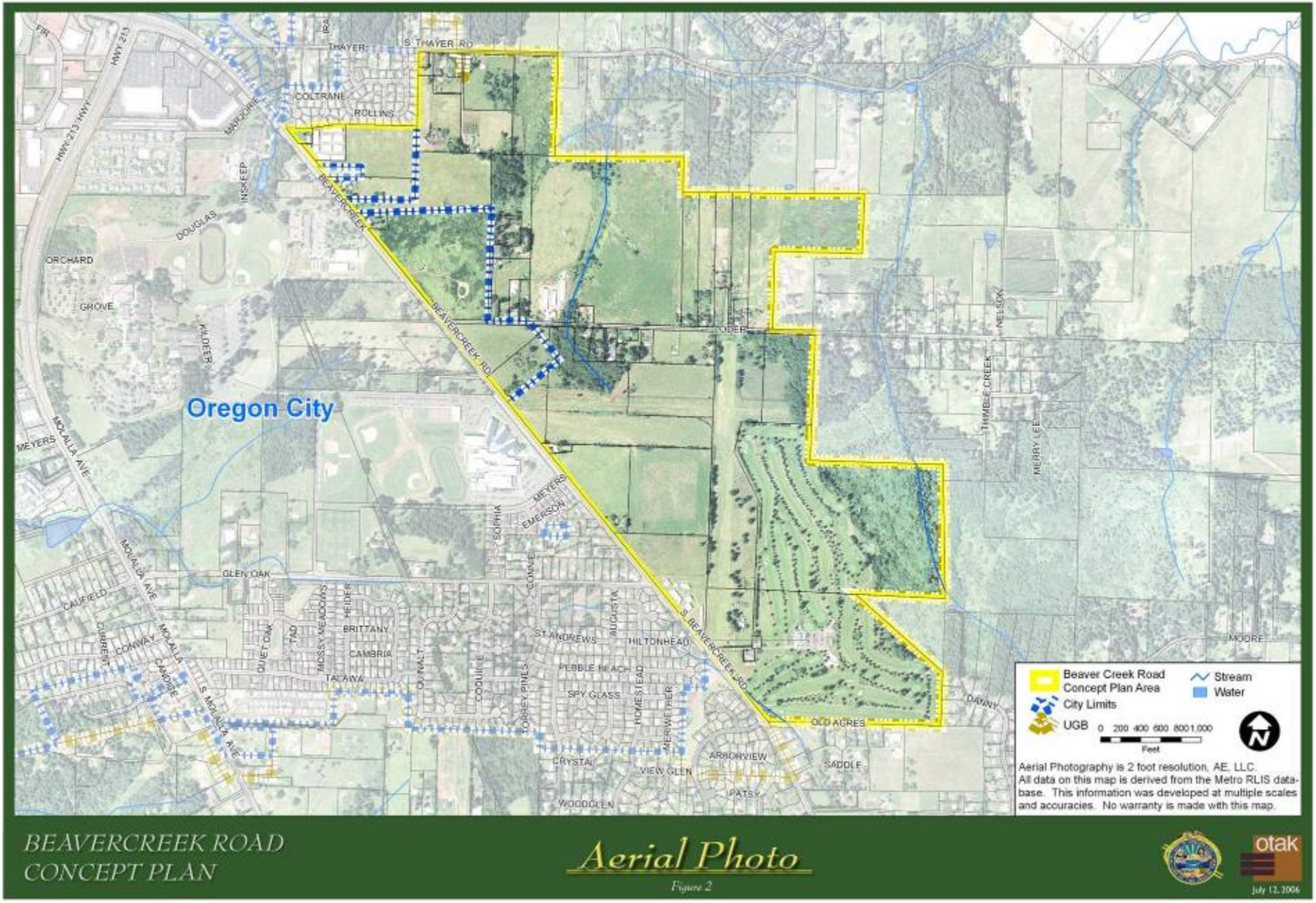
- Complete and Sustainable Community
- Model of Sustainable Design
- Green Jobs
- Sustainable Industries
- Natural Beauty
- Multi-Modal Transportation
- Safety Along Beavercreek Road
- OCHS & CCC Connections (Education / Employment)
- Unique Sense of Place
- Ecological Health

What must a concept plan address?

- *Natural Resources, Parks, and Open Space*
- *Employment Land (Title 4)*
- *Housing*
- *Schools*
- *Amenities*
- *Transportation (all modes)*
- *Zoning*
- *Infrastructure*
- *Financing*

2007 Community Engagement

- 12 Citizen Advisory / Technical Advisory Committee meetings
- Technical Advisory Committee meetings
- Study Area Site Visit
- 2 Open Houses
- Meeting with Metro – Employment Discussion
- Community Design Workshop Meeting
- Market Focus Group
- Sustainability Focus Group
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BEAVERCREEK ROAD
CONCEPT PLAN

Aerial Photo

Figure 2

otak

July 12, 2006

Concept Plan: Land Use Areas

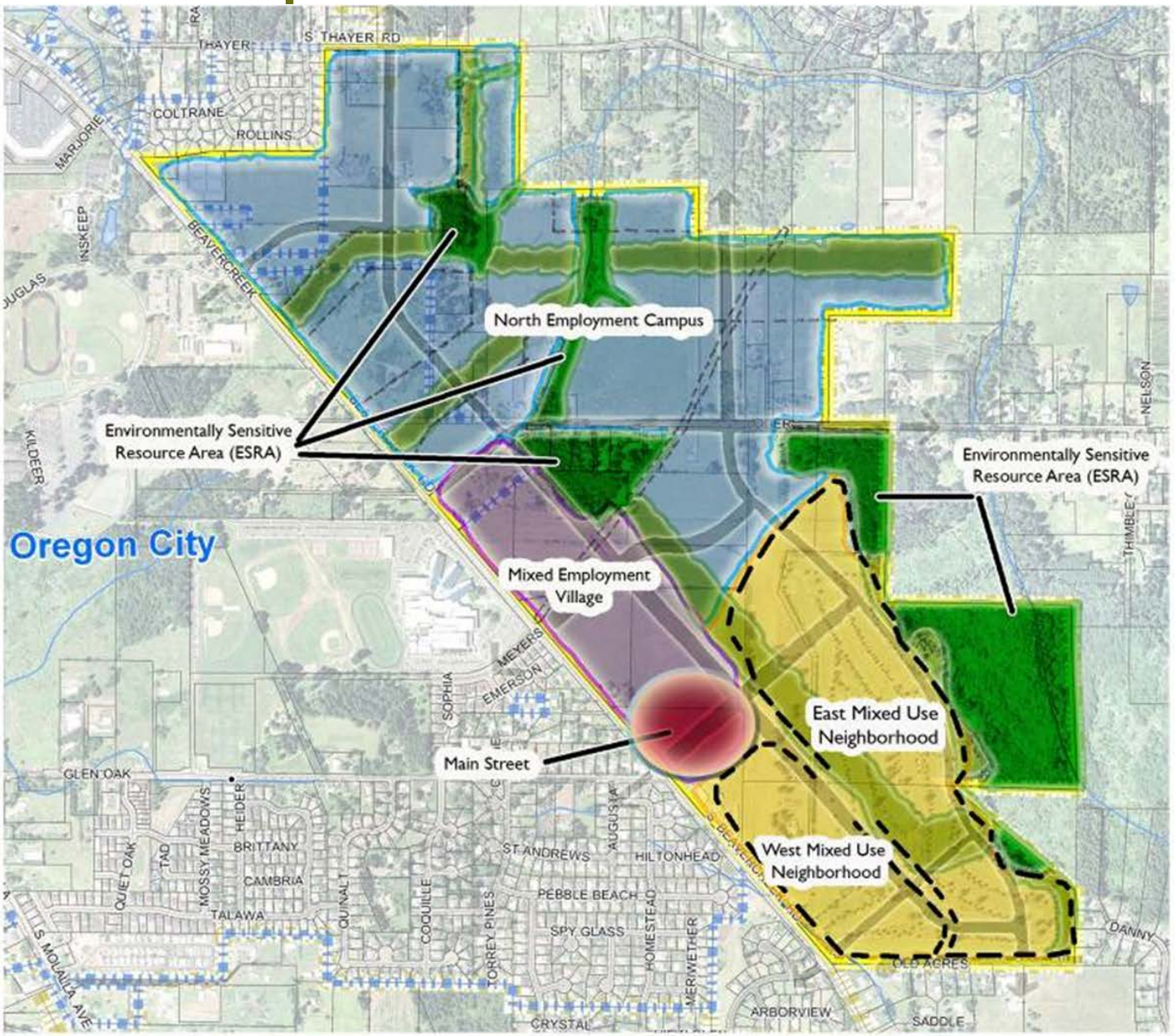


Figure 2: Beavercreek Zone Subdistricts

Concept Plan: Land Use Areas

Acres*	Gross	Net
North Employment Campus	149	127
Mixed Employment Village	26	21
Main Street	10	8
West Mixed Use Neighborhood	22	18
East Mixed Use Neighborhood	77	62
	284	235
Parks/ Open Space/ Natural	113	
Major ROW	56	
Total	~453	

*Acres are preliminary and rounded

Jobs and Housing Estimates

	Jobs	Housing
North Employment Campus	3,678	
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Based on Hybrid Plan – See draft plan for all stated assumptions.

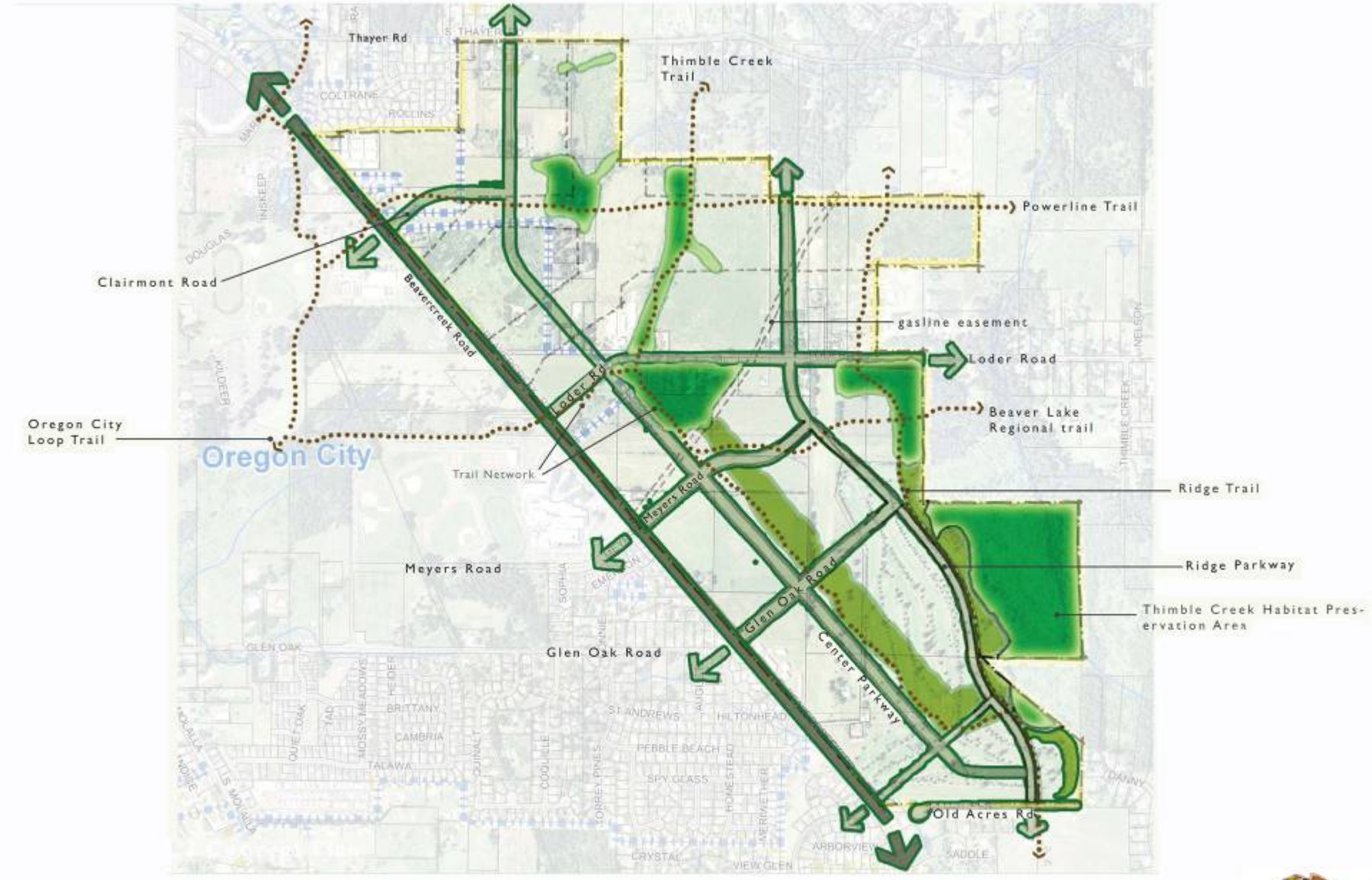
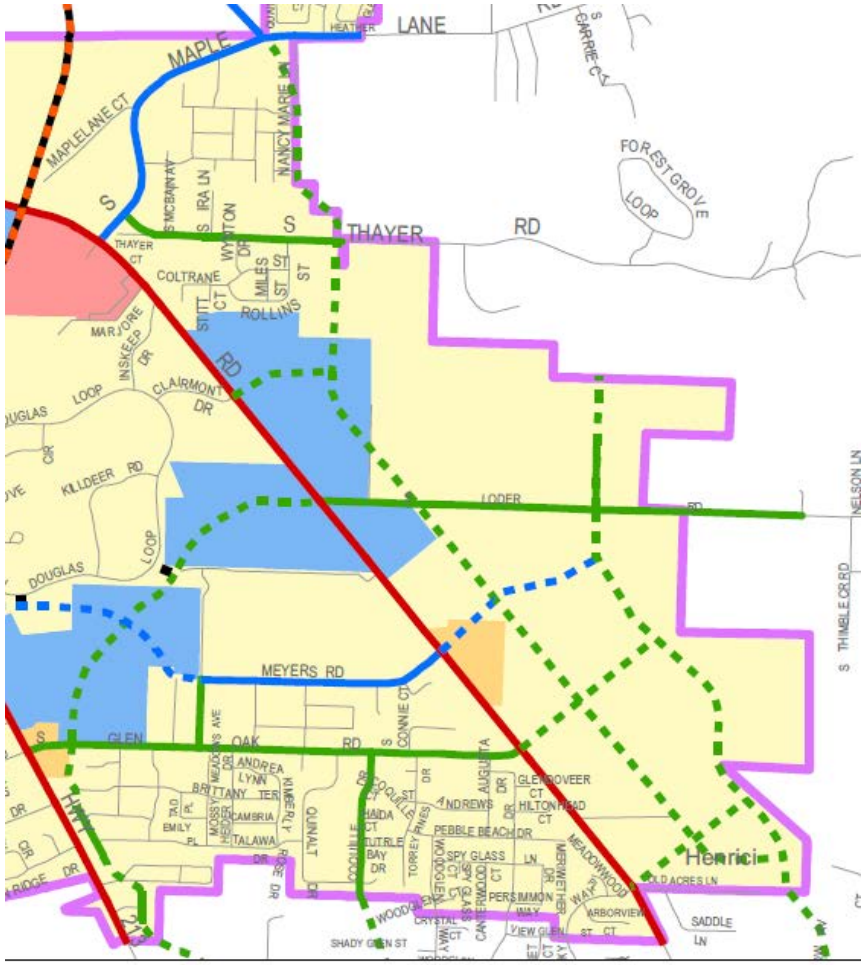


Figure 4: Beavercreek Zone Site Circulation

Likely to be Funded TSP Projects

Project #	Project Description	Project Extent	Project Elements	Priority
D47	Meyers Road East extension	Beavercreek Road to the Meadow Lane Extension	Extend Meyers Road from Beavercreek Road to the Meadow Lane Extension as an Industrial Minor Arterial. Between the Holly Lane and Meadow Lane extensions, add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S19. Modify the existing traffic signal at Beavercreek Road	Medium-term
D54	Clairmont Drive extension	Beavercreek Road to Holly Lane South Extension	Extend Clairmont Drive from Beavercreek Road to the Holly Lane South extension as an Industrial Collector. Add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S17.	Long-term
D55	Glen Oak Road extension	Beavercreek Road to the Meadow Lane Extension	Extend Glen Oak Road from Beavercreek Road to the Meadow Lane Extension as a Residential Collector. Install a roundabout at Beavercreek Road (per project D39)	Long-term
D56	Timbersky Way extension	Beavercreek Road to the Meadow Lane Extension	Extend Timbersky Way from Beavercreek Road to the Meadow Lane Extension as a Residential Collector. Add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S20.	Long-term
D57	Holly Lane South extension	Maple Lane Road to Thayer Road	Extend Holly Lane from Maple Lane Road to Thayer Road as a Residential Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S14. Install a roundabout at Maple Lane Road (per project D37).	Medium-term
D58	Holly Lane South extension	Thayer Road to Meyers Road	Extend Holly Lane from Thayer Road to the Meyers Road extension as an Industrial Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S15.	Medium-term
D59	Holly Lane South extension	Meyers Road to the Meadow Lane Extension	Extend Holly Lane from the Meyers Road extension to the Meadow Lane Extension as a Mixed-Use Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S16.	Long-term
D60	Meadow Lane extension	Meadow Lane to Meyers Road	Extend Meadow Lane to the Meyers Road Extension as a Mixed-Use Collector. Between Old Acres Lane and the Glen Oak Road extension, add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S21.	Long-term
D61	Meadow Lane extension	Meyers Road to UGB (north of Loder Road)	Extend Meadow Lane from the Meyers Road Extension to the UGB (north of Loder Road) as an Industrial Collector	Medium-term
D81	Beavercreek Road Upgrade	Clairmont Drive (CCC Entrance) to Meyers Road	Improve to Industrial Major Arterial cross-section	Medium-term
D82	Beavercreek Road Upgrade	Meyers Road to UGB	Improve to Residential Major Arterial cross-section	Long-term

TSP Multi-Modal Street System



Legend

Functional Classification

- Freeway
- Expressway
- Major Arterial
- Minor Arterial
- Collector
- Local Street

Planned Roadways (Conceptual Alignment)

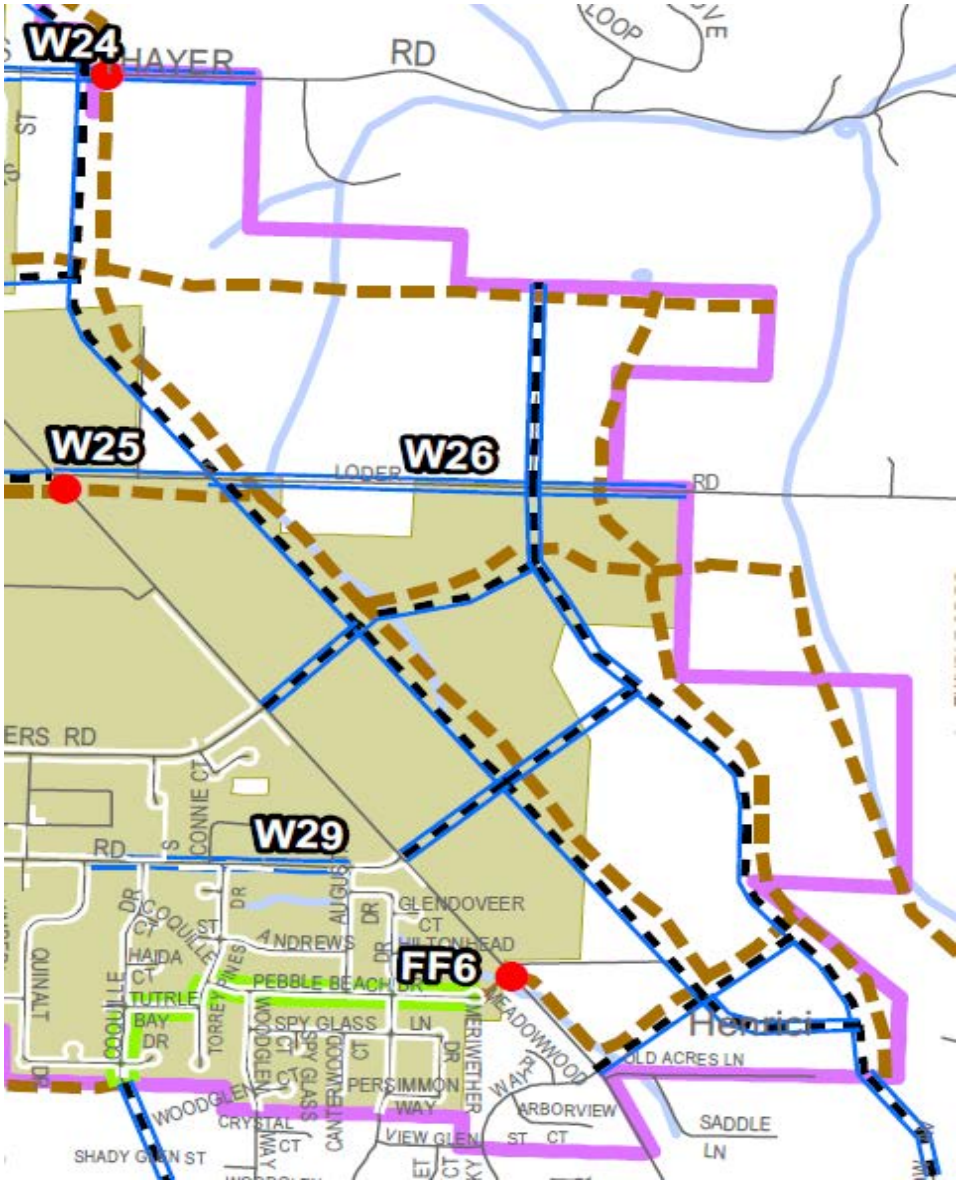
- Planned Minor Arterial
- Planned Collector
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Street Type

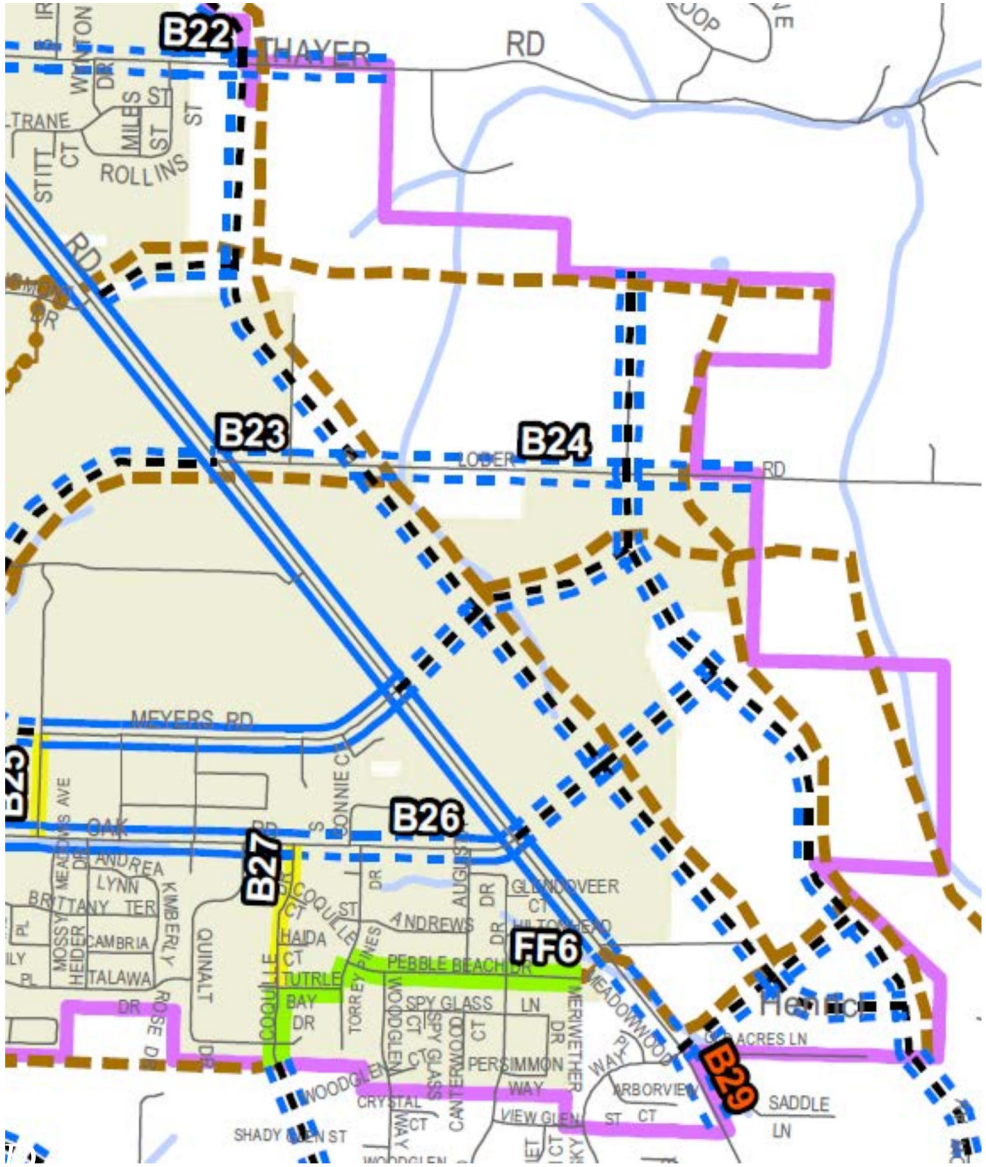
- Commercial
- Industrial
- Residential
- Mixed-Use

- City Limit
- Urban Growth Boundary

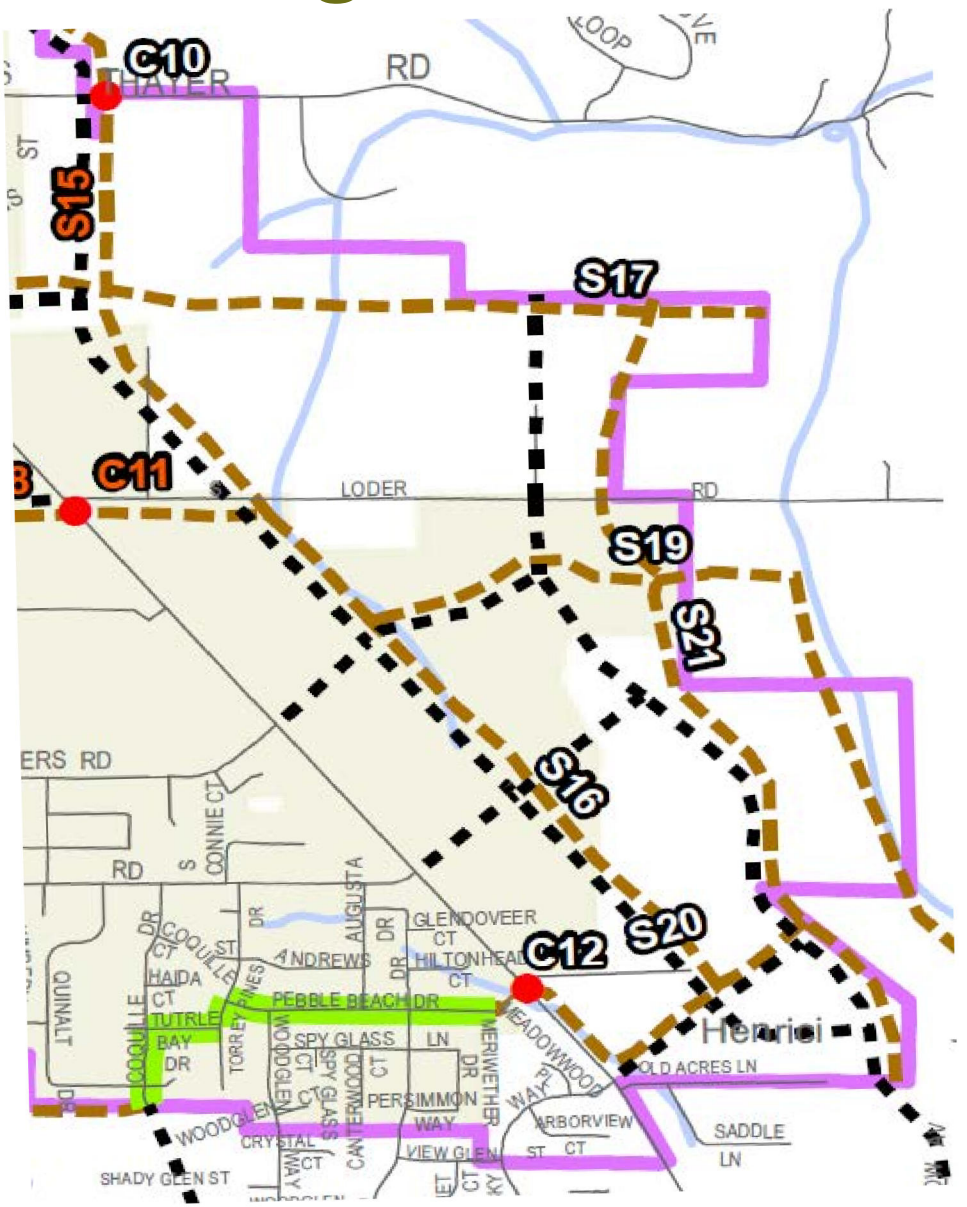
TSP Conceptual Walking Solutions



TSP Conceptual Biking Solutions



TSP Shared Biking and Walking Solutions




Pedestrian Access
5 minute walk from center to edge
otak
Beavercreek Road Concept Plan
03/19/07

Meetings

- Planning Commission Work Session 09/28
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How to do I stay involved?

Website:

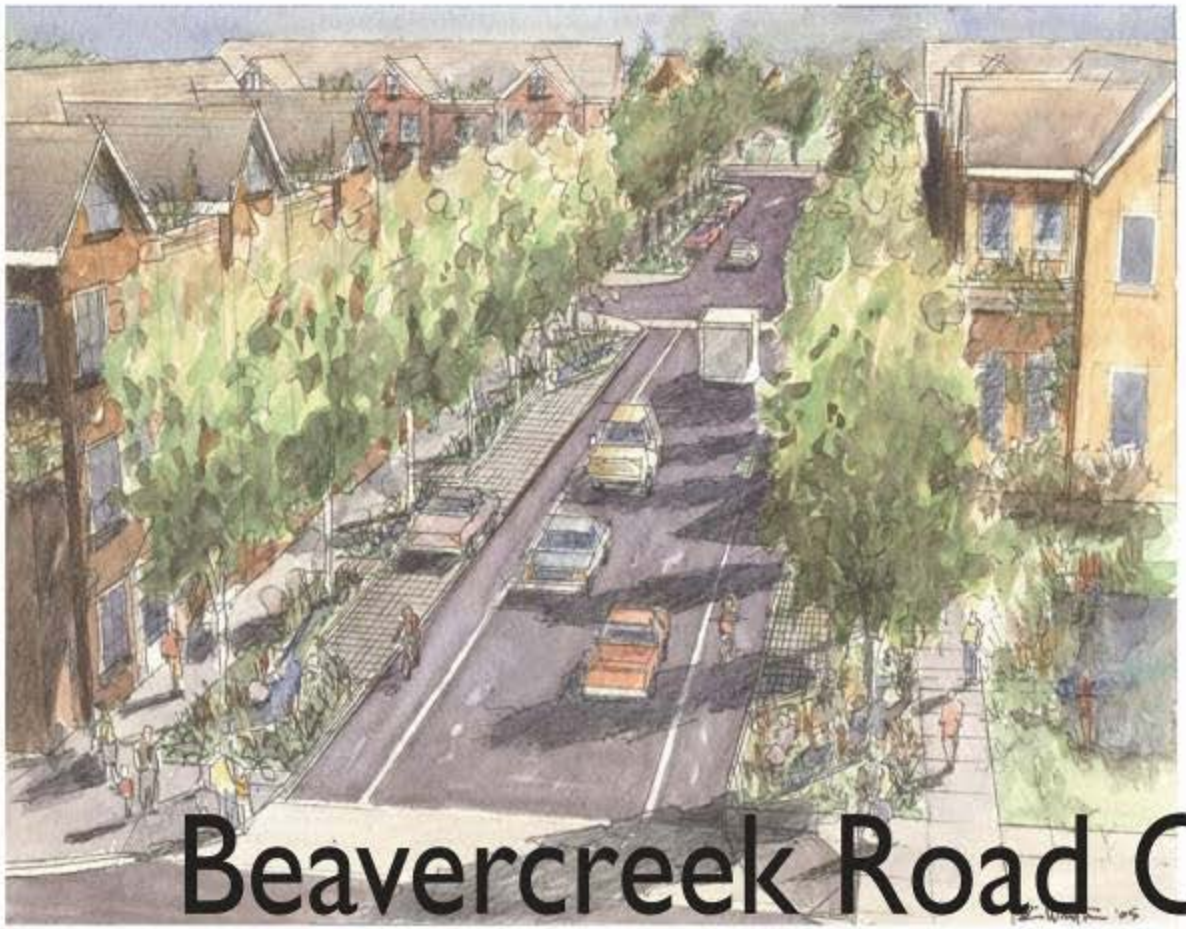
http://www.orcity.org/planning/landusecase/le-15-0003-re-adoption-beavercreek-road-concept-plan

Pete Walter, Associate Planner

PH: (503) 496-1568

Email: pwalter@orcity.org

Thank You



Beavercreek Road Concept Plan

Envisioning a Complete and Sustainable Community

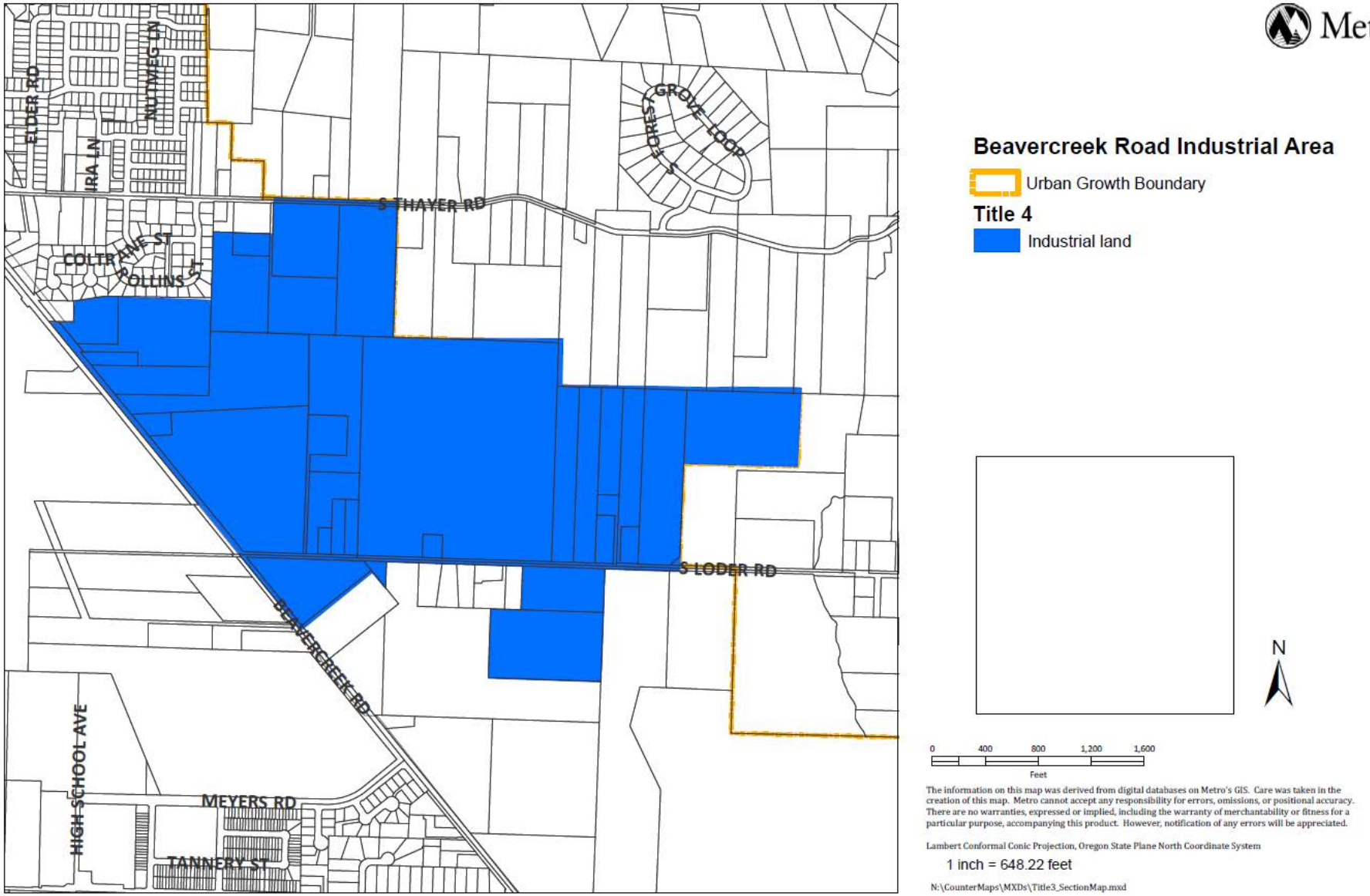
Hamlet of Beavercreek, October 28, 2015





History

- *The Beavercreek Road Concept Plan was developed with strong community input between 2007 and 2008, and was adopted by the City Commission in September 2008.*
- *The plan was appealed to LUBA, which remanded the plan back to the City and Metro to resolve Title 4 employment (industrial) land mapping acreages.*
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151 gross acres (121 net acres) of employment land – Metro Ord. 10-1244B, EXHIBIT D

BRCP Goals

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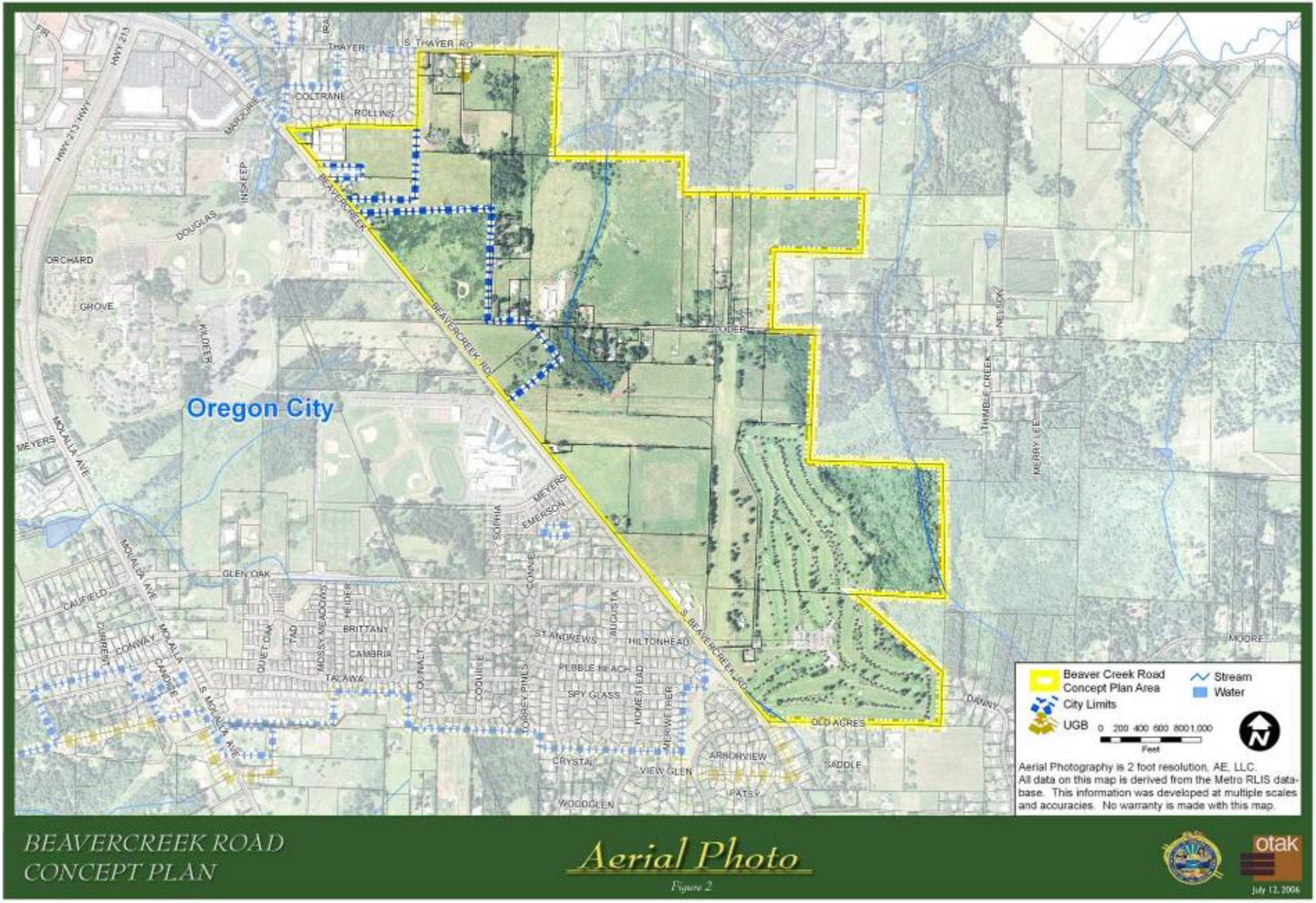
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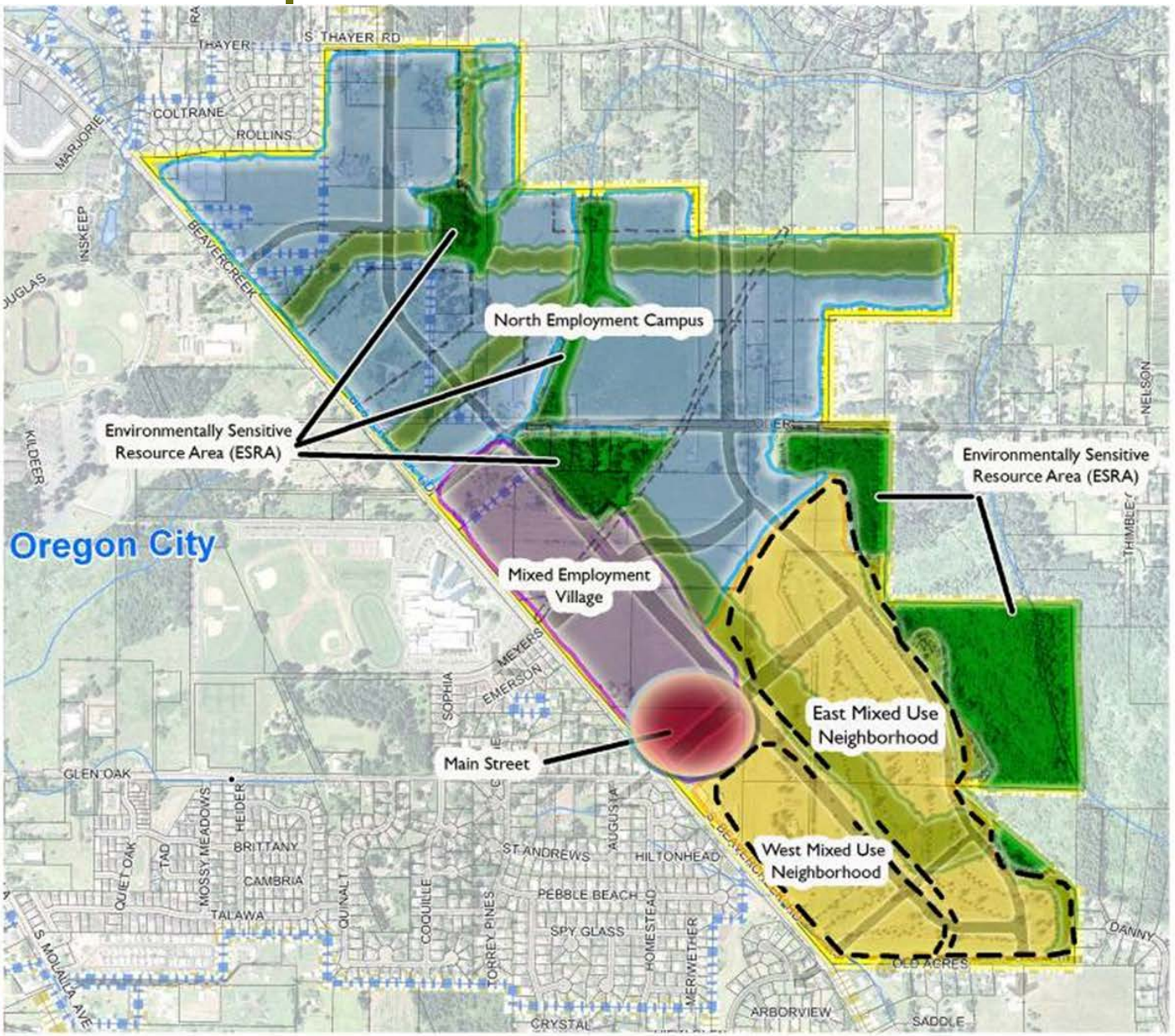


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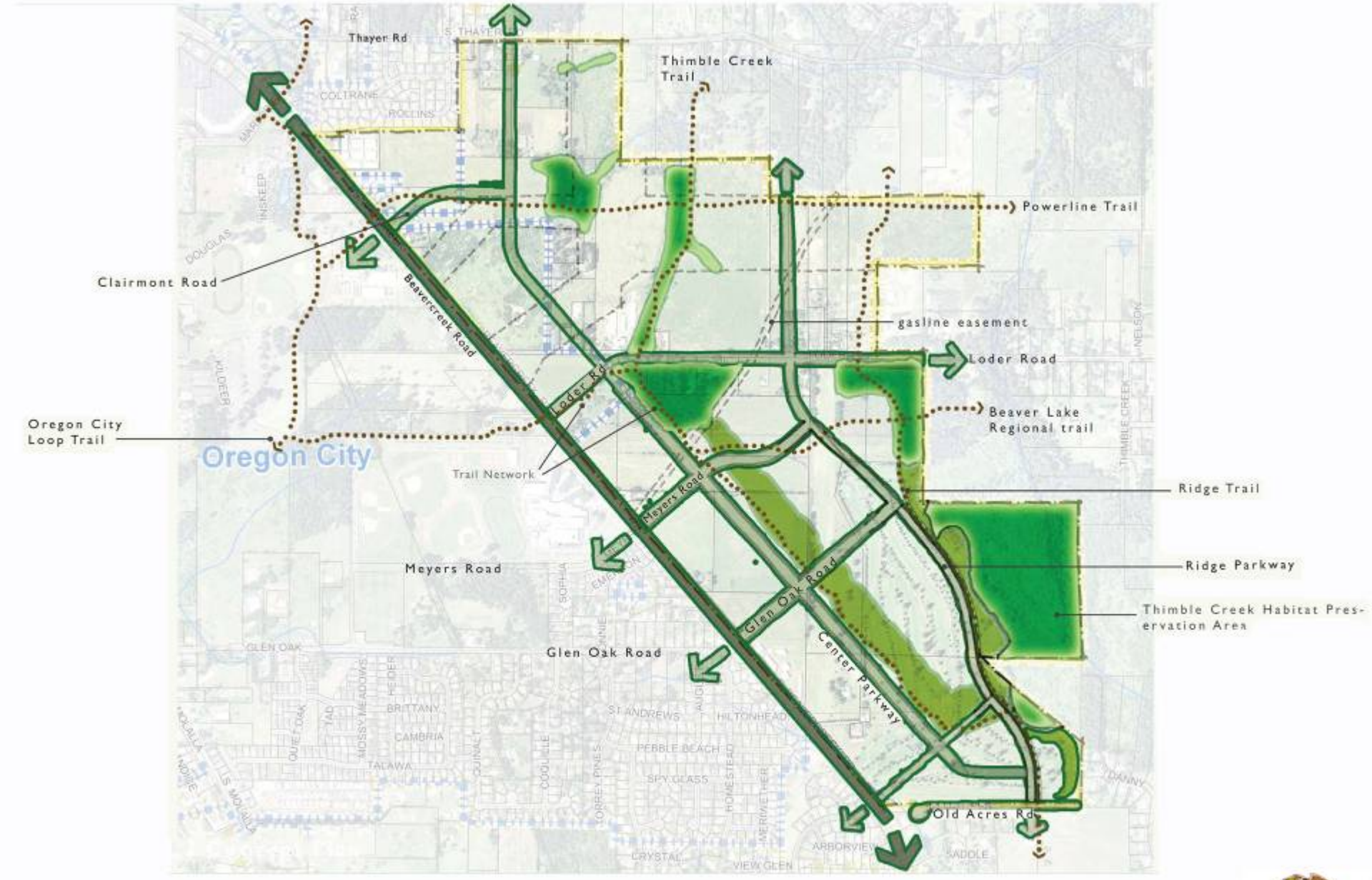
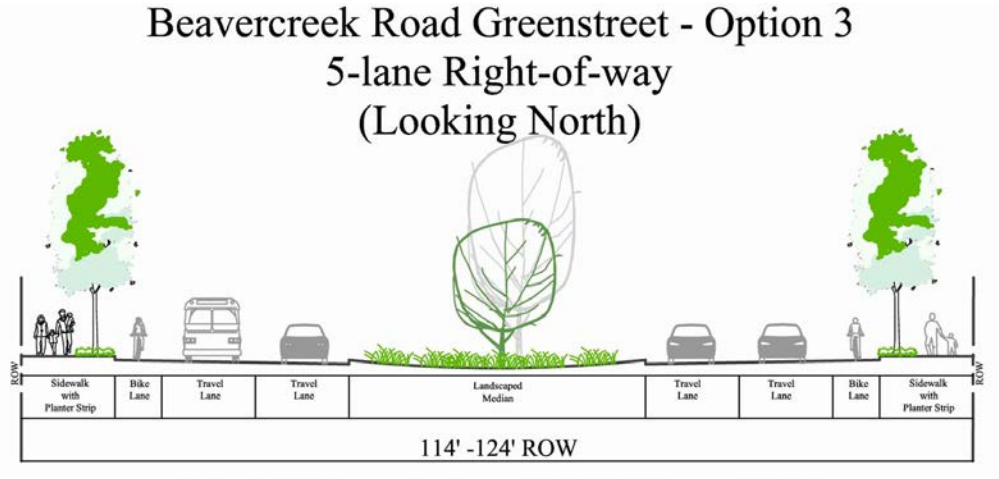
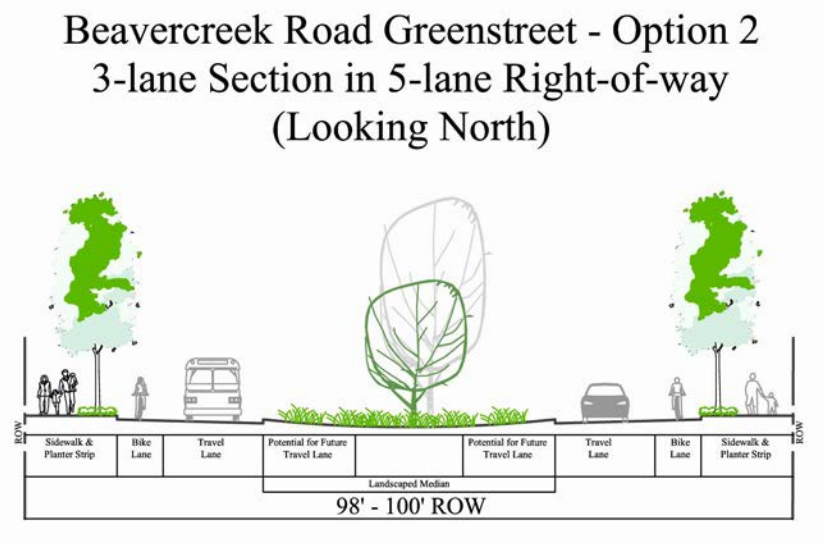


Figure 4: Beavercreek Zone Site Circulation

Beavercreek Road

- The concept plan specifies that Beavercreek Road will be improved as a green boulevard that will be a 5-lane arterial section to Clairmont, then a 3-lane arterial, with room for 5 lanes if needed, from Clairmont to the UGB. These projects on Beavercreek Road are included in TSP Table 2: Likely to Be Funded Transportation System as project D81 and D82.





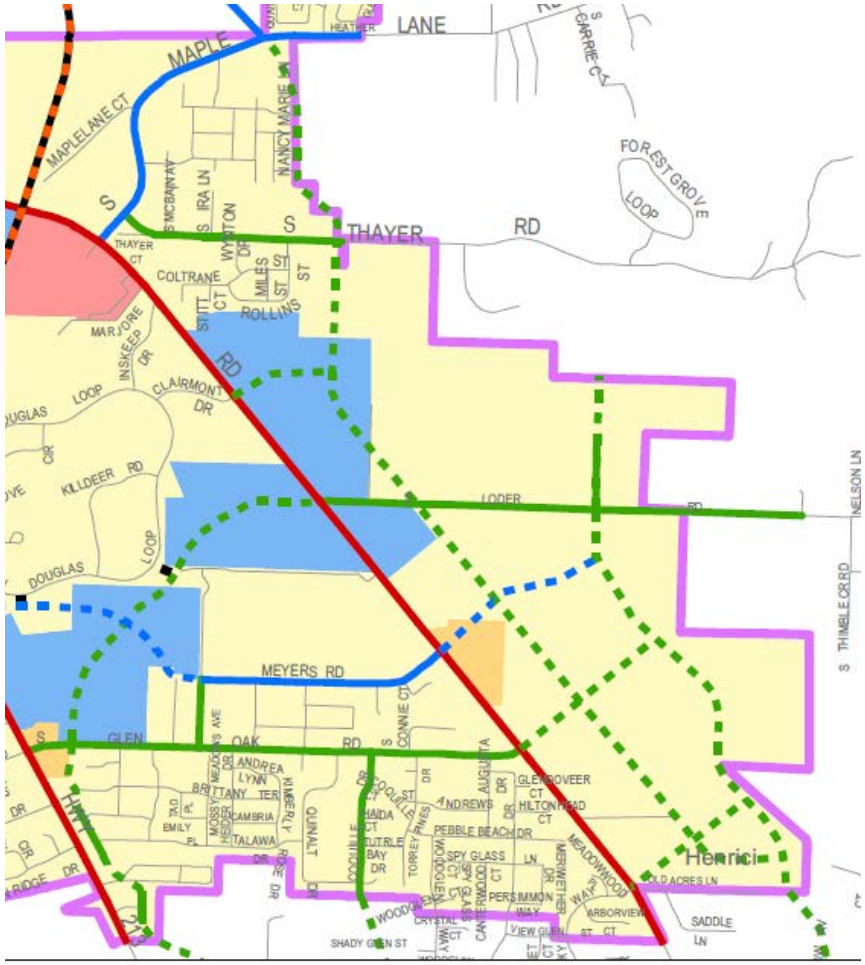
Transportation System Plan / Traffic

- Transportation Projects within the concept plan area will be development-driven and funded
- The TSP expands upon the Concept Plan by including preliminary construction cost estimates & financing options
- Multi-modal transportation links will be connected within the site as well as to the surrounding areas
- Land use reviews will support bus service by ensuring a mix of land uses, densities and design options that support public transportation and other alternative transportation methods
- Ensure that local connectivity and off-street pedestrian routes link together in a highly connected pedestrian system that is safe, direct, convenient and attractive and improves pedestrian and bicycle safety along Beavercreek Road.
- Transportation Planning Rule. To meet the requirements of OAR 660-012-0060, needed improvements & funding mechanisms have been identified to mitigate impacts of development in the area and shows that the mobility standards prescribed by the TSP, except where exempted, will be met.

Transportation System Plan (TSP)

- The 2013 TSP also recognizes the limitations brought about by the limited availability of funding.
- Despite the investments to the transportation system, intersection operating conditions at a few intersections (including the OR 99E/I-205 Northbound, OR 99E/I-205 Southbound, OR 213/Beavercreek Road, and I-205/OR 213 intersections) will be continue to be congested by 2035.
- For purposes of evaluating the impact of proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, the OR 99E/I-205 SB Ramps, OR 99E/I-205 NB Ramps, OR 213/ Beavercreek Road, and I-205/OR 213 intersections shall be exempt from meeting the state mobility targets until solutions (beyond those included in the TSP) or alternative mobility targets are explored for the intersections.
- City and ODOT are to work together with Clackamas County to prepare and adopt alternative mobility standards.

TSP Multi-Modal Street System



Legend

Functional Classification

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- Expressway
- Major Arterial
- Minor Arterial
- Collector
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Concept Plan: Land Use Areas

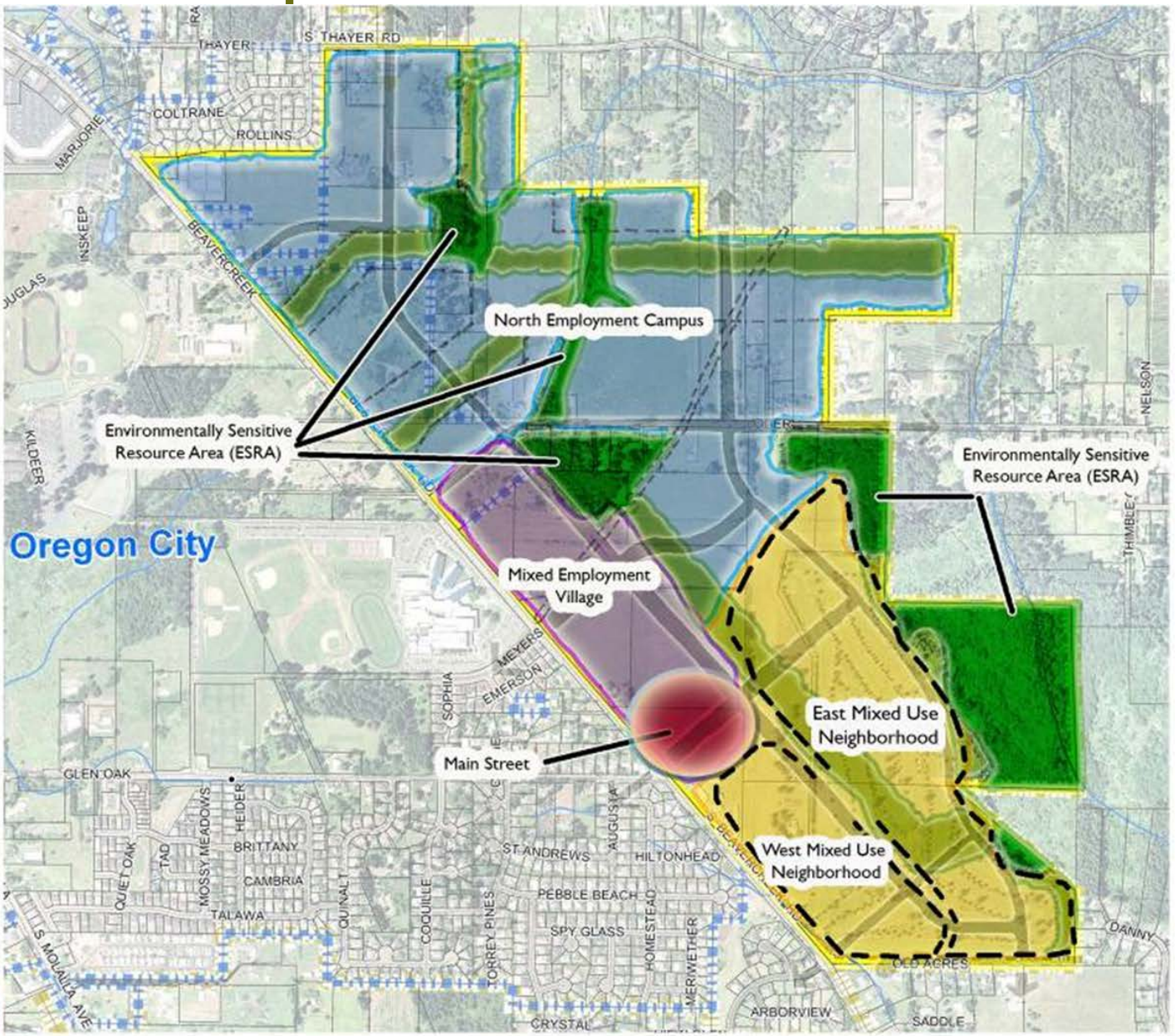
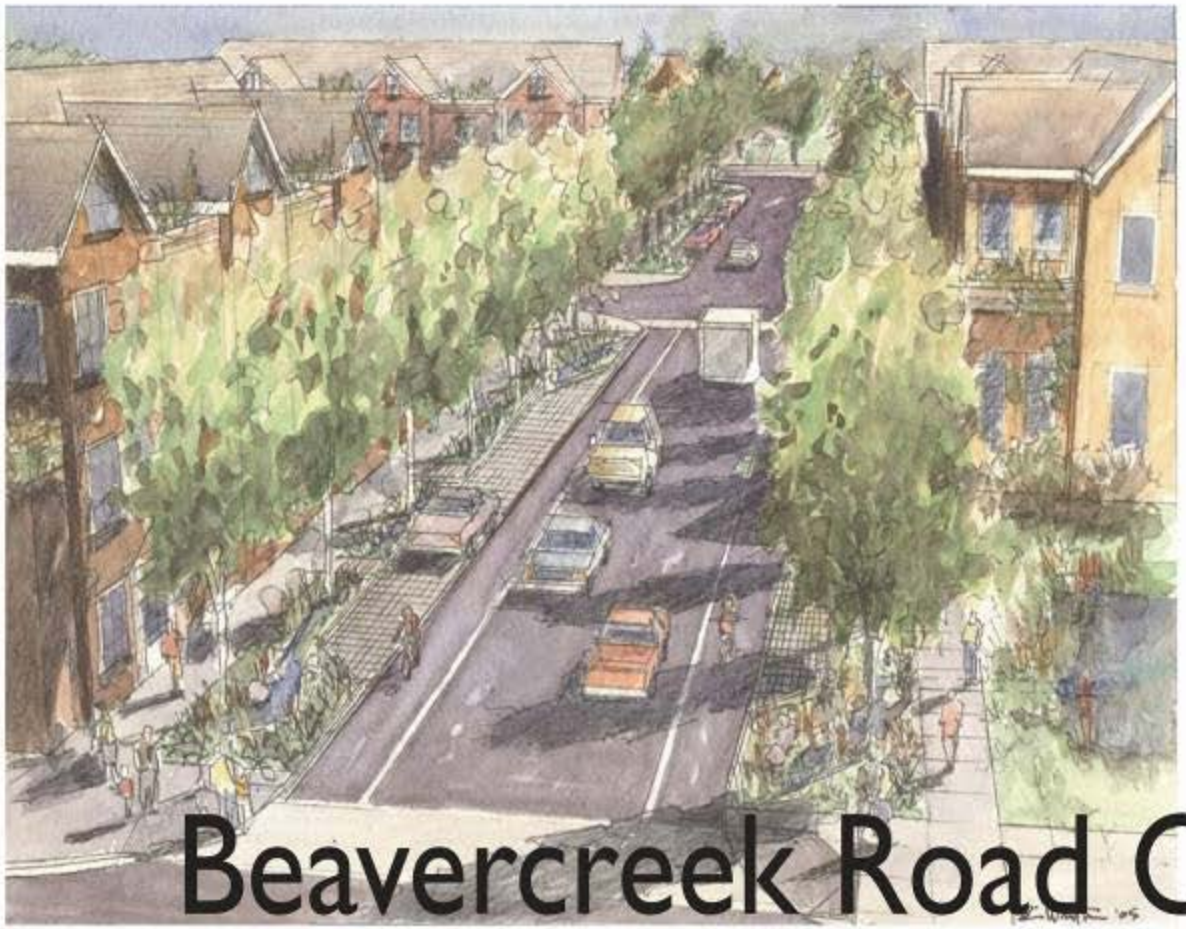


Figure 2: Beavercreek Zone Subdistricts



Beavercreek Road Concept Plan

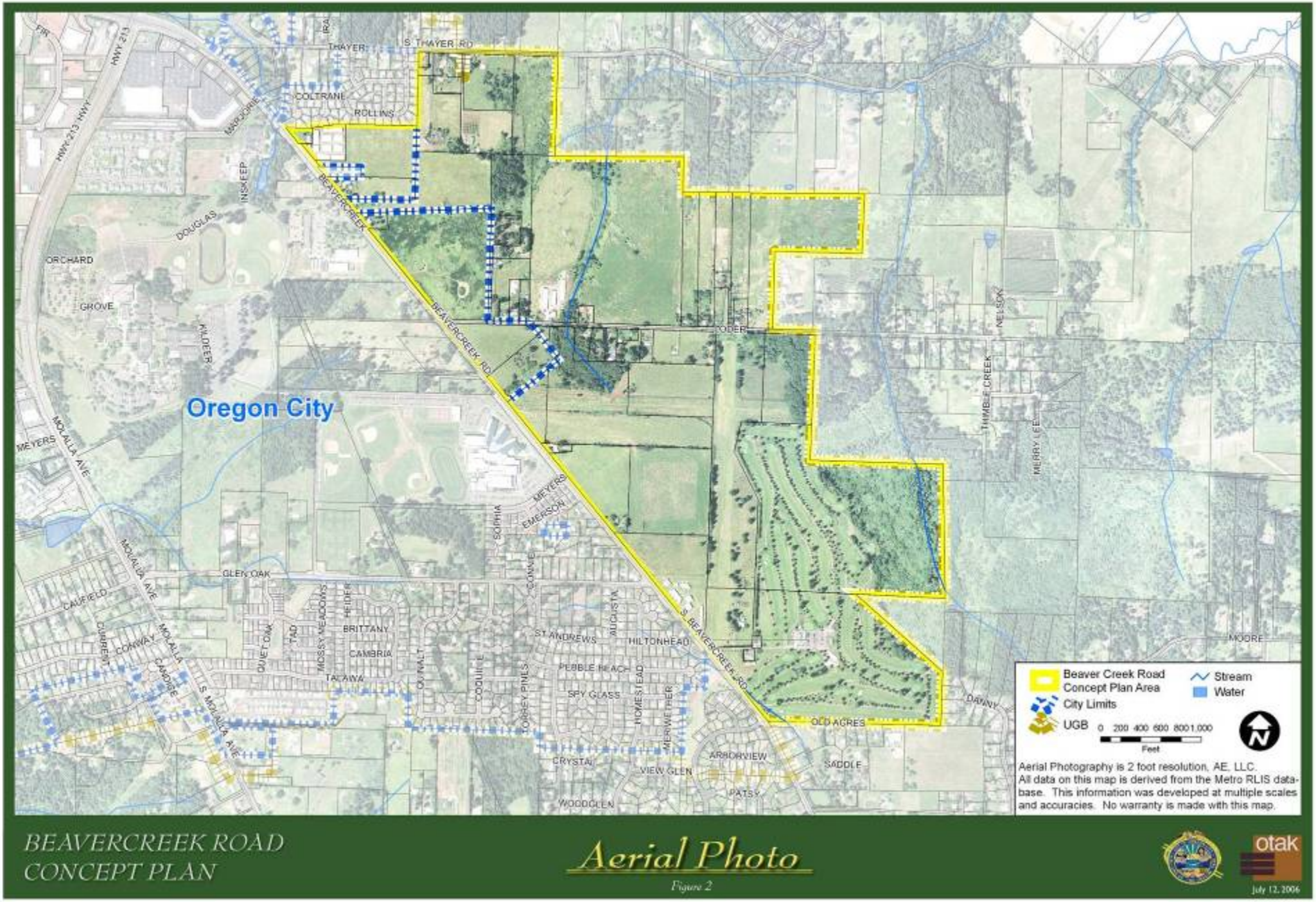
Envisioning a Complete and Sustainable Community

City Commission Work Session Nov. 10, 2015



Goals

1. Complete and Sustainable Community
2. Model of Sustainable Design
3. Green Jobs
4. Sustainable Industries
5. Natural Beauty
6. Multi-Modal Transportation
7. Safety Along Beavercreek Road
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BEAVERCREEK ROAD
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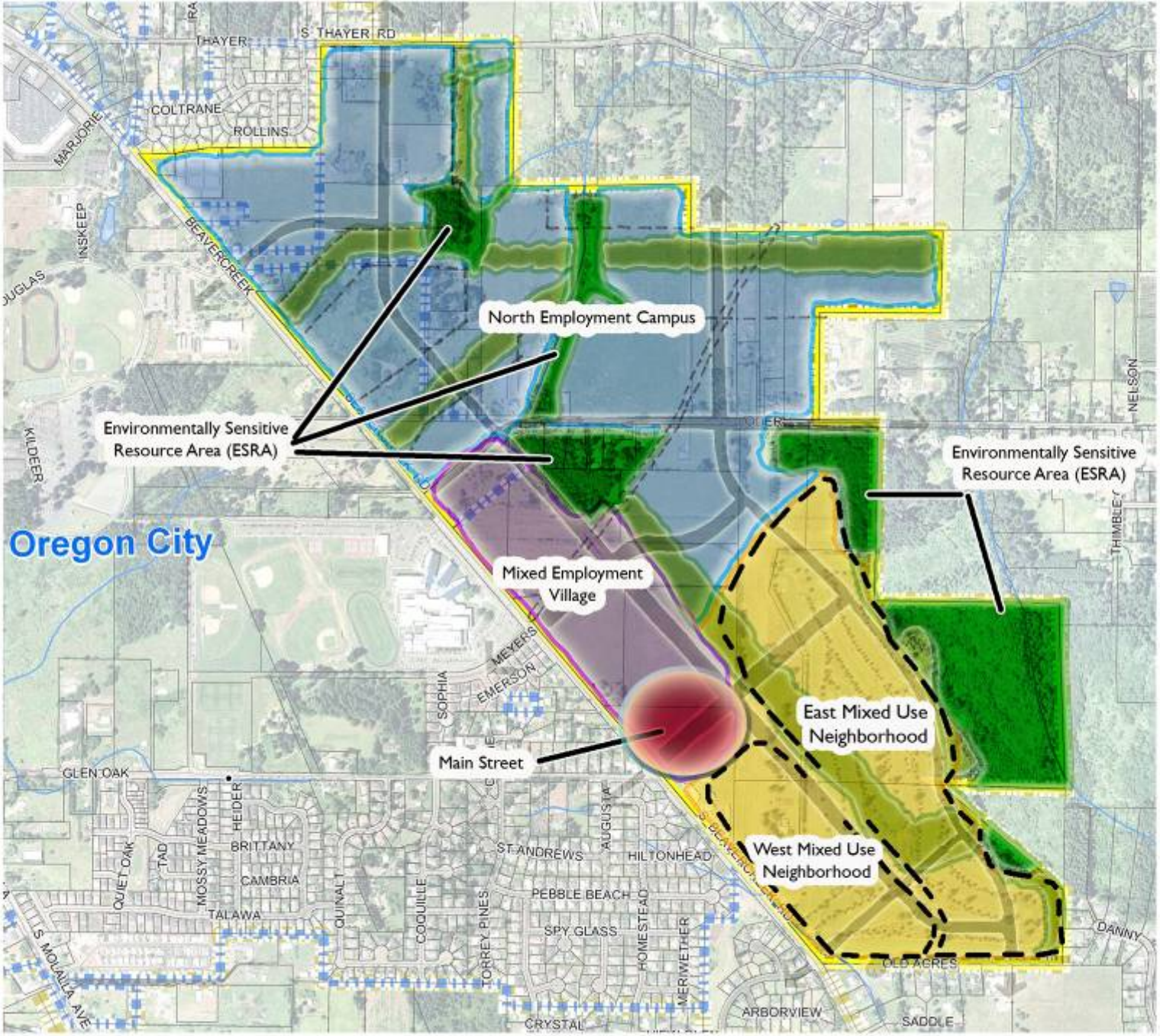


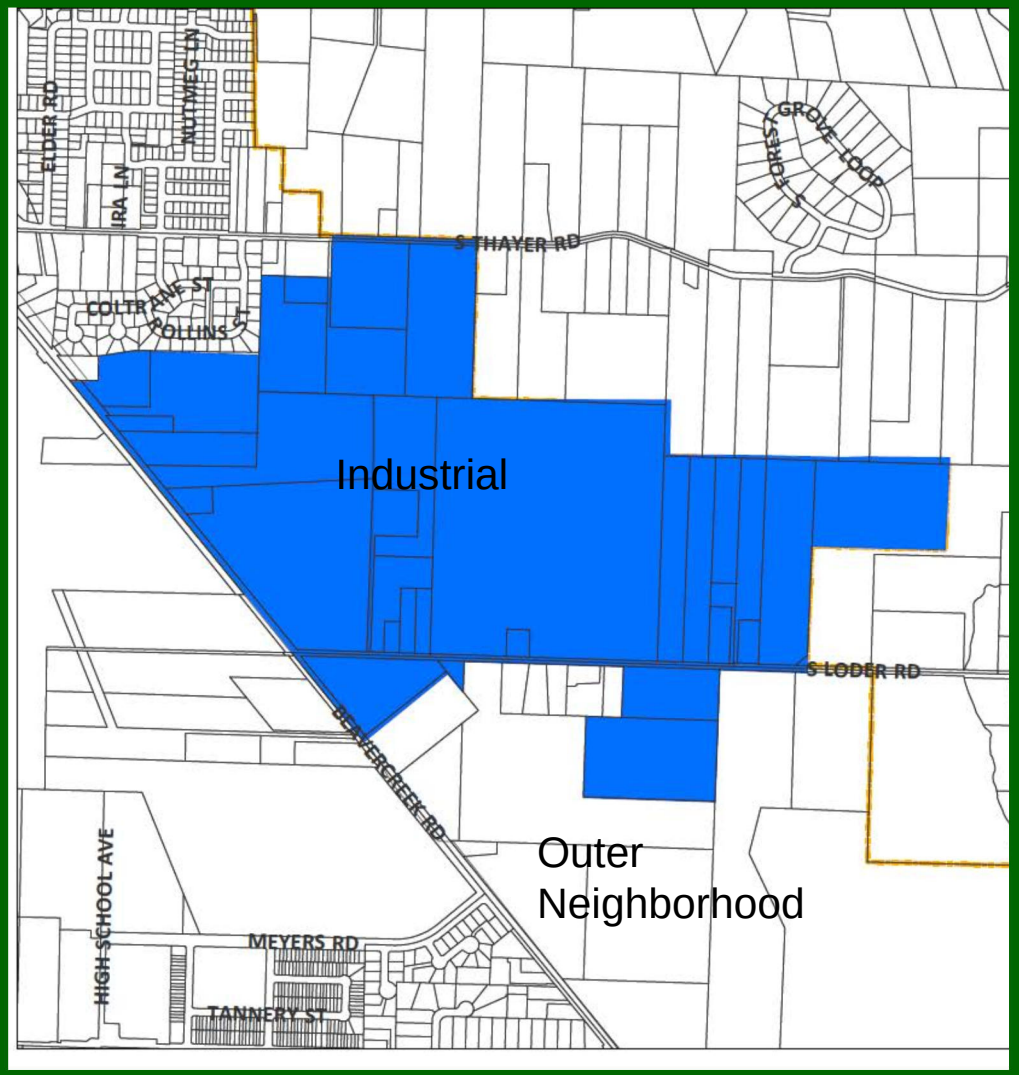
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Current Status

- Overview of LUBA appeal, LCDC appeal and remand
- City Commission remanded to Planning Commission
- Re-open the record for the limited purpose of addressing the protection of the Title 4 lands, inserting the recently implemented transportation system plan and public utility plans, identifying transportation improvements and addressing police and fire services.

Limited Record

- Title 4 Industrial lands
- Transportation
  - TSP adopted August 2013
- Utilities
  - Sewer Master Plan adopted Nov 2014
  - Water Master Plan adopted Feb 2012
  - Stormwater standards adopted May 2015
- Police/ Fire Services



Metro 2040 Concept Plan Design Types

Metro Ord. 10-1244B Dec. 16, 2010

151 ac. (121 net) of Industrial

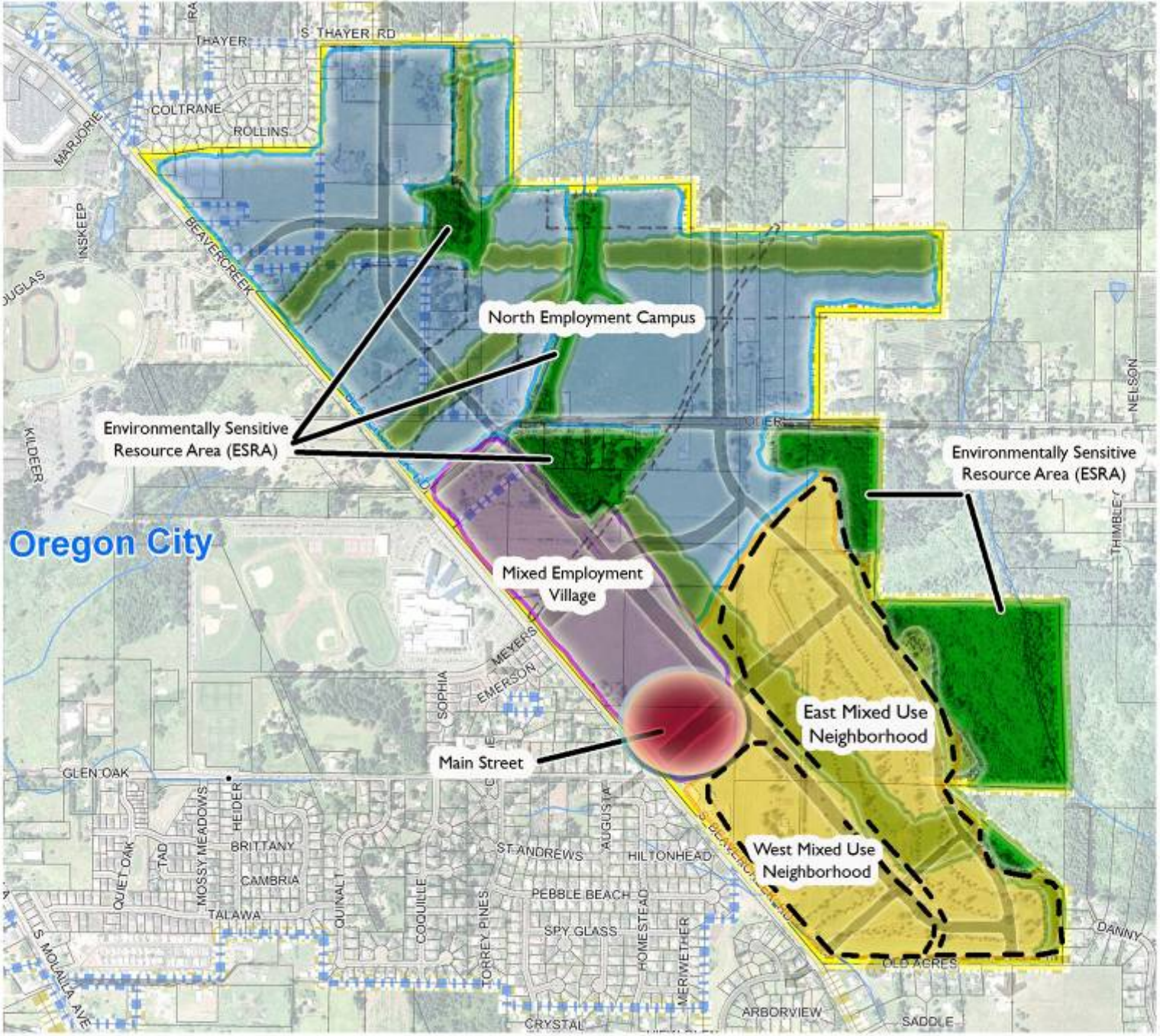


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2006 – 2007 Process Summary

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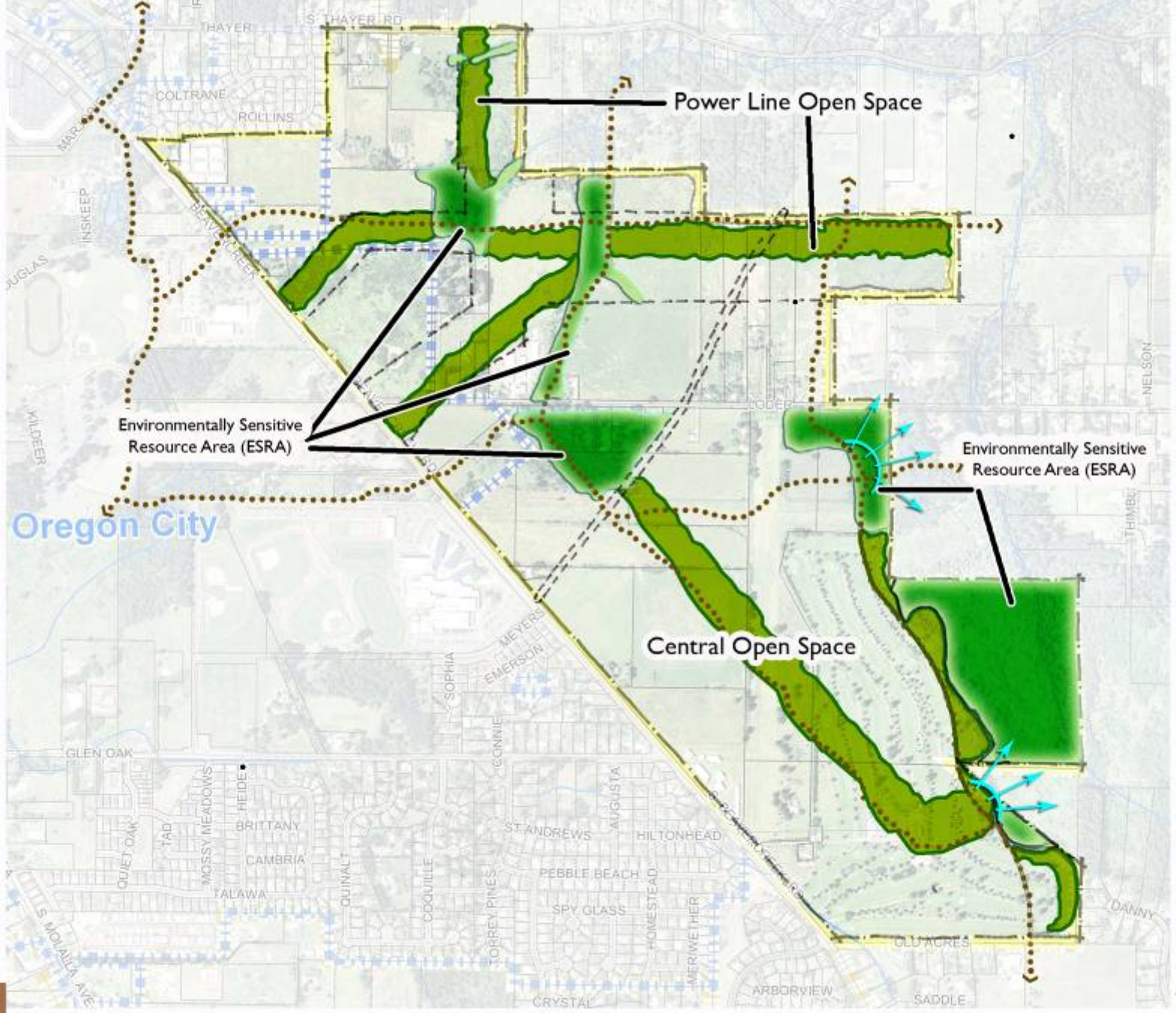
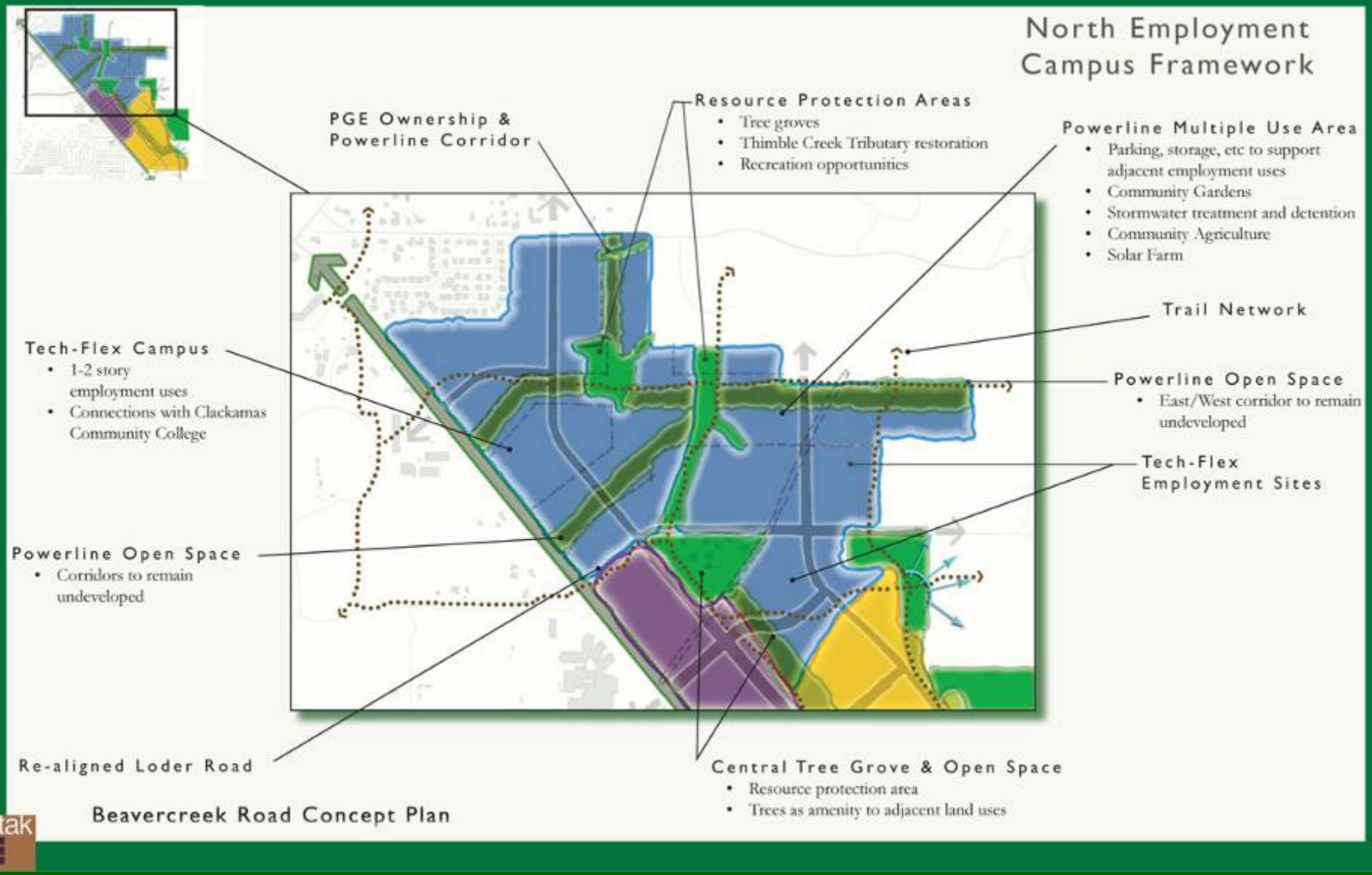


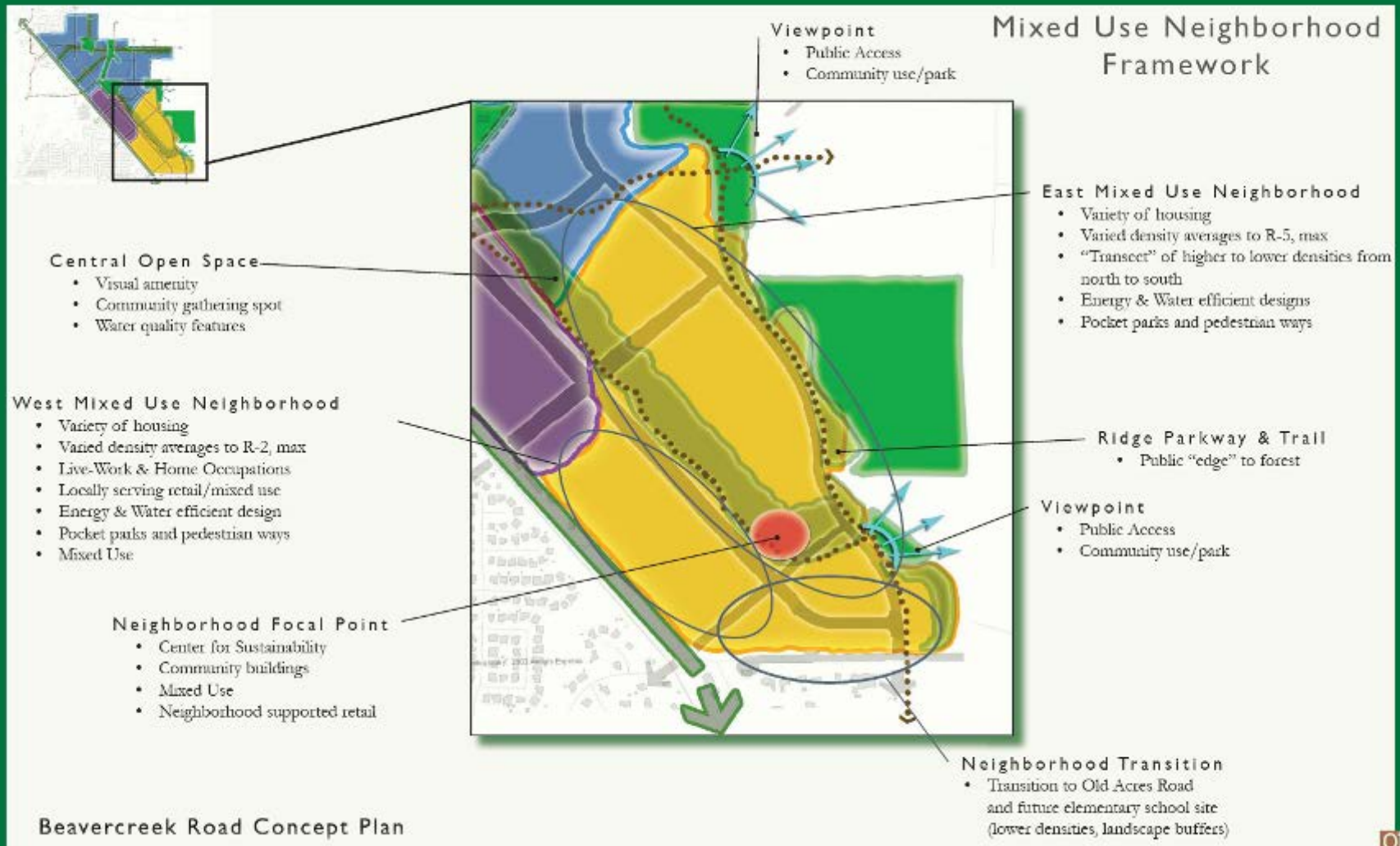
Figure 3: Beavercreek Zone Open Spaces and Natural Areas



BEAVERCREEK ROAD CONCEPT PLAN



BEAVERCREEK ROAD CONCEPT PLAN



BEAVERCREEK ROAD CONCEPT PLAN

Beavercreek Road Concept Plan

Figure 4:
Hybrid Alternative
Stormwater System

Legend

- Streams

Teir 1 - Site Specific
(Not Illustrated)

Tier 2 - Greenstreets

- Conveyance & Treatment

Tier 3 - Regional Facilities

- Detention
- Detention Outfall

Map Creation Date: 03/01/07
(Based on CAD Data from 03/01/07)

0 250 500 1,000
Feet

Aerial Photography is 2 foot resolution, AE, LLC.
All data on this map is derived from the Metro RLIS data-base. This information was developed at multiple scales and accuracies. No warranty is made with this map.



BEAVERCREEK ROAD CONCEPT PLAN

Stormwater System

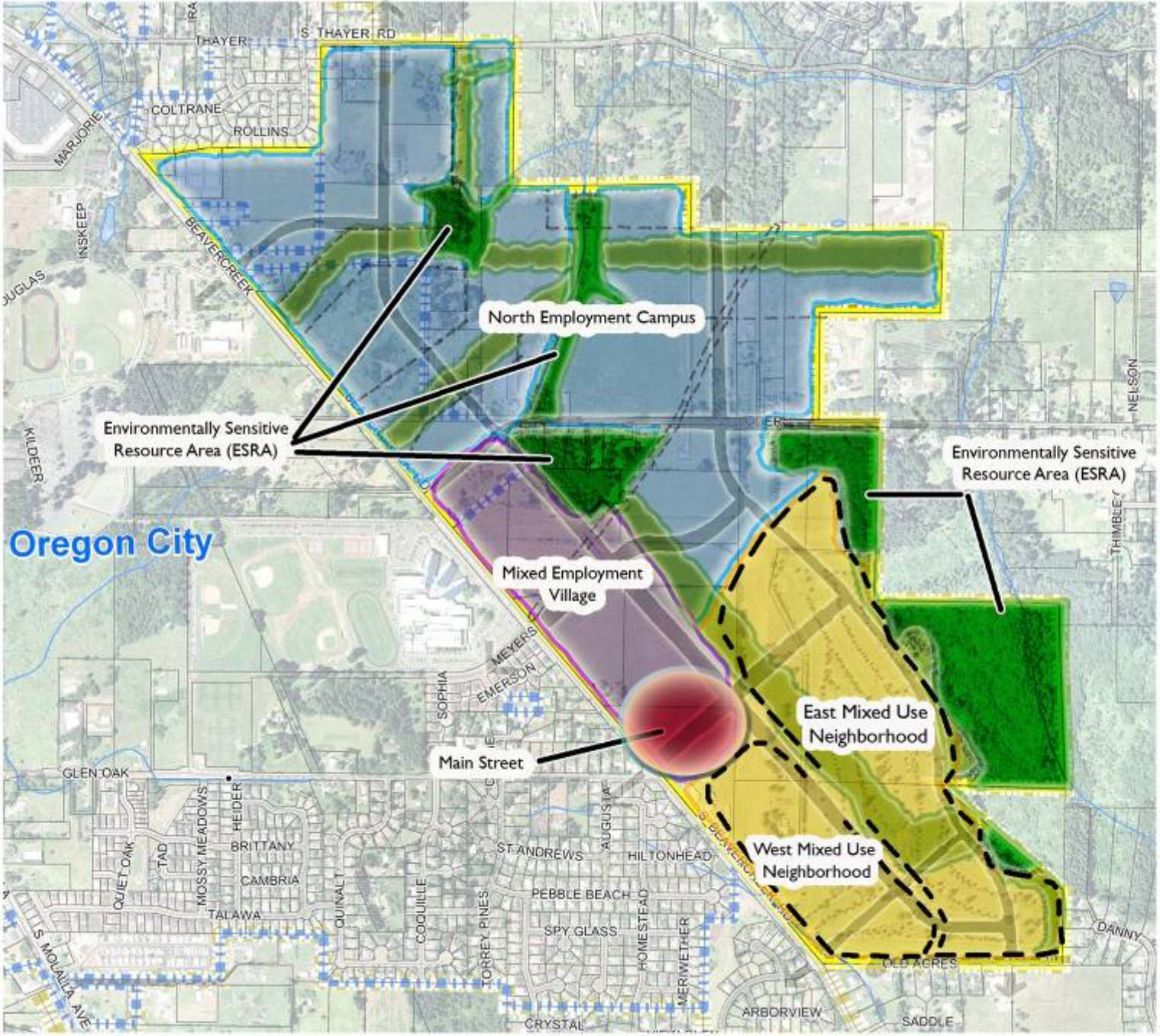


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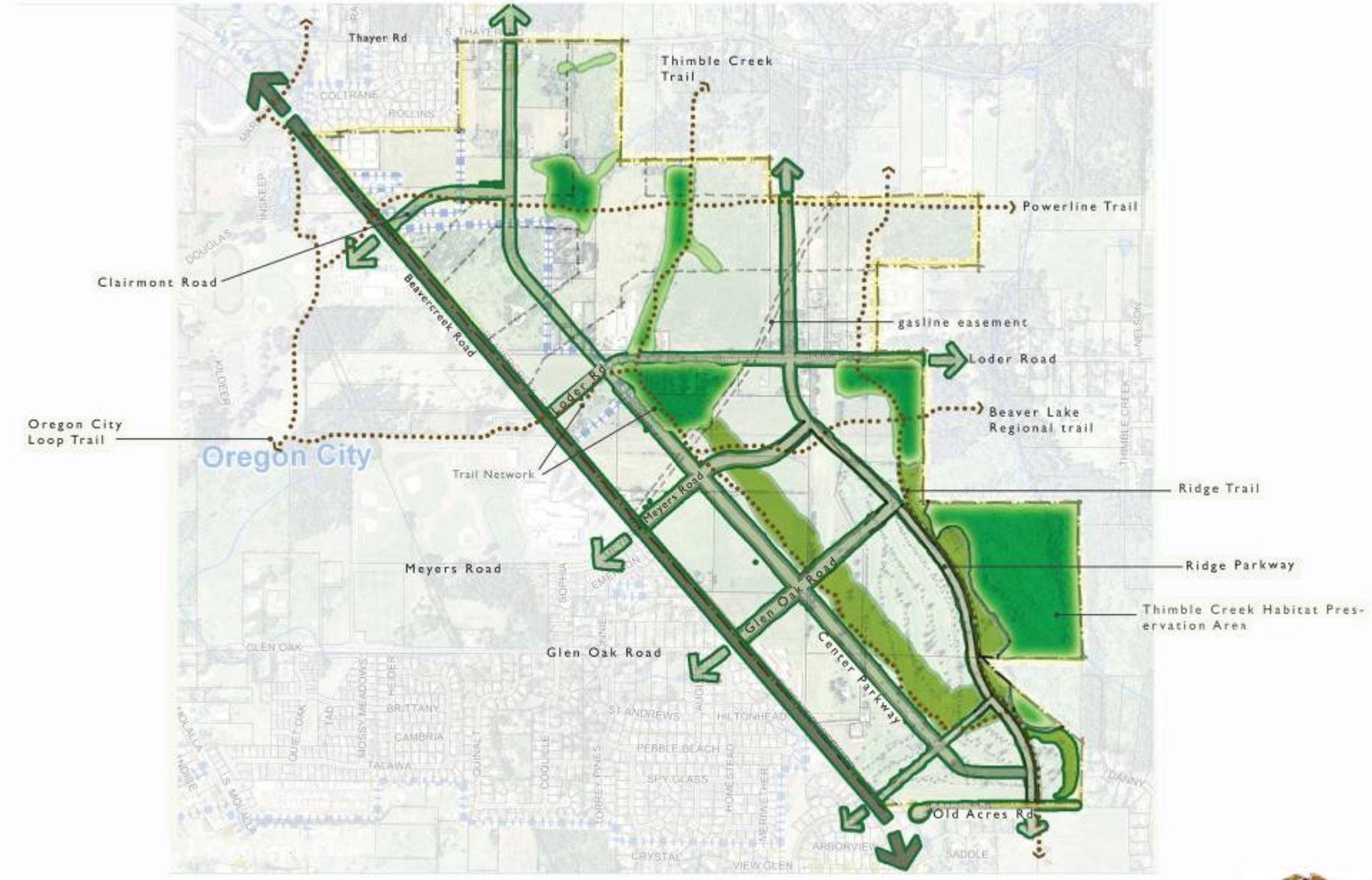


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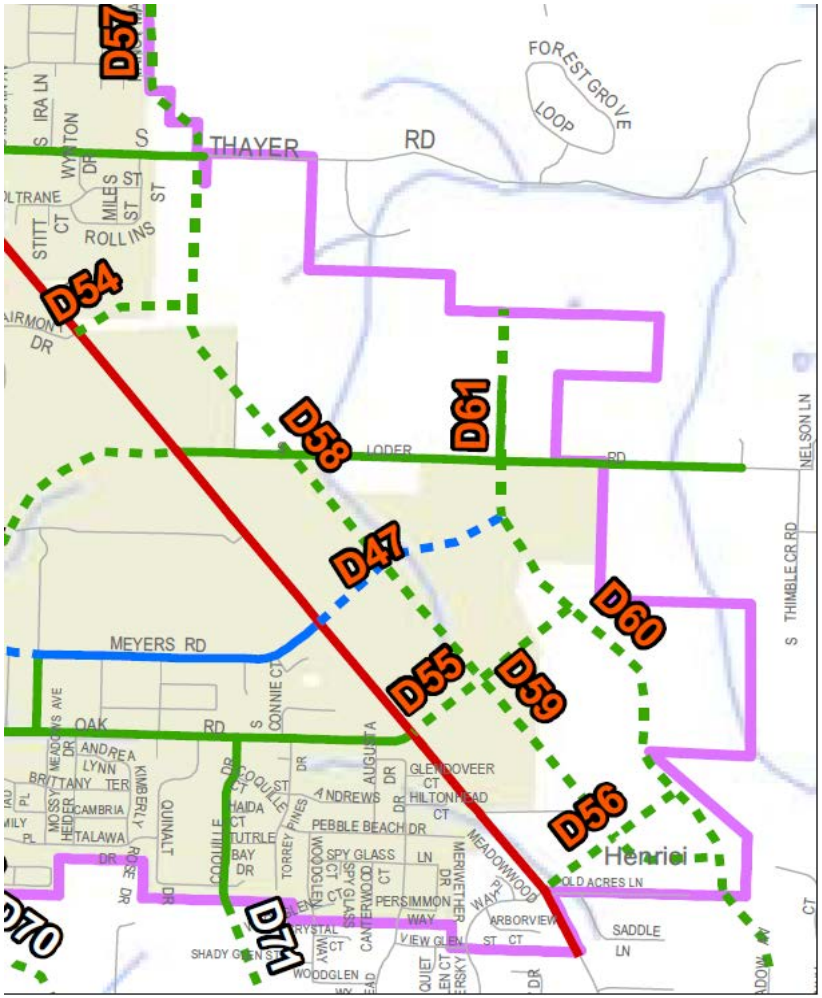


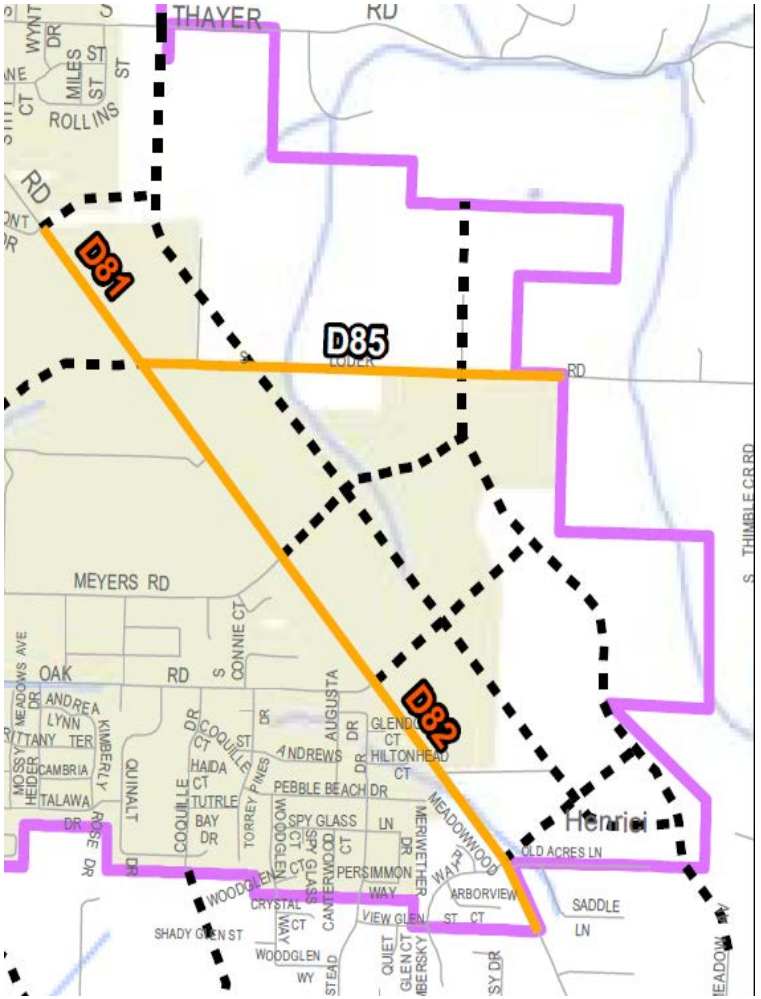
Figure 5: Beavercreek Zone Connectivity Options

Likely to be Funded TSP Projects

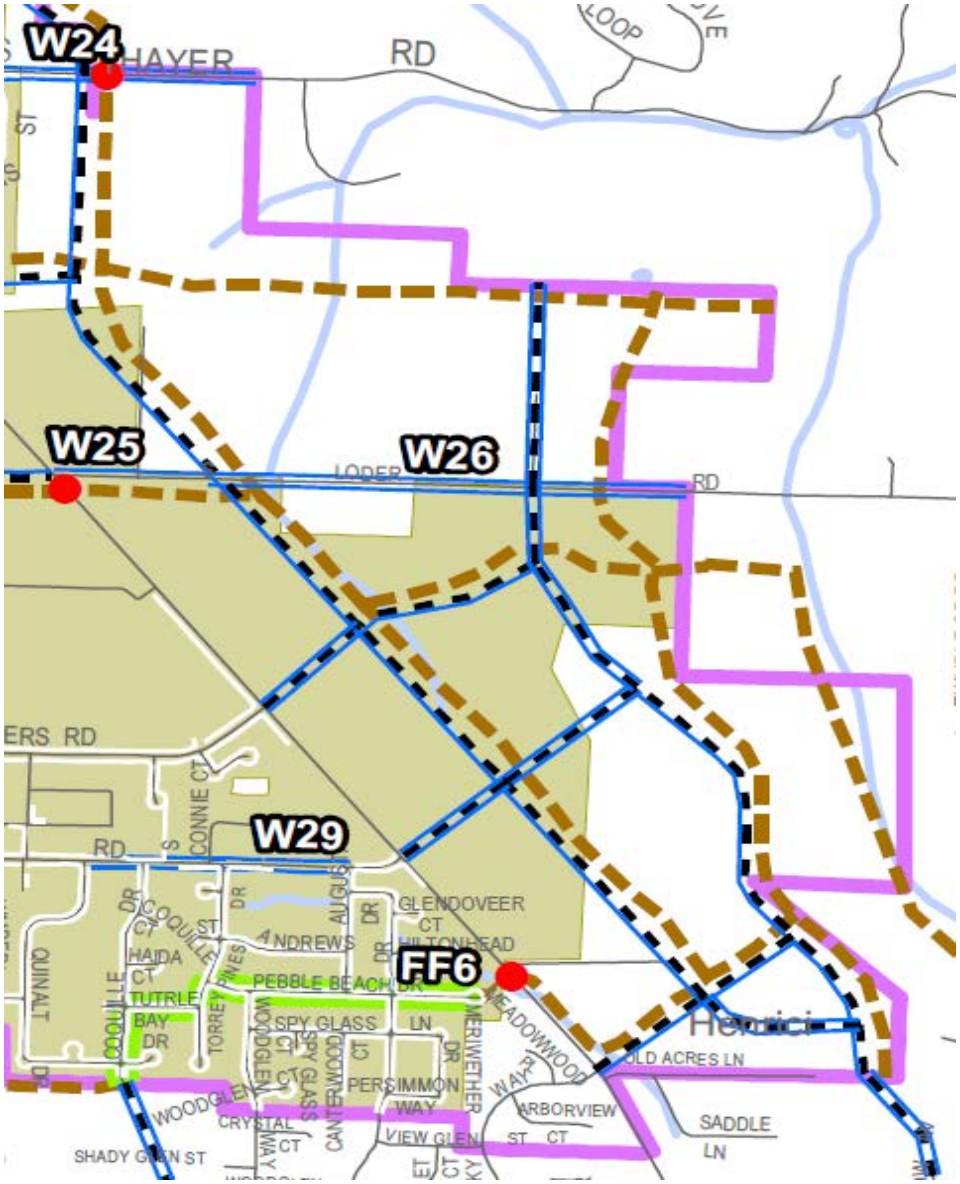
Project #	Project Description	Project Extent	Project Elements	Priority
D47	Meyers Road East extension	Beavercreek Road to the Meadow Lane Extension	Extend Meyers Road from Beavercreek Road to the Meadow Lane Extension as an Industrial Minor Arterial. Between the Holly Lane and Meadow Lane extensions, add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S19. Modify the existing traffic signal at Beavercreek Road	Medium-term
D54	Clairmont Drive extension	Beavercreek Road to Holly Lane South Extension	Extend Clairmont Drive from Beavercreek Road to the Holly Lane South extension as an Industrial Collector. Add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S17.	Long-term
D55	Glen Oak Road extension	Beavercreek Road to the Meadow Lane Extension	Extend Glen Oak Road from Beavercreek Road to the Meadow Lane Extension as a Residential Collector. Install a roundabout at Beavercreek Road (per project D39)	Long-term
D56	Timbersky Way extension	Beavercreek Road to the Meadow Lane Extension	Extend Timbersky Way from Beavercreek Road to the Meadow Lane Extension as a Residential Collector. Add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S20.	Long-term
D57	Holly Lane South extension	Maple Lane Road to Thayer Road	Extend Holly Lane from Maple Lane Road to Thayer Road as a Residential Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S14. Install a roundabout at Maple Lane Road (per project D37).	Medium-term
D58	Holly Lane South extension	Thayer Road to Meyers Road	Extend Holly Lane from Thayer Road to the Meyers Road extension as an Industrial Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S15.	Medium-term
D59	Holly Lane South extension	Meyers Road to the Meadow Lane Extension	Extend Holly Lane from the Meyers Road extension to the Meadow Lane Extension as a Mixed-Use Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S16.	Long-term
D60	Meadow Lane extension	Meadow Lane to Meyers Road	Extend Meadow Lane to the Meyers Road Extension as a Mixed-Use Collector. Between Old Acres Lane and the Glen Oak Road extension, add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S21.	Long-term
D61	Meadow Lane extension	Meyers Road to UGB (north of Loder Road)	Extend Meadow Lane from the Meyers Road Extension to the UGB (north of Loder Road) as an Industrial Collector	Medium-term
D81	Beavercreek Road Upgrade	Clairmont Drive (CCC Entrance) to Meyers Road	Improve to Industrial Major Arterial cross-section	Medium-term
D82	Beavercreek Road Upgrade	Meyers Road to UGB	Improve to Residential Major Arterial cross-section	Long-term

TSP Street & Intersection Expansions

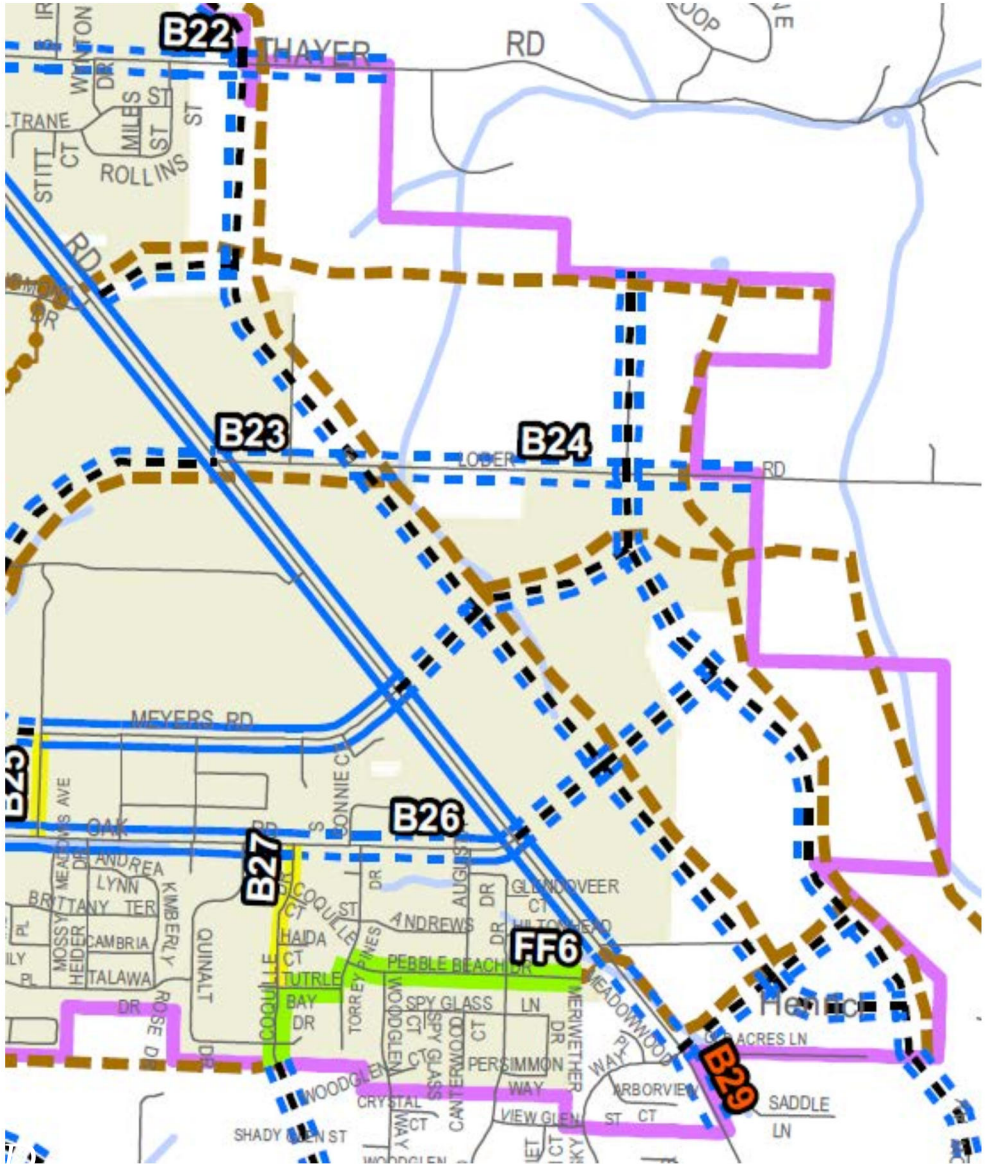




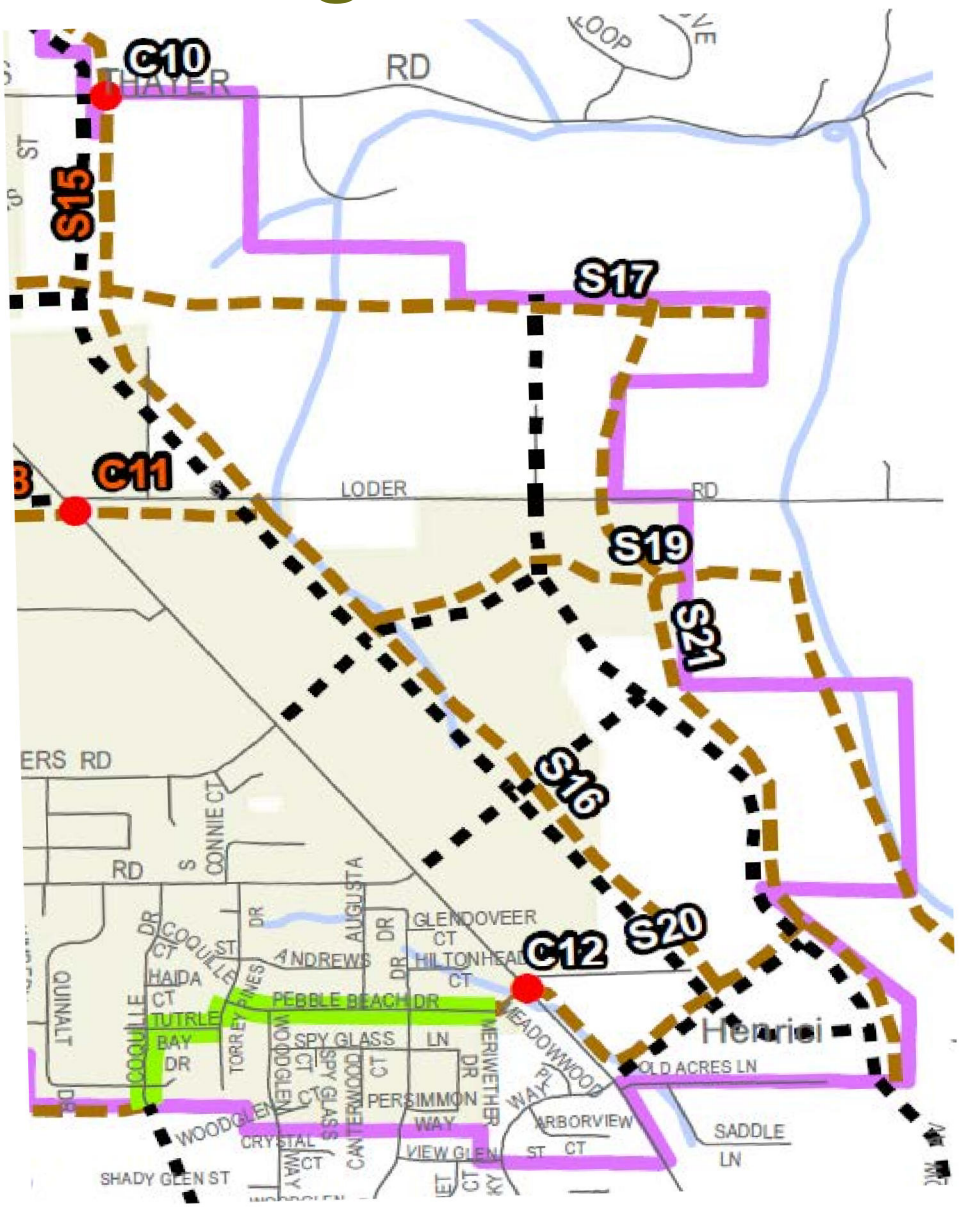
TSP Conceptual Walking Solutions



TSP Conceptual Biking Solutions

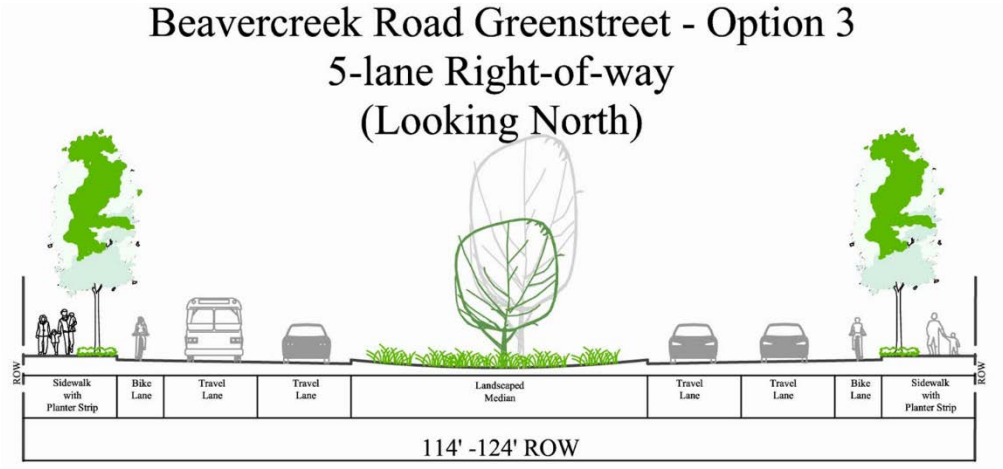


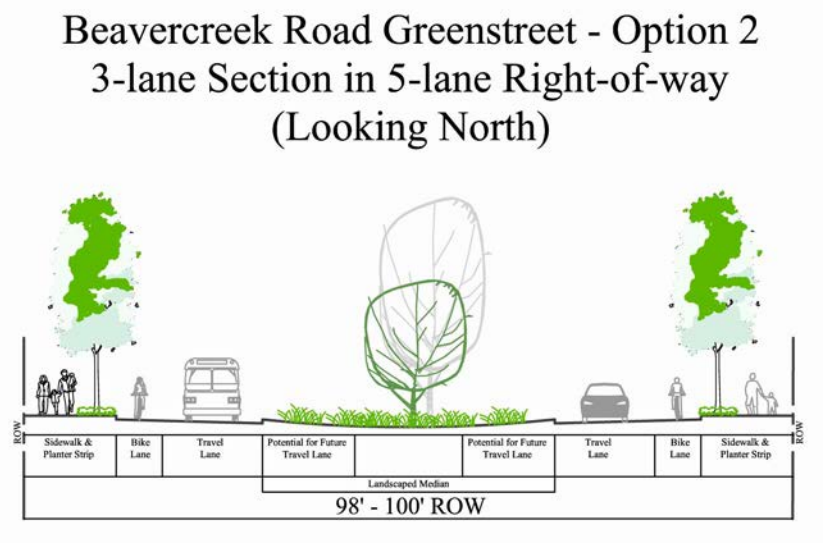
TSP Shared Biking and Walking Solutions



Beavercreek Road

- The concept plan specifies that Beavercreek Road will be improved as a green boulevard that will be a 5-lane arterial section to Clairmont, then a 3-lane arterial, with room for 5 lanes if needed, from Clairmont to the UGB. These projects on Beavercreek Road are included in TSP Table 2: Likely to Be Funded Transportation System as project D81 and D82.





Transportation System Plan / Traffic

- Transportation Projects within the concept plan area will be development-driven and funded
- The TSP expands upon the Concept Plan by including preliminary construction cost estimates & financing options
- Multi-modal transportation links will be connected within the site as well as to the surrounding areas
- Land use reviews will support bus service by ensuring a mix of land uses, densities and design options that support public transportation and other alternative transportation methods
- Ensure that local connectivity and off-street pedestrian routes link together in a highly connected pedestrian system that is safe, direct, convenient and attractive and improves pedestrian and bicycle safety along Beavercreek Road.
- Transportation Planning Rule. To meet the requirements of OAR 660-012-0060, needed improvements & funding mechanisms have been identified to mitigate impacts of development in the area and shows that the mobility standards prescribed by the TSP, except where exempted, will be met.

Transportation System Plan (TSP)

- The 2013 TSP also recognizes the limitations brought about by the limited availability of funding.
- Despite the investments to the transportation system, intersection operating conditions at a few intersections (including the OR 99E/I-205 Northbound, OR 99E/I-205 Southbound, OR 213/Beavercreek Road, and I-205/OR 213 intersections) will be continue to be congested by 2035.
- For purposes of evaluating the impact of proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, the OR 99E/I-205 SB Ramps, OR 99E/I-205 NB Ramps, OR 213/ Beavercreek Road, and I-205/OR 213 intersections shall be exempt from meeting the state mobility targets until solutions (beyond those included in the TSP) or alternative mobility targets are explored for the intersections.
- City and ODOT are to work together with Clackamas County to prepare and adopt alternative mobility standards.

Acres*	Gross	Net
North Employment Campus	149	127
Mixed Employment Village	26	21
Main Street	10	8
West Mixed Use Neighborhood	22	18
East Mixed Use Neighborhood	77	62
	284	235
Parks/ Open Space/ Natural	113	
Major ROW	56	
Total	~453	

*Acres are preliminary and rounded

	Jobs	Housing
North Employment Campus	3,678	
Mixed Employment Village	1,139	
Main Street	219	100
West Mixed Neighborhood	15	387
East Mixed Neighborhood	21	536
	5,073	1,023

Source: Table 2. BRCP Job & Housing Density Assumptions 7/10/2007

Meetings

- Citizen Involvement Committee 10/05
- Natural Resources Committee 10/14
- Transportation Advisory Committee 10/20
- Parks & Recreation Advisory Committee 10/22
- Caufield Neighborhood Association 10/27
- Hamlet of Beavercreek 10/28

- Planning Commission - 11/23/2015
- City Commission - 12/02/2015

Concept Plan: Land Use Areas

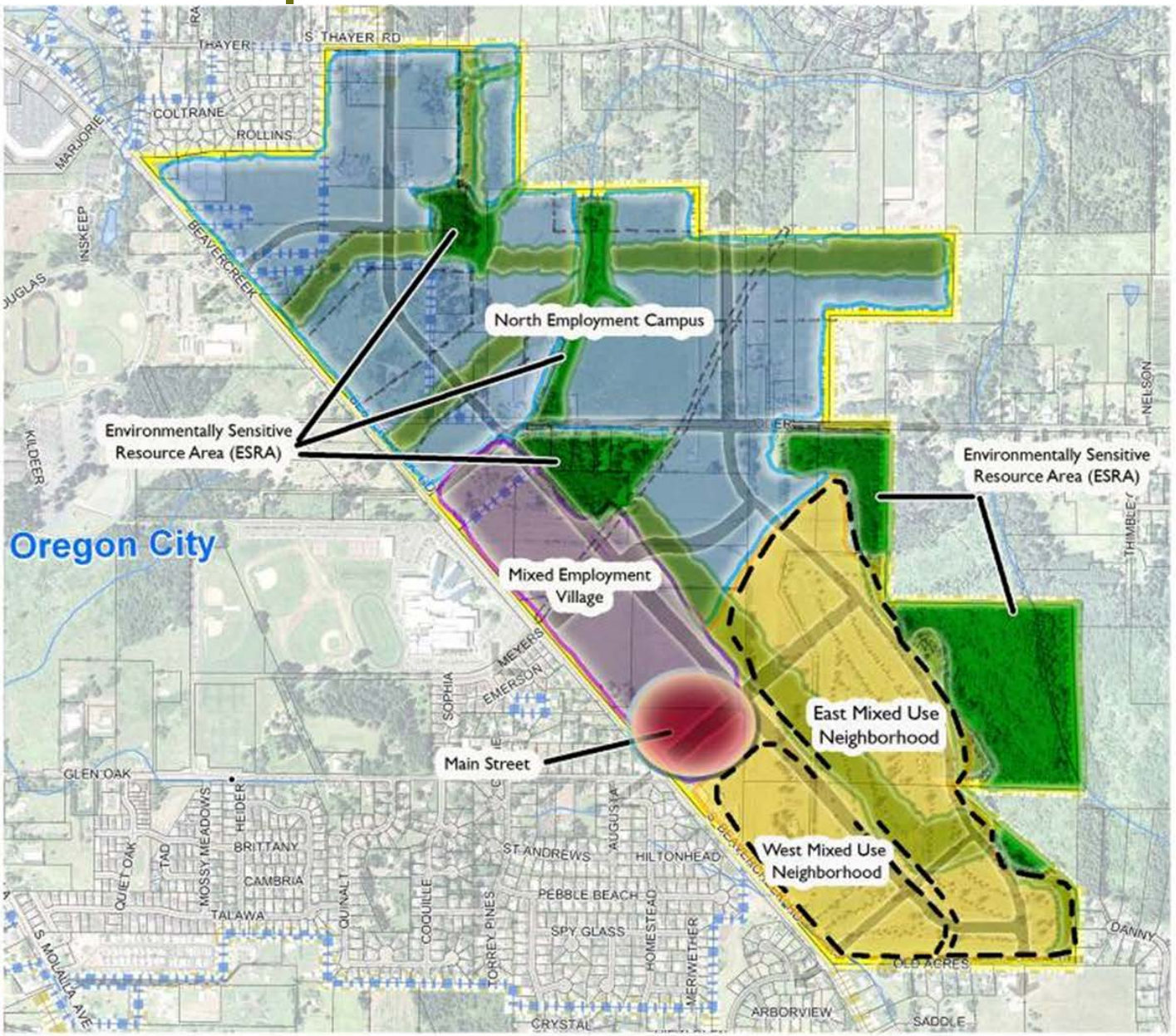


Figure 2: Beavercreek Zone Subdistricts

Thank You

- Website:
- http://www.orcity.org/planning/landuse case/le-15-0003-re-adoption-beavercreek-road-concept-plan
- Pete Walter, Associate Planner
- (503) 496-1568
- pwalter@orcity.org

17.04.580 - Home occupation.

"Home occupation" means an occupation carried on solely by the resident or residents of a dwelling unit as a secondary use, in connection with which no assistants are employed, other than residents of the home, no commodities are sold other than services, no sounds are heard beyond the premises, and there is no display, advertisement or sign board except such signs as by this title may be permitted in the district where the home or occupation is situated, including such occupations as lawyer, public accountant, artist, writer, teacher, musician, home office of a physician, dentist or other practitioner of any of the healing arts, or practices of any art or craft of a nature to be conveniently, unobstructively and inoffensively pursued in a residential dwelling or accessory building of a residence, and not more than one-half of the square-footage is devoted to such use. The business may have off-site employees or partners provided that they do not report for work at the subject residence. No outdoor storage of materials or commercial vehicles associated with the business shall occur on-site.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

ENTERED INTO THE RECORD
DATE RECEIVED: 11/23/15
SUBMITTED BY: STAFF
SUBJECT: LE-15-0003
EXHIBIT C

600 NE Grand Ave.
Portland, OR 97232-2736
www.oregonmetro.gov

Metro | *Making a great place*

November 23, 2015

Charles Kidwell, Chair
Oregon City Planning Commission
625 Center Street
Oregon City, OR 97045

Dear Chair Kidwell:

Thank you for providing the opportunity to comment on the city's re-adoption of the Beavercreek Road Concept Plan (LE-15-0003).

As you know, Metro staff was deeply involved with the development of the Beavercreek Road Concept Plan and supported the city's 2008 adoption of the concept plan through Oregon City Ordinance No. 07-1008. At that time, Metro provided a letter of support indicating the concept plan as proposed was in compliance with the Urban Growth management Functional Plan (Functional Plan). In addition, Metro amended its Title 4 Employment and Industrial Lands Map in 2010 to be consistent with the Beavercreek Road Concept Plan.

Metro appreciates the hard work staff, committee members and the community has undertaken to update a number of the city's public facilities plans including sewer, stormwater, water and the transportation system plan, resulting in refined public facility plans for the concept plan area. After reviewing the findings for LE-15-0003 and noting that no new amendments are proposed, staff has determined that the Beavercreek Road Concept Plan will continue to be in substantial compliance with Metro's Functional Plan.

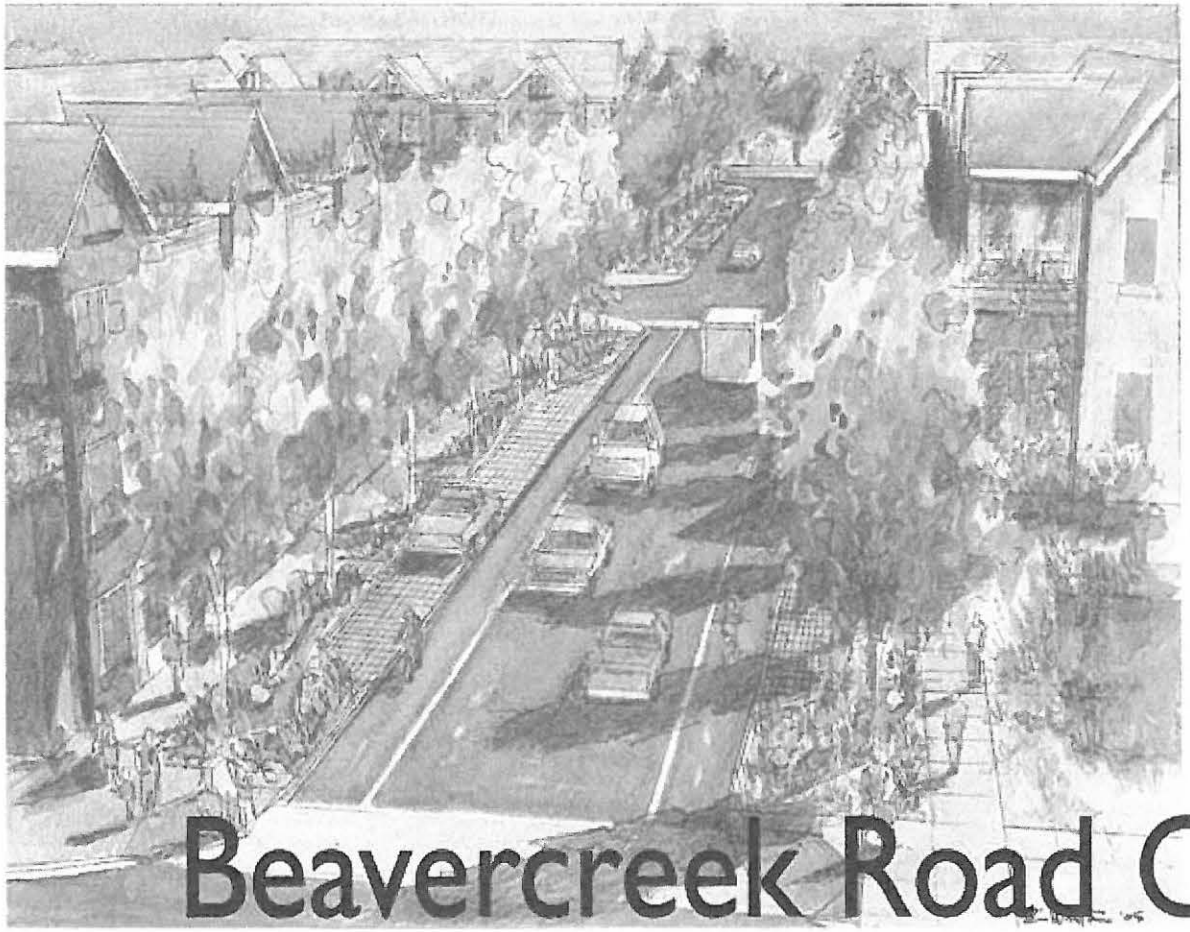
Sincerely,

Tim O'Brien, AICP
Principal Regional Planner

c: Councilor Carlotta Collette, District No. 2
Jennifer Donnelly, Oregon Department of Land Conservation and Development
Roger Alfred, Metro Senior Assistant Attorney
Tom Kloster, Manager, Metro Planning & Development
Jeff Raker, Metro Associate Planner
John Williams, Deputy Director, Metro Planning & Development

ENTERED INTO THE RECORD
DATE RECEIVED: 11/23/2015
SUBMITTED BY: STAFF
SUBJECT: LE-15-0003
EXHIBIT D

Printed on recycled-content paper.



Beavercreek Road Concept Plan

Envisioning a Complete and Sustainable Community

Planning Commission November 23, 2015





ENTERED INTO THE RECORD
DATE RECEIVED: 11/23/15
SUBMITTED BY: STAFF
SUBJECT: LE-15-0003
EXHIBIT E

Limited Record

- Title 4 Industrial lands
- Transportation
  - TSP adopted August 2013
- Utilities
  - Sewer Master Plan adopted Nov 2014
  - Water Master Plan adopted Feb 2012
  - Stormwater standards adopted May 2015
- Police/ Fire Services

Overview

Re-open the record for the limited purpose of addressing the protection of the Title 4 lands, inserting the recently implemented transportation system plan and public utility plans, identifying transportation improvements and addressing police and fire services.

Concept Plan Goals

1. Complete and Sustainable Community
2. Model of Sustainable Design
3. Green Jobs
4. Sustainable Industries
5. Natural Beauty
6. Multi-Modal Transportation
7. Safety Along Beavercreek Road
8. OCHS and CCC
9. Unique Sense of Place
10. Ecological Health

Embrace the Vision, Goals and Principles

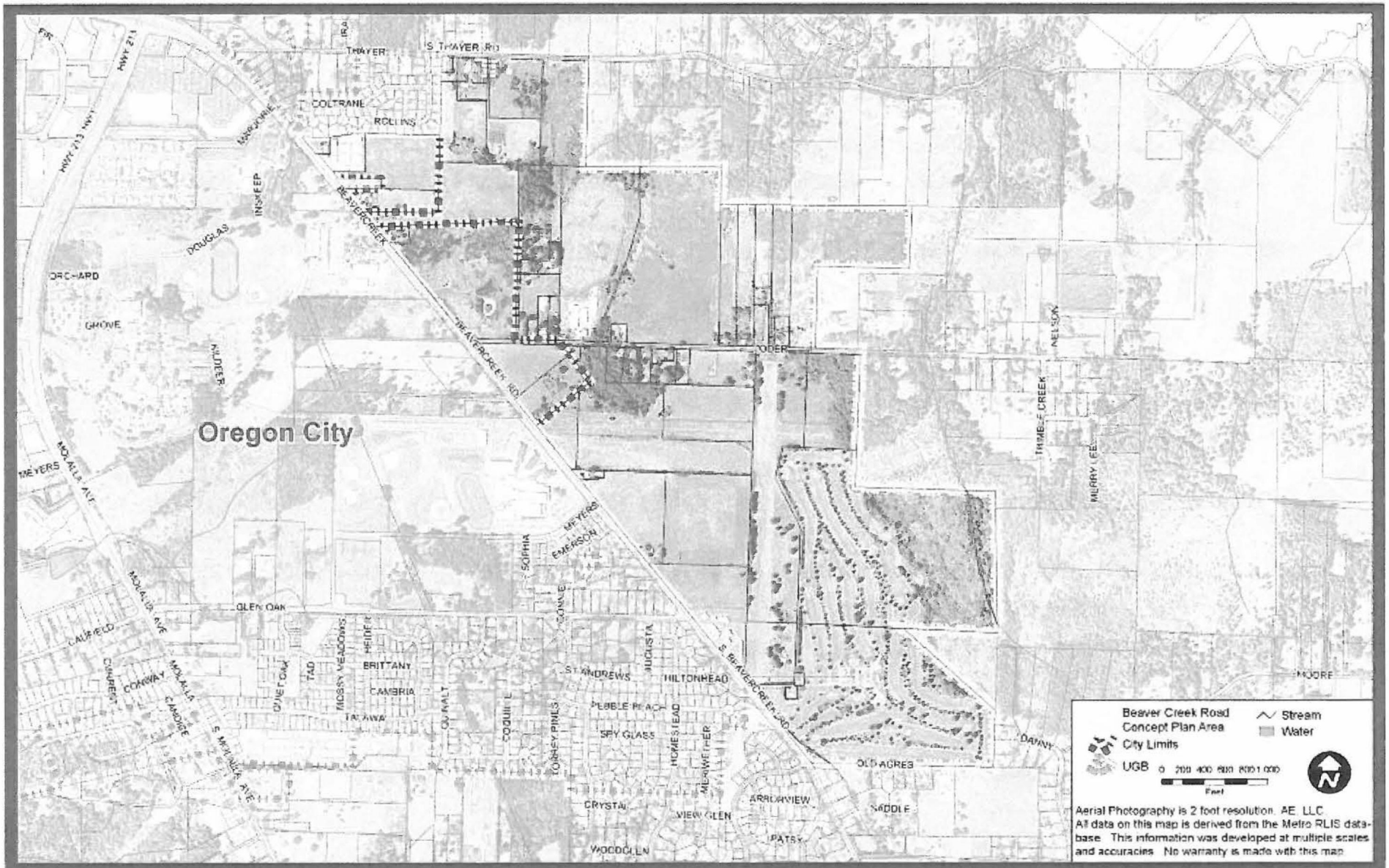
Overall Vision: "Create A Complete and Sustainable Community"

CAC Goals:

- "Be a model of sustainable design, development practices, planning and innovative thinking"
- "Incorporate the area's natural beauty into an ecologically compatible built environment"
- "Integrate Systems – Integrate ecological and man-made systems to maximize function, efficiency and health"
- "Have a unique sense of place created by the mix of uses, human scale design, and commitment to sustainability"
- "Ecological Health – Manage water resources on site to eliminate pollution to watersheds and lesson impact on municipal infrastructure by integrating ecological and man-made systems to maximize function, efficiency and health"

Principles and Strategies:

- "A sustainable stormwater management plan that supports low impact development, open conveyance systems, regional detention, and adequate sizing to avoid downstream flooding"
- "Open Space – Protect and Maintain a functioning green space network for a variety of uses"
- "Integrate Systems – Integrate ecological and man-made systems to maximize function, efficiency and health"
- "Watershed Health – Manage water resources on site to eliminate pollution to watershed and lesson impact on municipal infrastructures"



BEAVERCREEK ROAD
CONCEPT PLAN

Aerial Photo

Figure 2

otak

July 12, 2006

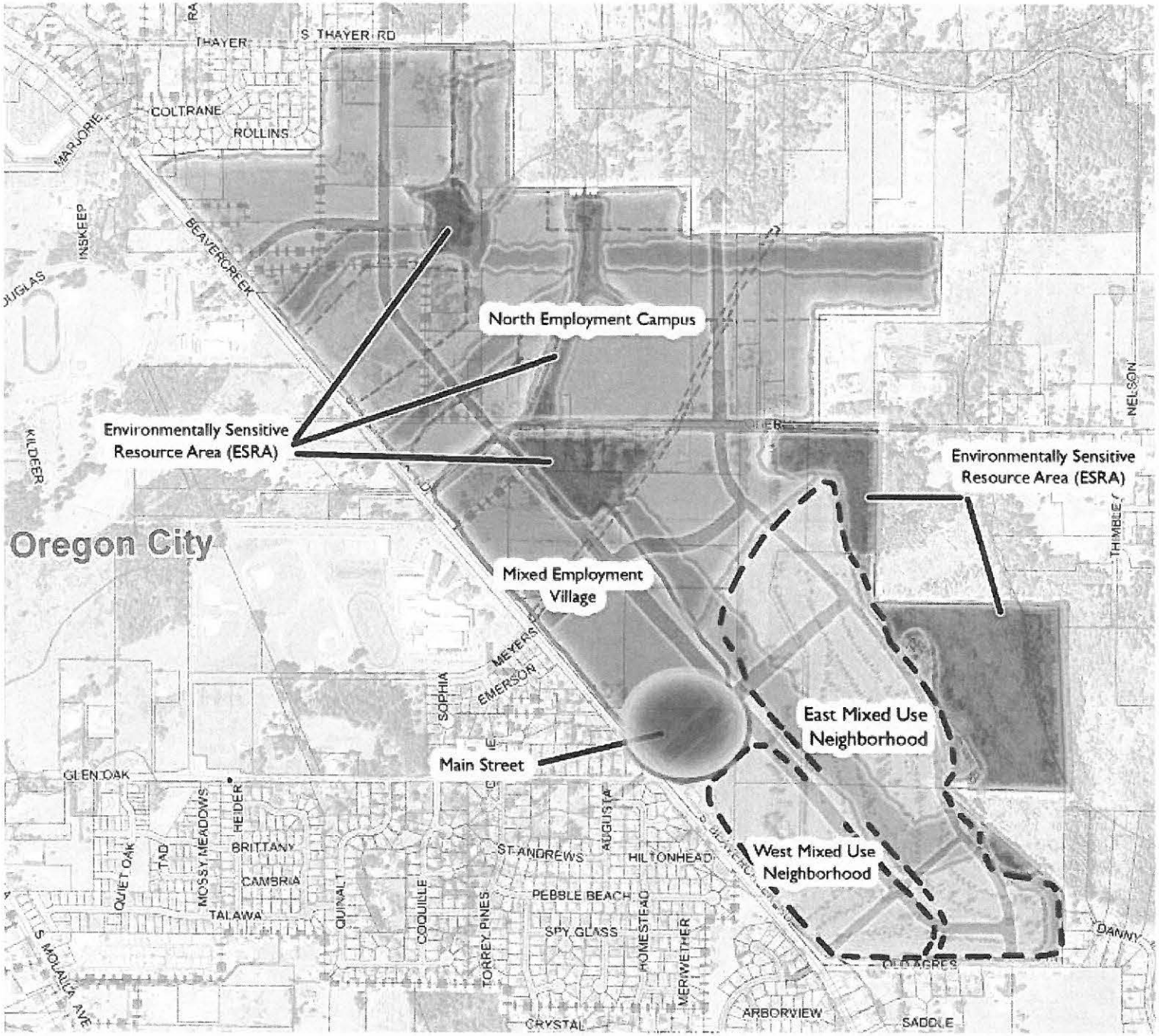


Figure 2: Beavercreek Zone Subdistricts

Metro Code – Title 11
Planning for New Urban Areas

2007

- Annexation;
- Housing density;
- Variety of housing types;
- Housing affordability;
- Commercial/Industrial development;
- Transportation;
- Mapping;
- Public Facilities and Services;
- Schools;
- Urban Growth Diagram; and
- Plan Amendments.

2014

- Plan Amendments
- Design Types
- Annexation
- Housing density
- Housing affordability
- Schools
- Parks
- Transportation (RTP)
- Public Facilities and Services and Financing
- Industrial Lands (Title 4)

Metro Code – Title 4 Industrial and Employment Land

3.07.410 Purpose and Intent

3.07.430 Protection of Industrial Areas

Please see letter from Metro addressing Title 4 compliance and compliance with Metro's Functional Plan

Oregon City Comprehensive Plan

1. Plan implementation process.
2. Adequacy of the Plan to guide land use actions, including an examination of trends.
3. Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.
4. Addition of updated factual information including that made available to the City of regional, state and federal governmental agencies.

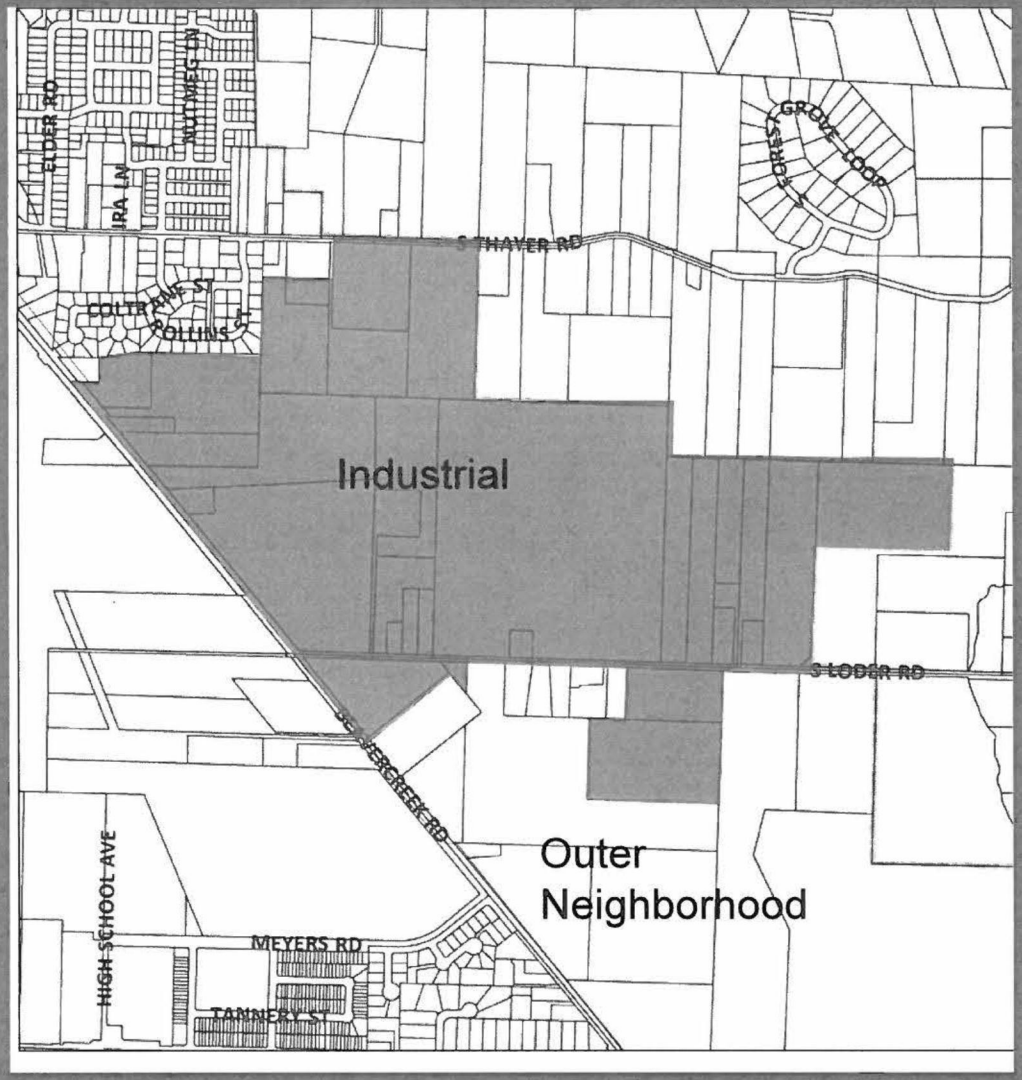
Comprehensive Plan Goal 2.6

Ensure an adequate supply of land for major industrial employers with family wage jobs.

- This Goal is implemented through Policies 2.6.1 through 2.6.8, which are addressed in the recommended findings.

Statewide Planning Goals

Goal 1 - Citizen Involvement
Goal 2 - Land Use Planning
Goal 3 - Agricultural Lands and Goal 4 Forest Lands
Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources
Goal 6 - Air, Water and Land Resources Quality
Goal 7 - Areas Subject to Natural Disasters and Hazards
Goal 8 - Recreational Needs
Goal 9 - Economic Development
Goal 10 - Housing
Goal 11 - Public Facilities and Services
Goal - 12 Transportation
Goal 13 - Energy Conservation
Goal 14 - Urbanization



Metro 2040 Concept Plan Design Types

Metro Ord. 10-1244B
Dec. 16, 2010

151 ac. (121 net) of Industrial

BEAVERCREEK ROAD CONCEPT PLAN

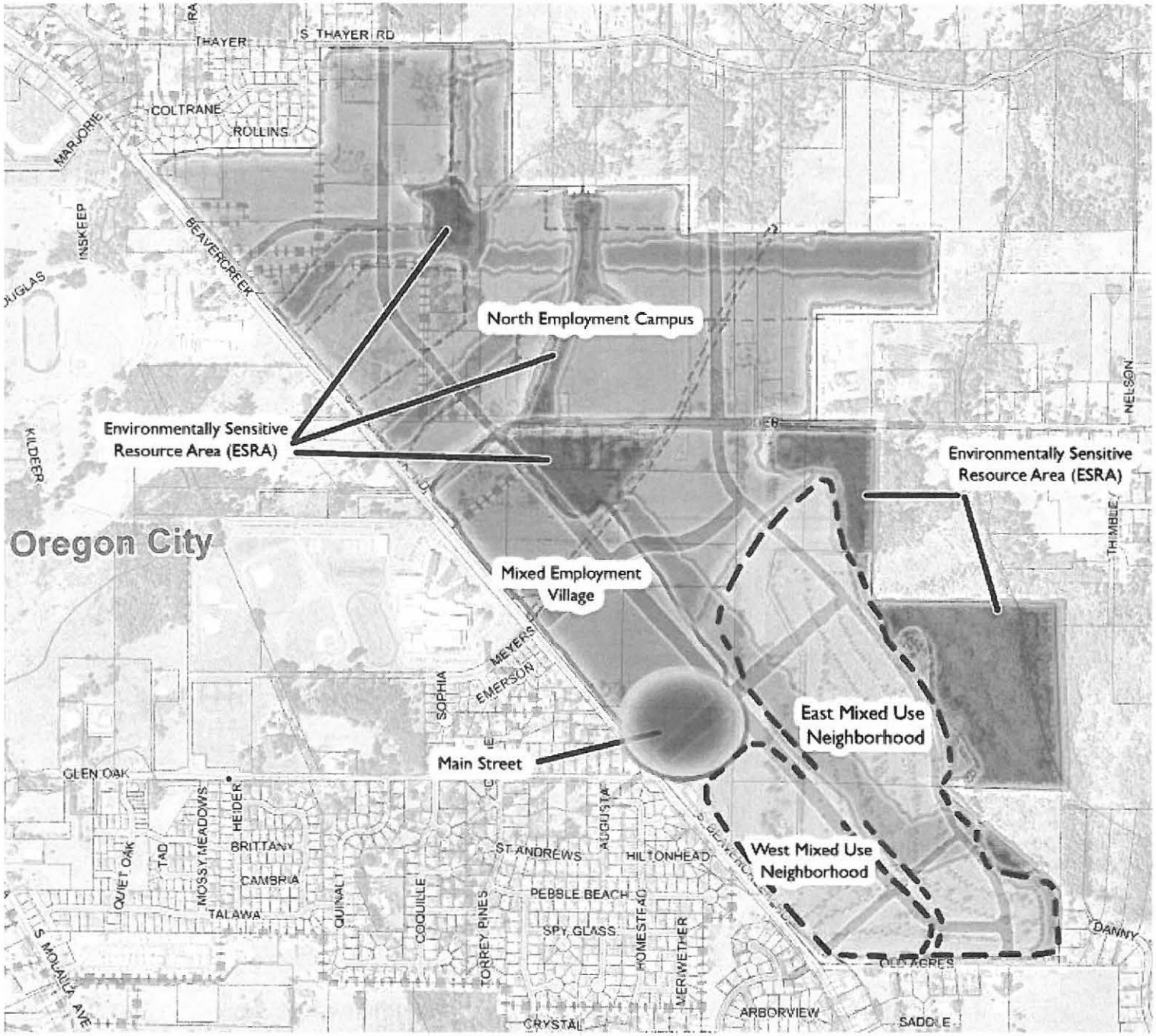


Figure 2: Beavercreek Zone Subdistricts

2006 – 2007 Process Summary

- 12 CAC/ TAC meetings
- Study Area Site Visit
- 2 Open Houses
- Meeting with Metro – Employment Discussion
- Community Design Workshop Meeting
- Market Focus Group
- Sustainability Focus Group
- Website
- Project posters, signs, mailers
- 10 City Commission hearings
- 4 Planning Commission hearings

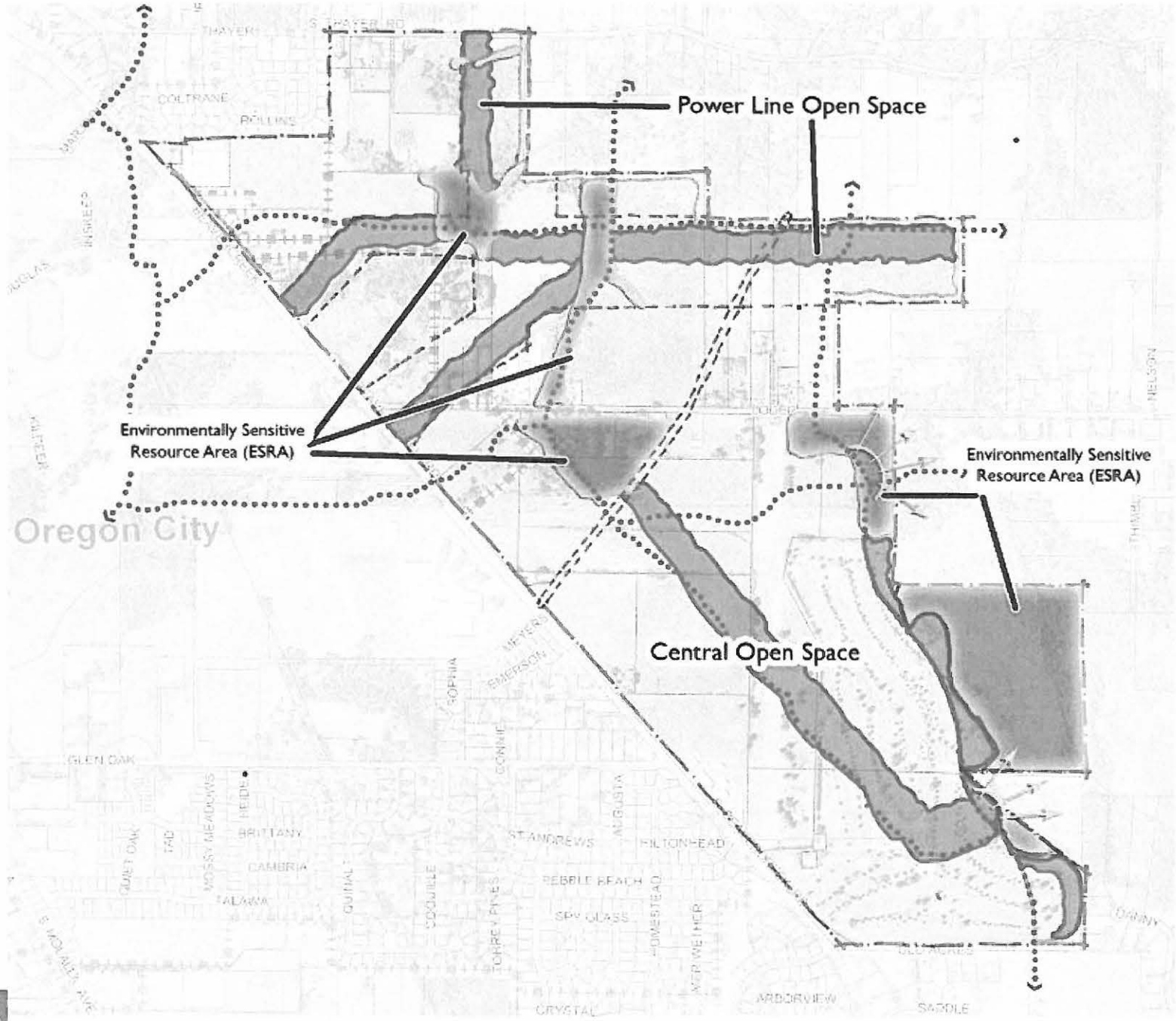
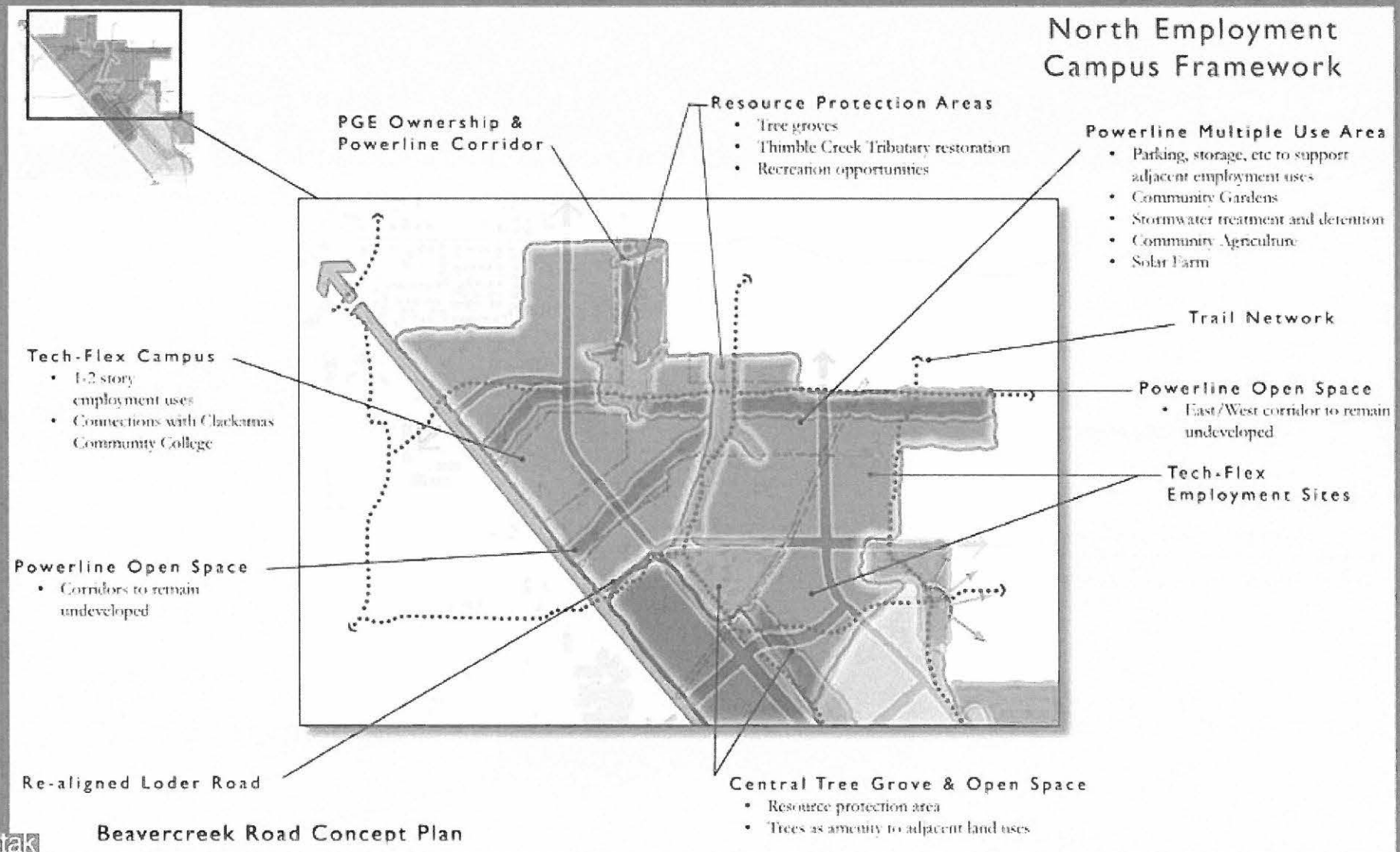
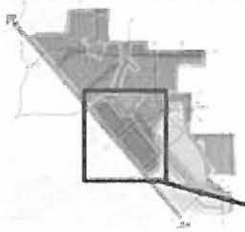


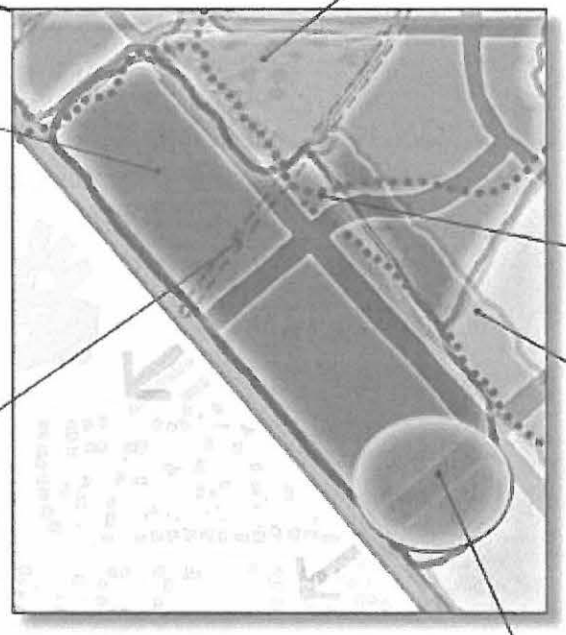
Figure 3: Beavercreek Zone Open Spaces and Natural Areas



BEAVERCREEK ROAD CONCEPT PLAN

Central Mixed Employment Village Framework





Central Tree Grove
- Resource protection area
- Trees as amenity to adjacent land uses

Mixed Employment Center (West)
- 3-5 Story Buildings
- Active Street Level
- Program Connections to High School and College

Mixed Employment Center (East)
- Transition area between North Employment Campus and South Neighborhood

Central Open Space

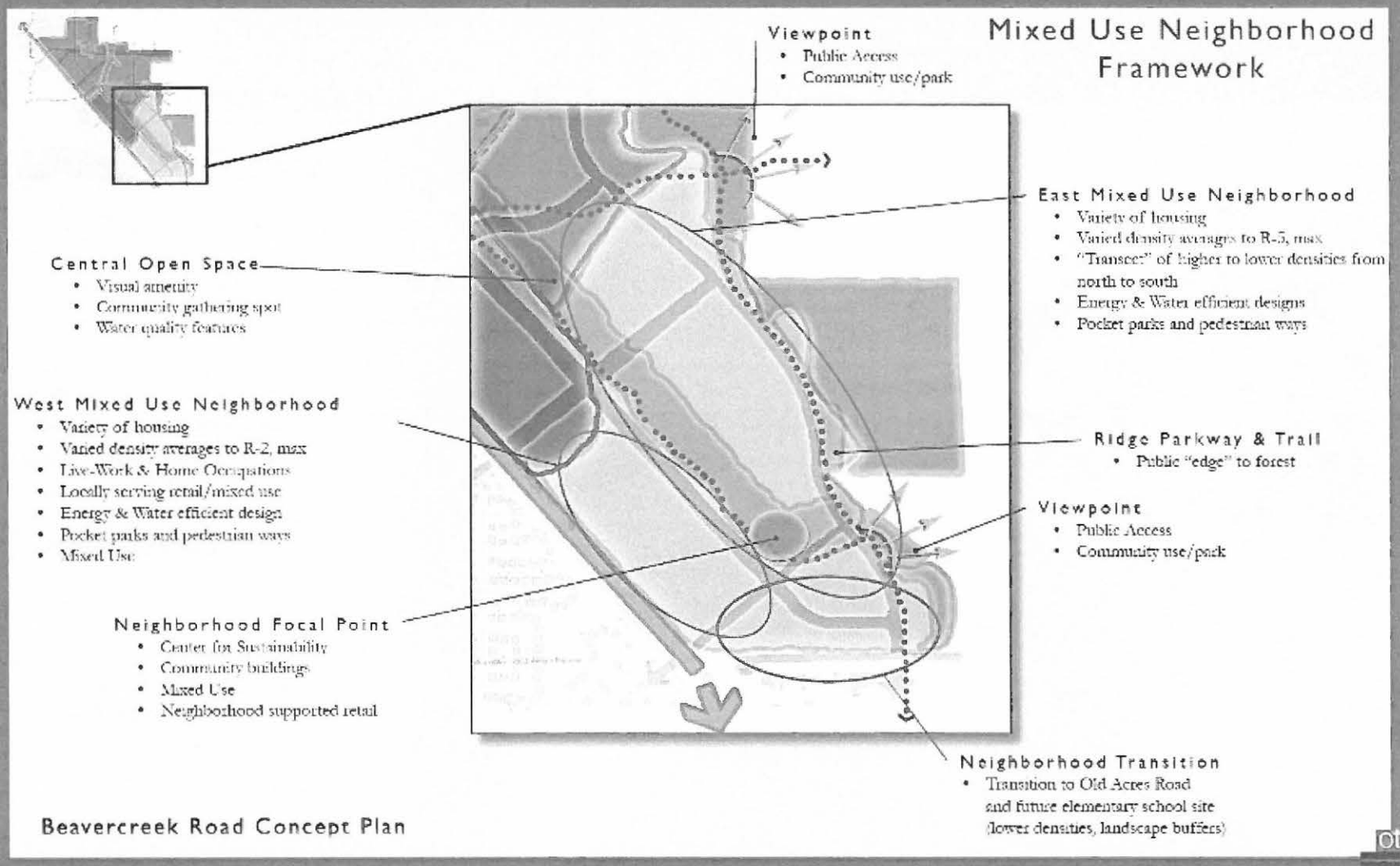
Gasline Easement/Entry Feature
- Open space and entry feature that identifies Beavercreek Road Concept Plan Area

Mixed Use Center - Main Street

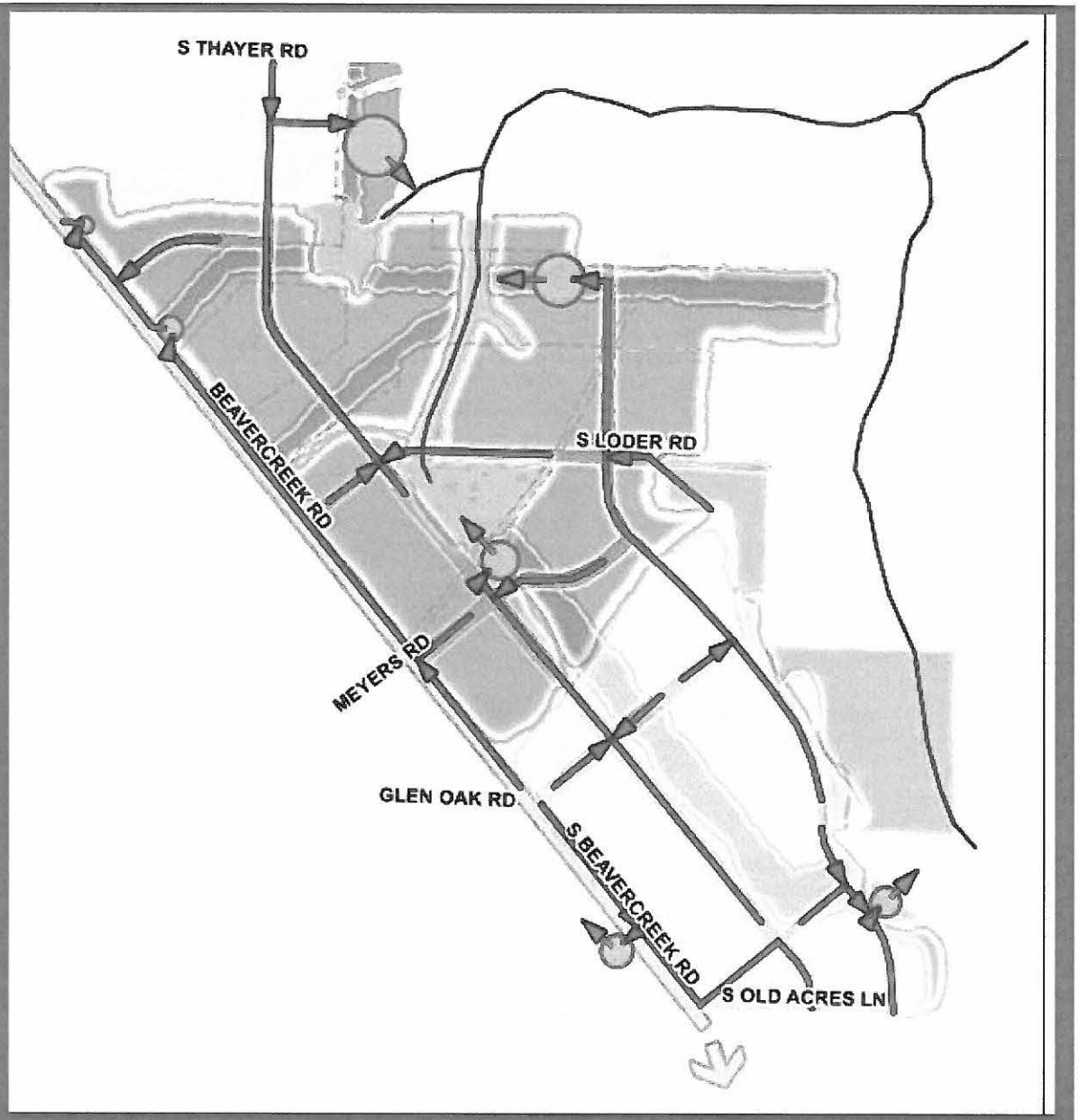
Beavercreek Road Concept Plan

otak

BEAVERCREEK ROAD CONCEPT PLAN



BEAVERCREEK ROAD CONCEPT PLAN



Beavercreek Road Concept Plan

Figure 4:
Hybrid Alternative
Stormwater System

Legend

— Streams

Teir 1 - Site Specific

(Not Illustrated)

Tier 2 - Greenstreets

Conveyance & Treatment

Tier 3 - Regional Facilities

Detention

Detention Outfall

Map Creation Date: 03/01/07
(Based on CAD Data from 03/01/07)

0 250 500 1,000
Feet

Aerial Photography is 2 foot resolution, AE, LLC
All data on this map is derived from the Metro RLIS database. This information was developed at multiple scales and accuracies. No warranty is made with this map.

BEAVERCREEK ROAD CONCEPT PLAN

Stormwater System

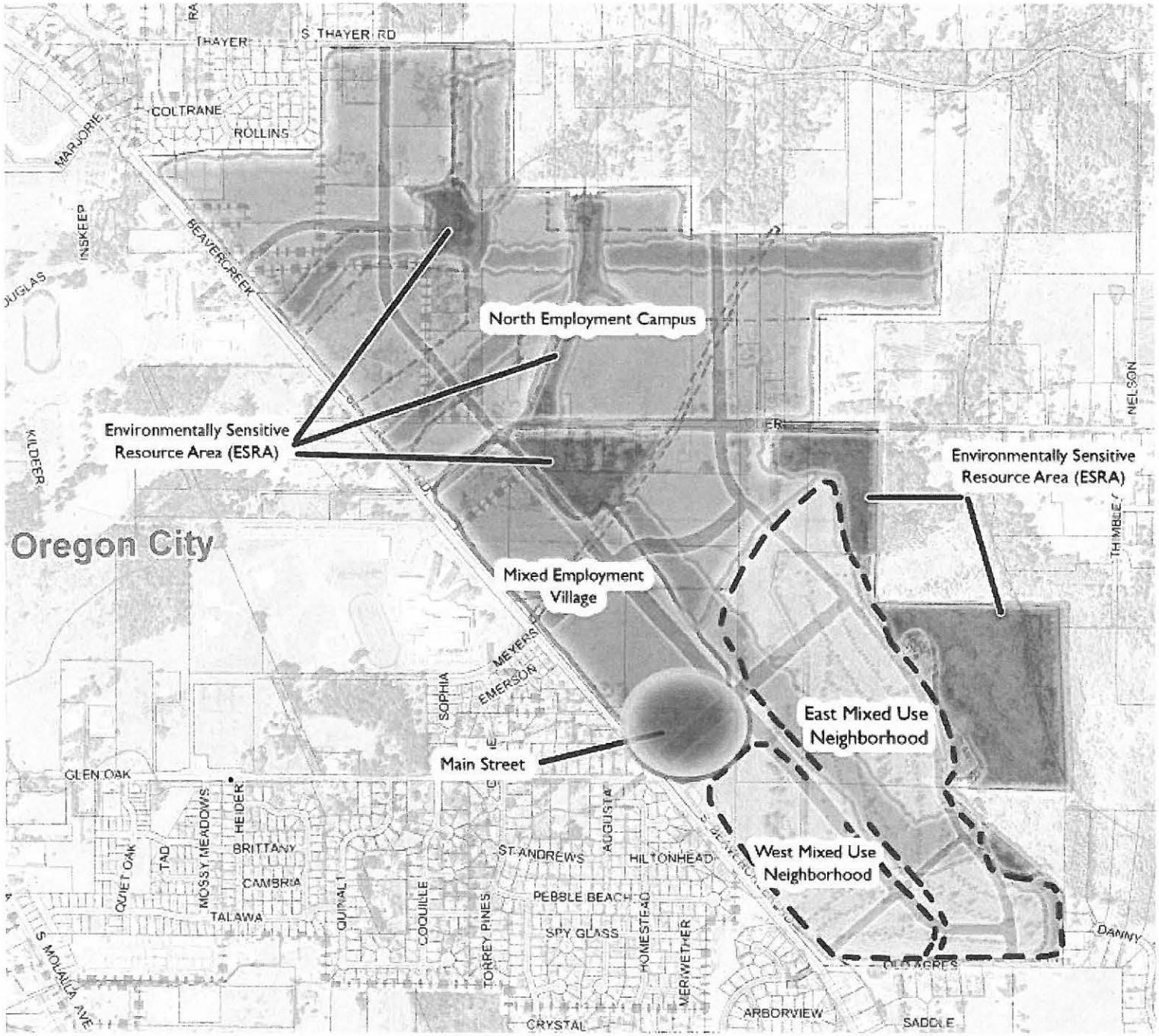


Figure 2: Beavercreek Zone Subdistricts

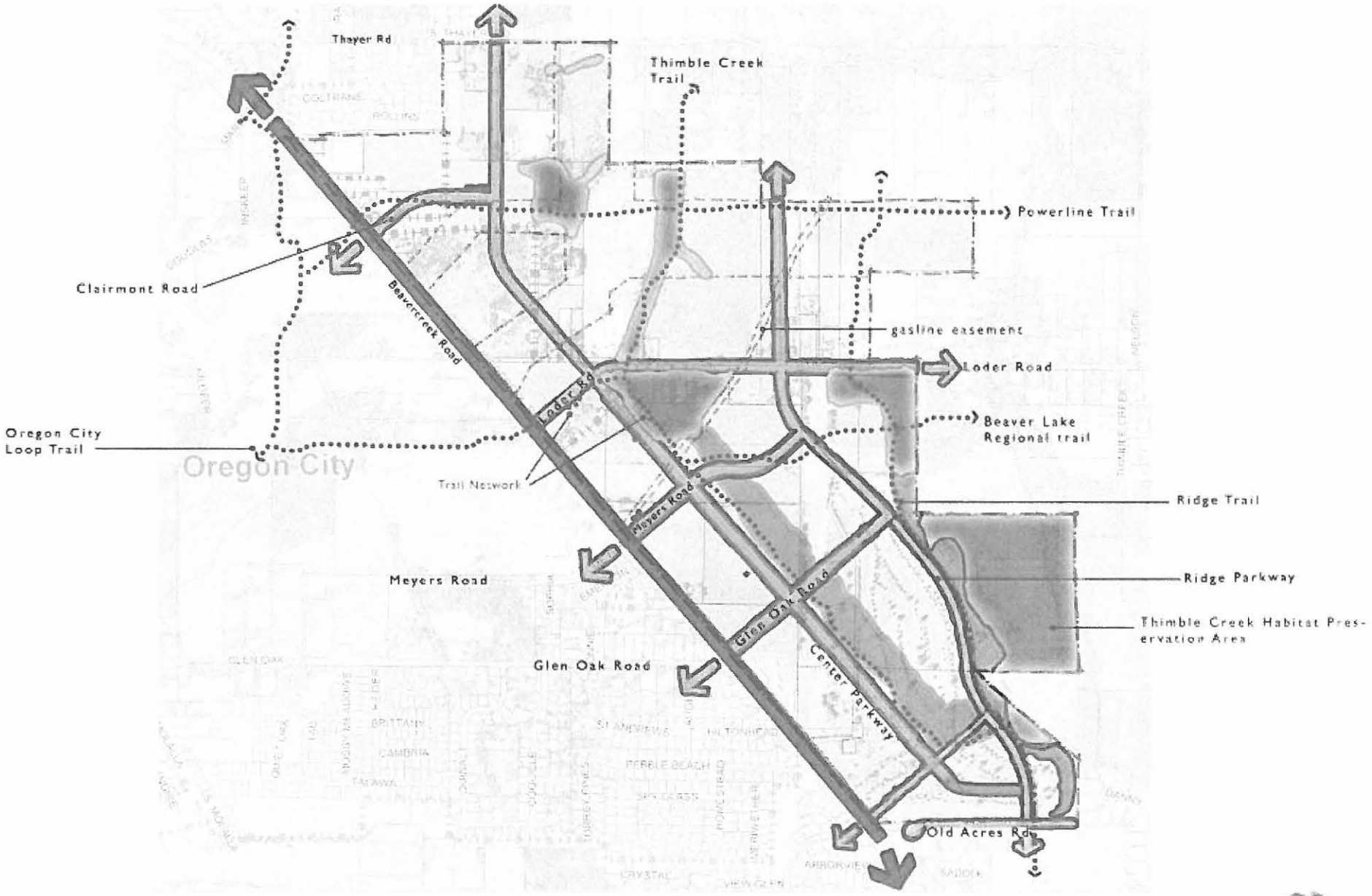


Figure 4: Beavercreek Zone Site Circulation

Consistent grid



Parallel to Beavercreek Road on West
Off-set grid solar orientation on east



Curved network responds
to site topography

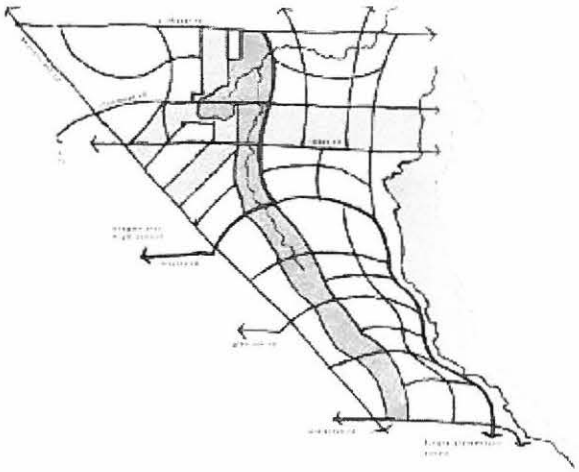
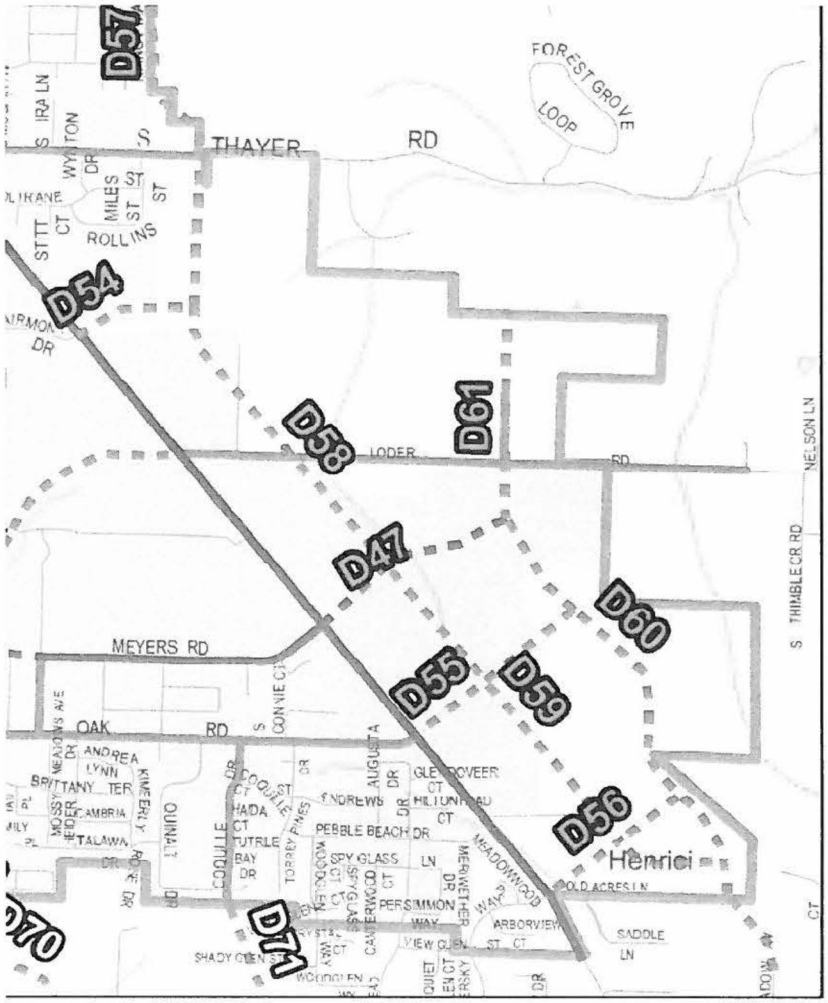


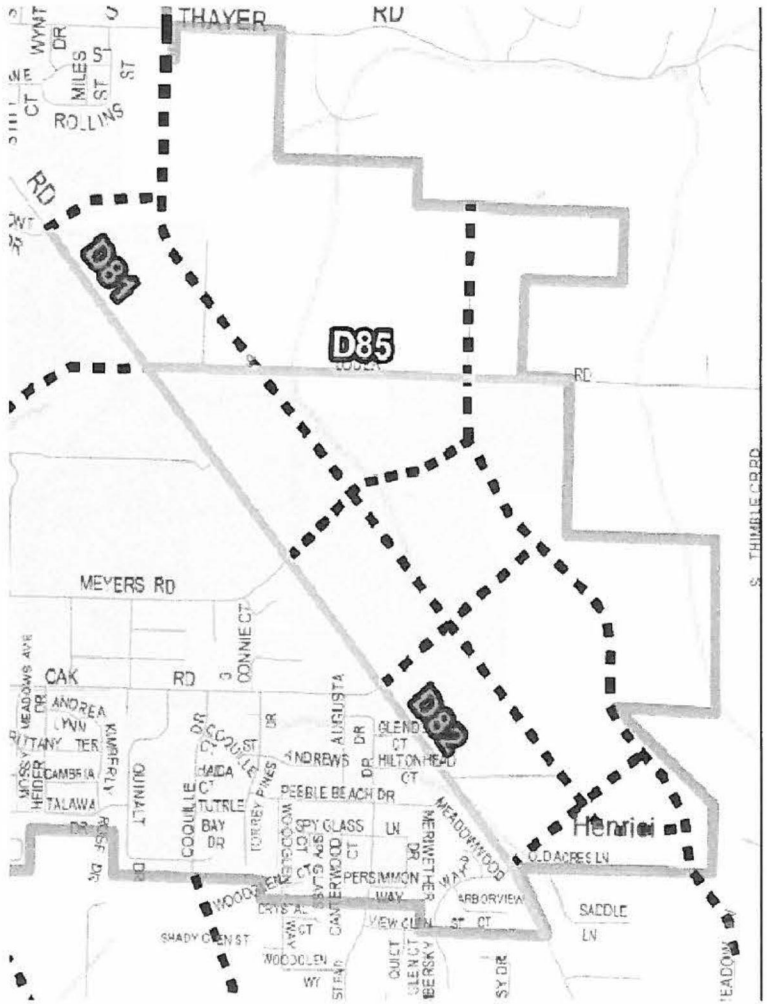
Figure 5: Beavercreek Zone Connectivity Options

Likely to be Funded TSP Projects

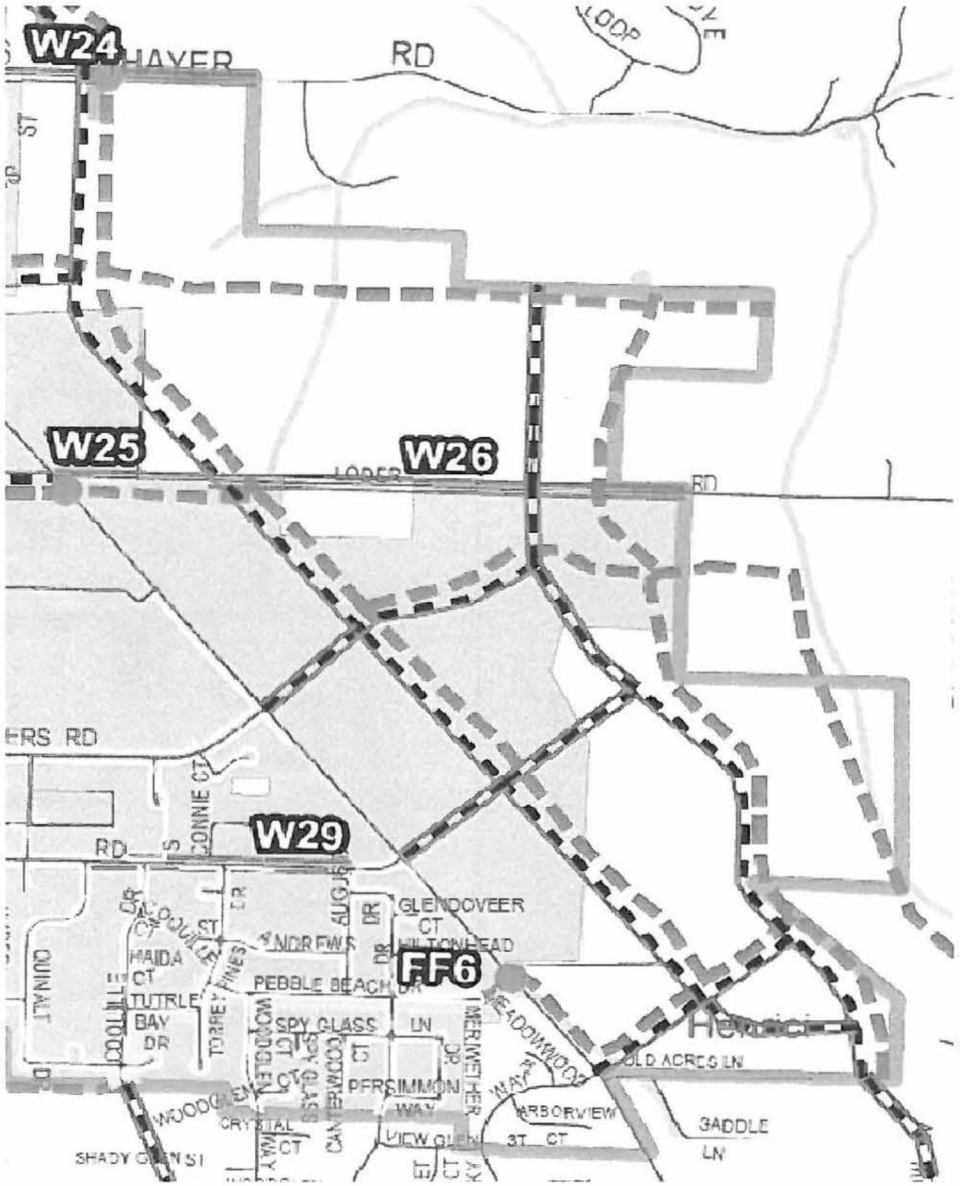
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D56	Timbersky Way extension	Beavercreek Road to the Meadow Lane Extension	Extend Timbersky Way from Beavercreek Road to the Meadow Lane Extension as a Residential Collector. Add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S20.	Long-term
D57	Holly Lane South extension	Maple Lane Road to Thayer Road	Extend Holly Lane from Maple Lane Road to Thayer Road as a Residential Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S14. Install a roundabout at Maple Lane Road (per project D37).	Medium-term
D58	Holly Lane South extension	Thayer Road to Meyers Road	Extend Holly Lane from Thayer Road to the Meyers Road extension as an Industrial Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S15.	Medium-term
D59	Holly Lane South extension	Meyers Road to the Meadow Lane Extension	Extend Holly Lane from the Meyers Road extension to the Meadow Lane Extension as a Mixed-Use Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S16.	Long-term
D60	Meadow Lane extension	Meadow Lane to Meyers Road	Extend Meadow Lane to the Meyers Road Extension as a Mixed-Use Collector. Between Old Acres Lane and the Glen Oak Road extension, add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S21.	Long-term
D61	Meadow Lane extension	Meyers Road to UGB (north of Loder Road)	Extend Meadow Lane from the Meyers Road Extension to the UGB (north of Loder Road) as an Industrial Collector	Medium-term
D81	Beavercreek Road Upgrade	Clairmont Drive (CCC Entrance) to Meyers Road	Improve to Industrial Major Arterial cross-section	Medium-term
D82	Beavercreek Road Upgrade	Meyers Road to UGB	Improve to Residential Major Arterial cross-section	Long-term

TSP Street & Intersection Expansions

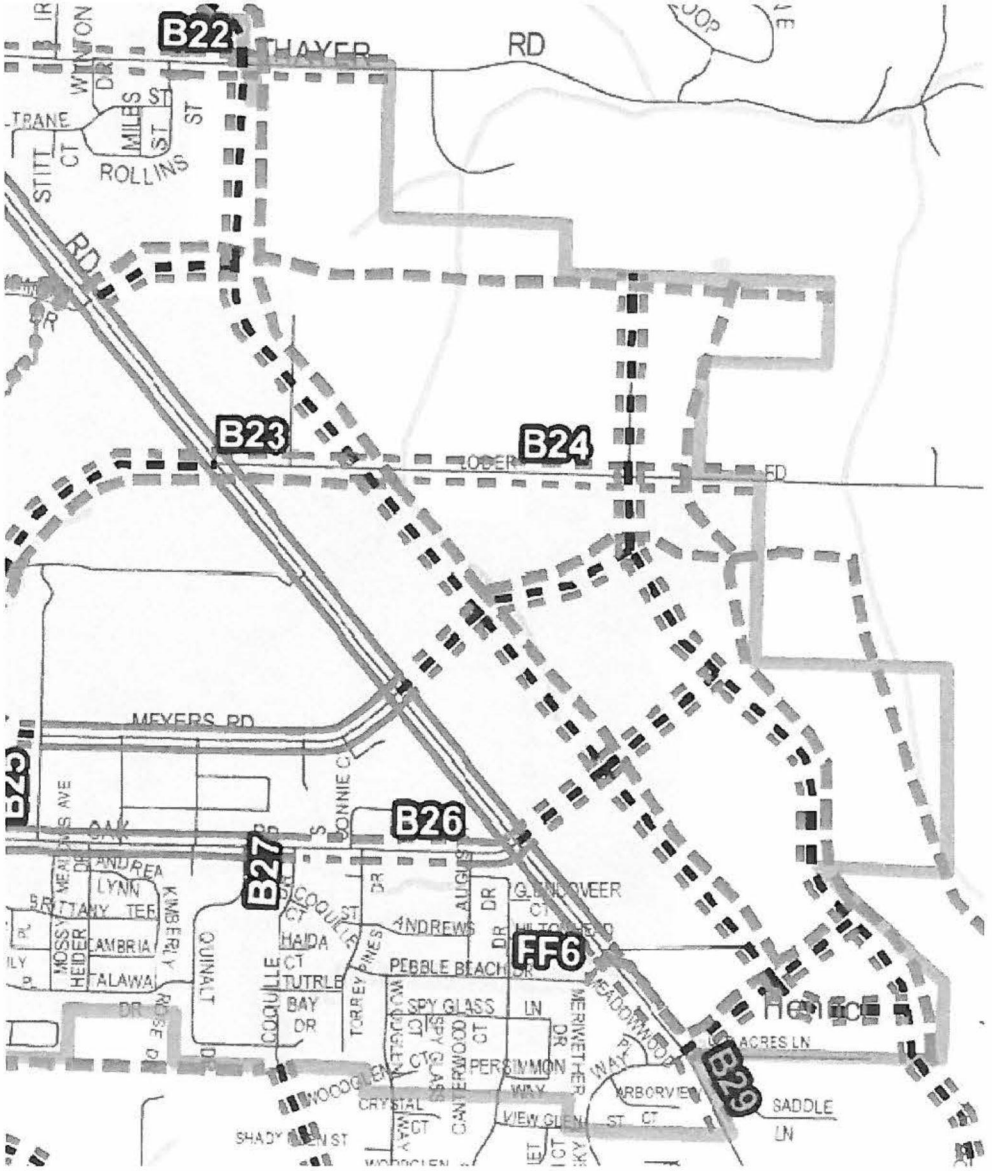




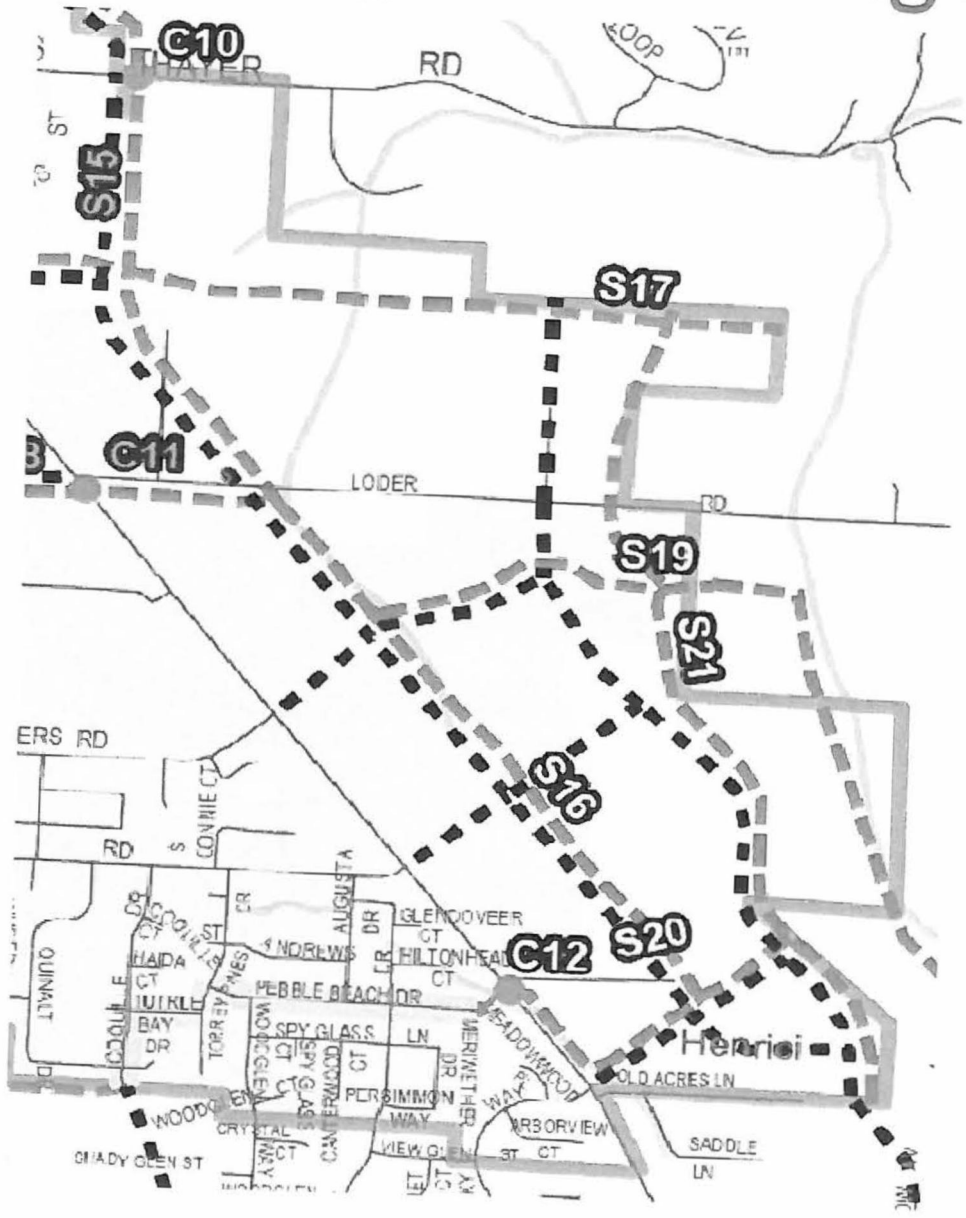
TSP Conceptual Walking Solutions



TSP Conceptual Biking Solutions



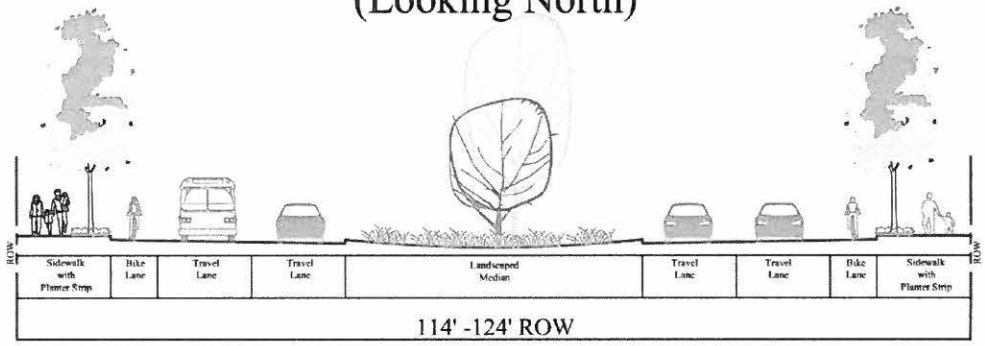
TSP Shared Biking and Walking Solutions



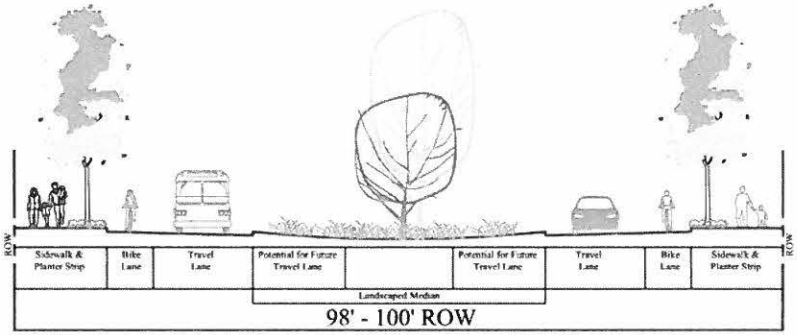
Beavercreek Road

- The concept plan specifies that Beavercreek Road will be improved as a green boulevard that will be a 5-lane arterial section to Clairmont, then a 3-lane arterial, with room for 5 lanes if needed, from Clairmont to the UGB. These projects on Beavercreek Road are included in TSP Table 2: Likely to Be Funded Transportation System as project D81 and D82.

Beavercreek Road Greenstreet - Option 3
5-lane Right-of-way
(Looking North)



Beavercreek Road Greenstreet - Option 2
3-lane Section in 5-lane Right-of-way
(Looking North)



Transportation System Plan / Traffic

- Transportation Projects within the concept plan area will be development-driven and funded
- The TSP expands upon the Concept Plan by including preliminary construction cost estimates & financing options
- Multi-modal transportation links will be connected within the site as well as to the surrounding areas
- Land use reviews will support bus service by ensuring a mix of land uses, densities and design options that support public transportation and other alternative transportation methods
- Ensure that local connectivity and off-street pedestrian routes link together in a highly connected pedestrian system that is safe, direct, convenient and attractive and improves pedestrian and bicycle safety along Beavercreek Road.
- Transportation Planning Rule. To meet the requirements of OAR 660-012-0060, needed improvements & funding mechanisms have been identified to mitigate impacts of development in the area and shows that the mobility standards prescribed by the TSP, except where exempted, will be met.

Transportation System Plan (TSP)

- The 2013 TSP also recognizes the limitations brought about by the limited availability of funding.
- Despite the investments to the transportation system, intersection operating conditions at a few intersections (including the OR 99E/I-205 Northbound, OR 99E/I-205 Southbound, OR 213/Beavercreek Road, and I-205/OR 213 intersections) will be continue to be congested by 2035.
- For purposes of evaluating the impact of proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, the OR 99E/I-205 SB Ramps, OR 99E/I-205 NB Ramps, OR 213/ Beavercreek Road, and I-205/OR 213 intersections shall be exempt from meeting the state mobility targets until solutions (beyond those included in the TSP) or alternative mobility targets are explored for the intersections.
- City and ODOT are to work together with Clackamas County to prepare and adopt alternative mobility standards.

Acres*	Gross	Net
North Employment Campus	149	127
Mixed Employment Village	26	21
Main Street	10	8
West Mixed Use Neighborhood	22	18
East Mixed Use Neighborhood	77	62
	284	235
Parks/ Open Space/ Natural	113	
Major ROW	56	
Total	~453	

*Acres are preliminary and rounded

	Jobs	Housing
North Employment Campus	3,678	
Mixed Employment Village	1,139	
Main Street	219	100
West Mixed Neighborhood	15	387
East Mixed Neighborhood	21	536
	5,073	1,023

Source: Table 2. BRCP Job & Housing Density Assumptions 7/10/2007

Meetings

• Planning Commission Work Session	9/28/2015
• Citizen Involvement Committee	10/05/2015
• Natural Resources Committee	10/14/2015
• Transportation Advisory Committee	10/20/2015
• Parks & Recreation Advisory Committee	10/22/2015
• Caufield Neighborhood Association	10/27/2015
• Hamlet of Beavercreek	10/28/2015
• City Commission Work Session	11/10/2015
• Planning Commission Hearing #1	11/23/2015
• City Commission Hearing #1	12/02/2015

Concept Plan: Land Use Areas

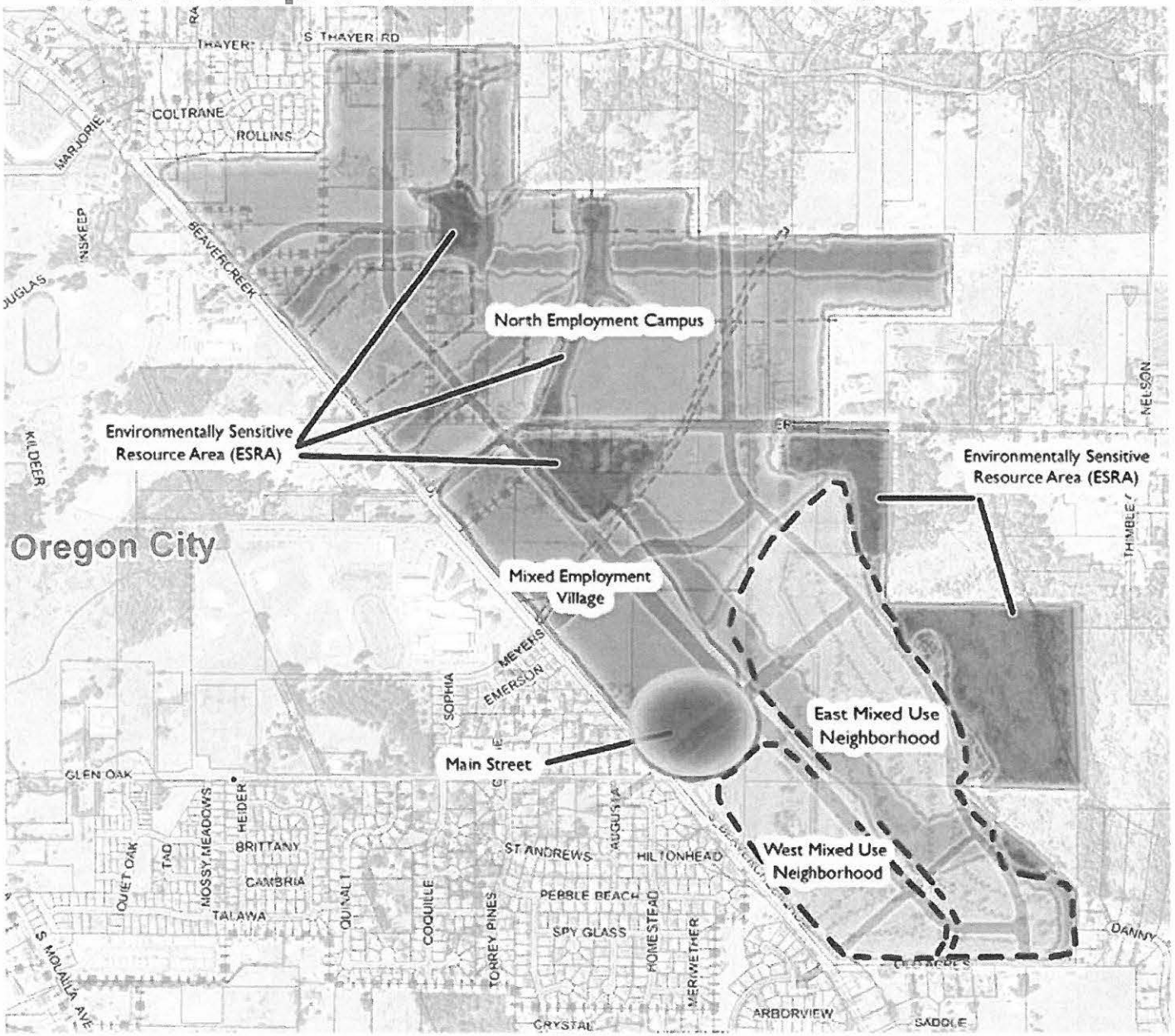


Figure 2: Beavercreek Zone Subdistricts

Recommendation

- Staff recommends that the Planning Commission provide approval of the Beavercreek Road Concept Plan, file LE-15-0003.
- Should the Planning Commission determine that additional information is required from staff, the Planning Commission should leave the public hearing open and continue the hearing to the December 14, 2015 Planning Commission date.

Thank You

- Website:
- http://www.orcity.org/planning/landuse case/le-15-0003-re-adoption-beavercreek-road-concept-plan
- Pete Walter, Associate Planner
- (503) 496-1568
- pwalter@orcity.org

From: Wes Rogers
To: Pete Walter
Cc: Larry Didway
Subject: Additional Info for Tonight
Date: Monday, November 23, 2015 4:38:23 PM

Larry is hoping to be at the Planning Commission meeting tonight. He is coming from parent/teacher conferences at Gardiner.

Some additional info that may be helpful (if someone asks and Larry is not there) about timing of the District's ability to bring additional school capacity online. The perfect scenario would be for District voters to approve a bond renewal in November 2017. Design/build process would start soon after. With a very aggressive construction window of 18 months, we could have additional capacity open Fall of 2019. That is the soonest. Otherwise it will be the following Fall of 2020. Hope that helps.

..wes

Wes Rogers, Director of Operations
Oregon City School District 62
PO Box 2110
Oregon City, OR 97045
503-785-8426 phone
503-657-2518 fax
wes.rogers@orecity.k12.or.us

ENTERED INTO THE RECORD
DATE RECEIVED: 11/23/15
SUBMITTED BY: STAFF
SUBJECT: LE-15-0003
EXHIBIT F

From: Kattie Riggs
To: Laura Terway; Pete Walter
Cc: Jaime Reed; Tony Konkol
Subject: FW: Planning File PC 15-229
Date: Monday, November 23, 2015 1:27:51 PM
Attachments: OCCCMinutes07202011.pdf

Laura and Pete,

Please see the e-mail below form Jim Nicita.

Thanks,
Kattie

From: James Nicita [mailto:james.nicita@gmail.com]
Sent: Monday, November 23, 2015 1:21 PM
To: Tony Konkol <tkonkol@ci.oregon-city.or.us>; Kattie Riggs <kriggs@ci.oregon-city.or.us>
Subject: Planning File PC 15-229

Greetings:

I write to request that the attached minutes be entered into the record for the above-referenced hearing this evening on readoption of the Beavercreek Road concept plan.

Thank you,

James Nicita
Oregon City

ENTERED INTO THE RECORD
DATE RECEIVED: NOV. 23, 2015
SUBMITTED BY: JAMES NICITA
SUBJECT: LE-15-0003
EXHIBIT G

CITY OF OREGON CITY
CITY COMMISSION
MEETING MINUTES

July 20, 2011

1. **Convene Regular Meeting of July 20, 2011, and Roll Call**

Mayor Neeley called the meeting to order at 7 p.m.

Roll Call: Mayor Doug Neeley; Commissioner Betty Mumm; Commissioner James Nicita; Commissioner Kathy Roth; and Commissioner Rocky Smith, Jr.

Staff Present: David Frasher, City Manager; Ed Sullivan, City Attorney; Mike Conrad, Police Chief & Public Safety Director; Scott Archer, Community Services Director; Tony Konkol, Community Development Director; David Wimmer, Finance Director; Jim Loeffler, Human Resources Director; Maureen Cole, Library Director; Nancy Ide, City Recorder; and Erik Wahrgren, Associate Engineer.

2. **Flag Salute**

3. **Ceremonies, Proclamations, Presentations**

4. **Citizen Comments**

Nathan Modlin, resident of Oregon City, was a Life Scout of Troop 258. His next step was to become an Eagle Scout and one of the requirements was to lead a service project. He proposed collaboration with the City to build and design a dog park.

Scott Archer, Community Services Director, stated the Parks and Recreation Advisory Committee had formed a dog park task force. An open house was scheduled in August. There was also a Friends of the Dog Park facebook page. He would help connect Mr. Modlin with the project.

Tom Geil, resident of Oregon City, presented Commissioner Smith a certificate from the Rose Festival Foundation for being an announcer at the Starlight Parade. He said there would be a change to the CIC bylaws to add a neighborhood association grievance process.

Christine Kosinski, resident of unincorporated Clackamas County, discussed safe and livable communities. She referred to a map as an example of several subdivisions in the City that would be affected by future development and cut through traffic. There was no park for these families. She wanted the Commission to think about the future for this area and to notify each homeowner in the Trail View subdivision of the City's plans for future development.

Amber Holveck, Chamber Director, announced the Oregon City Chamber of Commerce office move and ribbon cutting. She listed the elected leaders and community members who participated.

Rex Parks, resident of Oregon City, thought Commissioner Nicita's actions had been less than honorable especially in regard to the outcome of the Rivers project and the killing of Cabela's that would have brought jobs to the City. He submitted a petition for recall to the City Recorder.

Dan Holladay, resident of Oregon City, read an email from Scott Parker, owner of the Rossman Landfill, who discussed Commissioner Nicita's actions regarding the Rivers project and Mr. Parker's concern about the ability for any development on the property.

James Hamilton, resident of Oregon City representing the Common People of Oregon City, had previously proposed a charter amendment to elect the Municipal Court Judge and requested a public hearing to hear testimony regarding Code Enforcement practices. He took exception to Mr. Frasher's comments that the Commission could not protect the people's rights. He read from the Oregon Constitution and an email from Mr. Archer regarding this situation. They were asking for reform and an open forum to discuss these issues.

Elizabeth Graser-Lindsey, resident of Beavercreek, was surprised about the speakers stating one Commissioner was responsible for a decision that was made by the whole Commission and that someone thought Cabela's would bring career jobs to the City because these were retail jobs.

Mayor Neeley clarified the Commission did not make a decision on the Rivers project.

5. **Adoption of the Agenda**

The agenda was adopted as presented.

6. **Public Hearings**

7. **General Business**

a. **Ordinance for Introduction, No. 11-1008, Granting a Telecommunications Franchise to TCG Oregon to Occupy Certain Rights of Way within the City of Oregon City**

Nancy Ide, City Recorder, introduced Nancy Werner, Franchise Attorney.

Ms. Warner said this agreement was similar to those done in the past. It would be a ten-year term to allow telecommunications facilities for TCG Oregon to serve customers in the City. The franchise fees were similar to other telecommunication franchises in the City.

Motion by Commissioner Kathy Roth, second by Commissioner Rocky Smith, Jr. to approve Ordinance No. 11-1008, granting a telecommunications franchise to TCG Oregon to occupy certain rights of way within the City of Oregon City.

A roll call was taken and the motion passed with Mayor Doug Neeley, Commissioner Betty Mumm, Commissioner James Nicita, Commissioner Kathy Roth, and Commissioner Rocky Smith, Jr. voting aye. [5:0:0]

b. **Beavercreek Road Concept Plan Adoption Process**

Tony Konkol, Community Development Director, said this was continued from the last Commission meeting to allow for public comment. He summarized the three options and stated staff's recommendation was still the same, to remand the Beavercreek Concept Plan back to the Planning Commission with limited issues to address.

Christine Kosinski, resident of unincorporated Clackamas County, discussed her concern regarding traffic. The traffic plan proposed creating another thoroughfare was development the citizens did not want and would continue to vote down. Oregon City needed no more homes, but needed jobs. She continued to support an alliance between Clackamas Community College and Concordia which would help produce programs for incubator and local businesses.

Rose Holden, resident outside of Oregon City, was uncomfortable with Commissioner Nicita being a paid professional and interested party to the Beavercreek area annexation appeals and concept plan appeals. She explained the relevance of documents she had forwarded to the Commission which demonstrated the public involvement and positive development impacts of the Beavercreek Road Concept Plan. She thought it would be fiscally responsible to remand this issue to the Planning Commission on a limited basis to get this approved as soon as possible.

Paul Edgar, resident of Oregon City, said a lot of developers had looked at the area and the current industrial zoning might not be the right fit for Beavercreek. He thought they needed to take a more serious look at the appropriate zoning. He was in favor of a more open remand.

Elizabeth Graser-Lindsey, Beavercreek resident, stated this was an opportunity to get industrial land for good jobs and taxes. She passed out a handout that showed the lack of yield that came from the 2002 and 2004 expansions. The City's current Home Occupation Code allowed professionals to work at home providing services, but did not allow for occupations resulting in commodities. There was strong opposition from the Caufield Neighborhood to the dense residential proposed and consequences that could be expected such as crowding of roads and schools. If the City Code was modified to have a buffer, segregate compatible uses, and include provisions to protect neighbors from noise or toxins, that would make the neighbors feel more comfortable. The Citizen Advisory Committee that addressed the Concept Plan scarcely had any citizens on it and citizens did not have a chance to speak at meetings.

Ms. Holden requested the documents she gave to the Commission be included in the record.

Commissioner Nicita thought there was opportunity to come up with something new and different for this area and thought the Concept Plan needed to be revised. He suggested a new kind of mixed industrial and employment zoning and to examine the uses currently in the Concept Plan.

Ms. Holden thought a lot of time had been taken to address these issues with specialists' input. The framework was already there in the Concept Plan and the zoning that would be written could incorporate everything Commissioner Nicita was talking about.

The Commission reviewed the adopted Concept Plan map. There was discussion regarding the vision of the plan and future zoning.

Ms. Kosinski stated the economy and retail were in a different place than when the Concept Plan was done and might not be appropriate for the present day. They needed to build in more vitality and visionary thinking for what was needed in Oregon City.

Mr. Holladay was frustrated that they were still talking about this. Multiple Commissioners had looked over this plan. Those who created jobs needed certainty and it was time to move forward.

Mr. Edgar said the Commission was not in a position to make a decision until they knew what LCDC decided. He suggested ironing out the little differences there were and coming back to the next

meeting with a plan for how to proceed.

Ms. Graser-Lindsey said Oregon City and the region needed good jobs and local production. The Concept Plan did not envision having product making jobs in this area. The densities planned for the yellow areas were part of the appeal that questioned the ability of the infrastructure to support the high densities. They needed to consider how to have industry in this area.

Commissioner Nicita thought the plan should be more amenable to cottage industry and manufacturing and less of an emphasis on residential.

Ms. Holden said this Concept Plan was visionary and allowed for change. They had to be adaptable and should not get stuck in a decade old paradigm.

Commissioner Nicita suggested having an Option A, the Concept Plan proposal, and Option B, less dense but more cottage industry model, for the west and east mixed use neighborhoods.

Ed Sullivan, City Attorney, explained the reason the Concept Plan was remanded was the City relied on Metro staff regarding residential and industrial land, and LUBA found even though Metro said it was ok, Metro never changed their map. Staff asked for the limited remand because things had changed since the original adoption that needed to be included in the plan.

MAIN MOTION:
Motion by Commissioner Betty Mumm, second by Mayor Doug Neeley to remand the Beavercreek Road Concept Plan to the Planning Commission and reopen the record for a limited purpose of addressing the protection of industrial lands, transportation, utility and service adequacy, and that the public hearings would not commence until the Department of Land Conservation and Development staff report had been issued.

AMENDMENT #1:
Motion by Commissioner James Nicita, second by Commissioner Kathy Roth to amend the motion to add reconsideration of the yellow areas for greater cottage manufacturing in those zones.

VOTE ON AMENDMENT #1:
A roll call was taken and the motion passed with Commissioner James Nicita, Commissioner Kathy Roth, and Commissioner Rocky Smith, Jr. voting aye and Mayor Doug Neeley, Commissioner Betty Mumm voting no. [3:2:0]

VOTE ON MAIN MOTION, AS AMENDED:
A roll call was taken and the motion passed with Mayor Doug Neeley, Commissioner Betty Mumm, Commissioner James Nicita, Commissioner Kathy Roth, and Commissioner Rocky Smith, Jr. voting aye. [5:0:0]

c. **Canemah Neighborhood Park Playground Equipment Purchase and Install Agreement**

Mr. Archer stated construction was underway at Canemah Park. The playground was being done as a separate item to involve the neighborhood in the design. The neighborhood volunteered to install the playground equipment which would save $12,000. The purchase of the equipment was being done through the State procurement process. The total cost of the project was $92,118 and was well within the budget.

Paul Edgar, Land Use Chair of the Canemah Neighborhood Association, said the neighborhood appreciated the opportunity to install the equipment and encouraged the Commission to approve the agreement.

Motion by Commissioner Kathy Roth, second by Commissioner Rocky Smith, Jr. to approve the Canemah Neighborhood Park playground equipment purchase and install agreement.

A roll call was taken and the motion passed with Mayor Doug Neeley, Commissioner Betty Mumm, Commissioner James Nicita, Commissioner Kathy Roth, and Commissioner Rocky Smith, Jr. voting aye. [5:0:0]

8. **Consent Agenda**

a. **Contract for Construction 2011 Paving Projects**

b. **Public Improvement Contract for the Main Street Improvement Projects**

c. **Minutes of the July 6, 2011 Regular Meeting**

Motion by Commissioner Rocky Smith, Jr., second by Commissioner Betty Mumm to approve the Consent Agenda.

A roll call was taken and the motion passed with Mayor Doug Neeley, Commissioner Betty Mumm, Commissioner James Nicita, Commissioner Kathy Roth, and Commissioner Rocky Smith, Jr. voting aye. [5:0:0]

9. **Communications**

a. **City Manager**

Mr. Archer updated the Commission on permit parking for homeowners on residential streets. There was a residential parking permit program mainly around the McLoughlin neighborhood area. There was also a petition process for applying to the program. It did not give the permit holder the ability to violate other parking laws.

Mayor Neeley suggested this information be presented to the McLoughlin Neighborhood Association.

Mr. Archer reminded the Commission of upcoming meetings regarding the downtown parking plan implementation on July 26 and 27.

Mike Conrad, Police Chief and Public Safety Director, described a weeklong camp for disadvantaged youth in Oregon City.

David Frasher, City Manager, reported on a meeting with the bankruptcy trustee and marketing firm for the Blue Heron site. He had suggested calling this site the Willamette Falls property. He also discussed the reasons for Code Enforcement to be placed under the Police Department. This change would be effective August 1. He would be going on vacation beginning July 22 and Mr. Archer would be acting as City Manager in his absence.

b. **Mayor**

Mayor Neeley reported on the Metro Advisory Committee meeting.

c. **Commissioners**

Commissioner Smith reported on the O.C. Together meeting. He announced the fundraiser for infrastructure needs at the Rose Farm site with the production of *Oklahoma* on August 10. He thought Code Enforcement should be under the Police Department.

Commissioner Roth reported on a meeting between Clackamas Community College, Concordia, and the School District.

Commissioner Nicita also was in favor of the move of Code Enforcement and also attended the meeting of Clackamas Community College and Concordia.

Commissioner Mumm said there was a Concert in the Park on July 21. She would be at a C4 meeting and would not be able to attend.

10. **Adjournment**

Mayor Neeley adjourned the meeting at 9:34 p.m.

Respectfully submitted,

Nancy Ide

Nancy Ide, City Recorder

From: Kattie Riggs
To: Pete Walter; Laura Terway
Cc: Tony Konkol; Jaime Reed
Subject: FW: Planning File PC 15-229
Date: Monday, November 23, 2015 2:20:53 PM
Attachments: NorthPlains.docx
Importance: High

Please see the additional item for tonight's Planning Commission meeting.

From: James Nicita [mailto:james.nicita@gmail.com]
Sent: Monday, November 23, 2015 1:54 PM
To: Kattie Riggs <kriggs@ci.oregon-city.or.us>
Subject: Re: Planning File PC 15-229

Thanks, Kattie,

After further thought, I would also like to request that the attached LUBA case be entered into tonight's record on the Beavercreek Concept Plan file as well.

Thanks,

James Nicita

On Mon, Nov 23, 2015 at 1:28 PM, Kattie Riggs <kriggs@ci.oregon-city.or.us> wrote:

> James,
>
> Thank you. I have forwarded this to Laura Terway and Pete Walter in the Planning Department.
>
> Thanks,
> Kattie

Kattie Riggs
City Recorder
kriggs@orcity.org
City of Oregon City
PO Box 3040
625 Center Street
Oregon City, Oregon 97045
503-496-1505 Direct phone
503-657-0891 City phone
503-657-7026 fax

Website: www.orcity.org | Recorder Page | Facebook | Twitter
PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: James Nicita [mailto:james.nicita@gmail.com]

ENTERED INTO THE RECORD
DATE RECEIVED: NOV. 23, 2015
SUBMITTED BY: JAMES NICITA
SUBJECT: LE-15-0003
EXHIBIT H

Sent: Monday, November 23, 2015 1:21 PM
To: Tony Konkol <tkonkol@ci.oregon-city.or.us>; Kattie Riggs <kriggs@ci.oregon-city.or.us>
Subject: Planning File PC 15-229

Greetings:

I write to request that the attached minutes be entered into the record for the above-referenced hearing this evening on readoption of the Beavercreek Road concept plan.

Thank you,

James Nicita
Oregon City

Page 1

1000 FRIENDS OF OREGON, Petitioner,
v.
CITY OF NORTH PLAINS, Respondent.
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT, Petitioner,
v.
CITY OF NORTH PLAINS, Respondent.
OREGON DEPARTMENT OF TRANSPORTATION, Petitioner,
v.
CITY OF NORTH PLAINS, Respondent.
LUBA No. 93-154.
LUBA No. 93-159.
LUBA No. 93-160.
Oregon Land Use Board of Appeals.
June 23, 1994.

Header ends here. Appeal from City of North Plains.

Mary Kyle McCurdy, Portland, filed a petition for review and argued on behalf of petitioner 1000 Friends of Oregon.

Celeste J. Doyle, Assistant Attorney General, Salem, filed a petition for review and argued on behalf of

Page 2

petitioner Department of Land Conservation and Development (DLCD). With her on the brief was Theodore R. Kulongoski, Attorney General; Thomas A. Balmer, Deputy Attorney General; and Virginia L. Linder, Solicitor General.

Lucinda Moyano, Assistant Attorney General, Salem, filed a petition for review and argued on behalf of petitioner Oregon Department of Transportation (ODOT). With her on the brief was Theodore R. Kulongoski, Attorney General; Thomas A. Balmer, Deputy Attorney General; and Virginia L. Linder, Solicitor General.

James M. Coleman, Portland, filed the response brief and argued on behalf of respondent. With him on the brief was O`Donnell, Ramis, Crew & Corrigan.

KELLINGTON, Chief Referee; HOLSTUN, Referee; SHERTON, Referee, participated in the decision.

REMANDED.

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

FINAL OPINION AND ORDER

Page 3

Opinion by Kellington.

NATURE OF THE DECISION

Petitioners appeal a city ordinance approving a comprehensive plan text amendment revising plan urbanization policies, approving a plan map amendment expanding the city's urban growth boundary (UGB) to add 306 acres, and amending the city's Urban Planning Area Agreement with Washington County.

FACTS

The petition for review of 1000 Friends of Oregon sets out the relevant facts as follows:

"This is a proposal to almost double the size of the North Plains [UGB], by adding 306 acres to its existing 418 acres. The 306 acres consists of farmland located west of the existing UGB. Currently, this land is designated Rural Resource Land in the Washington County Plan and is zoned for exclusive farm use (EFU). It consists primarily of Class I and II soils, is irrigated, and is presently in agricultural production. Crops grown on the land include wheat, corn, hay, clover, beans and vetch. There is one farm-related dwelling.

fastcase

"The [challenged] decision does not change the existing county plan and zone designations on the property; rather, re-designation will be made as the city annexes the land.

"The subject property is generally surrounded by other EFU lands. The land is bordered on the south by State Highway 26, and on a portion of its eastern border by the existing North Plains UGB.

"The city's * * * comprehensive land use plan * * * was updated through the periodic review process in 1988. It anticipated a year 1990 population of 1,110 and a year 2000 population of 1,720, using

Page 4

an annual growth rate of 4.5%. In fact, in 1990, the population of North Plains had reached only 972.

"The city's plan finds that the current UGB can accommodate a population of 4197, meaning the city has sufficient residential capacity until the year 2025. The plan also finds that there is enough land zoned commercial, and unconstrained by flood plain, to accommodate the 20 year planning period.

"In the periodic review process, the city also concluded that it lacked sufficient industrial land for the planning period; it could expect a shortfall of about 9.5 acres. Therefore, as part of periodic review, the city expanded its UGB to add 70 acres east of the city for industrial use. However, as the plan states, '[d]ue to an inadequate [water] storage and distribution system, industrial development will be somewhat restricted within the city limits.' This 70 acre parcel does not now have water or sewer services. The parcel has not yet been annexed to the city.

"Currently, not including this proposed UGB expansion, North Plains has more undeveloped land inside its UGB, in all use categories, than developed land.

"North Plains is not within the [Metropolitan Service District] regional urban growth boundary, but rather has its own UGB.

"The North Plains Planning Commission and City Council held hearings on this proposal, and adopted [the challenged decision] on September 7, 1993. * * *" (Record citations omitted.)

Petition for Review (1000 Friends) 3-5.

PRELIMINARY ISSUE

Petitioners contend, among other things, that the challenged decision is subject to reversal or remand because it is not supported by substantial evidence in the whole record. The city argues the proposal is a legislative

Page 5

planning action and, therefore, need not be supported by substantial evidence. We resolve this scope of review issue before addressing the merits of petitioners' claims.

ORS 197.835(7) makes no distinction between legislative and quasi-judicial land use decisions.[1] However, the Oregon Court of Appeals has held that the predecessor to ORS 197.835(7), written in substantially identical terms, does not, in itself, impose a substantive requirement that legislative decisions be supported by substantial evidence. Lima v. Jackson County, 56 Or App 619, 625, 643 P2d 355 (1982). Specifically, in Lima, the court determined that in the absence of an independent requirement that a legislative decision be supported by substantial evidence in the record, legislative planning and zoning decisions affecting

fastcase

numerous individual parcels are not subject to review for substantial evidence.

However, Lima says nothing about the independent requirement of Statewide Planning Goal 2 (Land Use Planning)[2] that planning actions have an adequate factual

Page 6

base.[3] The Goal 2 requirement for an adequate factual base applies regardless of the legislative or quasi-judicial nature of the challenged decision. Oregon Electric Sign Association v. Beaverton, 7 Or LUBA 68 (1982), rev'd on other grounds 66 Or App 436, rev den 296 Or 829 (1984). In addition, in League of Women Voters v. Klamath County, 16 Or LUBA 909, 914 (1988), this Board determined the Goal 2 requirement for an adequate factual base requires a legislative land use decision to be supported by substantial evidence:

"We do not agree with respondent's claim that there is no requirement that the [challenged legislative plan amendment decision] be supported by substantial evidence. [G]oal 2 * * * requires that there be an `adequate factual base' for any land use decision. Arguably, this adequate factual base may be different than substantial evidence. However, the parties do not argue that there is any such difference, and we do not see much point in making any such distinction. We conclude for the purposes of this review proceeding, that our responsibility is to review the decision for substantial evidence."

Here, as in League of Women Voters v. Klamath County, supra, the city does not explain the difference between a determination that the challenged decision is supported by an adequate factual base or that it is supported by substantial evidence in the whole record. Further, we find no principled basis upon which to distinguish these two

Page 7

concepts. Substantial evidence is evidence a reasonable decision maker would rely upon to support a conclusion. Younger v. City of Portland, 305 Or 346, 752 P2d 262 (1988). We see no reason to conclude that the Goal 2 requirement for an adequate factual base requires any less. We conclude the legislative or quasi-judicial nature of the challenged decision has no particular bearing on our review of the evidentiary support for the challenged decision.[4]

FIRST ASSIGNMENT OF ERROR (1000 FRIENDS)

"The city misconstrued the applicable law, failed to make adequate findings, and made a decision not supported by substantial evidence in determining that the expansion of the urban growth boundary satisfies factors 1 and 2 of Goal 14 [Urbanization]."

SECOND ASSIGNMENT OF ERROR (1000 FRIENDS)

"The city misconstrued the applicable law, failed to make adequate findings, and made a decision not supported by substantial evidence in the whole record in determining that the expansion of the urban growth boundary satisfies factors 3-7 of Goal 14."

FOURTH ASSIGNMENT OF ERROR (ODOT)

"The city failed to comply with the requirements of Goal 14 as it relates to transportation impacts."

Page 8

SEVENTH ASSIGNMENT OF ERROR (DLCD)

"The city misconstrued the applicable law and failed to comply with the requirements and criteria of Goal 14 in expanding its urban growth boundary by 306 acres."

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Petitioners contend the proposal to expand the city's UGB violates Goal 14 (Urbanization). To establish or change a UGB, Goal 14 requires consideration of seven factors.[5] The first two of those factors are called "need" factors. The remaining five factors are called "locational" factors. We address the "need" and "locational" factors separately below.

A. Goal 14, Factors 1 and 2 (Need Factors)

The Goal 14 need factors require the city to base a UGB

Page 9

amendment upon consideration of the following:

"(1) Demonstrated need to accommodate long-range urban population growth requirements consistent with [Land Conservation and Development (LCDC)] goals[.]

"(2) Need for housing, employment opportunities, and livability[.]"

The challenged decision determines that under the Goal 14 need factors, the proposed UGB amendment is required to enable the city to provide housing and employment opportunities for anticipated growth, to improve the livability of the community and to increase the city's tax base. Specifically, the challenged decision determines:

"[T]he proposed UGB expansion is necessary in order to improve the availability of housing and employment opportunities and improve the overall livability in North Plains. The reason is simple: the existing supply of land within the [North Plains] UGB is not sufficient, nor configured in large enough parcels, nor located to attract the new business and industry required to improve livability in North Plains." Record 32.

The determinations concerning anticipated growth relied on in the challenged decision are based on (1) projections of enhanced city growth assuming the proposed enlarged UGB will attract commerce and industry to the city, and (2) undisputed population growth projections for the Metropolitan Service District (Metro) UGB. Although the city is not located within the Metro UGB, the decision nevertheless relies upon the city's close proximity to the Metro UGB to justify the conclusion in the challenged

Page 10

decision that some of the anticipated Metro UGB growth can be captured by the city.[6]

Petitioners argue it is improper for the city to plan to capture growth otherwise planned to occur within the Metro UGB. Petitioners contend the city must establish it has a specific need for the proposed additional urbanizable land, at the proposed expansion site. Petitioners argue it is improper for the city to justify the proposed UGB amendment based on the theory that if the city has large blocks of undeveloped land, industry and people will move to the city.

The challenged decision determines:

"Opponents have said that the expansion creates the demand for more urban land, that without the expansion, there would be no need for more urban land. Opponents have said the City's experts say there is enough land already to serve the North Plains future needs.

"The [City] Council finds these arguments miss the point: the demand exists, without UGB expansion the City's status quo will be maintained and the status quo is not acceptable. Because of its prime location on a high capacity transportation corridor and just outside the Metro UGB, North Plains is going to grow along with the Metro region if urban

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land is available in the City UGB, but how the City grows up is up to the City. The City has the same obligation to plan for the future as Metro. The people of North Plains have problems. Solutions to those problems take public money. One piece of the solution is through a

Page 11

growth strategy that includes an expanded urban area with more and larger commercial and industrial sites to provide employment and services. The changes also include more residential property for more diverse housing opportunities. This addition to the City's land base will lead to a higher per capita tax base resulting from the larger urban land base. After the change, North Plains will be in a better position to compete with other communities in the Portland Metropolitan area for its fair share of economic opportunities that can translate into jobs, expanded commercial and retail services and a wider mix of housing; leading to enhanced livability." (Emphasis in original.) Record 31.

The city further explains in its brief:

"[T]he record shows a need for more urbanizable land in order to provide housing and employment opportunities necessary to enhance the City's livability. * * *

"* * * The city's property values are low. More important from a planning standpoint, they are stagnant even with the City's high growth. * * *

"The implications of this for the City's finances are clear. Depressed property values give the city a lower tax capacity than other governments in the region. This puts the City on a vicious cycle; having to overcome greater social problems with fewer resources. * * *" Respondent's Brief 35-36.

Reduced to its essentials, the parties' dispute under these assignments of error centers on two things. First, the dispute concerns whether the city may attempt to enhance its livability by expanding its UGB to create large blocks of land to attract commerce and industry to the city. Second, the dispute concerns whether the city may justify expanding its UGB by relying on growth planned to occur

Page 12

within the Metro UGB.[7]

Clearly, as a general proposition, a need to improve the livability of the city may provide a reason for adding land to the city's UGB. 1000 Friends of Oregon v. Metro Service Dist., 18 Or LUBA 311 (1989). Further, increased city population projections are not the only basis upon which the city may expand its UGB. Rather, we have stated:

"We find nothing in Goal 14 to suggest that enlargement of the acknowledged UGB necessarily must be preceded by an increase in projected population. We are cited to no authority holding otherwise. We believe that [a need consistent with Goal 14 factors 1 and 2] could be demonstrated by (1) increasing population projections; (2) amending the economic, employment and other assumptions [the local government] applied to those population figures in originally justifying the UGB, or (3) doing both." (Footnote and citation omitted.) BenjFran Development v. Metro Service Dist., 17 Or LUBA 30, 41-42, aff'd 95 Or App 22 (1988).

Here, the city undertook the third alternative identified by the above quoted portion of our decision in BenjFran to establish a need to enlarge the city's UGB.

The proper application of the livability element of the Goal 14 need analysis:

"* * * requires, in addition to identification of

fastcase

Page 13

a significant livability problem, an evaluation of probable positive and negative livability impacts that may occur if the UGB is amended to solve the identified livability problem. Once the probable positive and negative livability impacts are identified [the local government] would be in a position to explain why the probable livability benefits of the UGB amendment outweigh any negative impacts on livability that could be expected if the amendment were approved." (Footnote omitted.) 1000 Friends of Oregon v. Metro Service Dist., 18 Or LUBA 311, 320 (1989).

The city identifies a number of socio-economic problems it hopes will be solved by the proposed UGB amendment. These problems include high unemployment of, and low job market participation by, city residents. The city essentially determines it must increase employment opportunities and its tax base to improve the quality of life enjoyed by city residents and its ability to deliver city services to residents.[8] The challenged decision reflects the city considered both the benefits of the proposed UGB expansion and the negative impacts associated with the proposal. Negative impacts are identified in the city decision as loss of resource land and "loss of small town feeling." Record 39-40. After balancing the benefits and burdens of the proposal, the challenged decision concludes that converting the subject rural land to

Page 14

urbanizable land outweighs the identified negative impacts associated with the proposal.

While the challenged decision follows the analytical mechanics required under 1000 Friends of Oregon v. Metro. Service Dist., supra, the factual base for the challenged decision is inadequate to support the city's analysis. The city decision relies in large part upon a study assuming a particular combination of land uses within the proposed UGB expansion area — housing (52 acres), commercial uses (150 acres) and industrial uses (104 acres).[9] Record 54. The city decision justifies the proposed UGB expansion based on the subject land becoming available for commercial and industrial development and, to a lesser extent, residential development. However, the challenged decision does nothing to ensure the planning designations and zoning districts applied to the land within the proposed UGB expansion area will accommodate those uses.[10] Instead, the challenged decision simply includes the following "condition":

"* * * The land use for the UGB area shall be a

Page 15

mixed use designed to implement the employment center concept. Land use shall be allocated for multi-family residential, industrial, and all types of commercial uses. The zoning for the area shall be fixed at annexation. * * *" Record 103.

This condition is inadequate. As stated above, the city's livability analysis is dependent upon a particular mix of uses. If it is contemplated that the proposed UGB expansion will provide large blocks of land for new commercial and industrial uses (employment center model), then the decision must limit the subject land to those uses.[11] If, on the other hand, the idea is to provide land for new housing developments and commercial uses (other than proposed under the employment center model), then the decision must limit the subject land to those uses. However, it is not possible for the city to justify a need to nearly double its UGB to solve a particular set of livability problems, when the decision provides no basis to conclude the UGB expansion area will actually be used to address those livability problems.[12] See Johnson v.

fastcase

Page 16

Tillamook County, supra.

On a related issue, as indicated above, the challenged decision states the proposed UGB expansion is needed, in part, to provide more housing for city residents. However, there is no dispute there is currently a surplus of residentially zoned land within the city. The challenged decision fails to explain why the existing residentially zoned land located within the city's existing UGB cannot satisfy the need for housing that the challenged decision identifies.

Further, the challenged decision's Goal 14 need analysis is flawed because it relies, in large part, upon growth otherwise planned to occur within the Metro UGB, of which the city is not a part. It is impermissible for one local government, such as the city, unilaterally to decide to capture growth otherwise planned to occur within another planning jurisdiction. If the city wishes to plan to capture growth currently anticipated to occur within the

Page 17

Metro UGB, it must specifically coordinate that desire with the affected units of government within the Metro UGB. See City of Portland v. City of Beaverton, ___ Or LUBA ___ (LUBA No. 92-225, May 6, 1994); City of Portland v. Washington County, ___ Or LUBA ___ (LUBA No. 93-195, May 6, 1994); Washington County v. City of Portland, ___ Or LUBA _____ (LUBA No. 93-142, May 6, 1994). Such coordination is particularly important within the Metro UGB, as the Metro UGB is based on a complex comprehensive planning scheme for three counties, as well as various cities and special districts, based upon a set of assumptions which may or may not include planned growth being captured by local governments located outside of the Metro UGB.[13] Because the city's proposed UGB amendment erroneously relies upon capturing growth otherwise planned for the Metro UGB, the city's decision must be remanded to allow the city either to coordinate its expanded UGB plan with Metro and other affected units of government or to attempt to justify the enlargement of its UGB without relying upon growth anticipated to occur within the Metro UGB.

We conclude the city's Goal 14 need analysis is

Page 18

inadequate.[14]

This subassignment of error is sustained.

B. Goal 14, Factors 3-7 (Locational Factors)

1. Preliminary Issue — Effect of Urban Planning Area Agreement (UPAA)

The challenged decision determines the proposed UGB amendment is consistent with UGB expansion criteria contained in the acknowledged UPAA between the city and Washington County. Record 30-31. The property to be added to the UGB under the challenged decision is identified as an "area of interest" under the UPAA.[15] Respondent's brief assigns special significance to the fact that the subject property is included within an area of interest under the UPAA. We resolve what bearing, if any, the subject property's designation as an "area of interest" under the UPAA has on the application of the Goal 14 locational factors to the proposed UGB amendment.

Section III of the UPAA agreement includes policies and definitions governing city UGB amendments as follows:

"Special Policies

Page 19

"A. Definitions

fastcase

"1. Urban Growth Boundary means the area within which urban development will occur as represented in the City of North Plains' Comprehensive Plan. The CITY is responsible for comprehensive planning within the Urban Growth Boundary.

"2. Area of Interest means the area adjacent to but outside of the existing Urban Growth Boundary which is not currently identified as needed for urban development by the CITY but is the most logical area for urban expansion should a future need be demonstrated. The COUNTY is responsible for comprehensive planning and development actions within the area of interest until such time as the CITY Urban Growth Boundary is expanded and the area annexed to the CITY.

"3. Urban Planning Area means the combined area of the Urban Growth Boundary and the Area of Interest. The CITY and the COUNTY shall notify one another of proposed comprehensive planning and development actions within the Urban Planning Area according to the provisions of this Agreement.

"B. Approval of any annexations outside the CITY`s Urban Growth Boundary must be preceded by or in conjunction with a comprehensive plan amendment to the CITY`s Urban Growth Boundary. Such amendments shall be subject to the major amendment provisions of the CITY Comprehensive Plan and shall adequately address all applicable LCDC Statewide Planning Goals.

"C. Amendments to the CITY Urban Growth Boundary within the identified Area of Interest shall not require an amendment to Exhibit `A' of this Agreement. Amendments to the Urban

Page 20

Growth Boundary outside of the identified Area of Interest shall require an amendment to Exhibit `A' as outlined in Section IV of this Agreement." (Emphases supplied.)

In its brief, the city contends the acknowledged UPAA creates a presumption that once a need is shown to exist for a UGB amendment, areas within an "area of interest" are proper locations for that UGB amendment. As we understand it, the city contends this alleged presumption means the Goal 14 locational factors are applied only to determine whether the Goal 14 factors undermine this presumption created by the UPAA.

In League of Women Voters v. Metro Service Dist., 17 Or LUBA 949, 965-68, aff'd 99 Or App 333 (1989), rev den 310 Or 70 (1990) (League), we determined that where a local government has an acknowledged process intended to implement the requirements of Goal 14 for certain UGB amendments, it is appropriate for the local government to apply that process in determining whether the UGB amendment complies with Goal 14, rather than to apply the Goal 14 factors directly to the proposal. Specifically, we stated:

"LCDC acknowledged the local adjustment ordinance as the chosen mechanism to carry out the goals for small locational adjustments of the Metro UGB. The ordinance does not apply factors 1 and 2 of Goal 14, does not require an exception pursuant to Goal 2, Part II and ORS 197.732 and does not apply the exact text of factors 3-7 of Goal 14. However, LCDC specifically concluded in the findings supporting its * * * order acknowledging the locational adjustment ordinance that '[t]he Metropolitan Service District complies with Goal

Page 21

14, Factors 1-7, * * * and Goal 2: Part II(C).' * * *

fastcase

"The time for appealing LCDC`s determination of the goal compliance of the locational adjustment ordinance has passed. ORS 197.650, ORS 183.482. If acknowledgment is to have any function it must mean that application of unamended and acknowledged plan or land use regulation criteria continues to `comply with the goals' until periodic review or some other event changes the acknowledged provisions. * * *" League, supra, 17 Or LUBA at 967-68.

We believe League is distinguishable from this case. In League, it was clear the Metro UGB adjustment process was acknowledged as the methodology for establishing the Goal 14 compliance of certain kinds of UGB amendments. Further, the UGB amendment provisions at issue in League made it clear they were intended to replace direct application of Goal 14 to certain Metro UGB amendments. In contrast, we are aware of nothing in the UPAA, or in any other document, establishing that the designation of a particular area as an "area of interest" is intended to replace the direct application of Goal 14 to a proposed UGB amendment, or to create any sort of presumption, as the city alleges in its brief. As far as we can tell, the UPAA does not clearly establish any standards other than Goal 14 to govern the addition of land, within an "area of interest, to the city's UGB."

In addition, the challenged decision directly applies the Goal 14 locational factors to the proposed UGB amendment. The challenged decision gives no indication the

Page 22

city interprets the UPAA to replace the direct application of any of the Goal 14 factors to the proposed UGB amendment, or to create a particular presumption concerning how those factors are to be applied.[16] Rather, the challenged decision specifically discusses the UPAA area of interest designation and directly applies the Goal 14 locational factors. This strongly suggests the city determined in the challenged decision that the UPAA area of interest designation creates neither a presumption concerning the manner in which the Goal 14 locational factors are to be applied, nor replaces the direct application of the Goal 14 locational factors to the proposed UGB amendment.

Even if the challenged decision does support the arguments advanced by the city in its brief, the argument that designation of land under the UPAA as an area of interest means the land is presumptively appropriate for a proposed UGB amendment under the Goal 14 locational factors, is unpersuasive. The city simply provides no legal basis for determining such a presumption is created by the UPAA "area of interest" designation, and we do not see any basis

Page 23

in the UPAA for such a conclusion.

Therefore, as relevant here, we determine no particular significance is attached to land being designated an "area of interest" under the UPAA.

2. Factor 3

Petitioners contend the challenged decision erroneously applies Goal 14, factor 3, requiring orderly and economic provision for public facilities and services, because the nature and intensity of the uses ultimately to be made of the subject land are uncertain. Specifically, petitioners contend the city cannot claim it is currently able, or in the future will become able, to provide public facilities and services to the UGB expansion area in an orderly and economic fashion. Petitioners contend this is so because the challenged decision provides no limitation on the planning designations and zoning districts that can ultimately be applied to the subject property. Petitioners contend the city's ability to provide public facilities and

fastcase

services depends upon it specifying the type and intensity of uses which may occur within the UGB expansion area. We agree with petitioners. Johnson v. Tillamook County, supra.

Petitioners also suggest the city is required to establish it currently has adequate capacity to serve uses to be made of the proposed UGB expansion area in the future. We are aware of no such requirement. Rather, we stated in City of La Grande v. Union County, supra, 25 Or LUBA at 60,

Page 24

that to justify a UGB amendment under Goal 14, factor 3, a local government must show its public facilities will have adequate capacity to serve the uses contemplated within a UGB expansion area over the local government's planning period. In addition, we stated a local government must establish that:

"* * * providing water and sewerage service to the subject property will not leave the [local government] unable to provide water and sewerage service to the land already included within the UGB." Id.

Thus, the city need only establish an adequate factual basis to conclude that public facilities and services can reasonably be provided to the UGB expansion area over the planning period, without leaving the area already included within the UGB with inadequate facilities and services.

The challenged decision includes findings that existing public facilities are adequate to "reasonably accommodate future development of the site." Record 43. Conversely, other findings state the existing capacity of public facilities and services will likely require enhancement to enable adequate service to accommodate development of the UGB expansion area. This apparent inconsistency between the findings may be attributable to the lack of specificity in the challenged decision (discussed above) concerning the type and intensity of development proposed for the subject UGB expansion area. On remand, consistent with our discussion above, the city must identify and limit the type

Page 25

and intensity of development allowable within the proposed UGB amendment area. Once the city takes that step, then it may be in a position to determine whether public facilities and services can be provided to serve those uses in an orderly and economic fashion, while maintaining adequate public facilities and services for the land already included within the existing UGB.

This subassignment of error is sustained.

3. Factor 4

Goal 14, factor 4 requires the city to establish the proposed UGB amendment maximizes the efficiency of land uses within, and on the fringe of, the existing urban area. We have previously determined this requires "the encouragement of development within urban areas before the conversion of urbanizable areas." Turner v. Washington County, 8 Or LUBA 234, 258 (1982).

The city concedes that 44% of its "developable property is currently available for development."[17] Further, an area recently added to the city's UGB (referred to by the parties as the eastside UGB), is not now currently developed or served with public facilities. As we explain above, the proposal does not specify the type or intensity of uses to be made of the subject land. Under these circumstances, we

Page 26

do not understand how the city can establish the proposed UGB amendment encourages development in urban areas of the city and

fastcase

will not result in the premature conversion of urbanizable areas to urban uses that Goal 14, factor 4 seeks to avoid.

This subassignment of error is sustained.

This subassignment of error is sustained.

4. Factor 5

Petitioners contend the challenged decision fails to include an adequate analysis of the proposal's environmental, social, energy, and economic (ESEE) consequences under Goal 14, factor 5. Petitioners contend the city's ESEE analysis is inadequate because the challenged decision does not limit the type of uses or identify the nature or intensity of the uses to be made of the subject land. We agree. Halvorson v. Lincoln County, 14 Or LUBA 730, 738, aff'd 82 Or App 302 (1986).

This subassignment of error is sustained.

5. Factor 6

Goal 14, factor 6 requires a determination that the proposal provides for retention of high priority agricultural land. There is no dispute the subject land consists of 20% U.S. Soil Conservation Survey Class I soils and 70% Class II soils, and that class I and II soils are the highest priority agricultural land.

The findings do not address whether there may be other

Page 27

less valuable agricultural land available elsewhere to accommodate the proposed UGB amendment. Instead, the findings simply determine UGB expansion must occur within the UPAA area of interest. However, we state above the fact that the subject land is included within the UPAA area of interest does not replace the necessity of the city determining the proposal is consistent with the Goal 14 factors. Simply put, the UPAA area of interest designation covering the subject land is not the equivalent of a determination that the proposal retains high priority agricultural land as required by Goal 14, factor 6.

We conclude the challenged decision fails to determine that other sites with less impact on high priority resource land are unavailable or unsuited to satisfy a particular need which justifies the proposed UGB amendment.

This subassignment of error is sustained.

6. Factor 7

This factor requires a determination concerning the proposed UGB expansion's compatibility with nearby farming activities. We agree with petitioners that a determination cannot be made under this factor regarding compatibility between the proposed UGB expansion and nearby farming activities until the city identifies and limits the type and intensity of uses allowed in the UGB expansion area.

This subassignment of error is sustained.

These assignments of error are sustained.

Page 28

FIRST ASSIGNMENT OF ERROR (DLCD)

"The City did not comply with the requirements of Goal 2 in that it * * * misconstrued the Goal 2 exceptions criteria."

THIRD ASSIGNMENT OF ERROR (1000 FRIENDS)

"The city misconstrued the applicable law, failed to make adequate findings, and made a decision not supported by the whole record in determining that the UGB amendment satisfied the requirements of Goal 2, Part II(c), ORS 197.732(1), and OAR 660-04-010(1)(c)(B)."

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Goal 14 includes a requirement that to approve an amendment to an acknowledged UGB, a local government must follow the procedures and requirements for a statewide planning goal exception. Those procedures and requirements are set out at ORS 197.732, Goal 2, Part II, and OAR 660-04-000 through 660-04-035. Among the requirements for a statewide planning goal exception of the type adopted here, is the requirement that the county determine that "[a]reas within the existing UGB cannot reasonably accommodate the use[.]" OAR 660-04-010(1)(c)(B)(ii); ORS 197.732(1)(c)(B); Goal 2, Part II(c)(2).

We pointed out in BenjFran Development v. Metro Service Dist., supra, 17 Or LUBA at 48, that consideration of alternative sites is largely "meaningless unless a need has already been shown under [Goal 14, factors 1 and 2]." We determine above the city's demonstration of need under Goal 14, factors 1 and 2 is erroneous. Nevertheless, we address some of petitioners' remaining arguments as we

Page 29

believe it will assist the parties on remand to do so.

The challenged decision reflects a city determination it was not required to address alternative sites for the proposed UGB expansion because the subject land is designated an "area of interest" under the UPAA. However, as we state above with regard to Goal 14 requirements, the fact that the subject land is designated as an area of interest does not relieve the city of its obligation under the statutory, goal and administrative rule requirements for exceptions to examine alternative sites for the proposed UGB amendment.

In BenjFran Development v. Metro Service Dist., supra, we concluded a local government should consider the potential of using lands already located within its UGB to satisfy an identified need for urbanizable land. Further, in BenjFran Development, we accepted an argument that a decision approving an expansion of a UGB to include more land for a large proposed industrial use must address the potential of consolidating existing industrially planned parcels within the UGB, even though such parcels by themselves might be smaller than needed for the particular proposed industrial use.[18] In addition, we concluded that under the circumstances presented in BenjFran Development, the local government was required to consider the

Page 30

possibility of redesignating lands already within the UGB, but planned for other than industrial uses.

On remand, the city should conduct an alternatives analysis consistent with the direction provided in BenjFran Development and this opinion.

These assignments of error are sustained.

FIRST ASSIGNMENT OF ERROR (DLCD)

"The city did not comply with the requirements of Goal 2 in that it (A) failed to carry out its land use planning obligation, (B) failed to coordinated [sic] its actions with other affected governmental units * * *."

Goal 2 requires that a county's comprehensive plan "and related implementing measures shall be coordinated with the plans of affected governmental units." (Emphasis added.) In Rajneesh v. Wasco County, 13 Or LUBA 202, 209-11 (1985), we explained that under Goal 2 and the statutory definition of "coordinated," the obligation to coordinate involves essentially two steps:

fastcase

"1. The makers of the [comprehensive] plan [must engage] in an exchange of information between the planning jurisdiction and affected governmental units, or at least invite such an exchange.

"2. The jurisdiction [must use] the information to balance the needs of all governmental units as well as the needs of citizens in the plan formulation or revision."

Coordination is achieved by balancing the needs of all affected governmental units and selecting a particular course of action from among the competing proposed courses

Page 31

of action. Clearly, the city may not, consistent with Goal 2, unilaterally take action to amend its acknowledged comprehensive plan to adopt a provision that is inconsistent with the provisions of the acknowledged comprehensive plan of an affected jurisdiction. City of Portland v. Washington County, supra. Thus, to maintain such consistency, affected local governments must be notified of the details of a proposed plan amendment so that they may provide comments concerning it. See Davenport v. City of Tigard, 23 Or LUBA 565 (1992).

Under these assignments of error, petitioners argue the city failed to coordinate the proposed UGB amendment with the Oregon Department of Environmental Quality (DEQ), Tri-Met, Unified Sewerage Agency (USA) and three school districts affected by the challenged decision.[19]

The city contends its coordination obligations were satisfied when it provided notice of the proposed UGB amendment to DLCD pursuant to ORS 197.610(1). Further, it contends it did coordinate with USA, by sending letters to it concerning the proposal. In addition, the city argues it was not required to specifically coordinate with DEQ, alleging DEQ`s interests were effectively represented by petitioner 1000 Friends of Oregon during the local proceedings. The city also contends it is not required to

Page 32

coordinate the challenged decision with Tri-Met because the city is not within Tri-Met's jurisdictional boundaries. Finally, the city maintains it is premature to coordinate the challenged decision with the school districts, because coordination with the school districts will occur when the subject land is annexed to the city. According to the city, the school districts are only affected when the land is annexed.

Providing notice to DLCD under ORS 197.610(1) is inadequate to satisfy a local government's coordination obligations. See Twin Rocks Water Dist. v. Rockaway Beach, 2 Or LUBA 36, 45-46 (1980). Further, the city is required to coordinate with affected units of government regardless of the fact that some of the persons appearing during the local proceedings may have interests aligned with those of a unit of government.

With regard to coordination with Tri-Met, the challenged decision states:

"[A]uto use can be limited through effective transportation planning and coordination of public transportation facilities and services with Tri-Met." Record 50.

Clearly, the above quoted finding from the challenged decision contemplates Tri-Met will likely be affected by the challenged decision. Therefore, Tri-Met is an "affected unit of government" and the city is required to coordinate the proposal with Tri-Met.

Page 33

The findings also explain the subject land is within the boundaries of three different school districts. The challenged UGB decision

fastcase

articulates (1) a need for a UGB amendment, and (2) the means chosen to satisfy that need. By identifying a need to be satisfied by particular planning actions that will result in changes to the acknowledged plan designations and zoning districts applied to the subject land, the city necessarily affects the school districts' planning efforts for providing service to the subject land. Therefore, the school districts are affected units of government with which the proposed UGB amendment must be coordinated.[20]

Finally, regarding whether the city adequately coordinated the proposed UGB amendment with USA, the city did submit a request to USA for specific information regarding current sewer flow and capacity at the Hillsboro Sewerage Treatment Plant. However, as far as we can tell, the city never provided USA with notice clearly explaining the nature of the proposal and soliciting comments concerning the proposal. Therefore, the city failed to coordinate the proposed UGB amendment with USA. See Davenport v. City of Tigard, supra, 23 Or LUBA at 576.

This assignment of error is sustained.

Page 34

FIRST ASSIGNMENT OF ERROR (ODOT)

"The city failed to comply with the requirements of Goal 12 and OAR 660-12-060(1) and (2)."

SECOND ASSIGNMENT OF ERROR (ODOT)

"The city failed to comply with Goal 12 and the interpretative provisions of the Transportation Planning Rule (TPR) by not undertaking the necessary planning to make its transportation plan consistent with the county and state plans."

THIRD ASSIGNMENT OF ERROR (ODOT)

"The city justified the expansion of the UGB on the existence of a transportation facility which is in violation of OAR 660-12-060(4)."

FOURTH ASSIGNMENT OF ERROR (1000 FRIENDS)

"The city erred in finding that the amendment to its urban growth boundary was consistent with the identified function, capacity, and level of service of the surrounding transportation facilities, as required by OAR 660-12-060."

SIXTH ASSIGNMENT OF ERROR (DLCD)

"The city failed to comply with the requirements of Goal 12 and the Goal 12 Implementing Rule."

The subject land is adjacent to state Highway 26, Dersham Road and the Dersham Road interchange with Highway 26. These transportation facilities are considered "rural" facilities and are not planned to carry an urban level of traffic. Record 443-44, 543-44. We do not understand these facts to be in dispute in this appeal proceeding.

Petitioners allege that changing the character of the subject land from rural to urban or urbanizable land is inconsistent with the functional capacity of these

Page 35

transportation facilities. Petitioners argue the city must comply with TPR standards concerning these transportation facilities in adopting a decision to amend the UGB in the manner proposed.

The parties' disagreement under these assignments of error primarily centers on

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whether a decision to amend the UGB is the time at which the city must address TPR requirements concerning impacts on Highway 26, Dersham Road and the Dersham Road interchange and, if so, what must be done to establish compliance with such TPR requirements. We first address whether and to what extent the TPR applies to the proposal and second, whether the decision demonstrates compliance with applicable TPR requirements.

A. Applicability of the TPR

The TPR was adopted by LCDC in 1991. The TPR purpose statement, OAR 660-12-000, explains the TPR serves the following purposes:

1. To implement Statewide Planning Goal 12 (Transportation).

2. To explain how local and state transportation planners may demonstrate compliance with the statewide planning goals.

3. To identify how transportation facilities may be provided on rural lands, consistent with the statewide planning goals.

4. To set "requirements for coordination among affected levels of government for preparation, adoption, refinement, implementation and amendment of transportation system plans."

Page 36

5. To establish that transportation system plans adopted under the TPR "fulfill the requirements for public facilities planning required under ORS 197.712(2)(e), Goal 11 and OAR Chapter 660, Division 11, as they relate to transportation facilities.

Transportation planning under the TPR is divided into three parts: (1) preparation of transportation system plans, (2) transportation project development and, as relevant here, (3) comprehensive plan and land use regulation amendments which "significantly affect a transportation facility." Specifically, OAR 660-12-060(1) requires:

"Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity and level of service of the facility. * * *

"* * * * *"

OAR 660-12-060(2) provides:

"A plan or land use regulation amendment significantly affects a transportation facility if it:

"* * * * *

"(c) allows types or levels of land uses which are inconsistent with the functional classification of a transportation facility[.]

"* * * * *"

As relevant here, under OAR 660-12-060(1)(a), an amendment significantly affecting a transportation facility is permissible so long as the decision affecting such facility:

"Limit[s] allowed land uses to be consistent with

Page 37

the planned function, capacity and level of service of the transportation facility[.]"

The city adopted alternative findings concerning the proposed UGB amendments' compliance with the TPR. The city first determined the proposal does not significantly affect a transportation facility. Second, the city determined that if the proposal does significantly affect a

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transportation facility, the proposal satisfies the TPR. We address these issues separately below.

B. Significant Effect on a Transportation Facility

The challenged decision determines:

"This plan amendment designates land in an area to be included within the North Plains UGB. The comprehensive plan amendment in and of itself will not significantly affect transportation facilities. Until annexation County resources designations will apply and the land remains urbanizable not urban land. At annexation, specific use types will be assigned to each parcel and the land is reclassified as urban. The UGB amendment is conditioned to ensure full compliance with the [TPR]. Moreover, the full impact of the plan amendment can only be measured through the build out period. This decision establishes the need for this urban land. The [TPR] must be applied in a manner which helps meet this need. * * *" Record 66.

We believe this finding reflects a misapplication of the TPR requirement specified in OAR 660-12-060(1), quoted supra. The TPR clearly states that plan amendments which significantly affect a transportation facility must be consistent with TPR provisions. The challenged decision is a plan amendment. Although it may be that some aspects of

Page 38

the TPR need not be addressed at this stage and are appropriately deferred to the time of annexation, the city does not explain why compliance with the TPR need not be addressed at all at the time the UGB is amended.

To comply with the Goal 14 need and locational factors, a decision amending the UGB must include limitations on the plan designations and zoning districts to be applied to the subject property to ensure that the property satisfies the identified need. We determine above that the challenged decision fails to establish such limitations. Once those limitations have been adopted, the city must consider whether amending its UGB will significantly affect Highway 26, Dersham Road and the Dersham Road interchange and, if so, must comply with applicable requirements of the TPR.

This subassignment of error is sustained.

C. Compliance with the TPR

1. OAR 660-12-060(1)(a)

Alternatively, the city determined the proposal significantly affects a transportation facility, but that application of the following limitations on development establishes compliance with OAR 660-12-060(1)(a):

"1. Urban zoning/land use designations for the UGB area shall be fixed by plan amendment at the time of annexation to the City. Until that time, the affected area shall retain the existing County land use designations unless changed pursuant to county process. In approving an annexation, the City shall make findings which demonstrate that: 1) the proposed land uses are consistent with the

Page 39

state's [TPR] (OAR 660-12-060), and 2) that adequate public facilities are assured. If annexation of the UGB area occurs incrementally, the estimated cumulative impacts of likely uses in the entire UGB annexation shall be considered. The land use for the UGB area shall be a mixed use designed to implement the employment center concept. Land shall be allocated for multi-family residential, industrial, and all types of commercial uses. The zoning for the area shall be fixed at the time of annexation.

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The allocation of mixed use urban designations to implement the employment center concept shall be consistent with the provisions of the [TPR] (OAR 660-12-060). The zoning actions may include conditions which are intended to mitigate the impacts of development allowed by the City zone and to ensure the provision of adequate public facilities and services.

"2. No development of land may be allowed on land within the UGB amendment area until annexation occurs and specific development impacts are assessed and mitigated. Development review of this area shall address impacts to state and County transportation facilities.

"3. No development of land may be allowed on land within the UGB amendment area unless a finding is made that allowed land uses are consistent with the identified function, capacity, and level of service of transportation facilities significantly affected by the development." Record 103.

We determine above that in adopting the challenged decision, the city must provide specific limitations on the plan designations and zoning districts ultimately applied to the subject property, in order to satisfy the Goal 14 need and locational factors. Conversely, to be consistent with

Page 40

OAR 660-12-060(1)(a), the adoption of such a limitation on allowable uses in the UGB amendment area must be consistent with the planned function and level of service of Highway 26, Dersham Road and the Dersham Road interchange.

This subassignment of error is sustained.

2. OAR 660-12-060(1)(b) and (c)

OAR 660-12-060(1)(b) and (c) provide the following alternative means for local governments to establish compliance with the requirement of OAR 660-12-060(1) for consistency with the identified function, capacity and level of service of an affected transportation facility:

"(b) Amending the [Transportation System Plan] to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of [the TPR]; or,

"(c) Altering the land use designations, densities, or design requirements to reduce demand for automobile travel needs and meet travel needs through other modes."

Petitioner ODOT argues as follows:

"* * * The city finds that it is `premature and unreasonable' to amend the various transportation plans since the development pattern [of the UGB amendment expansion area] is unknown. To support this finding, the city relies on the evidence that at least one potential scenario, [the Land Use Transportation Air Quality Connection (LUTRAQ)] model of development, would have no impact on the transportation facilities. The revised traffic impact study reviewed the use of the LUTRAQ model of development. [However, t]hroughout the UGB amendment, the city relies on the `employment center' scenario as justification for the [proposed UGB expansion]. [T]his scenario, which calls for 52 acres of residential property,

Page 41

104 acres of light industrial property and 150 acres of commercial property, is, according to the city, the `worst case' scenario from a traffic analysis viewpoint. As a result, the city denounces the use of such a development pattern in determining whether there will be impacts on the transportation system while relying on this pattern to justify the need for the UGB expansion. The city cannot have it

fastcase

both ways. If the UGB extension is needed based on the `employment center' scenario, then the impacts to the surrounding transportation facilities that result from this development scenario must be analyzed and appropriately planned for." Petition for Review (ODOT) 7-8. (Record citations and footnotes omitted.)

We agree with petitioner that the city's findings concerning the proposal's compliance with OAR 660-12-060(1)(b) and (c) are inconsistent with the findings relied on to establish a need for the proposed UGB amendment.

This subassignment of error is sustained.

3. OAR 660-12-060(3)

Under OAR 660-12-015, coordinated state, regional and local Transportation System Plans are required.[21] OAR 660-12-060(3) requires that plan amendments which significantly affect a transportation facility be "coordinated with transportation facility and service providers and other affected local governments." Because the city determined it was not required to establish current

Page 42

compliance with the TPR at this plan amendment stage, the city erroneously failed to address the coordination requirement of OAR 660-12-060(3). On remand, the city must do so.

This subassignment of error is sustained.

4. OAR 660-12-060(4)

OAR 660-12-060(4) provides as follows:

"The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-04-022 and [660-04-]028."

Petitioners contend the challenged decision relies to a great degree on the subject property's location adjacent to Highway 26 and nearby Dersham Road and the Dersham Road interchange. Petitioners argue the city improperly uses proximity of the subject property to these transportation facilities as a basis for rejecting consideration of alternative sites for a UGB amendment.

Petitioners cite the following findings to illustrate their point:

"* * * If North Plains is to improve its livability, there must be additional large parcels of commercial and industrial land within the UGB, with good access to and good visibility from Highway 26. If adequate sites were made available, the City would have an excellent opportunity to attract retailers who prefer to locate on the periphery of a metropolitan area. * * *" Record 60.

"The expansion area is ideally located adjacent to the Sunset Highway [Hwy. 26], with high visibility

Page 43

and access through the Dersham Road interchange. The industrial/commercial property in the existing inventory lacks these characteristics." Record 61.

OAR 660-12-060(4) prohibits using the existence of transportation facilities as a basis for approving certain kinds of exceptions. This would appear to mean OAR 660-12-060(4) prohibits justifying certain exceptions to allow particular uses on the basis of actual or proposed transportation facilities being near the exception area, or justifying certain exceptions on the basis that the area is located away from such transportation facilities.

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We have never interpreted the scope or meaning of OAR 660-12-060(4). However, we believe it is relatively clear that OAR 660-12-060(4) applies to (1) exceptions to the requirements of OAR 660-12-065 adopted under OAR 660-12-070, and (2) exceptions to statewide planning goals adopted under OAR 660-04-022 (reasons exceptions) or OAR 660-04-028 (committed exceptions). The challenged decision, on the other hand, approves an exception for a change to an established UGB under OAR 660-04-010. OAR 660-12-060(4) does not list exceptions adopted under OAR 660-04-010 as being within its prohibition against the consideration of transportation facilities. We conclude the exception approved in the challenged decision is not within the scope of OAR 660-12-060(4) and, therefore, that rule is not applicable to the challenged decision.

This subassignment of error is denied.

Page 44

These assignments of error are sustained.

FIFTH ASSIGNMENT OF ERROR (ODOT)

"The city failed to comply with Goal 6 and make findings not supported by substantial evidence in the record when it concluded that the proposed development of the expanded UGB would have no significant impacts on air or water quality."

SECOND ASSIGNMENT OF ERROR (DLCD)

"The city failed to comply with Goal 6 and made findings not supported by substantial evidence in the record when it concluded that the proposed development of the expanded UGB would have no significant impacts on air or water quality." Goal 6 (Air, Water and Land Resources Quality) is:

"To maintain and improve the quality of the air, water and land resources of the state." Goal 6 requires that

"All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rule, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long-range needs; (2) degrade such resources; or (3) threaten the availability of such resources.

"Waste and Process Discharges — refers to solid waste, thermal, noise, atmospheric or water pollutants, contaminants or products therefrom. Included here also are indirect sources of air pollution which result in emissions of air contaminants for which the state has established standards."

Page 45

Petitioners argue the challenged decision violates Goal 6 because it fails to adequately establish the proposed UGB amendment will not adversely affect air and water quality. We address petitioners' arguments concerning air and water quality separately below.

A. Clean Air

Petitioners advance different arguments concerning the proposed UGB amendment's effect on air quality. Petitioners argue (1) the challenged decision fails to establish compliance with the Clean Air Act, and (2) the record lacks substantial evidence to support the determination in the challenged decision that the proposal will not have an adverse impact on air quality.

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1. Compliance With Clean Air Act

Petitioners argue the city erroneously failed to apply the requirements of the Clean Air Act, 42 USC §§7401 et seq., to the challenged decision.[22] Petitioners contend the Clean Air Act is applicable to the challenged decision through the requirement of Goal 6 that waste or process discharges not violate federal statutes, and through a

Page 46

provision of the TPR, OAR 660-12-035(3)(b).[23]

We do not understand the city to dispute the applicability of the Clean Air Act to the challenged decision.[24] Rather, the challenged decision expresses uncertainty as to how the Clean Air Act should be applied to the proposal. Specifically, the challenged decision determines:

"* * * The ODOT memo states that North Plains is within `the Air Quality Management Area.' Without more specific guidance from ODOT, the City does not understand how to apply the Clean Air Act to this UGB [amendment] proposal. * * *" Record 72.

The city also contends until there are specific development proposals, it cannot establish the UGB amendment complies with the Clean Air Act requirements of Goal 6.

We determine above that the city must coordinate the challenged decision with DEQ. After coordinating with DEQ, the city will become aware of at least DEQ`s view of the applicable requirements of the Clean Air Act. However, it is ultimately the city's responsibility to correctly apply

Page 47

the Clean Air Act under Goal 6. It is inadequate for the city to take the position that it does not know what it must do to establish such compliance.

Further, we state above that the city must provide limits on the uses to be made of the subject land, as a part of its decision to amend the UGB. Once the city does so, it will be in a better position to determine compliance with the Clean Air Act, as it will then have a better idea of the potential air quality impacts associated with those uses.

This subassignment of error is sustained.

2. Adverse Impact on Air Quality

The challenged decision determines the following:

"[T]he city has hired Chester Environmental and Peter Patterson (Professional Engineering Geologist) to provide a preliminary analysis of the impacts on air and water quality, respectively, that may be caused by development of the subject site. Both consultants conclude that the proposed development of the subject site will have no significant adverse impact on the air and water quality for the North Plains area or the region. * * *" Record 63.

Petitioners allege the record lacks evidentiary support for the above quoted city findings because:

"* * * (1) the Chester report addresses potential air quality impacts from automobile traffic only, disregarding the impacts from stationary sources and the fact that the City is within a non-attainment area for ozone; (2) the report considers impacts on ambient [carbon monoxide] concentrations only, and fails to address or consider other regulated air pollutants; (3) the report considers potential impacts only in the UGB expansion area; and (4) the report assumes that

Page 48

fastcase

certain unspecified roadway improvements * * * will be made, even though such improvements are not planned or made a condition of development in the [UGB] expansion area. * * *" Petition for Review (DLCD) 18.

Petitioners do not contend the evidence relied upon by the city is inaccurate. Rather, petitioners argue the evidence supporting the city's Goal 6 findings is incomplete, and the Goal 6 analysis is, therefore, inadequate. Petitioners are correct that the city failed to consider (1) pollutant sources other than those associated with automobile emissions, and (2) the cumulative impacts of waste and process discharges from the uses to be established in the subject UGB amendment area and the existing discharges from existing sources. Therefore, although the existing findings are supported by substantial evidence, the record lacks an adequate factual base for determining the proposal complies with Goal 6 with regard to impacts on air quality.

This subassignment of error is sustained.

B. Clean Water

Petitioners argue the proposed UGB amendment has impermissible negative water quality consequences in two respects. First, petitioners allege that storm water runoff will be inadequately controlled. Petitioners contend the city misconstrued applicable law by concluding storm water runoff could be controlled by certain treatment methodologies. However, petitioners do not explain how the

Page 49

city misconstrued the law or why they believe the proposed storm water runoff will be inadequately controlled. We can see no violation of law, and it is not our function to make petitioners' arguments for them. Deschutes Development Corp. v. Deschutes County, 5 Or LUBA 218, 220 (1982). Petitioners' allegations regarding storm water runoff provide no basis for reversal or remand of the challenged decision.

Second, separate from their contentions concerning storm water runoff, petitioners contend the challenged decision does not determine the proposed UGB amendment will or could feasibly comply with various applicable state and federal water quality standards. We agree.

This subassignment of error is sustained, in part.

These assignments of error are sustained, in part.

THIRD ASSIGNMENT OF ERROR (DLCD)

"The city misconstrued the applicable law and failed to comply with the requirements of Goal 9 and the Goal 9 Rule * * *."

Petitioner DLCD offers a number of reasons why the challenged decision fails to comply with Goal 9 (Economy of the State). At the outset, we note we agree with petitioner DLCD that the city's Goal 9 analysis must be revised based on the kinds of uses to be made of the subject property to satisfy a specific need identified by the city. Accordingly, on remand, if the city establishes a need under the Goal 14 need factors and limits the kinds of uses that

Page 50

may be established on the subject property, the city will also be required to adjust its Goal 9 analysis. However, petitioner DLCD makes other points that we address below.

Petitioner DLCD argues the city failed to comply with OAR 660-09-025, which requires the city to adopt:

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"* * * measures to implement policies adopted pursuant to [OAR] 660-09-020. * * * Appropriate implementing measures include amendments to plan and zone map designations, land use regulations and public facilities plans."

We understand petitioner DLCD to argue the city is required to plan and zone the proposed UGB area for its ultimate uses as part of the UGB decision. We disagree. Although the city is required to limit the uses allowable in the area to be included within the UGB consistent with the city's needs analysis, we do not agree the only way this may be accomplished is by contemporaneously applying the ultimate plan and zoning required to allow those uses. Further, we do not read OAR 660-09-025 to require the adoption of the specific implementing plan designations and zoning districts, concurrent with the adoption of a UGB amendment, in all instances. OAR 660-09-020 simply establishes certain Goal 9 driven requirements that are applicable at the time the city adopts measures implementing a UGB amendment.

This assignment of error is sustained, in part.

FOURTH ASSIGNMENT OF ERROR (DLCD)

"The city did not comply with the requirements of Goal 10 in that it did not demonstrate a need for additional land within its urban growth boundary

Page 51

for housing."

Petitioner DLCD contends the challenged decision fails to comply with Goal 10 (Housing). As we understand it, petitioner DLCD contends the city may not justify expanding its UGB on the basis of a need for more housing, because the "needed housing" policies of Goal 10 do not apply to cities (such as the City of North Plains) having a population of less than 2,500.

We disagree. That the city is not required to apply the "needed housing" provisions of Goal 10, does not mean the city may not justify a UGB expansion to accommodate a mix of needed housing types within the city, so long as it provides an adequate factual basis for determining the city requires additional housing.

In the alternative, petitioner DLCD argues the city failed to establish a need for additional housing. Specifically, petitioner DLCD argues:

"* * * The City ignores its pre-UGB expansion inventory of lands for housing, which contains capacity for dwellings for approximately 3,000 new people. That inventory and capacity is well above the [year] 2010 population projection [for the UGB] of 1796 [people].

"The City's position that it has only 24 acres of land buildable for housing, and thus not enough to accommodate the projected [year] 2010 population, is unsupported. Although some of the City's land that is zoned for housing and currently undeveloped is in a flood plain and therefore not buildable, the city has a `density transfer' clause in its acknowledged plan. By that clause, the City can increase the density in another area

Page 52

of buildable land to make up for the planned for, but unbuildable housing in the floodplain area. The City did not analyze the impact of that clause. The City cannot justify a UGB expansion based on a need for housing when it has not analyzed its options to accommodate additional housing within its current boundaries." Petition for Review (DLCD) 30.

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We agree with petitioner DLCD.

This assignment of error is sustained, in part.

FIFTH ASSIGNMENT OF ERROR (DLCD)

"The city failed to comply with Goal 11 by not adequately inventorying current public facilities and services and by not adequately demonstrating that the UGB expansion area could be adequately served."

Petitioner DLCD argues the proposal fails to comply with Goal 11 (Public Facilities and Services).

We believe that because the challenged decision fails to provide adequate limitations on the kinds of planning designations and zoning districts to be applied to the subject land, the city has an inadequate factual basis for concluding that any particular level of public facilities can be provided. See Johnson v. Tillamook County, supra. Specifically, at this point, the city is not in a position to determine what public facilities and services will be required to serve the UGB expansion area or whether that level of service can be provided to that area.

Until the city establishes meaningful limitations on the planning designations and zoning districts potentially applicable to the subject property, it will not likely be

Page 53

able to establish compliance with Goal 11. Finally, we note that we agree with petitioner DLCD that in establishing compliance with Goal 11, the city must determine the adequacy of all public facilities and services, including elementary and secondary schools.

This assignment of error is sustained.

EIGHTH ASSIGNMENT OF ERROR (DLCD)

"The city's revised Annexation/Urbanization Policy is in violation of state law, ORS 222.111."

During the oral argument for this appeal, petitioner DLCD specifically withdrew this assignment or error. Therefore, we need not consider it further.

NINTH ASSIGNMENT OF ERROR (DLCD)

"The city has adopted an unenforceable condition on the challenged urban growth boundary expansion."

Petitioner DLCD challenges the three conditions adopted by the city generally requiring that no development of the UGB expansion area be allowed prior to annexation and that urban planning and zoning designations be applied to the subject land at the time of annexation.[25] We determine above that these conditions fail to provide an adequate limitation on possible uses that could be established on the subject property. Petitioner DLCD is correct that these conditions provide no enforceable limitation on the planning

Page 54

and zoning designations eventually applied to govern the mix of uses allowed on the subject property.

This assignment of error is sustained.

The city's decision is remanded.

Notes:

1. ORS 197.835(7)(a)(C) authorizes the Board to reverse or remand a land use decision if the local government:

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"Made a decision not supported by substantial evidence in the whole record[.]"

2. The purpose of Goal 2 is:

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions."

3. Apparently, in Lima, the parties did not raise an issue concerning the adequate factual base requirement of Goal 2.

4. We have stated in other cases that legislative land use decisions need not be supported by findings or substantial evidence in the whole record. See Alexiou v. Curry County, 22 Or LUBA 639 (1992). The independent Goal 2 requirement was not raised in those cases, and the point of those cases was there must be some basis independent of our scope of review statute for requiring legislative land use decisions to be subject to a requirement that they be supported by substantial evidence.

5. The Goal 14 "establishment" factors are as follows:

"(1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;

"(2) Need for housing, employment opportunities, and livability;

"(3) Orderly and economic provision for public facilities and services;

"(4) Maximum efficiency of land uses within and on the fringe of the existing urban area;

"(5) Environmental, energy, economic and social consequences;

"(6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,

"(7) Compatibility of the proposed urban uses with nearby agricultural activities."

6. The challenged decision specifically states the proposal is to attempt to capture .2% of the anticipated Metro UGB growth.

7. The challenged decision determines the city's supply of commercially and industrially zoned land is 73.5 acres short, based on existing demographic projections in the city's comprehensive plan. Record 40-41. Petitioners do not challenge this determination or that the city may expand its UGB to accommodate some growth. The issue here has to do with the scope of the proposed expansion — to nearly double the size of the city's existing UGB, based in large part on projected growth within the Metro UGB.

8. The city did not single out increasing its tax base as the reason for the proposed UGB expansion, as petitioners suggest. Rather, enhancing the city's tax base was identified as one important beneficial aspect of the proposal. There is nothing wrong with the city considering an improved tax base as one of the reasons justifying the expansion of its UGB.

9. This mix of uses is identified in a study supporting use of an employment center development model after the city UGB is enlarged as proposed. However, the challenged decision also appears to rely upon different development models to justify the challenged decision.

10. We note that while the city is not required to identify specific development proposals for the proposed UGB expansion area, a decision to expand the UGB must include some limitation on the uses to be made of the expansion area for the city to have a reasonable basis to conclude the proposal will do what the city adopts the proposal to

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accomplish. Johnson v. Tillamook County, 16 Or LUBA 855 (1988).

11. In particular, we note petitioners cite evidence in the record that based on recent planning and zoning actions (other than the challenged decision), the city has ten acres of "surplus" industrial land. We understand the challenged decision to take the position that ten acres is not a large enough block of industrial land to solve the city's need for such land. However, if this is the case, the city must take some action in the challenged decision to ensure that large block(s) of industrial land will result. Otherwise, the city fails to ensure implementation of its Goal 14 need analysis with regard to land needed and available for industrial use.

12. The city answers this issue in its brief, in part, as follows:

"Employment center mixed use development could occur under either scenario. The City is not required nor is it ready to pin down the exact square footages of particular use types as a part of this UGB amendment process. * * *" Respondent's Brief 45.

While the city is correct that it is not required to "pin down exact square footages of particular use types," it must determine in the challenged decision the general uses to be made of the proposed UGB expansion area, and provide a means to ensure those uses occur there. In other words, the city must choose and justify a city development model or plan, and limit permissible development within the UGB expansion area to uses consistent with the model chosen.

13. We address below petitioners' allegations concerning the city's failure to satisfy its coordination obligations in adopting the challenged decision.

14. We determine the city erroneously applied the Goal 14 need analysis. Therefore, we do not consider petitioners' remaining allegations concerning the evidentiary support for that analysis.

15. In addition to the disputed UGB amendment, the challenged decision amends the UPAA to include land other than the proposed UGB expansion area, as an "area of interest." No challenge is made to the city's decision to designate this additional land as an "area of interest" under the UPAA. The dispute here centers on the significance of the subject property's inclusion in the existing "area of interest" is established under the UPAA.

16. The challenged decision is 79 pages long and includes a number of appendices. It is possible that some findings to this effect may be buried somewhere in the decision. However, no party cites any such determination in the decision, and a cursory review by this Board reveals no such findings. We do not believe that we are required to search a lengthy decision, without assistance, to find material supporting a party's argument. See Eckis v. Linn County, 110 Or App 309, 313, 821 P2d 1127 (1991) (LUBA is not required to search the record to find evidence to support a challenged decision.)

17. Petitioners characterize the situation a little differently. Petitioners contend that over half of the land within all use categories inside the existing UGB is vacant.

18. The industrial use at issue in BenjFran Development required 500 acres.

19. There is no dispute ODOT, Washington County and Metro are "affected governmental units" within the meaning of Goal 2.

20. If the subject land is eventually annexed, that annexation decision must also be coordinated with the affected school districts.

21. The state Transportation System Plan is prepared by ODOT. As relevant here, the regional Transportation System Plan is prepared by the Metropolitan Service District.

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Washington County is responsible for preparing a local Transportation System Plan covering the subject property.

22. Petitioners also suggest the city erroneously failed to comply with the State Implementation Plan adopted under the federal Clean Air Act. See OAR 660-12-035(3)(b), quoted infra, at n 23. However, petitioners acknowledge the State Implementation Plan was not yet adopted at the time the challenged decision was made. We do not understand how the challenged decision can be erroneous for failing to comply with standards not in effect at the time the decision was adopted.

23. OAR 660-12-035(3)(b) provides:

"The transportation system shall be consistent with state and federal standards for protection of air, land and water quality including the State Implementation Plan under the Federal Clean Air Act and the State Water Quality Management Plan[.]"

24. The city does contend that it need not establish compliance with state clear air regulations that are not yet in place. While this may well be accurate, it does not answer petitioners' allegation that the city must, and did not here, establish the challenged decision is in compliance with Goal 6.

25. These conditions are quoted in full in the text, supra.

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Good evening Commissioners,

My name is Tammy Stevens & I reside in The Hamlet of Beavercreek.

Norm Andreen and I are here this evening representing the Board and Citizens of The Hamlet of BC. We both sit on the Board and have extensive experience as Clackamas County Planning Commissioners.

First, and importantly, we **are not against development**. We are, however, 100% for planned development that provides safety and livability regarding transportation and public services.

The BC Road Concept Plan has a **very long** and detailed history that we, unfortunately, cannot discuss here this evening. We understand that in order for our testimony to be accepted and shared with the City Commission, we must limit all testimony to transportation and public services.

Transportation is a great concern for us (and we hope for you too) especially in the face of the many development projects earmarked along BC Road and Highway 213. To see the big picture (map) this is BC Road and this is Highway 213. The BC Road Concept Plan development is in this area, the Evergreen (Meyers/BC Roads) 9 acre development is here, the new Oregon City School District bus barn is here, the CCC $111MM

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SUBJECT: LE-15-0003
EXHIBIT I

improvement/development area is here, the old bus barn development by Dan Fowler is here, the Linn, Leland and Meyers Road corridor/development is here and the economic enterprise zone is here, here, here and here. As you can see, this is a lot of development along BC Road & Hwy 213.

Mayor Dan Holladay at the October 27th Caufield Neighborhood Association meeting shared his vision of BC Road as Oregon City's economic future with a 5 lane highway from Hwy 213 to Henrici Road. It is no secret that both Highway 213 and BC Road (not to mention their intersection) are failing. Clackamas County has jurisdiction of BC Road, but has stated frequently the County's focus is on road maintenance throughout the County and not on the development of BC Road. Unfortunately, that leaves 6,500 BC rural residents (and the citizens in Colton, Molalla, Carus, Mulino, Clarkes, the Highlands, etc.) facing the same fate as that of the Happy Valley citizens many, many years ago.

As we all know, Happy Valley and the Clackamas area grew, and Sunnyside Road (under Clackamas County jurisdiction) became a parking lot. As a result, the federal government, ODOT, Metro and Clackamas County's Development Agency has spent over $150MM to fix poorly planned growth with the development of Sunnyside, the extensive creation of Sunnybrook, overpasses, fish habitat, etc.

Unfortunately, ODOT and Clackamas County don't have those types of funds any more to "fix" BC Road and Highway 213 due to poorly planned growth.

Before we move onto services, it is vital to note that the development of Highway 213 from Molalla Avenue to I-205's Environmental Impact Study resulted in Ordinance 92-1002 signed by Mayor Dan Fowler in 1992 agreeing that no development will occur if any roads in the vicinity of the Highway 213 and BC intersection (including the intersection) are operating at lower than a D level. And, if that happened, Oregon City would participate in a grade separation upgrade of the intersection. The current estimate to upgrade the intersection to a grade separation is $45MM and includes Dan Fowler's recently purchased old bus barn property. In addition, the State's Transportation Planning Rule #12 puts a moratorium of development with a failed intersection. To consider this amount of development without the plans or funds to fix roads and intersections is seriously irresponsible.

With regard to water, Clackamas River Water has been contacted regarding servicing of the BC area as Oregon City does not have the pressure to provide service. Normally, providing water through an intergovernmental agreement would not be a problem, however, after this year's drought and its devastating impact on the habitat of the Clackamas River,

the residents in BC are extremely concerned that water is available to existing clients and that the Clackamas River habitat is valued and protected. As stated in CRW's July 23, 2015, letter to the Clackamas County Commissioners, quote "It is our belief that as water providers on the Clackamas River we must begin to view the river less as an exclusive source of revenue and more as a valuable, finite resource that must be protected. To ignore the current river conditions and push off streamflow and temperature concerns would be irresponsible. While we do not discredit our collective utility's need to be financially stable, we believe that the long-term sustainability of the Clackamas River as a source of drinking water should trump the immediate needs of greener lawns and greater revenue," end quote.

For CRW to extend an IGA to Oregon City for all of the development planned in the next decade would most probably put the entire CRW southern service area into an annual drought conservation practice... not conducive for a successful timber, livestock, agricultural Mecca of Clackamas County and extremely devastating to any surviving habitat in the Clackamas River water area.

And, finally, sewer, the last we heard, to pursue just the 9 acre Evergreen development at Meyers and BC Roads, the sewer line lids along Glen Oak Road have to be bolted down so they

didn't overflow with sewer. In addition, residents along the sewer line testified of **frequent** sewer backfills into their basements. The City admitted that the sewer capacity for the development was problematic as there was a sewer bottleneck on Highway 213 at the College, but there are no funds to solve the problem. If you hear this about 9 acres of development along BC road, how can hundreds of acres along BC road and Highway 213 be serviced without extensive sewer planning and funding?

We repeat, **we are not against development,** only poorly planned development that will clearly put **all of us** traveling, working and living in and around this BC and Hwy 213 area into a bottleneck of transportation and no clear path to functional and environmentally responsible services.

Thank you for your time and consideration of our concerns!

Clackamas River Water

P.O. Box 2439
Clackamas, Oregon 97015-2439
(503) 722-9220
Fax (503) 656-7086
16770 SE 82nd Drive, Clackamas
customerservice@crwater.com

To: Board of Commissioners of Clackamas County

From: Clackamas River Water

Date: July 23, 2015

Re: Water Use on the Clackamas River

On July 21, 2015 Clackamas River Water received a memorandum, *Re: Water Use on the Clackamas* written by Ernest Hayes of Clackamas County Administration. The policy question proposed was "Is the Clackamas River impacted by water shortage?" The memo ultimately concluded that, "After receiving feedback from several of the managers of local water districts, including Clackamas River Water Providers, there does not seem to be a present risk of a water shortage on the lower Clackamas River. Further, should a shortage occur, human consumption would not be limited until truly dire circumstances were met. There is no fear of this transpiring in the foreseeable future. "Clackamas River Water disagrees with Mr. Hayes' conclusion.

The state of Oregon is facing its worst drought in decades. Governor Brown has declared drought emergencies in 23 of 36 counties. Although Clackamas County eluded a drought declaration to date, it is not immune to the environmental pressures exerted upon it by low snowpack and hot, dry days. The Clackamas River, a vital resource for Clackamas County's urban centers, serves as a source of high quality drinking water for over 200,000 people and is no exception.

It is true that despite record low snowpack on Mt. Hood in the Upper Clackamas River Basin, the precipitation rate remained stable. Precipitation fell as rain, rather than snow. This is due to above average temperatures in the region. The elevation of the Upper Clackamas Basin is located near the current mid-winter snowline, as a result even minor deviations toward greater than normal temperatures can limit snow accumulation. While the Clackamas River is influenced by groundwater from large aquifers in the Upper Clackamas River Basin, the River will likely experience greater loss of streamflow and continued strain is put on the aquifer system. Trends toward warmer winters with more rain than snowpack will result in low flows on the River occurring earlier and increased stream temperatures. 2015 may very well be a preview of years to come.

Abnormally warm temperatures and record low snowpack in the Clackamas River Basin should be of great concern to water providers as the dense network of streams in the Upper Basin are strongly influenced by melting snow during the spring and summer, which in turn helps to maintain river flow and temperature. As early as May the effects could be observed on the river. Streamflows were at their

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DATE RECEIVED: NOV. 23 2015
SUBMITTED BY: HAMLET OF BRIGHTWOOD
SUBJECT: LE-15-0003
EXHIBIT JJ

lowest in over a decade (Figure 1), and temperature was elevated (Figure 2). By mid-June fish kills were observed at the confluence of the Clackamas and Willamette Rivers, due primarily to elevated water temperatures (Figure 2), prompting the Oregon Department of Fish and Wildlife to restrict fishing on the Clackamas River below the I-205 bridge.

Currently the streamflow of the Clackamas River is well below average, at levels not seen in more than a decade, and dropping. Water providers, as good stewards of the watershed, are subject to minimum allowable flows for fish persistence and passage. The State of Oregon requires each drinking water provider to develop a Water Management Conservation plan with a clearly defined curtailment plan that would maintain fish flows while allowing for sustainable water consumption. On the Clackamas River after September 15th that flow is 640 CFS. For Clackamas River Water and one other member of the Clackamas River Water Providers, as per our adopted Water Management Conservation Plans, Stage 3 Water Curtailment (mandated water conservation) would be implemented at streamflows less than 730 CFS after September 15th. While this is not the first time water providers have seen low streamflows in July, it is important to note that currently the streamflow of the Clackamas River is below 750 CFS with prolonged periods of hot dry weather predicted in combination with the development of an El Niño event (Figure 1). The likelihood of water providers having to implement curtailment practices come September is strong.

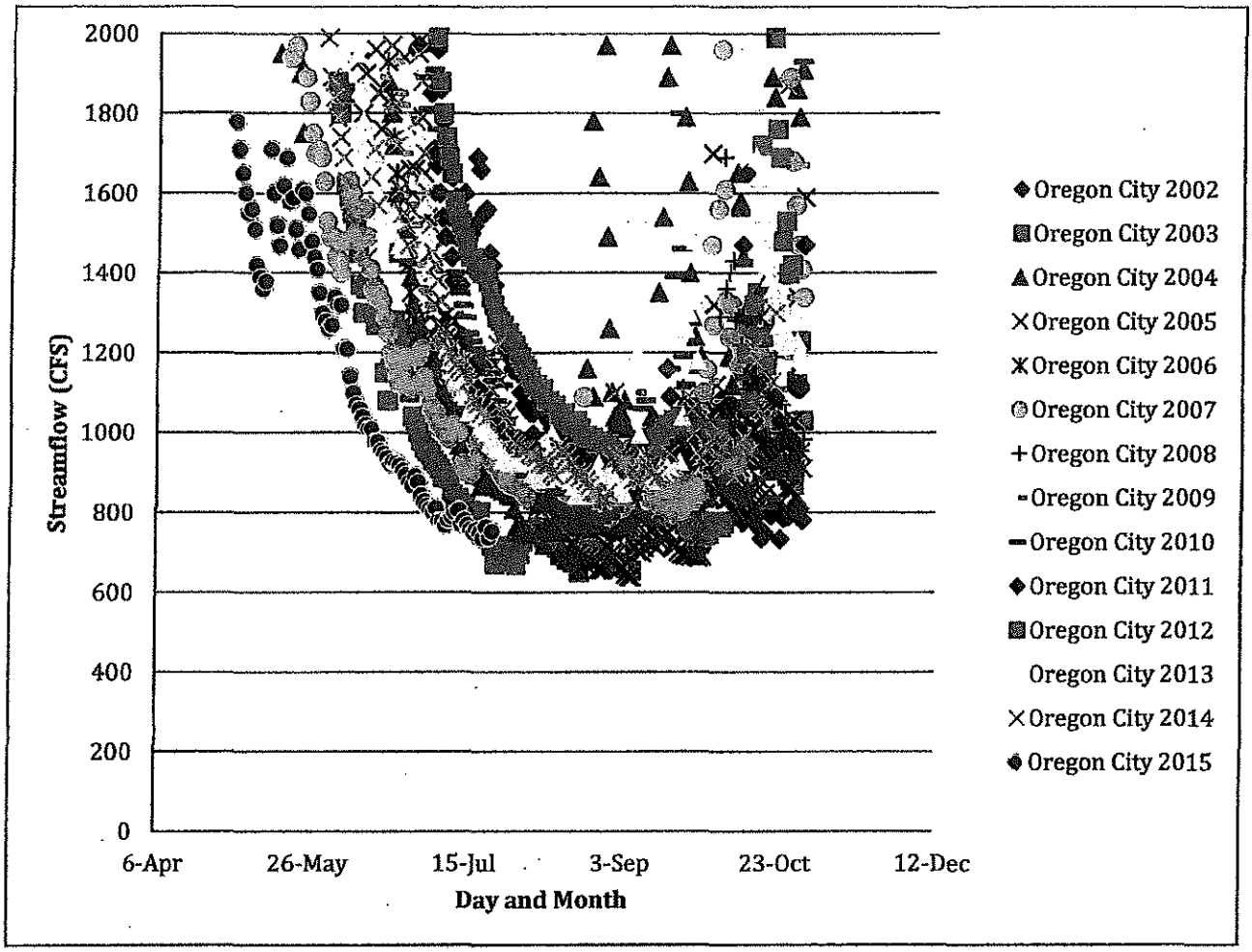


Figure 1. Streamflow (CFS) recorded at USGS Oregon City gauge from 2002-2015

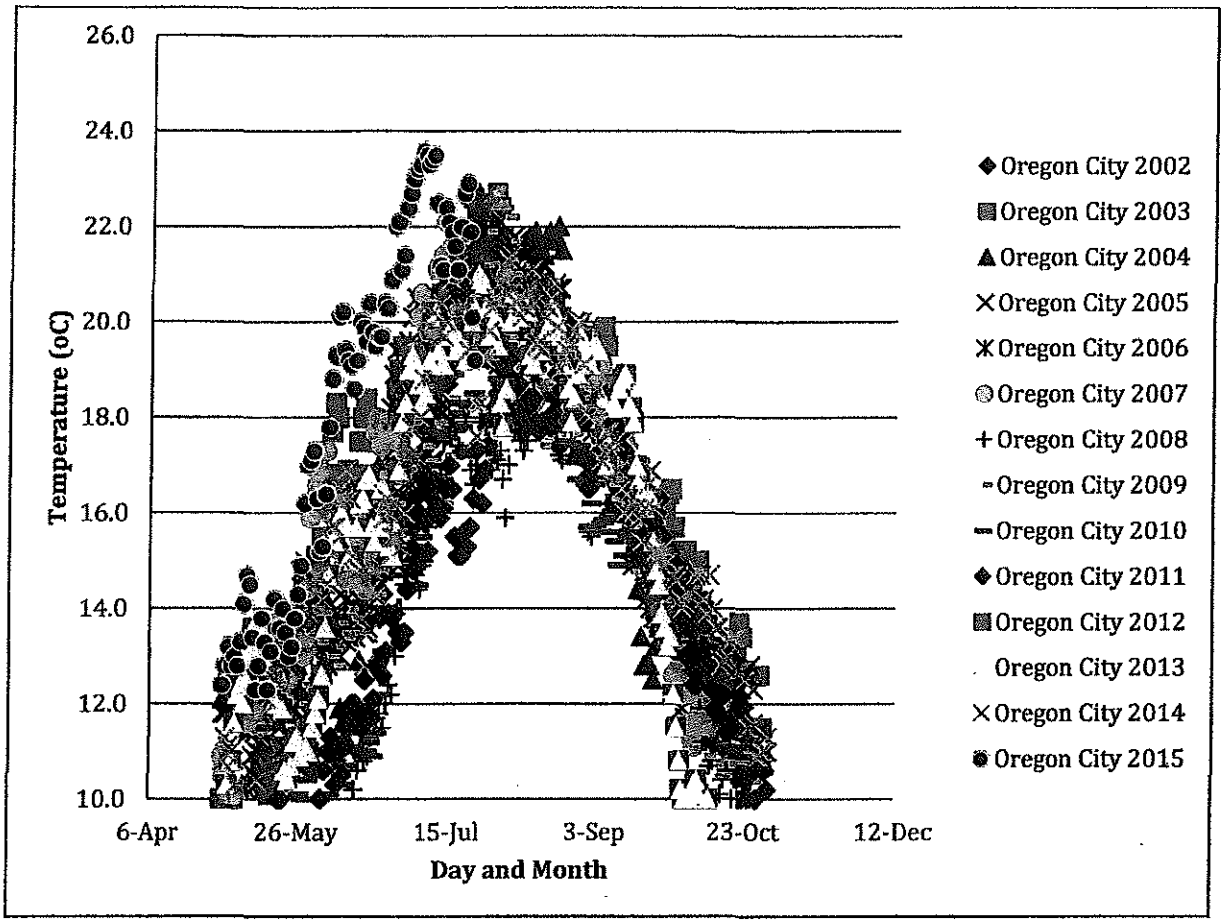


Figure 2. Water temperature (°C) recorded at the USGS Oregon City gauge from 2002-2015

Clackamas River Water issued a Stage 1 Water Advisory encouraging its customers to conduct voluntary water conservation measures in early June as dictated by our Water Management Conservation Plan upon observation of below average streamflows. Continued low flows, or a declaration of drought, will soon prompt CRW to issue a Stage 2 Water Advisory with more stringent conservation measures.

While there may not be an immediate water shortage on the Clackamas River, elevated temperatures and low streamflow suggest that mandated conservation measures for water providers may be on the horizon. It is our belief that as water providers on the Clackamas River we must begin to view the river less as an exclusive source of revenue and more as a valuable, finite resource that must be protected. To ignore the current river conditions and push off streamflow and temperature concerns would be irresponsible. While we do not discredit our collective utility's need to be financially stable, we believe that the long-term sustainability of the Clackamas River as a source of drinking water should trump the immediate needs of greener lawns and greater revenue. Responsible management of a water source does not mean simply navigating into maximum withdrawals allowed by the State of Oregon. It means preserving a drinking water source for a

larger portion of Clackamas County, preserving fish habitat and recreation, and ensuring our water source for the future.

Clackamas River Water is a special district that serves over 50,000 people in unincorporated Clackamas County, which includes Clackamas, and parts of Oregon City, Beavercreek, Milwaukie, and Portland.

We would like to offer our thanks to the Board of Commissioners for affording the water providers the opportunity to comment on this critical issue. As you are aware it is the County's role to notify the Governor when more extreme action is warranted.

Sincerely,

Lee E. Moore Sr.
General Manager
Clackamas River Water District

On behalf of the Board of Commissioners and Staff:

Ken Humberston; President
Hugh Kalani; Secretary
Naomi Angier; Treasurer
Larry Sowa; Commissioner
David McNeel; Commissioner

September 10, 1993

MEMORANDUM

TO: Charlie Leeson, Henry Mackenroth, Denyse McGriff, City of Oregon City
Mark Greenfield

FROM: John Spencer, Oregon City Urban Renewal Agency

RE: HWY. 213/BEAVERCREEK ROAD INTERSECTION (Revised from 9/9/93)

As a follow-up to the meeting on June 24 with Clackamas County and ODOT officials, I agreed to summarize our discussions which will be the basis for a revised Memorandum of Understanding between the City, County, and ODOT.

Overall Intent

It is the intent of all parties to provide for and implement the various transportation projects called for in the Draft Warner-Parrott Rd.-Oregon City Bypass Environmental Assessment. These projects include an at-grade interchange improvement of the Highway 213/Beavercreek Road intersection, and the future construction of a grade-separated interchange. All parties agree that existing traffic congestion at this intersection is at unacceptable levels. Until intersection and other improvements have been constructed, any new development permitted in the vicinity of this intersection should not increase the congestion problems beyond current levels. It is also agreed that if the sponsors of new development can prove that proposed development will not increase the congestion problems, then development will be allowed only when in compliance with adopted plans for an at-grade interchange at the Highway 213/Beavercreek Road intersection.

Proposed Modifications to the Draft MOU of 2/92

The Draft Memorandum of Understanding is attached. The following changes are proposed:

Paragraph 4.a., add the following:

The State, County and City consider the interchange project as high priority.

Delete paragraph 4.b.

Delete paragraph 7 and add the following:

The County and City agree that grade-separated interchange improvements for Highway 213/Beavercreek Road are adopted as part of their Comprehenstve Plans. The County and City also agree that their respective Comprehensive Plans require that major intersections operate at Level of Service (LOS) D or better. The County

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DATE RECEIVED: NOV. 23, 2015
SUBMITTED BY: HAMLET OF BECK
SUBJECT: LE-15-0003
EXHIBIT K

and City agree that when new developments are proposed for properties along Beavercreek Road prior to construction of grade-separated interchange improvements, a professional traffic analysis shall be required prior to the issuance of any land use permits. Land use permits shall not be approved unless the traffic analysis demonstrates that the Highway 213/Beavercreek Road intersection and other nearby intersections will operate at Level of Service D or better with the proposed development. If the traffic analysis demonstrates that the Highway 213/Beavercreek Road intersection will operate at LOS D or better with the proposed development, the development plan, including access to Beavercreek Road, will not interfere with, impede the implementation of, or substantially increase the cost of the adopted grade-separated interchange improvements for Highway 213/Beavercreek Road.

First Draft Comprehensive Plan Amendments

In order to meet the obligations outlined in the paragraph above, Oregon City will need to amend the transportation element of its Comprehensive Plan. The first obligation is to adopt the interchange plan. That has been done with Ordinance 92-1002 attached. Following are draft policies to meet the other obligations outlined above.

a. *All intersections requiring full signals as shown on Figure 2, Traffic Signal Locations, Oregon City Transportation Master Plan, 1989, and any other intersections where full traffic signals are warranted, shall operate at Level of Service D or better. Level of Service (LOS) is defined in Appendix B of the Oregon City Transportation Master Plan, 1989.*

b. *A professional traffic analysis shall be required prior to the issuance of any land use permits when new developments are proposed for properties in the vicinity of fully signaled intersections. Land use permits shall be approved only when the traffic analysis demonstrates that the signalized intersection will operate at Level of Service D or better with the proposed development, and that the development plan will not interfere with, impede the implementation of, or substantially increase the cost of any adopted transportation improvements identified in the City's Comprehensive Plan*

c. *Right-of-way shall be required as a condition of approval when developments are proposed near adopted transportation improvements identified in the City's Comprehensive Plan.*

Please provide comments on these proposed plan amendments to me by the end of next week. Thanks,

John

MEMORANDUM OF UNDERSTANDING
Between the
STATE OF OREGON,
CLACKAMAS COUNTY,
And
CITY OF OREGON CITY

(1) The Oregon Department of Transportation, Highway Division, hereinafter referred to as "State"; CLACKAMAS COUNTY, a political subdivision of the State of Oregon, acting by and through its Board of Commissioners, hereinafter referred to as "County"; CITY OF OREGON CITY, a municipal corporation of the State of Oregon, acting by and through its City Officials, hereinafter referred to as "City"; enter into this Memo of Understanding to set forth the principles of mutual commitment to the proposed Cascade Highway South at Beavercreek Road Interchange.

(2) State and County previously entered into a construction finance agreement No. 8119, on June 21, 1984 for the Warner-Parrott Rd. - Oregon City Bypass project.

(3) When the Warner-Parrott Rd. - Oregon City Bypass project is constructed, State, County, and City agree the increased traffic flow will cause congestion at the Cascade Highway South / Beavercreek Rd. intersection, and all parties agree that improvements may be necessary. Proposed at this time is an at-grade interchange at Cascade Hwy. South / Beavercreek Rd.

(4) State, County, and City agree to the following conditions in preparation for the proposed interchange agreement:

(a) State will support County and City in seeking the necessary funds from Metro to construct the interchange project.

(b) The County and/or City will be responsible for the survey, writing the descriptions, and the acquisition of any necessary right-of-way for construction of at-grade interchange.

(c) The County will have the lead role in project engineering and construction management.

(d) Prior to construction of the Cascade Hwy. South / Beavercreek Rd. Interchange, State, County, and City shall enter into a cooperative improvement agreement for construction and maintenance responsibilities for the at-grade interchange.

CITY OF OREGON CITY

Incorporated 1844

DEVELOPMENT SERVICES DEPARTMENT
Planning, Building, Engineering
320 Warner-Milne Road
Oregon City, OR 97045
(503) 657-0895
FAX (503) 657-3339

May 27, 1993

Ron Weinman
Clackamas County
902 Abernethey Road
Oregon City, Oregon, 97045-1100

Mr. Weinman:

The Oregon City Commission, at its May 19th meeting, rescinded its approval given on February 17th, of the Memorandum of Understanding between the State of Oregon, Clackamas County and the City regarding the proposed interchange on Cascade Highway South at Beavercreek Road, effective immediately.

The Commission is concerned about the provisions and implications of the paragraph addressing the prevention of development on private lands. They further understood that the agreement was in it's final form when they originally authorized signing.

The City Commission has directed staff to reopen negotiations regarding this agreement. An identical letter is being transmitted to Ted Keasy at Region 1, of Oregon State Highway Division.

Please contact me to arrange further discussions on this matter.

Charles Leeson
City Manager

cc: City Commission
Ed Sullivan, City Attorney
Henry Mackenroth, Project Manager

COPY

ORDINANCE 92-1002

AN ORDINANCE AMENDING THE TRANSPORTATION MASTER PLAN AND THE TRANSPORTATION ELEMENT PLAN OF THE COMPREHENSIVE PLAN TO ADD TWO FUTURE ROAD PROJECTS AND A POLICY FOR COLLECTOR STREETS.

WHEREAS, the State Highway Division has requested that a proposed road project at Highway 213 and Beavercreek Road be included in the Oregon City Comprehensive Plan, and

WHEREAS, based on development patterns a future collector street needs to be designated outside of the City limits, but in the Urban Growth Boundary, and

WHEREAS, a policy on access management is needed to guide development along collector streets, and

WHEREAS, the Oregon City Planning Commission, on December 12, 1991, conducted a public hearing to consider the adoption of these proposals, and

WHEREAS, the proposed amendments to the Transportation Master Plan and Transportation Element of the Comprehensive Plan is designed to best meet the land use planning needs of the City.

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That the Transportation Master Plan and the Transportation Element of the Comprehensive Plan are hereby amended to add the following to read as follows:

1. Add the grade separation of Highway 213/Beavercreek Road.

   a. The State Highway Division has forwarded a request to add the grade separation at Highway 213/Beavercreek Road. The proposal would include maps of the proposed Phase 1 and 2 project to page 63 of the Transportation Master Plan as an addition to the roadway laneage and access control map.

   b. Roadway Laneage/Access Control Plan, page 64 of the Transportation Master Plan - Widen Highway 213 to six lanes between Beavercreek Road and I-205, with a grade separation at Beavercreek Road (to include Phase 1 and Phase 2 roadway and laneage needs).

2. Add S. Caufield Road as a future collector street - (For approximately 500 feet from Highway 213 to a proposed street that would be located between S. Caufield Road and S. Canyon Ridge Drive; added to page 60 of the Transportation Master Plan.

3. Add a policy - Regarding access management on collector streets to Policy 4 on page L-35 of the Transportation Element of the Comprehensive Plan:

   New subdivision/residential development shall minimize access on collector streets unless infeasible. If feasible, lots shall be oriented to have frontage on local streets with back yards to the collector street.

Read first time at a regular meeting of the City Commission held on the 5th day of February, 1992, and the foregoing ordinance was finally enacted by the City Commission this 5th day of February, 1992.

Jean K. Elliott

JEAN K. ELLIOTT, City Recorder

ATTESTED this 5th day of February, 1992.

Daniel W. Fowler

DANIEL W. FOWLER, Mayor

ORDINANCE NO. 92-1002

Effective: March 6, 1992

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BRCP

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213

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EXHIBIT L

ENTERED INTO THE RECORD
DATE RECEIVED: NOV. 23, 2015
SUBMITTED BY: HAMLET OF BEAVER CREEK
SUBJECT: LE-15-0003

Public Hearing on the Beavercreek Road Concept Plan Re-Adoption
Planning Commission
Nov. 23, 2015
Elizabeth Graser-Lindsey

The City and its Industrial Land Commitment

City Attorney 11-20-15 memo to you errs: "After LUBA's decision, the City Commission decided not to revise the BRCP to designate more industrial land." (p. 1 final paragraph). The City Commission minutes show that the City Commission itself did not make this decision and were not aware that it was made (11-9-2010, 7-20-2011) despite Tony Konkol telling you and Metro that the City Commission had made such a decision. Rather the City Commission instructed staff to consider more industry (specifically cottage industry). That is, a simple re-adoption with expanded findings violates the official instructions that the City Commission last gave to staff.

The memo further distorts the matter (p. 1 final paragraph to p. 2 first paragraph). Without the authority of the city, your staff (Tony Konkol) asked Metro to change its Industrial lands map. It was purported that Oregon City no longer needed the industrial land; however, no evidence of that has ever been presented. In fact even now, the Oregon City News reports (10-28-15 p. A1, A11): "Clackamas county… officials… are looking for more industrial and employment lands… Clackamas County has a shortage of employment land." "50-100 acre", "flat, continguous sections of land" are particularly lacking -- just the type of land that this airport and golf course present. OCCP Policy 2.6.1, 2.6.2, 2.6.3 and others require ensuring there is enough industrial land in the UGB, that land planned for industrial is so used and

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SUBJECT: LE-15-0003
EXHIBIT M.

protected, and that citizens should have an opportunity to be close to their workplace.

Because of confusion about the legislature's "grand bargain" on urban and rural reserves, the court failed consider this case, which allows Metro's error to stand.

In your staff report (p. 3) the acreages of the concept plan sub-districts are compared with the 2002 and 2004 UGB expansions for industrial land and the now-shrunken Metro Title 4 Industrial Land. The staff report fails to mention that the 2002 and 2004 308-acre expansion, justified soley to meet industrial need, yielded 0 net acres (or 0%) for the 2004 portion and 75 net acres (or 30.6%) for the 2002 expansion (or 24% overall). Even the shrunken Title 4 industrial lands continue to be 22% wasted with NEC campus being 47 acres smaller (173 of the 220 acres or 78.6%). The NEC industrial subdistrict is on the mostly unbuildable part of the concept plan area, dissected by canyons and crossed by a network of regional transmission line corridors. (See the Buildable Lands map from p. 13 Fig. 7 of the remanded BRCP).

The BRCP violate Statewide Planning Goal 9: Economic Development in that it does not contribute to a stable an healthy Oregon City in terms of the job:housing ratio and it does not "include an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends" an it does not "provide for... an adequate supply of suites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies."

The Planning Commission should honor the justification given to the public for these expansions yield industrial lands; it should honor LUBA's decision that the yield is insufficient; and it should honor the City's commissions instructions that more industrial land be considered in the "yellow" residential zone. The staff needs to do this right.

Citizen Involvement and Public Comment

The City has not fulfilled its Goal 1 Citizen Involvement responsibilities regarding this concept plan, because the 15-member Citizen Advisory Committee did not have its couple citizen seats filled with citizens, but instead was filled with developers and officials, because surveys of the public, including the city's own, indicated strong public opposition to this plan which violates Criteria 3, and because of similar reasons previously given before LUBA.

Infrastructure Funding

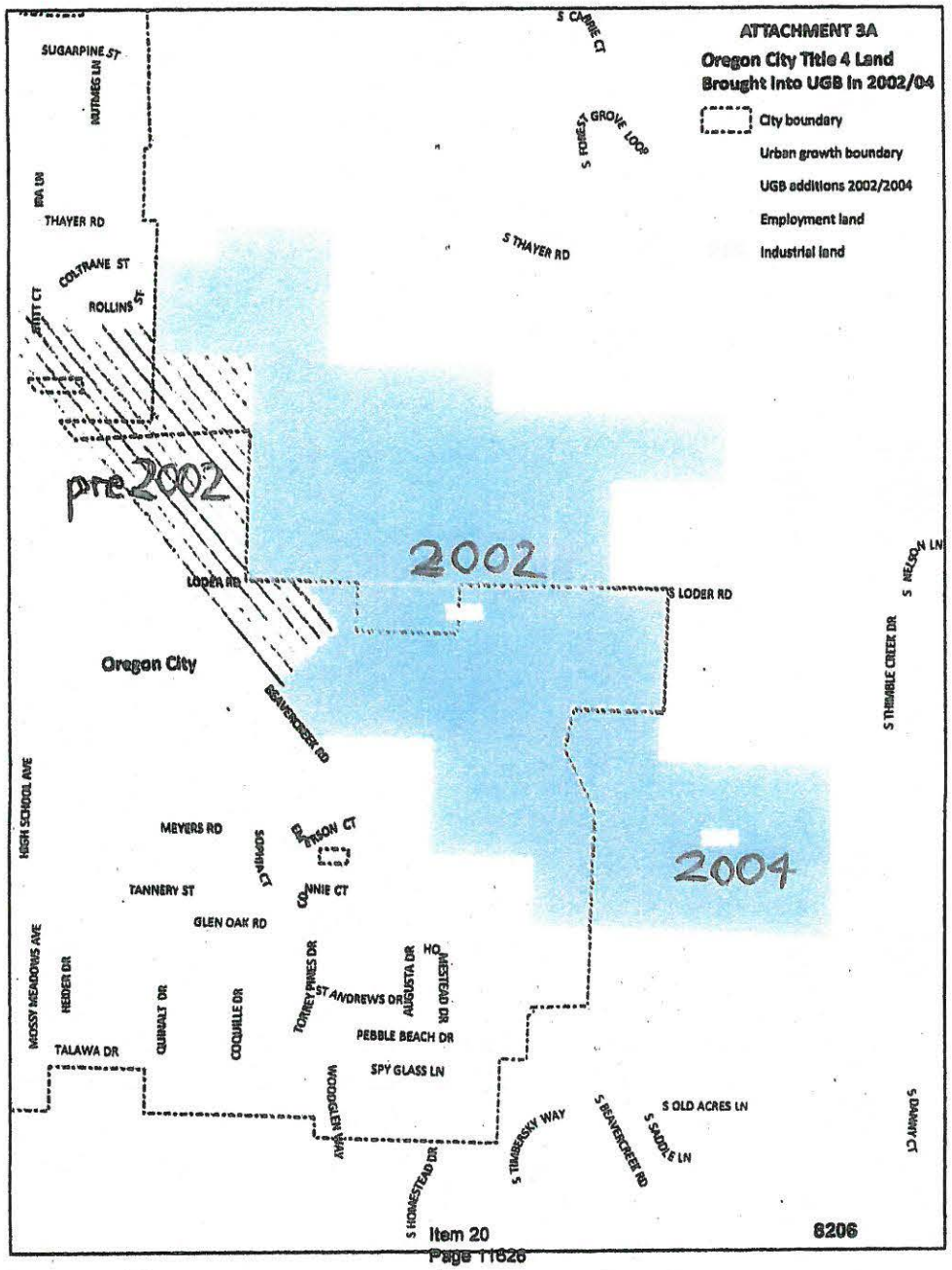
The City has not yet determined how it could fund the Beavercreek Rd. Concept Plan infrastructure and violates Title 11 #8 ("provision for the financing") Its recent master plans on water, sewer and transportation were unable to find a funding mechanism adequate to fund the necessary infrastructure.

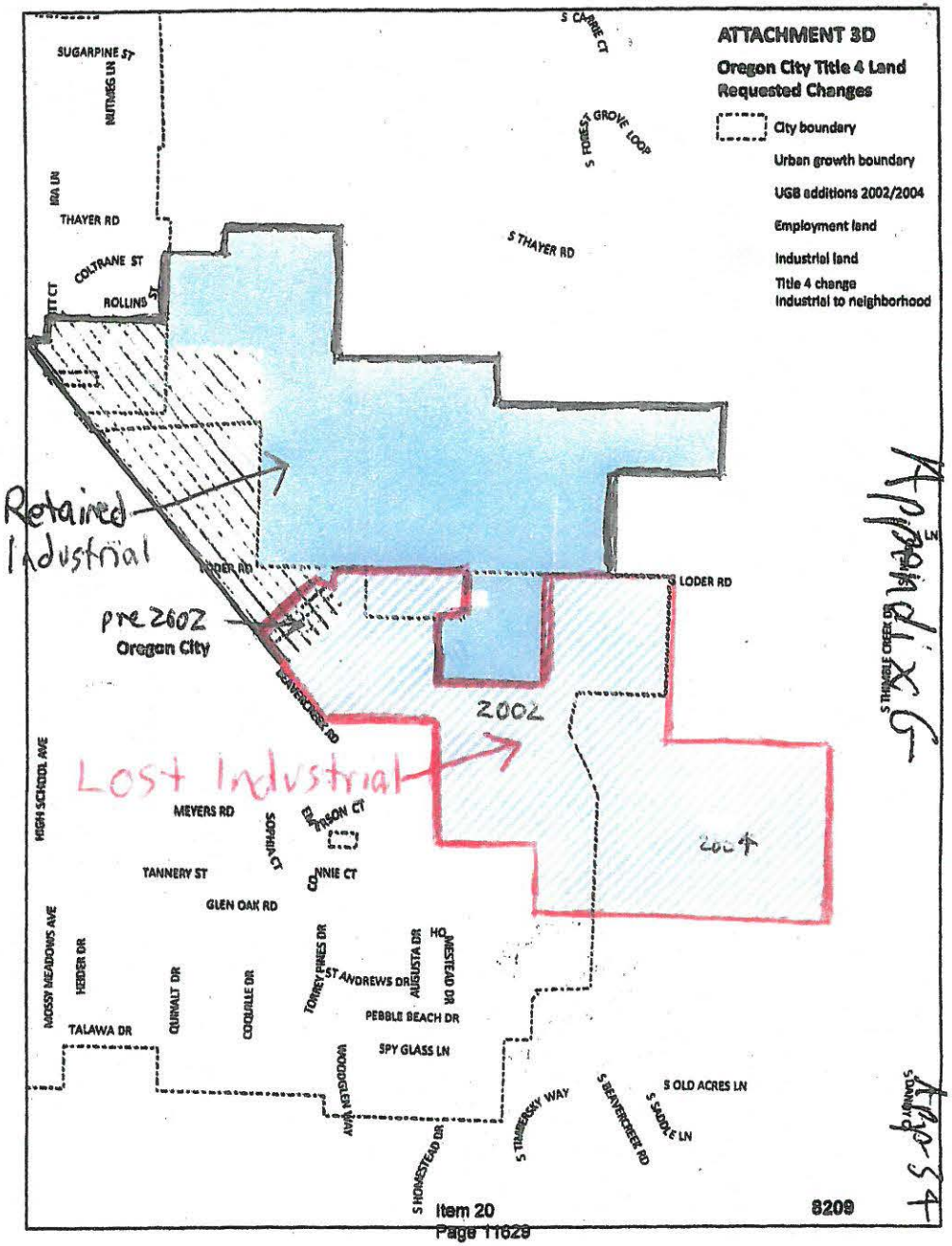
The water master plan is unable to decisively determine how $2 million in annual maintenance can be funded; it makes no effort to determine how new water infrastructure could be funded e.g. a water reservoir that would be needed to provide water pressure to the BRCP area. As the Beavercreek Apts, within the BRCP area, were approved, it was based on out-of-district water. Although the Water Master Plan anticipated need would trigger

the provision of infrastructure, that trigger failed to operate in its first test – with the Beavercreek Apts.

The sewer master plan does not provide a working, funding mechanism to get the sewer into Beavercreek Rd. as would be needed to build out the BRCP. As the Beavercreek Apts, in the BRCP area, were approved, their sewage was diverted to an adjacent drainage basin despite that capacity being needed for the adjacent basin's own buildout. The conditions of approval determined that the first BRCP development will not have to help fund its portion of the Beavercreek Rd. sewer. (Staff Report, p.21 errors in paragraph 2). It also will not have to fund removal of constriction in the 213 portion of the system where the City nearly declared a moratorium according to the City.

The transportation system plan shows that the cost of providing needed road infrastructure is more than tens of millions beyond the city's available finances. Beavercreek Rd. will be constricted to 3 lanes by the Beavercreek Apts; however, the parallel roads in the BRCP cannot be built out due to lack of funding and the TSP shows these roads do not have funding in a time frame relevant to the BRCP. Some of these failures are already serious with current city capacity e.g. the Hwy 213/Beavercreek Rd. intersection, further intersections down Hwy 213, Beavercreek Rd. capacity, and I205. Proceeding with the BRCP violates Statewide Planning Goal 12: Transportation because of the "adverse social, economic and environmental impacts" that result from the congestion increasing further above standards. Title 11 #9 is violated by the failure to protect the capacity and function of state highway interchanges.


ATTACHMENT 3A
Oregon City Title 4 Land
Brought Into UGB in 2002/04
City boundary
Urban growth boundary
UGB additions 2002/2004
Employment land
Industrial land
pre2002
2002
2004
Oregon City
SUGARPINE ST
NUTMEG LN
IRA LN
THAYER RD
COLTRANE ST
ROLLINS ST
S CARRIE CT
FOREST GROVE LOOP S
S THAYER RD
LODER RD
S LODER RD
S NELSON LN
S THIMBLE CREEK DR
BEAVERCREEK RD
HIGH SCHOOL AVE
MEYERS RD
SOPHIA CT
ELLERSON CT
TANNERY ST
CONNIE CT
GLEN OAK RD
MOSSY MEADOWS AVE
HERDER DR
CURRALT DR
COQUILLE DR
TORREY PINES DR
ST ANDREWS DR
AUGUSTA DR
HOMESTEAD DR
TALAWA DR
PEBBLE BEACH DR
SPY GLASS LN
WOODGLEN AVE
S HOMESTEAD DR
S TIMBERSKY WAY
S BEAVERCREEK RD
S SADDLE LN
S OLD ACRES LN
S CANARY CT


ATTACHMENT 3D
Oregon City Title 4 Land
Requested Changes
City boundary
Urban growth boundary
UGB additions 2002/2004
Employment land
Industrial land
Title 4 change
Industrial to neighborhood
Retained Industrial
pre 2002
Oregon City
2002
Lost Industrial
2004
Attachment 3D
SUGARPINE ST
NUTMEG LN
IRA LN
THAYER RD
COLTRANE ST
ROLLINS ST
S CARRIE CT
FOREST GROVE LOOP S
S THAYER RD
LODER RD
S LODER RD
S NELSON LN
S THIMBLE CREEK DR
BEAVERCREEK RD
HIGH SCHOOL AVE
MEYERS RD
SOPHIA CT
ELLERSON CT
TANNERY ST
CONNIE CT
GLEN OAK RD
MOSSY MEADOWS AVE
HERDER DR
CURRALT DR
COQUILLE DR
TORREY PINES DR
ST ANDREWS DR
AUGUSTA DR
HOMESTEAD DR
TALAWA DR
PEBBLE BEACH DR
SPY GLASS LN
WOODGLEN AVE
S HOMESTEAD DR
S TIMBERSKY WAY
S BEAVERCREEK RD
S SADDLE LN
S OLD ACRES LN
S CANARY CT

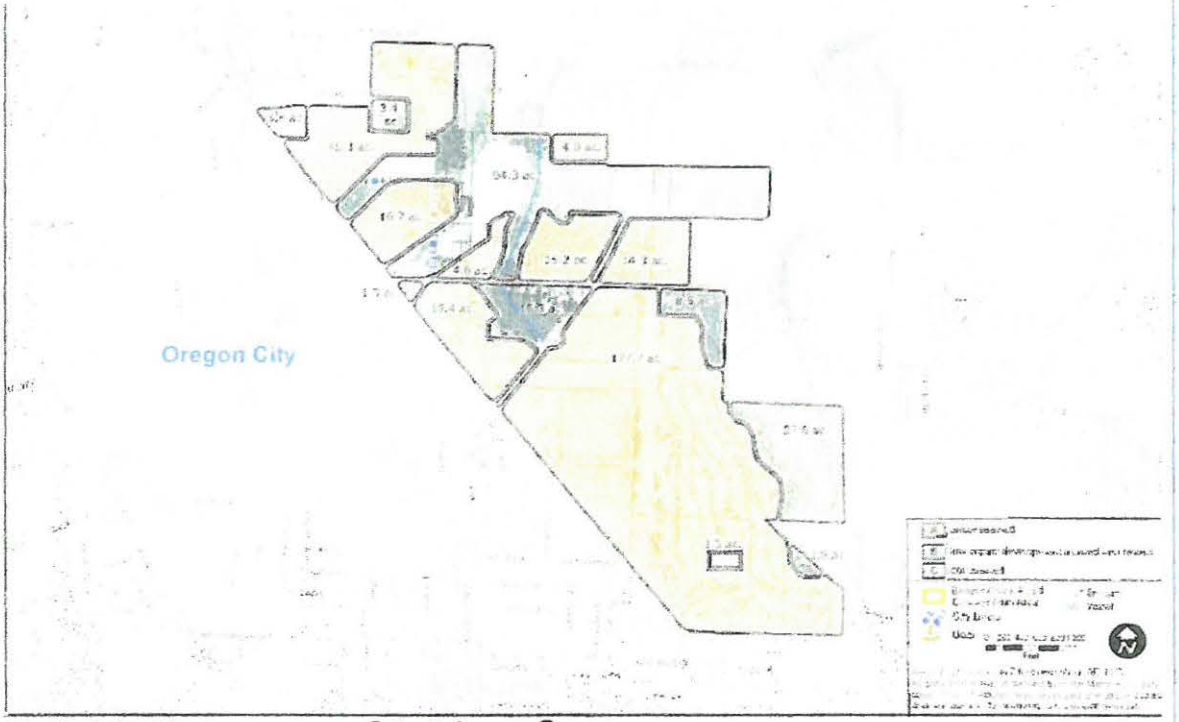


Figure 7 - Buildable Lands

BRCP, p.13

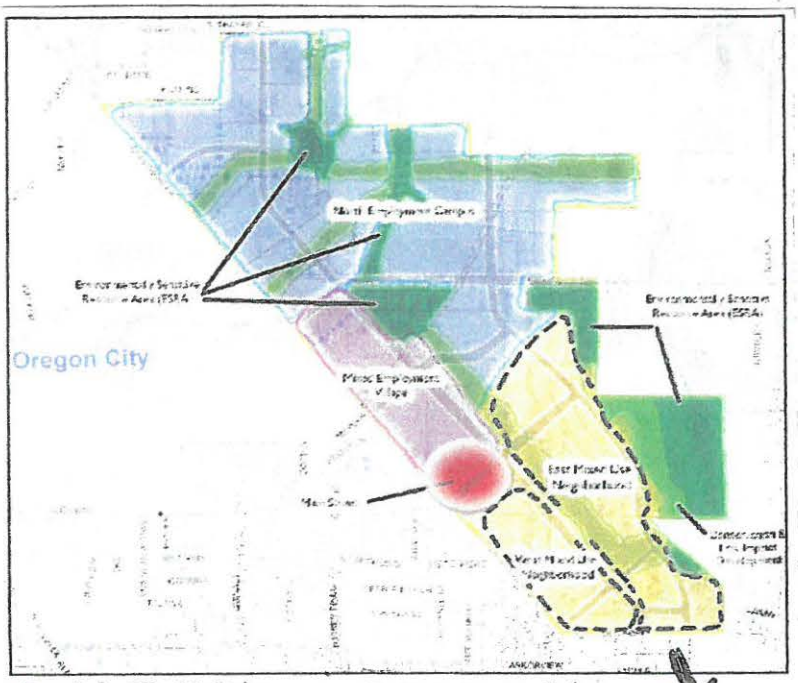
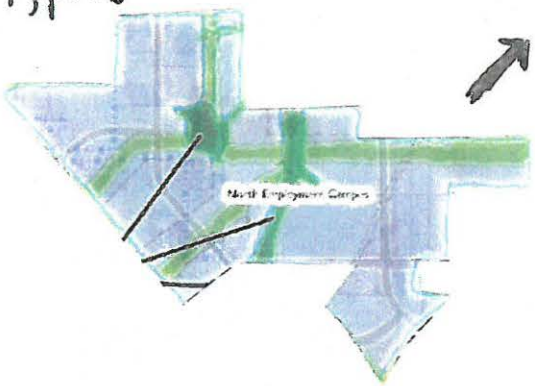


Figure 8 - Land Use Sub-districts

BRCP, p. 16

Industrial Lands are unbuildable





County: Ludlow blasts Eagle Landing project

From page 1

that a similarly long battle lies ahead between the county and Tri-City's member cities.

"It's all about producing the lowest rate possible," Savas said. "But unfortunately politics enters a lot of decisions."

On Dec. 10, the regional wastewater committee will have its last meeting of the year, when Savas sees an urgent need to find some consensus.

"I don't see a lot of fame or fortune in controlling a local wastewater district," Savas said.

Ludlow argued that the fact that all three cities have interim managers has led to a steep learning curve for county officials to get city leaders in the loop on sewer issues.

"Sooner or later we are going to have to agree on the facts," Ludlow said. "The last thing that this county needs is that M-word called moratorium."

Enough sites for development?

The next question about a perceived local shortage of lands for job creation struck a nerve among commissioners, who are divided on the regional government's position that the Portland metropolitan area currently has enough developable sites.

Recommendations recently issued by Martha Bennett, chief operating officer of Metro, calls for no further expansion of the urban growth boundary at this time. The report sparked controversy among Clackamas County and Washington County officials who are looking for more industrial and employment lands.

The majority of the county commission, including Ludlow, recommended that Commissioner Martha Schrader vote against the report as the county's representative to the Metro Policy Advisory Committee. She decided to vote in its favor, after an amendment to the report passed addressing some of Clackamas County's concerns. She resigned from her position as Clackamas County's representative to Metro after Ludlow expressed his dismay at her vote.

Metro President Tom Hughes donated $1,000 to Schrader's re-election campaign on Aug. 13, just three weeks before her vote. Schrader is being challenged by Steve Bates, a former chairman of the Boring Community Planning Organization. While Bates accuses her of Metro over the trust of her colleagues, Schrader has explained that she needed to tailor her vote to changing circumstances.

Schrader acknowledged that Clackamas County has a shortage of employment land. However, she said the county has a great economic development team to help developers find shovel-ready sites. The team also identifies future land-use needs and what rules might need to change to accommodate new development.

"I do think this county will be successful," Schrader said.

Standing with Schrader on the issue, Commissioner Jim Bernard said if "we keep creeping out into our valuable farmland," it would be at the cost of ignoring available land that's underdeveloped and well-served by public transportation and other transportation infrastructure.

"McLoughlin Boulevard is an opportunity that is not unlike Kruse Way," Bernard said.

"There are no 50 or 100-acre sites on McLoughlin," Savas retorted, although he agreed that there were some good opportunities on the thoroughfare.

"None of us can even imagine," Bernard argued, what the future of business needs will be, so he called into question county commissioners who argued that the county needed flat contiguous sections of land for development.

"Are we planning for the future or are we just looking at the status quo?" Ludlow asked.

Eagle Landing project

County commissioners expressed fears that the Eagle Landing project would not be going forward, but they declined to elaborate on the reasons that the developer might be getting cold feet.

"$10 million is a lot of money, but in the scheme of things of 100 million square feet, it's chump change," Ludlow said of the county's potential contribution to the project. "I got a real problem," Ludlow said, with traffic and density at the site of what he called a "corporate giveaway."

When Ludlow added that the county needed to look at other ways to help working people and create jobs, Bernard joked, "You sound like a liberal there, John."

Savas, Schrader, and Commissioner Tootie Smith took issue with Ludlow's "giveaway" interpretation. Savas called the project a "great deal" for Clackamas County, and Schrader pointed out that the deal would not go through if the project doesn't work out. Schrader said that the county's offer to forgive certain project fees if the project moves forward gained the support of the nearby city.

"Our partners in Happy Valley were very, very interested in seeing a deal like this unfold," she said.

Oregon City Commission Meeting – Public Comments
August 19, 2015
Elizabeth Graser-Lindsey

I was surprised to hear Tony Konkol tell the Planning Commission on June 22, 2015 that in the fall the Beavercreek Road Concept Plan, remanded by LUBA, will be re-adopted rather than revised and adopted. The City Commission never decided in favor of a simple re-adoption.

In 2002 and 2004 Oregon City and Metro said more industrial land was needed in Oregon City. 308 acres were added to the UGB for industrial (2002: 245 acres and 2004: 63 acres). 453 acres were planned as the Beavercreek Rd. Concept Plan which included this and pre-existing industrial land. The concept plan yielded only 54.7 industrial acres of the 308 new industrial acres, none of which is from the 2004 UGB expansion[1]. This low acreage yield was not reported to the PAC (committee), City Commission or the public, so they didn't know. The concept plan said that it had the 120 acres of industrial land as Metro wanted, but this industrial land largely pre-dated the new land. The concept plan also placed those few new industrial acres in the most unbuildable, dissected part of the site. (Attachments A and B). LUBA remanded the concept plan decision for not

[1] *Graser-Lindsey v. Oregon City*, 59 Or LUBA 388 (2009), 407, 412. LUBA's numbers range from 54.7 to 74 to 81 acres.

protecting the industrial land (according to Metro Title 4). *Graser-Lindsey v. Oregon City*, 59 Or LUBA 388 (2009).

Oregon City continues to need those industrial land as the City continues to have a very poor job:housing ratio. Consequently City residents have to commute out of the City to often distant jobs, congesting the roadways. The lack of jobs deprives the City of business taxes which are more lucrative than residential taxes, because business uses less services than residential.

In response to the remand of the Beavercreek Rd. Concept Plan, the Oregon City Commission never decided to have Metro shrink the City's industrial land on Metro's map by making the industrial land residential. (Attachments C and D). That was done behind the scenes by Tony Konkol and Metro staff. A transcript of the Nov. 9, 2010 City Commission Work Session (Attachment E) shows that the commission did not make the decision on how the remand was handled and they were not informed about what the staff was doing – including after their request. By false answers[2] and vagueness Tony Konkol prevented the commission from

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[2] For example, when Mayor Neeley (00:05:05) and Commissioner Nicita (00:03:35) think the City could revise its concept plan rather than Metro revise its design type designations and question how the City will decide, Konkol doesn't reveal to them that he has told Metro that the Oregon City Commission has requested this design type change. He is acting without authority and lying to the commission and Metro about it.

Tony Konkol (00:02:29) says to the commission, "most likely in January" when the Metro schedule (Attachment F) shows the decision will be made Dec. 16, 2010.

learning what he was about finished doing with Metro without the commission's awareness or approval.

At the July 20, 2011 City Commission meeting it was decided how to proceed. "Reconsideration of the yellow areas for greater cottage manufacturing in those zones" was decided to be part of the city's remand process. (Attachment G). However, in summarizing the Commission's decision on Jan. 11, 2013, Tony Konkol omitted the Commission's decision to look at cottage manufacturing. (Attachment H). That omission continued on June 22, 2015 when Tony said to the Planning Commission that the concept plan would come up for re-adoption in the fall. He claimed erroneously that that was the City Commission's decision and he determined that none of the Planning Commissioners had institutional memory of the previous decision making.

It is false that the previous City Commission wanted a simple re-adoption. In addition, residential use of land included in the UGB for industrial use harms the City which needs the full measure of family wage jobs. It violates OCCP Policy 2.6.8 "... lands east of Clackamas Community College... should be designated in a manner that encourages family-wage jobs in order to generate new jobs and move towards the city's employment goals." And it violates the public trust. Finally, the concept

plan industrial lands should be useable and not fragmented by unbuildable canyons and easements.

Oregon City could be run with just staff, but the City needs the City Commission to oversee what is happening and ensure that it is in the public interest. When you disregard your instincts and don't guide staff, the City loses[3]. LUBA will defer to you, but if you go against your better judgment, it can harm Oregon City. If you let staff ignore the need for the full measure of industrial land, the City loses its opportunity to improve its job:housing ratio and its budget.

---

[3] Recently, the commission agreed Beavercreek Rd. needs 5 lanes of right of way, but you didn't require this relatively easy modification; harm, such as degradation of mobility and liveability, can come from your deferring to staff. You let the BC apartments take sewage capacity needed for Glen Oaks buildout; that could choke off build out of that neighborhood. You allowed the BC apartment developer not to contribute to the Beavercreek Rd. sewer line; that could compromise that line, needed by the concept plan area, ever being built.

Much of your staff themselves seem concerned as indicated in their reports. They indicated the similarity of Glen Oaks to sewage moratorium areas, untested I&I needed for Glen Oaks itself, the 213/Beavercreek Rd. intersection unable to meet state standards and so forth.

ATTACHMENTS

A. Buildable Lands (Beavercreek Rd. Concept Plan, p. 13)

B. Land Use Sub-districts (Beavercreek Rd. Concept Plan, p. 16)

C. "Attachment 3D Oregon City Title 4 Land Requested Changes"

D. Metro Design Types Compared with BRCP Sub-districts

E. Transcript of City Commission Nov. 9, 2010 Work Session

F. Metro schedule for "2010 proposed capacity ordinance"

G. Minutes of City Commission July 20, 2011 Meeting

H. 1/11/2013 Staff Report on Beavercreek Rd. Concept Plan

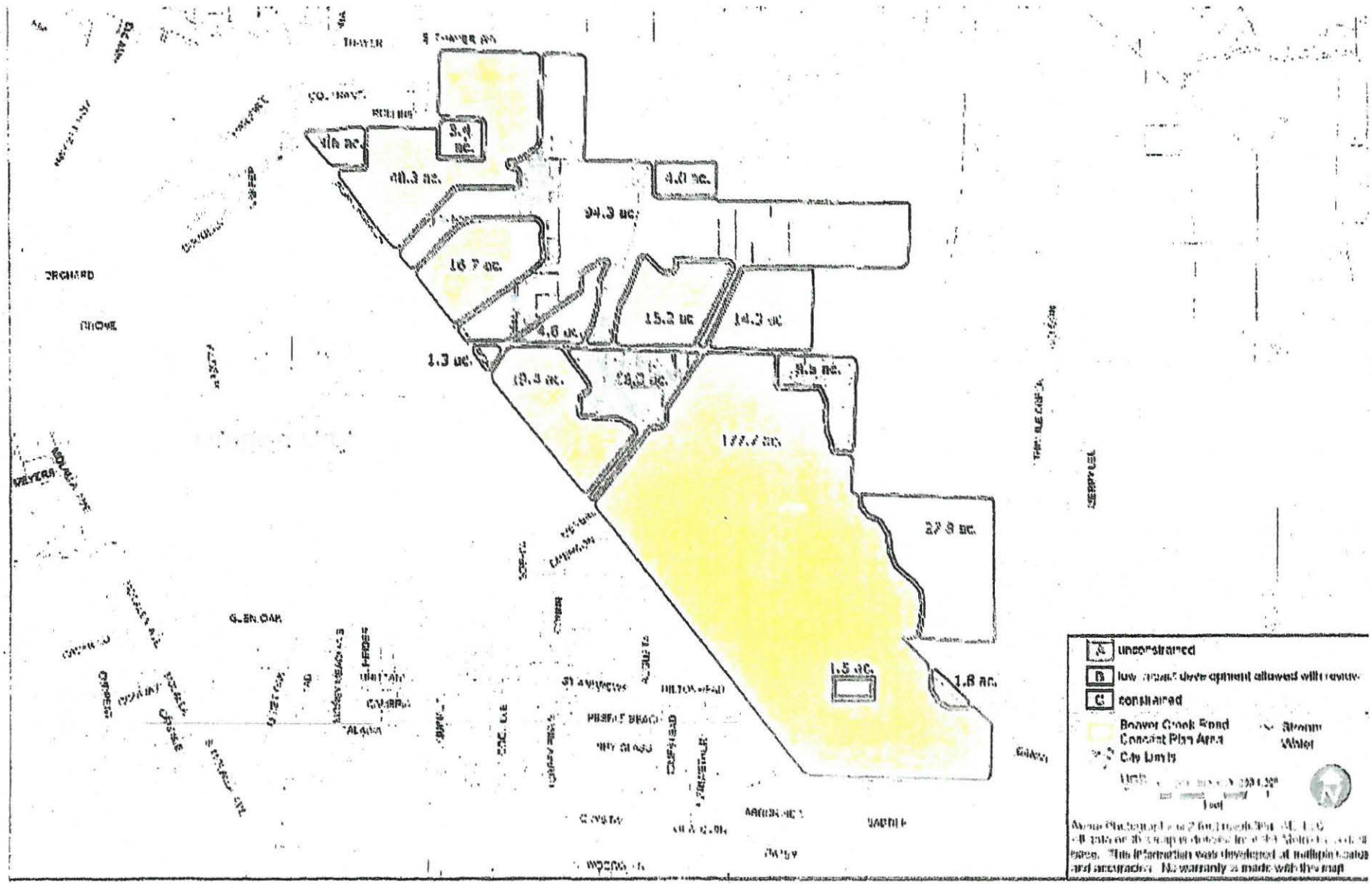


Figure 7 - Buildable Lands

ATTACHMENT A

Land Use Sub-Districts

Figure 8 illustrates the five land-use "sub-districts" of the concept plan area. Each has a specific focus of land use and intended relationship to its setting and the plan's transportation and open space systems. Each is briefly described below and illustrated on Figures 9 through 12.

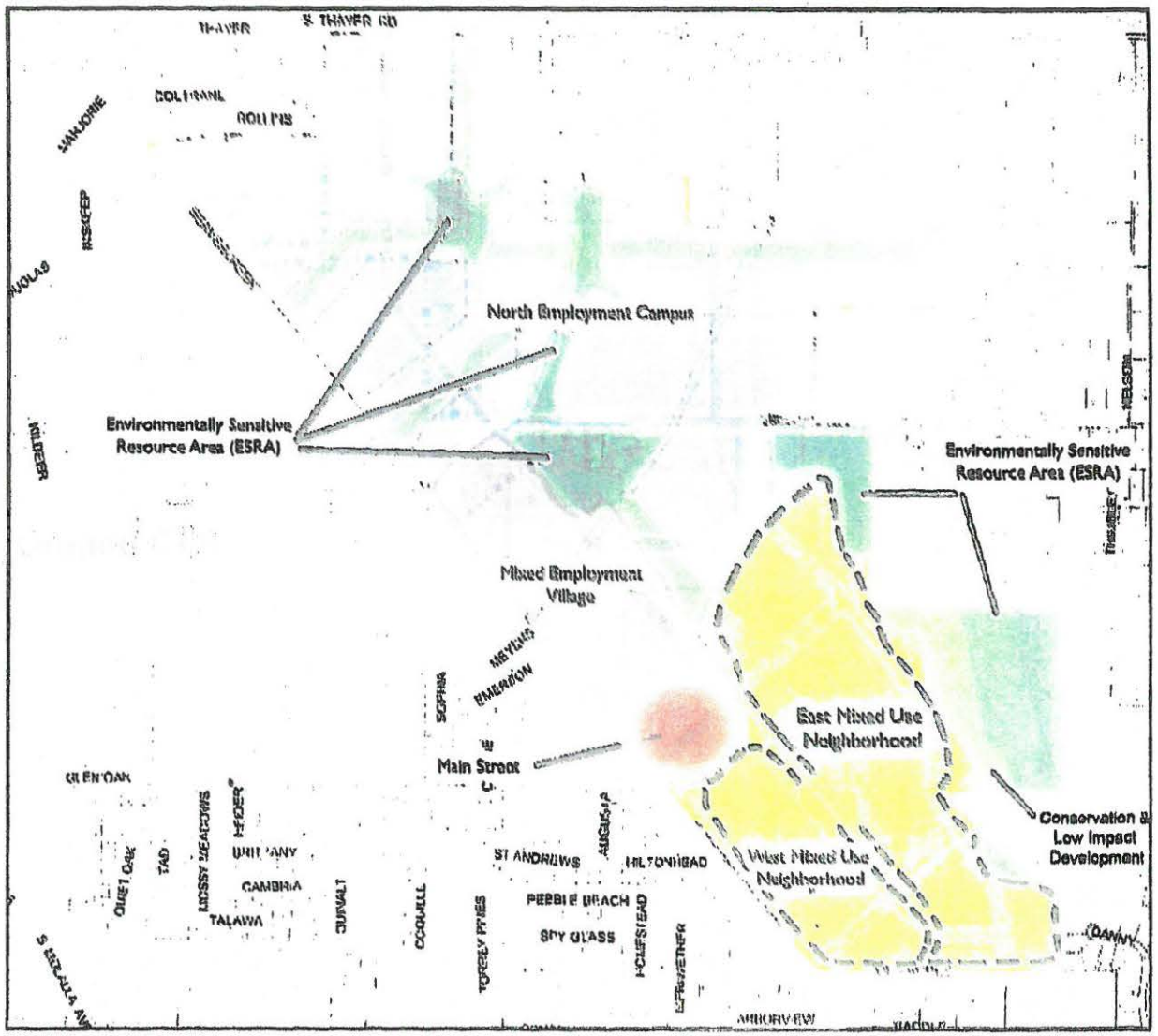
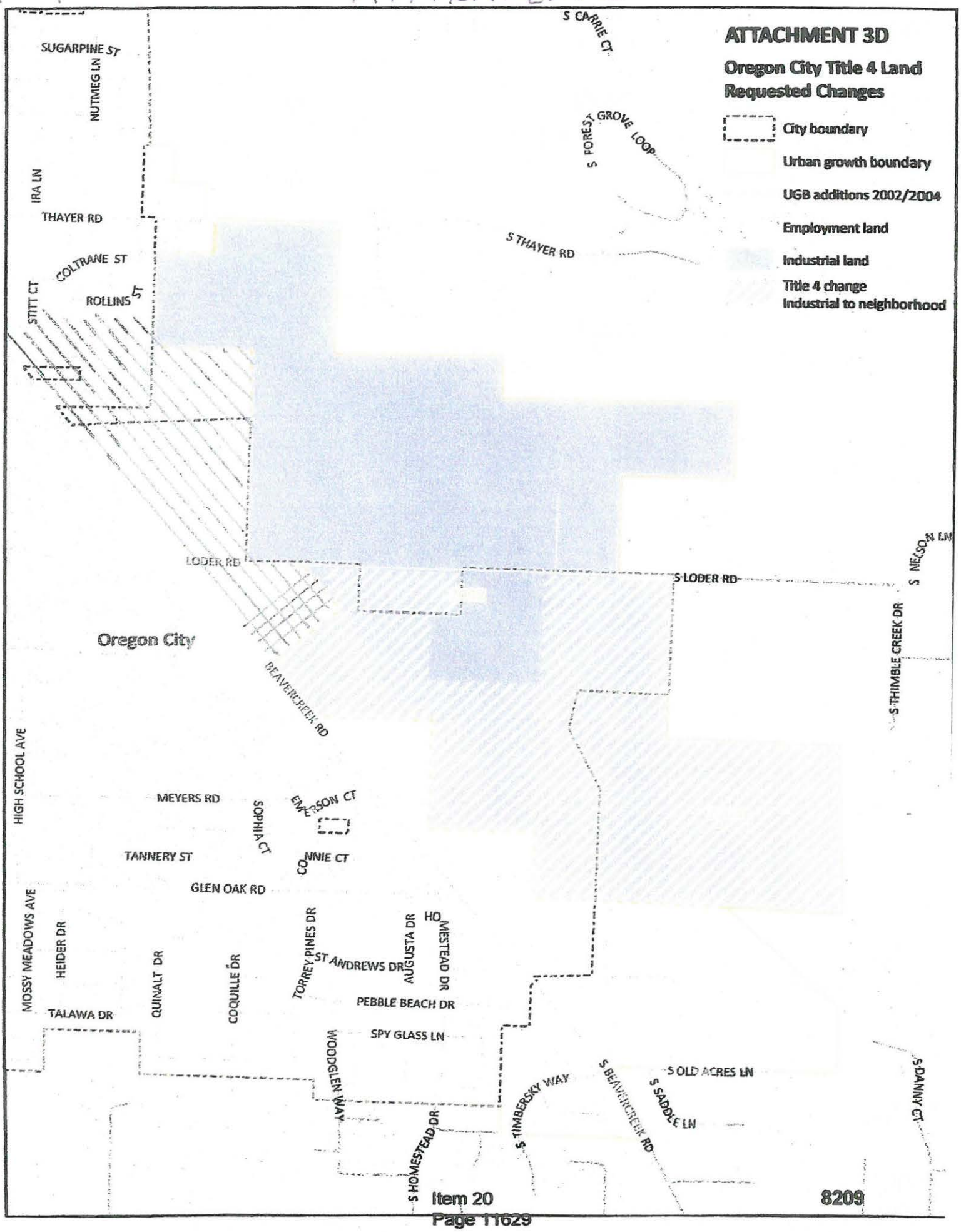


Figure 8 - Land Use Sub-districts

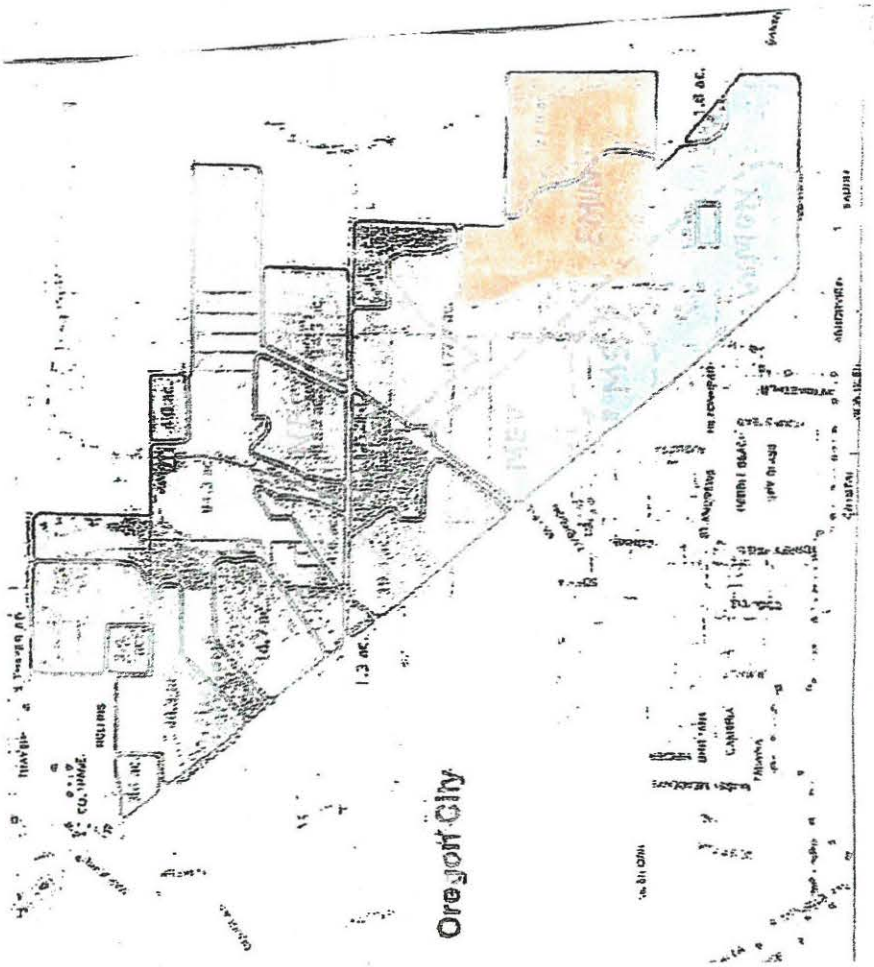
ATTACHMENT B

App-18-7

ATTACHMENT C



ATTACHMENT D



Map Color	Metro 2040 Growth Concept Design Type	UGB Expansion	City Zoning or County	Acreage	Record page
Pink	Industrial	2002		245	42, 1524 & 725, Appendix B
Orange	Industrial	2004		63	42, 1524 & 725, Appendix B
Yellow	Employment	Pre-existing	Campus Industrial	~50	44, Appendix B, 1524
Green	Employment	Pre-existing	County	~14	Appendix B
Blue	Outer Neighborhood	Pre-existing	County	~74 ~2	1524 & 725, 42, 801, 1525, Appendix B
			Loder Rd.	5	Rec. 44

ATTACHMENT E

City Commission Work Session

November 9, 2010
http://oregon-city.granicus.com/MediaPlayer.php?view_id=6&clip_id=519

Doug Neeley, City Commission President 00:00: 17 ....And with that we will go ahead and convene the work session. And have the roll call.

[Roll Call: Wuest, Smith, Nicita, Neeley]

Neeley: Does anyone have any future agenda items for the current commission?

Jim Nicita, City Commissioner (00:00:39): Uhm, I do. Uhm I'd like to uhm There has been some discussion recently. And I have just caught glimpses of it being mentioned and I'd like to have a fuller discussion and what it relates to is the effort of City to work with Metro on having uhm whatever its standards are regarding what they have set up for the Beavercreek Concept Plan area to be reconfigured and rezoned to conform to with the Beavercreek Concept Plan. I have never been completely sure what that is all about uhm but I think I would like to have a deeper discussion of that.

Neeley: I think that's fine. And I think we'll have our attorney here to participate in that study session

Nicita: What's the timeline on that?

[City Administrator] (00:01:40): So just so I am clear you want a work session perhaps on the Metro plans and how they mess with our Beavercreek concept plan.

Neeley (00:01:4): Yah, in terms of the appeal, right?.

Nicita: Yah, there is a land use appeal that got remanded to us regarding Beavercreek and we have to address that some how. And the discussion that I think I have heard from you Tony was that part of one of the options and there are actually going to be some Metro hearings on this in the not too distant future about whether we are going to conform to Metro's prototypes or we're going to have to ask Metro to change theirs to conform to ours. I am not sure what all that is

about and I would like to have a deeper discussion about that uhm and I was wondering if you know the time lines are for the Metro hearings on that.

Konkel (00:02:29): So, so, right now we have these design types from Metro and one of the main findings on the remand from LUBA was that the concept plan didn't conform to the design types on the Metro urban design type map. So right now Metro is going through their hearing process and they're going to change the employment designation on their 2040 map that we need to comply with to match the Beavercreek concept plan so that's what they are going through right now. They're going to start their hearings in uhm mid December, it's probably, most likely in January I imagine uhm in order to get through all the information so that would be then Metro would make that decision to amend their 2040 design type map and then obviously their decision is appealable through that process. Once that decision is final, we would come back through the city commission to make new findings demonstrating compliance with the 2040 map as newly adopted.

Nicita (00:03:35): I think the issue that I am confronting that I want to discuss either during a work session in December or before hand and if that is what Metro's hearing schedule is on is I don't know that uhm the commission ever, ever requested… I can't remember during my tenure. Or whether it might have happened before hand. I am not sure how this city arrived at the decision to ask Metro to change its design type to conform to the Beavercreek [microphone dimmed] concept plan rather than us reconforming the concept plan according to the LUBA remand to conform with their design type. I don't know what is preferable I am just I am just completely unaware of what the processes have been what the considerations have been. Uhm And I think that is a commission decision, uhm but I don't know when or how that decision was made. And that is why I want to go into it in some detail.

[City Administrator]: Well let me let me suggest that we can do a little research on that and get back to the council with something in writing for you first. And then if you get the information you need from that in the meantime it looks like Metro they're going to be getting closer to making some decisions on that too. So why don't we produce that first and then if you still want if there is a need for more discussion at a workshop or another decision we can accommodate that too.

Neeley (00:05:05): I just have one question of follow up that I will address to Mr. Konikl. Did the remand go back to Metro though and not to us? Or do you know? If you don't know that off hand.

Koncl: I don't know that off hand. It was a Metro requirement but it was our decision so we were remanded.

Neeley: It's just that Metro is the one that is addressing it and not us.

Konkol: It was a Metro code criteria that was very vague.

Neeley: Alright, well, is that alright for you?

Nicita (00:05:36): Yes, I have another item.

ATTACHMENT F

Metro | *Making a great place*

2010 proposed capacity ordinance

The Metro capacity ordinance proposes to amend regional policies with the intent of focusing more of the region's residential and employment growth, over the next 20 years, inside the current urban growth boundary to create safe, livable communities, promote economic development and good jobs, and protect our natural areas.

The capacity ordinance includes policies aimed at:

- Prioritizing regional investments to support development in town and regional centers, employment areas and transportation corridors, in order to promote compact urban form, reduce greenhouse gas emissions, and get more out of investments already made in these areas
- Protecting industrial lands from conversion to non-industrial uses, such as for places of assembly, schools and parks, in order to preserve that land to meet needs for new manufacturing jobs
- Making town centers and areas along major streets and transit corridors more walkable and convenient for all modes of travel
- Planning more thoughtfully for future expansions of the urban growth boundary, ensuring that there are public structures and financing available – from private and public sources – before the UGB is expanded so that growth and development can be supported once a UGB expansion occurs
- Providing more housing choices for people at all income levels in future UGB expansion areas

It is anticipated that, by adopting the capacity ordinance, the Metro Council will accommodate at least half of the expected residential and employment growth that our region will see over the next 20 years, within the current urban growth boundary. Any remaining amount of growth not accommodated by the capacity ordinance will be considered by the Metro Council through possible UGB expansions sometime in 2011.

Public hearing schedule for capacity ordinance

5 p.m. Monday, Nov. 29 – Clackamas County Public Services Building, 2051 Kaen Rd., Oregon City

5 p.m. Thursday, Dec. 2 – Hillsboro Civic Center Auditorium, 150 E. Main St., Hillsboro
First read of ordinance

5 p.m. Thursday, Dec. 9 – Metro Council Chamber, 600 NE Grand Ave., Portland
Vote on amendments

2 p.m. Thursday, Dec. 16 – Metro Council Chamber, 600 NE Grand Ave., Portland
Second read of ordinance, review of public testimony, final decision

Written and oral public testimony will be taken at each public hearing. Comments may also be sent to 2040@oregonmetro.gov. The Metro Council is scheduled to vote on the proposed capacity ordinance at its Dec. 16 meeting.

ATTACHMENT G

p. 4 of 4

CITY OF OREGON CITY
CITY COMMISSION
MEETING MINUTES

July 20, 2011

1. Convene Regular Meeting of July 20, 2011, and Roll Call

Mayor Neeley called the meeting to order at 7 p.m.

Roll Call: Mayor Doug Neeley; Commissioner Betty Mumm; Commissioner James Nicita; Commissioner Kathy Roth; and Commissioner Rocky Smith, Jr.

Staff Present: David Frasher, City Manager; Ed Sullivan, City Attorney; Mike Conrad, Police Chief / Public Safety Director; Scott Archer, Community Services Director; Community Development Director; David Wimmer; Human Resources Director; Ma[illegible]; Recorder; and Eric W[illegible]

cept Plan was remanded was the City relied industrial land, and LUBA found even though Metro said it changed their map. Staff asked for the limited remand because things had ged since the original adoption that needed to be included in the plan.

MAIN MOTION:
Motion by Commissioner Betty Mumm, second by Mayor Doug Neeley to remand the Beavercreek Road Concept Plan to the Planning Commission and reopen the record for a limited purpose of addressing the protection of industrial lands, transportation, utility and service adequacy, and that the public hearings would not commence until the Department of Land Conservation and Development staff report had been issued.

AMENDMENT #1:
Motion by Commissioner James Nicita, second by Commissioner Kathy Roth to amend the motion to add reconsideration of the yellow areas for greater cottage manufacturing in those zones.

VOTE ON AMENDMENT #1:
A roll call was taken and the motion passed with Commissioner James Nicita, Commissioner Kathy Roth, and Commissioner Rocky Smith, Jr. voting aye and Mayor Doug Neeley, Commissioner Betty Mumm voting no. [3:2:0]

VOTE ON MAIN MOTION, AS AMENDED:
A roll call was taken and the motion passed with Mayor Doug Neeley, Commissioner Betty Mumm, Commissioner James Nicita, Commissioner Kathy Roth, and Commissioner Rocky Smith, Jr. voting aye. [5:0:0]

c. Canemah Neighborhood Park Playground Equipment Purchase and Install Agreement

Mr. Archer stated construction was underway at Canemah Park. The playground was being done as a separate item to involve the neighborhood in the design. The neighborhood volunteered to install the playground equipment which would save $12,000. The purchase of the equipment was being done through the State procurement process. The total cost of the project was $92,118 and was well within the budget.

ATTACHMENT H 1/11/13 13-049 Comprehensive Plan Industrial Land Elsner Mon Ext

City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Staff Report

File Number: 13-049

Agenda Date: 1/11/2013

Status: Agenda Ready

To: City Commission

Agenda #: 9a

From: Community Development Director Tony Konkol

File Type: Report

SUBJECT:
Beavercreek Road Concept Plan

RECOMMENDED ACTION (Motion):
Goal 4: Enhance the Livability of the Community
Milestone: Complete the adoption process of the Beavercreek Road Concept Plan

BACKGROUND:
The Beavercreek Road Concept Plan was adopted by the City Commission in September of 2007 and was subsequently appealed to the Land Use Board of Appeals and remanded to the City in August, 2008. In December, 2010 the Metro Council adopted Ordinance 10-1244B, which reduced the amount of land designated for industrial use in the Title 4 Employment and Industrial Areas map to conform to the City's Beavercreek Road Concept Plan, reflecting the determination that the region had sufficient employment capacity for the next 20 years. Ordinance 10-1244B, which also includes the expansion of the Urban Growth Boundary throughout the region, was submitted to the Land Conservation and Development Commission (LCDC) in May of 2012. A decision was issued by LCDC in December of 2012, and is premised on a separate issue, the urban and rural reserves decision, which is currently pending a hearing before the Court of Appeals. The deadline to appeal the LCDC decision is January 11, 2013, through there is a possibility that the court will hold the UGB/Title 4 appeal in abeyance until the urban and rural reserve decision is issued.

In July of 2011, the Beavercreek Road Concept Plan adoption process was discussed with the City Commission and the recommendation was to remand the concept plan to the Planning Commission and re-open the record for the limited purpose of addressing the protection of industrial lands and transportation, utility and service adequacy and that the public hearings would not commence until Department of Land Conservation and Development staff report had been issued.

In light of the reliance of the UGB/Title 4 decision on the outcome of the urban and rural reserves decision, additional delays in processing the concept plan are expected.

City of Oregon City
City Commission Meeting

November 23rd, 2015

Testimony of Christine Kosinski, Unincorporated Clackamas County

RE: File LE 15-0003 Re-Adoption of The Beavercreek Road Concept Plan
State Goal 7, Failure to meet State Goal 12
Title 4
ORS 105.465 – Real Estate Disclosure Law

I request that the City keep the hearing open and continue it, giving the Planning Commission the time needed to research and validate the fact that homeowners in the Holly Ln neighborhood, as well as many other citizens of Oregon City, are unable to obtain Landslide and Earthquake Insurance to cover any losses they may incur. Your research will lead you to understand that the City and County must go to the State and Federal Government to legislate plans for Hazard/Landslide/and Earthquake insurance. Until this is done, for the City to approve continuous development in hazardous areas and not tell new property owners that their property lies in a landslide zone and NO Landslide or Earthquake insurance is available, this would simply be perpetuating a lie. See attached article from "Professor Scott Burns" which validates that Landslide insurance does not exist.

The City has NO Transportation System Plan to move traffic from Beavercreek Road to the I-205 transportation corridor.

Your Number ONE priority "is to protect the safety of the people", but you fail miserably. The people of Holly Ln came before you many times, filling your chambers, testifying to the many Landslide and Safety Issues existing on Holly Ln, they begged you to take Holly Ln out your TSP, but the City refused, even knowing future expansion of Holly Ln would jeopardize the safety and the lives of the people living here. (failure to meet requirements of Goal 7)

The Landslide in Oso, Washington, took the lives of 43 innocent people. These people lost everything, their lives, their homes, their families, absolutely everything because they COULD NOT get Landslide Insurance. The State of Washington now has a task force working to vastly improve their regulations over hazardous areas of landslides.

Two weeks ago, I testified that Lloyd's of London will not underwrite Landslide/Earthquake coverage if property is within one mile of a previous landslide. Therefore, the numerous landslides on Henrici Rd, at Beaver Lake, on Thayer & Hwy 213, all of these will virtually make it impossible for homeowners in the Beavercreek Plan to obtain Landslide/Earthquake Insurance. (failure to meet requirements of Goal 7)

All developments in the hilltop area, Beavercreek & Meyers, the Enterprise Zone, Beavercreek Rd Concept Plan, Old Bus Barn, all are affected by the inability to purchase Landslide/Earthquake insurance, Thus, my suggestion to Oregon City to meet with the State and Federal Governments to develop a plan to cover these areas with risk insurance. This must be done prior to any approvals for development. The City is tasked, by State Law, to "protect life and property from natural disasters and hazards." (failure to meet requirements of Goal 7)

ENTERED INTO THE RECORD
DATE RECEIVED: 11/23/2015
SUBMITTED BY: CHRISTINE KOSINSKI
SUBJECT: LE-15-0003
N

Your Number One responsibility is to "protect the people." If you approve this plan then you are just continuing to perpetuate a big lie to the people. You are not protecting them when you approve development in hazardous areas and where the people can't get insurance to cover their losses. By your reluctance to act, you are killing citizens should a disaster strike. You are placing people in dangerous situations without their knowledge. Let me ask you, just how many SDC's in money is worth a human life? In Oso, Washington, 43 human lives were lost due to government's failure to act and protect the people. Will you do the same? State Law demands more of you, it demands the full truth!

The Beavercreek Rd Concept Plan should not be approved for all the above reasons, as well as all additional reasons listed below:

Failure to meet requirements of Goal 7
Failure to meet requirements of Goal 12
Failure to upgrade City Comprehensive Plan (must be done every 5 years)
Failure to Protect the Safety of the People
Failure to support State Law ORS 105.465 – Real Estate Disclosure Law
Beavercreek Plan approved by City against the will of the people
Failure to listen to the people and allowing them to participate in every part of development
City has NO Transportation Plan to move traffic from hilltop to the I-205 Transportation Corridor
City continues to refuse to take Holly Ln out of the TSP, even realizing the danger to their lives.
City should take Thayer Rd, Maplelane, Morton Rd, Holly Crest, Donovan out of TSP for slides.
City continues to approve development in hazardous areas of steep slopes and landslides
City has failed to upgrade their Landslide Regulations, using City of Salem Template
City has not changed Landslide Regulations as suggested by GRI Consultants – Park Place Plan

City has not been pro active in meeting with State/Federal Government to provide insurance coverage for homeowners living in hazardous areas who are unable to obtain insurance for their losses.

City has not placed a temporary stop on development in risk areas, pending legislation from the State.

City lacks Infrastructure to develop in the Hilltop area, not enough water, close to moratorium in some areas due to sewer incapacities as well as storm water, no roads, no transportation system.

City continues to develop on Beavercreek Rd even though Beavercreek & Hwy 213 is failing.

Comply with SB 1211 (1997)

A Call For Landslide Insurance For Homeowners

By DAVID HYDE (/PEOPLE/DAVID-HYDE) & MARCIE SILLMAN (/PEOPLE/MARCIE-SILLMAN) •
MAR 26, 2014

Twitter (http://twitter.com/intent/tweet?url=http%3A%2F%2Fwww.tinyurl.com%2Fk9hh9uk&text=A%20Call%



(http://mediad.publicbroadcasting.net/p/kuow/files/styles/x_large/public/201403/osomudslide-GovInsleeaerial1.jpg)

The death toll continues to rise as crews search under the debris after Saturday's mudslide in Oso.

FLICKR PHOTO/GOVINSLEE (CC-BY-NC-ND)

Listen
6:31



Marcie Sillman talks with Scott Burns (http://geology.pdx.edu/node/67), a geologist and landslide expert at Portland State University, about how he hopes the tragedy in Oso will lead to landslide insurance for homeowners and better landslide hazard maps to prevent future devastation.

Sillman: Where in Washington state do we have good landslide hazard maps?

Burns: One of the best ones is down in Cowlitz County. They had the 1998 landslide, the Kelso landslide, which was an incredible landslide that destroyed 60 houses. [Department of Natural Resources] in Washington responded and put out what I think is an excellent example of landslide susceptibility or hazard mapping for that county.

Sillman: It sounds like a great idea in response to a tragedy. Why don't more cities or counties act proactively to get good landslide hazard mapping?

Burns: I wish they would, but every county budget or city budget is stressed. They just don't have enough money. Unless they are pushed to the point of being asked to do that, they won't spend money for that.

We have the ability to make really, really good maps because we have LIDAR, which is this laser imaging system where we can see right through the trees, see the ground, and see where past landslides have occurred. That's the first step in making a really good quality map.

Sillman: The Army Corps of Engineers did have a report on the risk of a catastrophic slide [near Oso] that dated back to 1999. We spoke to the author of that particular report, Dan Miller, yesterday. Would better information or better mapping necessarily have made people safer?

Burns: It's all a communication thing. Dan Miller's report was excellent. So, the county had the information. The problem is that it did not get communicated to the commissioners in the county or the land-use planners. And they should have not allowed those permits to have been given.

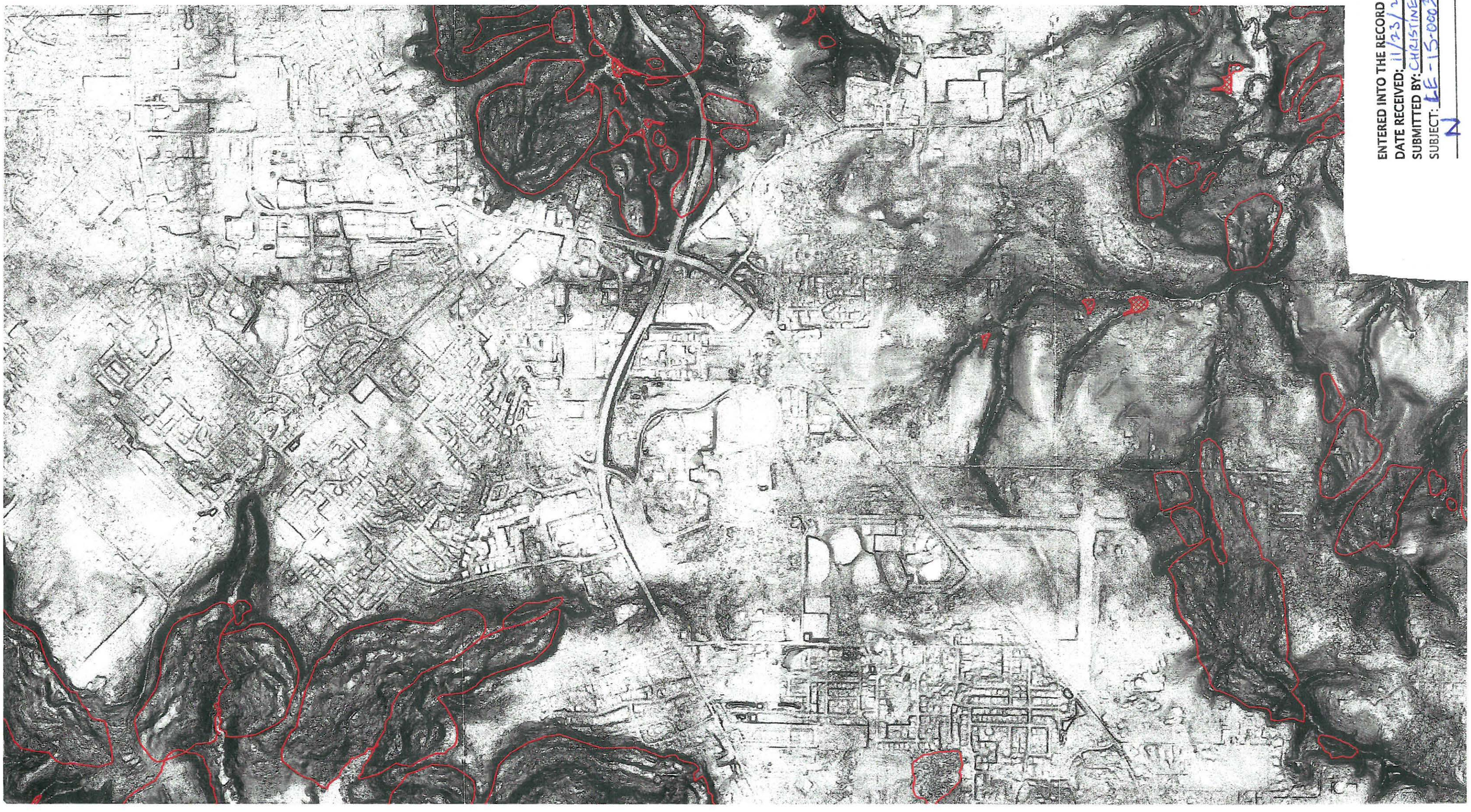
Sillman: One of the issues in this whole tragedy is landslide insurance. Why do you think that landslide insurance is a key to make people safer?

Burns: This is the last of the major geological hazards that normal homeowner's insurance does not cover, and it is rare that people will get landslide insurance. You can buy it through Lloyd's of London. They're the ultimate insurers, but it's so expensive — a minimum of $1,000 a year and it goes up from there.

All those people who lost their houses in the Oso landslide have lost everything, and there's no insurance covering them. We lost lives. That is the worst thing. But then property is the second thing. Hopefully, this will be enough of an impetus to take us to the next level and put more pressure on insurance companies to possibly come forward with landslide insurance.

A great example is New Zealand, where I used to live. I was down in the country when they had the big earthquake a couple of years ago. Every house in the country has all-hazard insurance, which covers earthquakes, floods, volcanic eruptions, tsunamis and landslides. Everybody pays into this, so if you have an event you're covered. I'm hoping that someday we get to that level here in the United States. It's going to take time.

MAP OF LANDSLIDE GEOMORPHOLOGY OF OREGON CITY, OREGON, AND VICINITY INTERPRETED FROM LIDAR IMAGERY AND AERIAL PHOTOGRAPHS



ENTERED INTO THE RECORD
DATE RECEIVED: 11/23/2015
SUBMITTED BY: CHRISTINE KOSINSKI
SUBJECT: LE-15-0003
4

COMMENT FORM

OREGON CITY

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 11/23/15

Item Number From Agenda PC 15-229 LE-15-0003

NAME: ROBERT KREWSON

ADDRESS: **Street:** _____

City, State, Zip: _____

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

SIGNATURE: _____

(1)

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
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- Give to the Clerk in Chambers ***prior*** to the meeting.

OREGON CITY

Date of Meeting 11/23/15

Item Number From Agenda 2a. LE-15-0003

NAME: Tammy Stevens, The Hamlet of Beavercreek

ADDRESS: **Street:** PO Box 736

City, State, Zip: Beavercreek OR 97004

PHONE NUMBER: 503 632 3552

E-MAIL ADDRESS:

SIGNATURE: Tammy Stevens

(2)

COMMENT FORM

*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

OREGON CITY

Date of Meeting 11-23-15

Item Number From Agenda 2a LE-15-0003

NAME: Norm Andreen

ADDRESS: **Street:** 15331 S. Tioga Rd.

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER: 503-632-4330

E-MAIL ADDRESS: nandreen@bctonline.com

SIGNATURE: Norm Andreen

(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.

OREGON CITY

Date of Meeting _____

Item Number From Agenda ____ BEAVERCREEK RD LE-15-0003

NAME: PAUL EDGAR

ADDRESS: **Street:** _____

City, State, Zip: _____

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

SIGNATURE: _____

4

COMMENT FORM

OREGON CITY

*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City staff in the Chambers ***prior*** to the meeting.

Date of Meeting 11/23/2015 LE-15-0003

Item Number From Agenda 2a. Beaver creek

NAME: James Nicita

ADDRESS: **Street:** 302 Bluff St.

City, State, Zip: Oregon City OR 97045

PHONE NUMBER: 5037290725

SIGNATURE:

COMMENT FORM

OREGON CITY

*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
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- Give to the City staff in the Chambers ***prior*** to the meeting.

Date of Meeting 11-23-15

Item Number From Agenda 2a LE-15-0003

NAME: Elizabeth Graser-Lindsey

ADDRESS: **Street:** 21341 S. Ferguson Rd.

City, State, Zip: Beavercreek OR 97004

PHONE NUMBER: 503 632-5568

SIGNATURE: Elizabeth Graser-Lindsey

COMMENT FORM



*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City staff in the Chambers ***prior*** to the meeting.

Date of Meeting Nov 23, 2014 LE-15-0003

Item Number From Agenda → Readoption of Beavercreek Concept Plan

---

NAME: Doug Neeley

ADDRESS: **Street:** 11614 Parrish Rd

City, State, Zip: Oregon City, Oregon 97045

PHONE NUMBER: 503-650-5035

SIGNATURE: Doug Neeley

COMMENT FORM

*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

OREGON CITY

Date of Meeting 11-23-15

Item Number From Agenda BEAVER CREEK PLAN LE-15-0003

NAME: CHRISTINE KOSINSKI

ADDRESS: **Street:** HOLLY LN

City, State, Zip: OC

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE: Christine Kosinski

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City staff in the Chambers ***prior*** to the meeting.

Date of Meeting ~~11-23-20~~ 11-23-2015

Item Number From Agenda LE-15-0003

2a. PC-15-229

NAME: Rose Holden

ADDRESS: **Street:** 20124 S Beavercreek Rd

City, State, Zip: Oregon City OR 97045

PHONE NUMBER: 503 807 8865

SIGNATURE: RoseHolden

EXHIBITS ENTERED INTO THE RECORD AT A HEARING

Community Development Department, 221 Molalla Avenue, Suite 200, P.O. Box 3040, Oregon City, OR 97045, (503) 722.3789
www.orcity.org

Hearing Date: 11/23/2015

File Number: LE-15-0003 - Beavercreek Road Concept Plan Readoption

Exhibit Number:	Description of Exhibit:	Submitted By:
A	LUBA No 2008-170. FINAL OPINION & ORDER	STAFF
B	COPIES OF ALL POWERPOINTS GIVEN TO COMMITTEES (ELECTRONIC)	STAFF
C	HOME OCCUPATION CODE OCMC 17.04.580	STAFF
D	LETTER FROM TIM O'BRIEN - METRO	STAFF
E	POWERPOINT PRESENTATION	STAFF
F	EMAIL RE - OCSD - Wes Rogers	STAFF
G	JULY 20, 2011 CITY COMMISSION MINUTES	JAMES NICITA
H	LUBA # NO. 93-154	JAMES NICITA
I	TAMMY STEVENS TESTIMONY	HAMLET OF BEAVERCREEK
J	CRW MEMO, JULY 23, 2015	"
K	213/ BRCR RD INTERSECTION O.C. URBAN RENEWAL MEMO 9/9/93	"
L	FLIP CHART OF TRANSPORTATION/DEVELOPMENT 30" x 40"	"
M	TESTIMONY	Elizabeth Graser-Lindsey

EXHIBITS ENTERED INTO THE RECORD AT A HEARING

Community Development Department, 221 Molalla Avenue, Suite 200, P.O. Box 3040, Oregon City, OR 97045, (503) 722.3789
www.orcity.org

Hearing Date: 11/23/2015

File Number: LE-15-0003 - Beavercreek Road Concept Plan Re-adoption.

Exhibit Number:	Description of Exhibit:	Submitted By:
N	Landslide Map Testimony about Landslide Insurance	Christine Kosinski