



# City of Oregon City

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

## Meeting Agenda Planning Commission

---

Monday, March 10, 2014

7:00 PM

Commission Chambers

---

### WORK SESSION (6pm)

#### [PC 14-027](#) Willamette Falls Legacy Project Update

**Sponsors:** Community Development Director Tony Konkol

**Attachments:** [Staff Report](#)

[Willamette Falls Legacy Project Master Plan](#)

[www.rediscoverthefalls.com](http://www.rediscoverthefalls.com)

### REGULAR MEETING (7pm)

#### 1. Call to Order

#### 2. Approval of the Minutes

##### [14-152](#) Adoption of Planning Commission Minutes for September 23, 2013

**Sponsors:** Community Development Director Tony Konkol

**Attachments:** [Staff Report for Minutes](#)

[Draft PC Minutes Sept 23 2014](#)

#### 3. Public Comment on Non-Agenda Items

#### 4. Public Hearing

##### 4a. [PC 14-025](#) ZC 13-03: Zone Change at Central Point Rd / White Ln Request for Continuation to April 15, 2014

**Sponsors:** Community Development Director Tony Konkol and Planner Pete Walter

**Attachments:** [Commission Report](#)

[Applicant's Request for Continuation](#)

##### 4b. [PC 14-023](#) ZC 13-02: Woodlawn Avenue Land Use Application, Requesting Approval of a Zone Change from R-10 Single-Family Dwelling District to R-8 Single Family Dwelling District.

**Sponsors:** Planner Laura Terway

**Attachments:** [Commission Report](#)

- 4c. [PC 14-024](#) Portland Metro Men's Center -  
Conditional Use Permit (CU 13-01), Site Plan and Design Review (SP  
13-11) and Lot Line Abandonment (LL 13-04).

Sponsors: Planner Laura Terway

Attachments: [Commission Report](#)

[Public Comments Added at the 2.24.14 PC Hearing 1 of 2](#)

[Public Comments Added at the 2.24.14 PC Hearing 2 of 2](#)

[Public Comments Recieved Since 2.24.14](#)

## 5. Communications

## 6. Adjournment

---

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

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

*Agenda Posted at City Hall, Pioneer Community Center, Library, and City Web site([oregon-city.legistar.com](http://oregon-city.legistar.com)).*

*Video Streaming & Broadcasts: The meeting is streamed live on Oregon City's Web site at [www.orcity.org](http://www.orcity.org) and is available on demand following the meeting.*

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



# City of Oregon City

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

## Staff Report

File Number: PC 14-027

**Agenda Date:**

**Status:** Agenda Ready

**To:** Planning Commission

**Agenda #:**

**From:** Community Development Director Tony Konkol

**File Type:** Planning Item

### **SUBJECT:**

Willamette Falls Legacy Project Update

### **RECOMMENDED ACTION (Motion):**

Planning Commission will hear a presentation that introduces the draft land use application for the Willamette Falls Legacy Project.

At the worksession, staff and members of the Willamette Falls Legacy Project consultant team will provide background information on the upcoming land use process, new Willamette Falls Downtown Zoning district, Framework Master Plan Design Policies as well as the general implementation process. Please direct your attention specifically to pages 52-68 in preparation for the worksession. The first Planning Commission hearing on this item will be April 21, 2014.

### **BACKGROUND:**

For the first time in 150 years, Oregonians have the opportunity to rediscover a cultural and scenic treasure: Willamette Falls. A public vision and master plan are taking shape, with the goal of transforming a 23-acre industrial site nestled along the Falls in historic Oregon City. This former paper mill could someday serve as an economic engine, a waterfront destination, a unique habitat, a window into Oregon's past - and a bold step into our future.

Whatever develops on the landscape will be shaped by Willamette Falls, roaring in the Willamette River below. The largest waterfall in the Pacific Northwest, it was long an important cultural and gathering place for Native American tribes. The Oregon Trail ended here. And throughout the 1800s, the Falls made history by generating energy for Oregon's early industries and cities and fueling the nation's first long-distance electrical power transmission. That industrial legacy ended in 2011, when the Blue Heron Paper Co. closed its doors - the last in a succession of businesses that contributed to Oregon City's strong working waterfront.

The former paper mill is for sale, but the site's complexity and risks have slowed down a transformation. That's why Oregon City, Clackamas County, Metro, the State of Oregon and the property's bankruptcy trustee are working together to develop a vision and master plan. By rezoning the site and providing certainty for investors, the Willamette Falls Legacy Project will help a new era take shape along the Falls.

There's a lot at stake. If the property is abandoned, the resulting blight would hurt property values in downtown Oregon City, one of the region's most important economic hubs. Public

safety risks and extra costs would burden taxpayers. Water quality and wildlife would deteriorate in one of the Willamette River's most ecologically diverse stretches. And Oregon City wouldn't recover the 175 family-wage jobs that vanished along with the paper mill.

With master planning underway, Oregonians can establish a statewide legacy and reconnect Oregonians and visitors with Willamette Falls. They can define how the area is transformed for economic redevelopment, public access, healthy habitats, and historical and cultural interpretation.

**BUDGET IMPACT:**

Amount:

FY(s):

Funding Source:



**Application for a General Development Plan and Zone Change**  
**Willamette Falls Legacy Project**



**Prepared for the:**  
**City of Oregon City**

*Prepared by:*  
Winterbrook Planning  
310 SW 4th Avenue, #1100  
Portland, Oregon 97204

*In collaboration with:*  
Walker Macy

**MARCH 2014**



## Table of Contents

<b>SECTION 1: PROJECT NARRATIVE.....</b>	<b>1</b>
1. Existing Conditions (2014).....	1
2. Master Plan.....	22
3. Process and Background.....	47
4. District Policies and Design Guidelines .....	51
5. Zoning Code Language.....	55
<b>SECTION 2: LAND USE REVIEW FINDINGS .....</b>	<b>59</b>
Master Plan (17.65) .....	59
Zone Change (17.68).....	91
Modification to Street Standards.....	98
Flood Management Overlay (17.42).....	101
Geologic Hazard Overlay District (17.44).....	104
Willamette River Greenway Overlay (17.48) .....	106
Natural Resources Overlay (17.49).....	109
Multi-Modal Mixed Use Area (OAR 660-012-0060).....	112

## Drawings

1. Vicinity Map
2. Aerial Photo
3. Topography
4. Tax Lots
5. Zoning – Base Zone and Willamette River Greenway
6. Zoning – Geology, Natural Resource, and Flood Overlay Zones
7. Framework Master Plan
8. Transportation Plan
9. Existing Utilities and Structures
10. Utility Plan

## Appendices

- A. Transportation Report (DKS)
- B. Utility Report (kpff)
- C. Historic Resource Matrix (Walker Macy)
- D. SHPO Analysis
- E. Environmental Assessment (ESA)
- F. Multi-Modal Mixed Use Area Documents



## General Information

<b>Applicant:</b>	Peter McKittrick, Trustee 515 NW Saltzman Rd. PMB 917 Portland, Oregon 97229 Phone: (503) 616-4979
<b>Representative:</b>	Ben Schonberger, AICP Winterbrook Planning 310 SW 4th Avenue, Suite 1100 Portland, Oregon 97204 Phone: (503) 827-4422
<b>Consulting Team Project Manager:</b>	Ken Pirie, AICP Walker Macy Phone: (503) 228-3122
<b>Site Address:</b>	419 Main Street (TL500), no address (TL 300)
<b>Tax Lot Numbers:</b>	2-2E-31BD-00300, 500, 600, 390
<b>Site Size:</b>	22 acres
<b>Zoning/Comp. Plan:</b>	General Industrial (GI)/ Industrial
<b>Neighborhood Assoc.:</b>	Two Rivers
<b>Application:</b>	Zone Change / General Development Master Plan
<b>Procedure Type:</b>	Type III/IV
<b>Pre-Application No.:</b>	PA 13-38 (Date of Meeting: December 4, 2013)
<b>Proposal Summary:</b>	Proposed Zone Change and Master Plan to create a framework for future development of the site. No specific building projects proposed in the short term. Future development can include a combination of open space, commercial, residential, and employment uses, with provisions for public access and enhancement of riparian resources.

## SECTION 1: PROJECT NARRATIVE

### 1. Existing Conditions (2014)

#### Project Site and Vicinity



Figure 1. Site boundary and vicinity.

#### Site History

This history of development at the Willamette Falls Project Site has been shaped by the falls, roaring nearby in the Willamette River. The largest waterfall by volume in the Pacific Northwest, it was long an important cultural and gathering place for Native American tribes. Located at a natural up and downstream stopping point on the river, the area around the Willamette Falls was a natural locale for Native American trade and fishing activity centuries before the arrival of Euro-Americans in the early 19th century.

Industrial development began at the site in 1829 when what was almost certainly the first permanent water-powered sawmill in the Oregon Territory was established by Dr. John McLoughlin. The need to portage around the falls and the availability of waterpower they offered made the site logical for settlement. Oregon City, later to become the territorial capital, was founded in 1829. As the “end” of the Oregon Trail, the city was incorporated in 1844. By the mid-19th century development lined both sides



of the main commercial corridor, Main Street, in Oregon City. It consisted of various water-powered industrial facilities including saw and flour mills, that were powered by small timber dams and water channels (mill races) cut into bedrock. Among these early industries, most significantly for this study, was the Oregon Woolen Mill, established in 1865. By the turn of the century the giant three-story woolen mill, along with other smaller industrial users, lined Main Street west of 4<sup>th</sup> Street extending out to the enlarged Willamette Falls Dam, constructed 1889- 1890 to power hydroelectric development. Throughout the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, large-scale industrial users co-existed with typical main street businesses, including grocery stores, barbers, hotels, saloons, and banks, lining Main Street within what is now the Willamette Falls Legacy Project Site. Paper manufacturing, which began across the river in West Linn, expanded to Oregon City in 1908. Willard P. Hawley, formerly the plant manager at West Linn, purchased several water rights and established his own manufacturing plant at the base of the dam, on the site of the old Portland Flouring Mill. The Hawley Pulp and Paper Company grew significantly and by the mid-1920s occupied large portions of Main Street on either side of the Woolen Mill and across the street, on the east side, flanking the railroad/trolley line that still ran down this block of Main Street.

Continued expansion saw the Hawley Company, and later Publishers Paper and others, completely absorb all of Main Street south of 4<sup>th</sup> Street, resulting in the closure of the public right of way. The original plat, with Main Street and the numbered cross-streets, was vacated within the mill site. Despite the property's location, immediately adjacent to the downtown core of Oregon City, public access and any direct connection to the site and falls was almost entirely eliminated in favor of the industrial development. Expansion and new industrial construction associated with the paper mill, including water management and treatment facilities, continued into the 1970s. The Blue Heron Paper Company, which purchased the site in 2000, remained in operation until it closed in February 2011. Facing global competition and a shortage of wood fiber, the closure of the mill ended more than a century of paper-making activity in Oregon City.

## **Existing Use and Structures**

The site is currently occupied by industrial buildings and infrastructure related to the recently-closed Blue Heron Paper Mill. The built elements of the site include remnants of previous uses.

**Figure 2. Site structures.**

**Table 1** lists the existing buildings and structures on site. The numbering system corresponds to the graphic shown above.



Table 1. Existing Structures.

Building ID #	Building / Group Name	Building Area / Zone	Date of Construction	National Register Status (A)	Within Floodplain	Comments
1	Blue Heron Paper Office Building (Post Office)	Entire Building	1932/1970	UN	No	1960's Renovation of historic post office. No historic fabric remains intact. 2-story with partial basement. Concrete, steel and wood.
2	Water Filtration Plant	Filter Plant	1953	ES	No	Multi-story, pump room and multiple open air basins. Concrete and steel.
2A	Water Filtration Plant	Stair / Elevator Tower	1953		No	Multi-story, steel stair and elevator. Concrete and steel.
3	Water Filtration Plant	Control Tower	1953		No	Multi-story, 2 mixing basins and control room. Concrete and steel
4	Fire Station	One Story Addition - South	1955	NP	No	1 story, CMU / wood
5	Office	Restroom Addition - East	1953	NP	No	1 story, CMU / wood
6	Guard Shack	Entire Building	1953	NC	No	1 story, modular wood frame
7	Mill 'D' - North Train Siding on 4th Street	Entire Structure	1947	ES	No	Open roof structure attached to Mill 'D' Warehouse. Steel frame
8	Mill 'D' - Metal Roof west end of 4th St	Entire Structure	TBD		No	Open roof structure. Steel frame
9	Mill 'D' Warehouse	No. 3 Warehouse	1910 - 1916		Partially	1 story with multiple basements. Concrete, steel
10	Mill 'D' Warehouse	No. 3 Finishing	1910 - 1916		No	1 story with full basement. Concrete, steel, wood
11	Mill 'D' Warehouse	No. 2 Finishing	1925		No	1 story with full basement. Concrete, steel, wood
12	No. 2 Paper Machine	Entire Building	1910	ES	No	2 story with multiple basements. Damaged by Fire, Floor Mill foundations pre 1888, + Drive shaft and fly wheels in sub-basement
13	No. 3 Paper Machine	Main Building	1913	ES	Partially	1 story with multiple basements. Concrete, steel
14	No. 3 Paper Machine	West Additions	Post 1962, Post 1972		Partially	2 story on raised structure. Concrete, steel, wood
15	Butler Building east of No. 2 Paper Machine	Entire Building	1970's	NC	No	1 story, built over pipe chase. Steel pre-fab structure
16	Roof Structure over 3rd Street Access	West	Post 1972	NP	Partially	Open roof structure. Steel
17	Roof Structure over 3rd Street Access	East	Post 1962	NP	Partially	Open roof structure. Steel
18	Mill 'O'	Mill 'O'	1918	ES	Yes	Concrete exterior walls with heavy timber framing, multi-story with partial basement
19	Carpentry Shop	Entire Building	Pre 1911	ES	Yes	2 story. Heavy timber frame, translite siding
20	Pipe Shop	Entire Building	1960's	NC	Yes	1 story. Steel pre-fab structure
21	Millwright Shop	Entire Building	1960's	NC	Yes	1 story + mezzanine. Steel pre-fab structure, partial CMU interior walls
22	Auto Shop	Entire Building	Mid 1950s	NC	Yes	1 story. Concrete exterior walls, steel frame

Building ID #	Building / Group Name	Building Area / Zone	Date of Construction	National Register Status (A)	Within Floodplain	Comments
23	North Woolen Mill Stone Walls and Foundations	North	Pre 1888	ES	Yes	Basalt masonry walls
24	North Woolen Mill Stone Walls and Foundations	Partial Roof Covering	Post 1977	NP	Yes	Open roof structure / 1/2 bay. Steel pre-fab structure
25	South Woolen Mill Stone Walls and Foundations	South	Pre 1892	ES	Yes	Basalt masonry walls
26	South Woolen Mill Stone Walls and Foundations	Roof Covering	Post 1977	NP	Yes	Open roof structure. Steel pre-fab structure
27	South Substation	South Substation	Post 1962	NC	Yes	1 story with raised transformer platforms. Concrete
28	Mill 'G'	Recovery Boiler	1950's	ES	Yes	Multi-story with multiple basements. Concrete, steel
29	Mill 'G'	Boiler Plant	1949	ES	Yes	Multi-story with multiple basements. Concrete, steel
30	Mill 'H'	Deink / THP Area	1950's	NP	Yes	Multi-story with full basement on raised structure, connected to sea wall. Concrete, steel
31	Mill 'H'	THP Reject Refining	1970-1979	NP	Yes	Multi-story with full basement on raised structure, connected to sea wall. Concrete, steel
32	No. 1 Paper Machine	West Hawley	1917	ES	Yes	1 story with full basement, connected to sea wall. Concrete, steel, wood
33	No. 1 Paper Machine	4 Story Hawley	1917	ES	Yes	4 story with full basement, connected to sea wall. Concrete, steel, wood
34	No. 1 Paper Machine	Bleach Plant	1960		Yes	Multi-story with partial basement. Concrete, steel
35	No. 1 Paper Machine	Rewind +	1962		Yes	1 story with full basement. Concrete, steel, wood
36	Mill 'E'	Main Building	1945	NC	Yes	Multi-story on raised base. Located within intake basin. Concrete, steel, wood
37	Mill 'E'	West Addition	1944-45; 1970's	NC	Yes	Multi-story on raised base. Located within intake basin. Concrete, steel, wood
38	Mill 'E'	Weld Shop	1970's	NC	Yes	1 story. Steel pre-fab structure
39	Sulphite Plant	Entire Building	1956	ES	No	Multi-story with full basement. Concrete, steel, Translite siding
40	Digesters	Entire Building	1890 / 1910	ES	No	4 story access walkway, wood chip convivance loft and partial basement. Steel frame with Translite siding.
41	Save All	Entire Building	Post 1972	NP	No	Steel frame structure supported on tile tank
42A	No. 4 Paper Machine	South Addition	1923	ES	No	Multi-story with full basement. Pre 1928 Building replaced after Main Building was completed. Addition extends over Main Building.
42	No. 4 Paper Machine	Main Building	1928		No	Multi-story with full basement. Concrete, steel.
43	No. 4 Paper Machine	North Addition	Post 1972		NO	Multi-story with full basement. Concrete, steel.

Building ID #	Building / Group Name	Building Area / Zone	Date of Construction	National Register Status (A)	Within Floodplain	Comments
44	No. 4 Finishing Room / Warehouse	South Addition	1928	ES	No	Multi-story. Structurally integrated with rail line. Concrete, steel
45	No. 4 Finishing Room / Warehouse	Central	1911	ES	No	Multi-story. Structurally integrated with rail line. Wood Frame
46	No. 4 Finishing Room / Warehouse	North	Pre-1925	ES	No	Multi-story. Structurally integrated with rail line. Wood Frame
47	No. 4 Finishing Room / Warehouse	Shipping Shed	1977	ES	No	1 story open structure. Steel pre-fab structure
48	North Substation	Entire Structure	1927	NC	No	Multi-story steel support frame
49	Mill 'B' - Deink	Entire Building	1927	ES	No	Multi-story. Concrete, steel
50	Deink ONP Repulper	Central	1953	NC	No	1 story. Concrete, steel
51	Deink ONP Repulper	North	1960's	NC	No	1 story. Concrete, steel
52	PGE Dam Structure	Entire Structure	1943, prior	ES	Yes	Concrete
53	Pipe Chase Cistern	Entire Structure	1967	NP	Yes	Concrete
54	Clarifier Control Structure	Entire Structure	1967	NP	Yes	Multi-story. Concrete, steel
55	Clarifier	Entire Structure	1967	NP	Yes	Open concrete tank on basalt bedrock terrace
56	Sulphite Sphere / Tank	Entire Structure	Post 1947	NC	Yes	Riveted steel spherical tank on steel support structure
57	Multiple Tile Tanks	Entire Structure	Varies	NC/NP	Varies	Tile containment tanks for paper making processes.

## Historic Structures

As the result of its long association with the development of area industries and its role in the history of both Oregon and Oregon City, the area bordering the Willamette River at the Willamette Falls has been evaluated several times for historic significance.

Portions of the property, as discussed below have been “Determined Eligible” for listing on the National Register of Historic Places (NRHP). As the result of the relicensing process for Portland General Electric’s Willamette Falls Hydroelectric Project (FERC No. 2233), the Willamette Falls Industrial Area was first “Determined Eligible” for listing as a historic district on the National Register in May 2003. This determination identified 46 built resources on both sides of the river, including 23 located on the Oregon City side. The 2003 U. S. Department of Energy (DOE) request identified 13 resources as “Historic Contributing” on the Oregon City side and thus considered “eligible” for listing on the

NRHP. The DOE process looked largely at the historic and associative values of the structures with less attention to their physical/structural character.


The City of Oregon City re-evaluated the site in February 2011 and completed an updated survey in May 2012. Oregon State Historic Preservation Office and Oregon City concluded that the Willamette Falls Legacy Project Site was not eligible for listing as a National Register District. They agreed, however, that multiple structures within the project area were eligible for such designation *individually*. Sixteen built resources were determined Eligible/Significant, including all the previously evaluated “contributing” buildings.


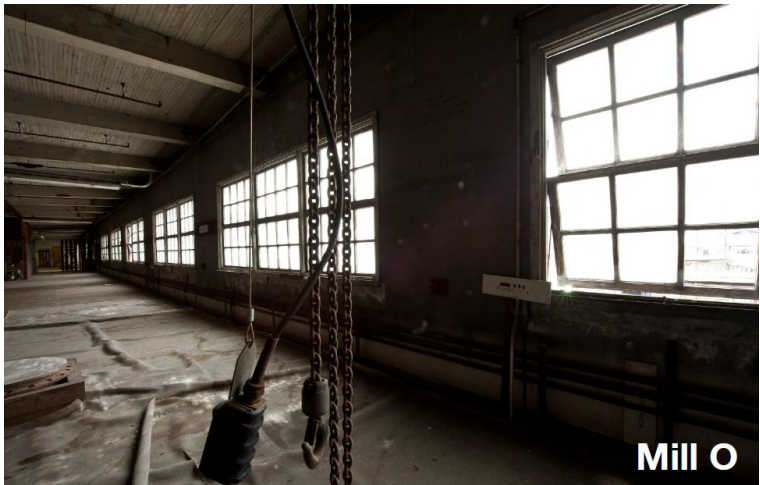

A site stabilization report and survey, conducted for this master plan in 2012, assessed site structures with an eye towards adaptive re-use. A team consisting of a historic resource expert, a structural engineer, and an architect evaluated 57 individual resources on the site and scored them according to three categories: Historic, Reuse, and Structural. (A complete structural analysis was not completed for this report.)

The resulting analysis determined that although many of the site buildings had strong historic value, four buildings and one building remnant stood above the rest as having the greatest potential for re-use. These are the following, pictured below:

- De-Ink Building
- #4 Paper Machine
- Mill O
- Hawley Building
- Woolen Mill Foundation

**Table 2. Primary Historic Buildings**

Building	Photo	Notes
De-Ink		1927; concrete and steel structure; outside floodplain

<p>#4 Paper Machine</p>		<p>1928; concrete and steel structure; outside floodplain</p>
<p>Mill O</p>		<p>1918; concrete exterior walls with heavy timber framing</p>
<p>Hawley Building</p>		<p>1917; 4- story building; connected to sea wall; concrete, steel, wood</p>



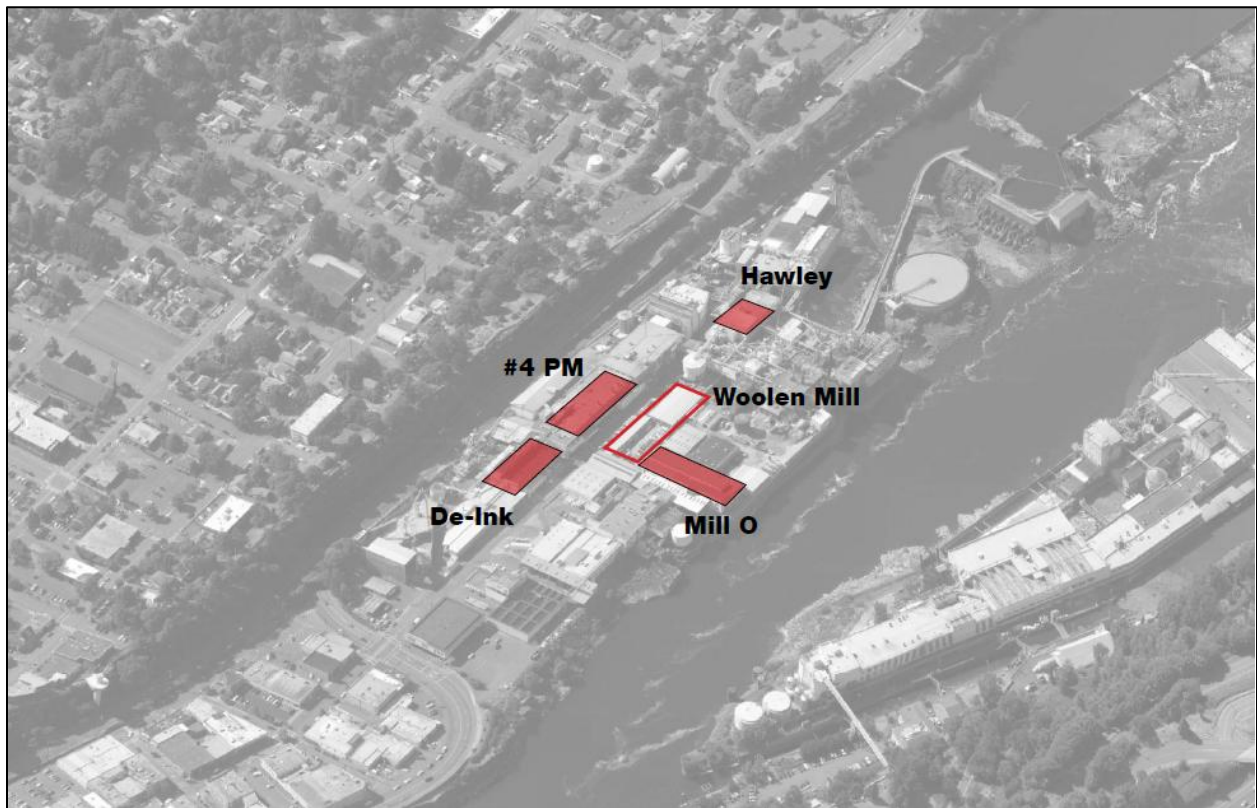


Figure 3. Location of primary historic structures.

These structures have a combination of historic value, potential for re-use, and structural integrity that was considered most worth saving in future re-development.

A second tier of historic structures are historically valuable, but are somewhat less prominent, and may be more difficult to re-use in a modern context. These structures are: the digesters, the sphere, #1 Paper Machine, boilers, and the Oregon City Flour Mill foundation, which is located under #3 Paper Machine.

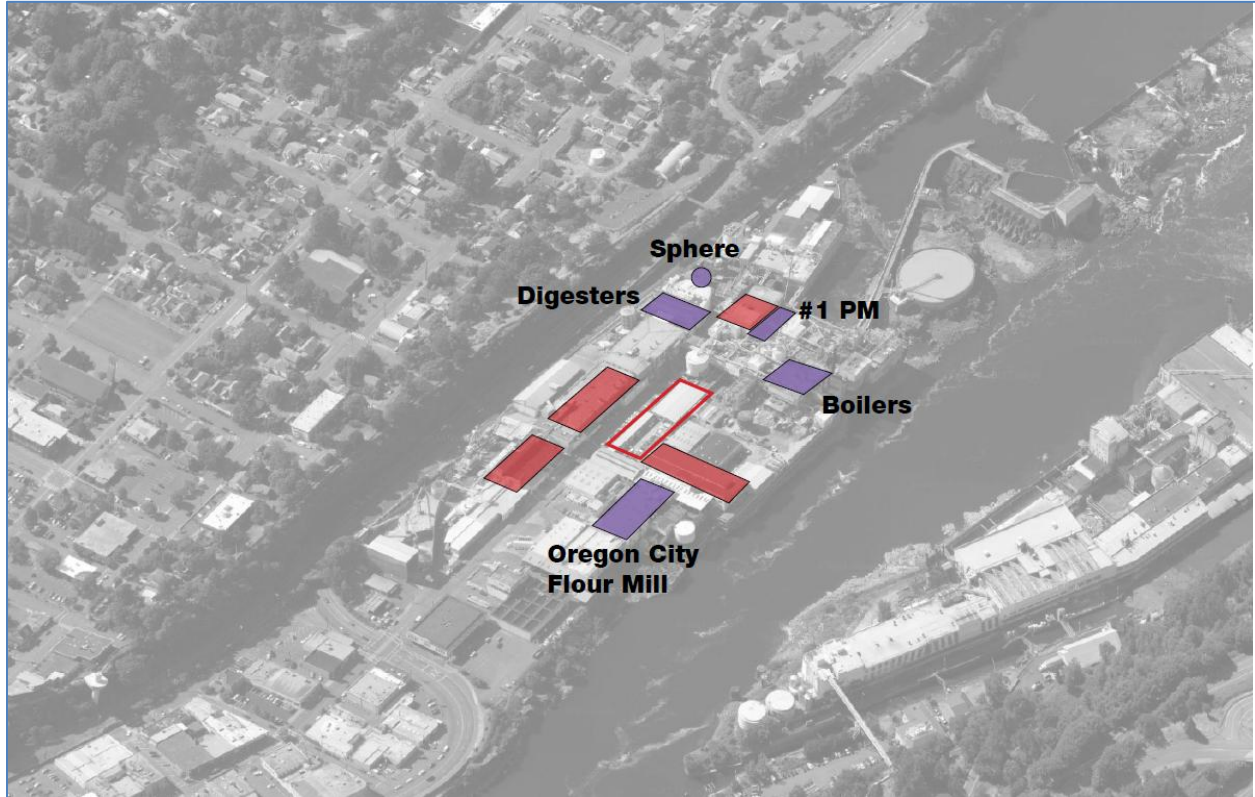


Figure 4. Location of secondary historic structures.

These structures convey an industrial history of the site and may be incorporated in some way with future redevelopment plans. Elements of these structures, either whole or in part, should be considered for preservation, reuse, or relocation.

Other buildings and structures on the site were considered to have less value historically. While they may be rehabilitated or incorporated into new development, they are lower on the hierarchy of preservation than the structures identified above. However, future developers are encouraged to reuse or repurpose any of these elements onsite as part of redevelopment projects, as they help in conveying a connection to the past history of the site. An assessment of existing structures and their relative historic value is included as an appendix to this application.

The historic resources analysis described above, along with the determinations of eligibility from the State Historic Preservation Office in 2002 and 2012, was the foundation for master planning efforts and is tied to one of the four core values,



namely, cultural and historical interpretation (See “Meeting Four Core Values,” page 50). Work performed this year by the consultant team relating to adaptive reuse, habitat opportunities, economic development and real estate have repeatedly affirmed the approach to preserving or adapting historic buildings.

## Utilities

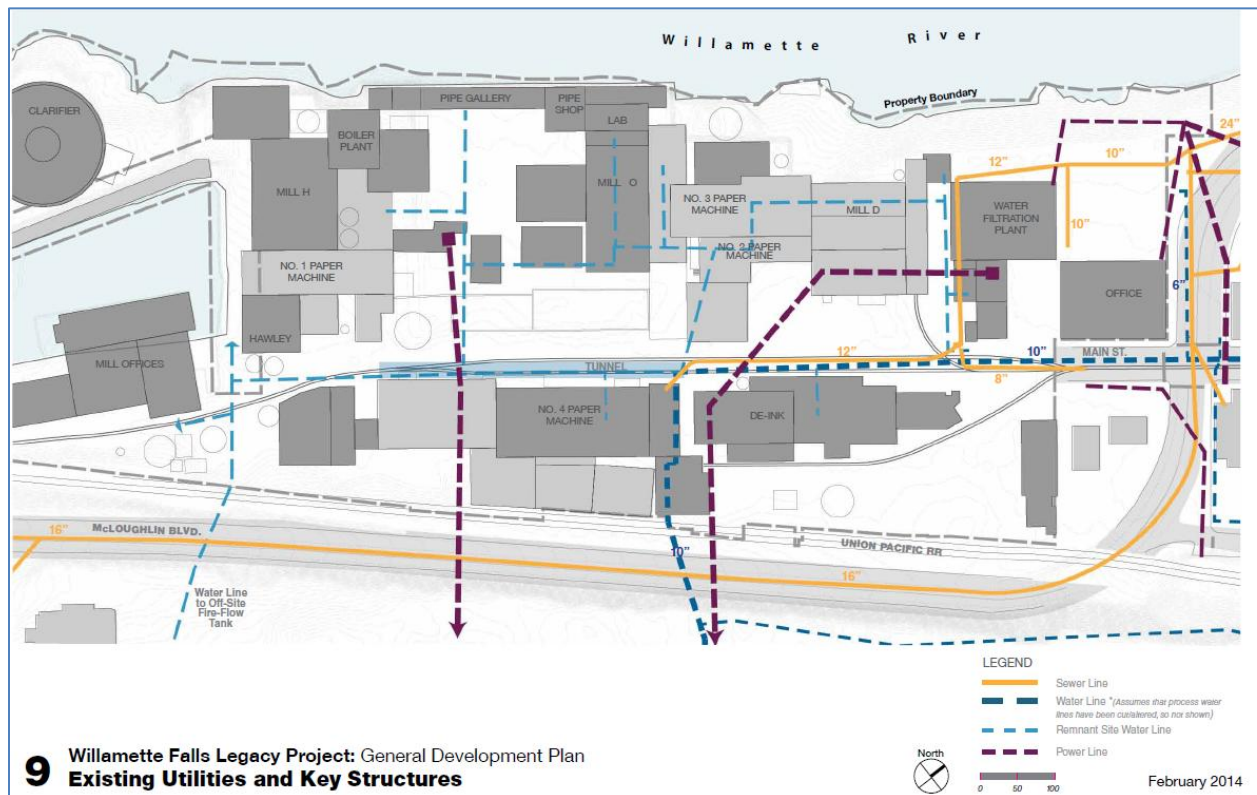


Figure 5. Existing site utilities.

Existing utilities throughout the redevelopment area are largely private lines used to support the prior industrial Blue Heron Paper Mill operations, with limited public water and stormwater infrastructure within the vacated right-of-ways. When the site was in active industrial use, stormwater runoff was combined with effluent from mill processes, pumped to the West Linn side of the river, treated, and discharged into the river. The closure plan – approved by Oregon Department of Environmental Quality – ended this method, and current management incorporates on-site systems and the historic mill races to treat stormwater and discharge into the river on the Oregon City side.

Existing utilities are mostly antiquated and in poor condition, and unsuitable for reuse. Secondary mill operation utilities will be removed as part of redevelopment.



### Water

A 10-inch cast iron public water main runs through the northern end of the site and is the primary supply to downtown Main Street. The existing main hangs vertically off the bluff, east of Highway 99E before crossing below the highway and the railroad where it enters the site at the vacated 3<sup>rd</sup> Street right-of-way. The main follows 3<sup>rd</sup> Street and turns north along Main Street, and then continues north to downtown. Pressure reducing valves are located at the top of the bluff and near the intersection of Main Street and Highway 99E.

The vertical line hanging off the bluff was recently repaired in late 2013 by Oregon City crews after a cold snap froze the line and caused a leak. Oregon City is evaluating long term replacement alternatives for this line to be implemented in the next 10-20 years.

### Fire Protection

There is a separate, private 8-inch water line that enters the site from the south, supplied from a 100,000 gallon storage tank on the bluff off High Street. This line supplies fire sprinkler systems on existing buildings. It also hangs vertically off the bluff, east of Highway 99E, before crossing below the highway. The line is exposed again west of the highway above the railroad. It remains exposed as it drops to pass below the rail where it enters the site at the vacated 2<sup>nd</sup> Street right-of-way.

Approximately 14 fire hydrants are located throughout the site, presumably fed from private water mains extending from the 10-inch public line within the vacated right-of-way noted above.

### Sewer

A 12-inch sanitary line flows north in Main Street from 3<sup>rd</sup> and 4<sup>th</sup> Street. An 8-inch line also flows south in Main from 5<sup>th</sup> to 4<sup>th</sup> Street where it ties into the 12-inch line. There are other secondary sewer lines from the northern part of the site that connect to this system. The main continues west in 4<sup>th</sup> Street and north in Water Street before it ties into the Tri-City Service District Willamette Interceptor at the intersection of Water Street and Highway 99E.

An existing storm manhole at 3<sup>rd</sup> Street and Main has been modified to divert low flows from an 18-inch storm line flowing west in 3<sup>rd</sup> Street to the 12-inch sanitary line flowing north. During larger storm events, the flow would overtop the weir to the existing storm outfall at the river.

While the paper mill was operational, a network of private sanitary lines collected and conveyed industrial waste water to the clarifier, before being pumped across the river. Much of this system was removed during the salvage operation, which included

construction of the Interim Stormwater Post-Closure Plan to retrofit the site drainage to the tailraces – the channels that conveyed water through the site and back to the river.

### Stormwater

Two storm mains pass through the site and discharge to the Willamette River: an 18-inch main in 3<sup>rd</sup> Street that discharges to Outfall C (City ID 40016) and a 12-inch main in 4<sup>th</sup> Street that discharges to Outfall 2 (City ID 40017). The 18-inch main in 3<sup>rd</sup> Street conveys stormwater from Highway 99E and the storm network on the bluff to the south. It is unknown if any portions of the site currently discharge into this storm main. The storm manhole at 3<sup>rd</sup> Street and Main has been modified to divert low flows from the 18-inch line to the 12-inch sanitary line flowing north. During larger storm events, flows overtop the low wall, or weir, to the existing storm outfall at the river. The 12-inch main in 4<sup>th</sup> Street collects surface runoff from the site, north of 3<sup>rd</sup> Street.

The site also contains three tailraces that outfall to the Willamette River. These tailraces are remnants of natural flow channels that were disturbed when the dam was constructed and the original paper mill was built. Flow to these tailraces is mostly limited to site runoff after the construction of the Interim Stormwater Post-Closure Plan. The closure plan was a requirement by the bankruptcy trustee when NRI Global, the salvage contractor, finished its demolition activities onsite. The Stormwater Post-Closure Plan was approved by the Oregon Department of Environmental Quality in the fall of 2013. The site is currently in compliance with Oregon storm water regulations.

## Transportation Conditions



Figure 6. Intersection of Main Street and 99E.

The site is publicly accessible from only two points, the intersection of Main Street and McLoughlin Boulevard (Oregon State Highway 99E), and a small parking lot off 99E at the northwest corner of the site. A locked gate at the entrance restricts access deeper into the site. Historically, the site was served by a grid of streets, the spine of which was a very active Main Street, filled with commercial and residential uses. Main Street was continuous across what is now 99E, continuing from downtown the south end of the Willamette Falls site. An inter-urban trolley utilized Main Street through the site to its terminus in Canemah Park until the mid-1950s. Over time, industrial uses became more dominant, and public streets were vacated as the paper mill consolidated operations. Remnants of the historic street system are still present, and some served the mill as internal circulation patterns for heavy equipment and vehicles. Today, there is neither vehicular nor pedestrian access to the site open to the public, other than the parking lot entrance from 99E.



Page 15

Likewise, non-motorized transportation is not open to the public. Pathways between and around buildings were established based on the industrial uses of the site. Pedestrian and bicycle access to the former industrial site is not permitted.

## Flood Zones

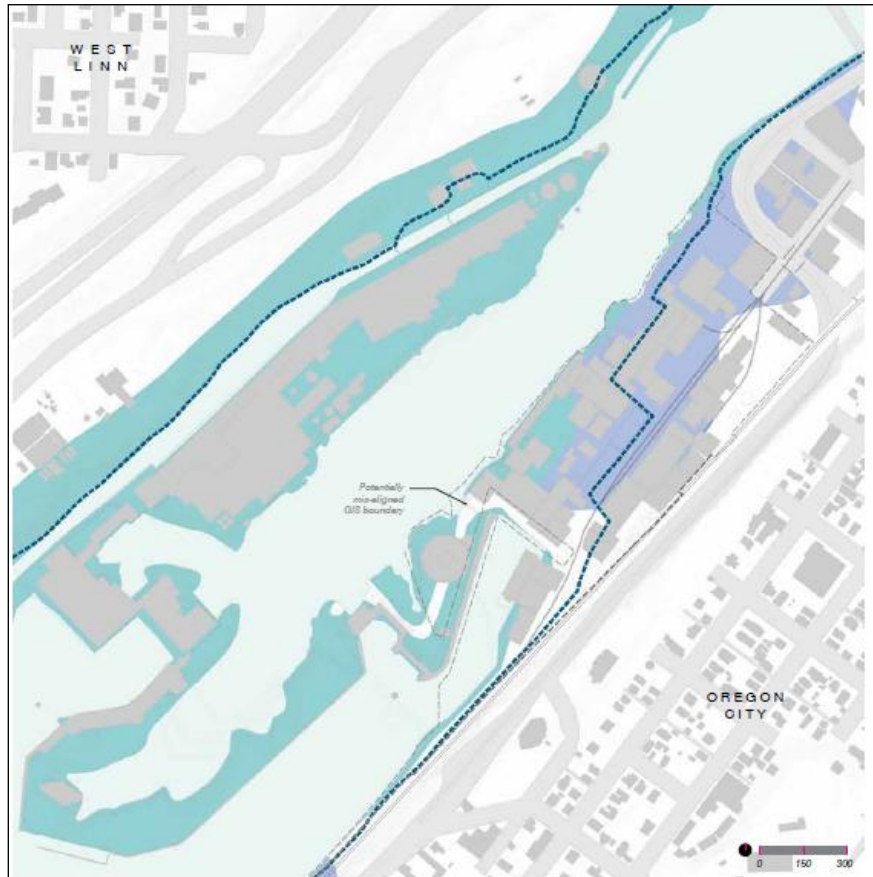


Figure 9. 100 year flood plain and 1996 flood boundary.

Because of its location on the Oregon City riverfront, areas of the site are prone to flooding. The last two major flood events to occur on the site were in 1964 and 1996.

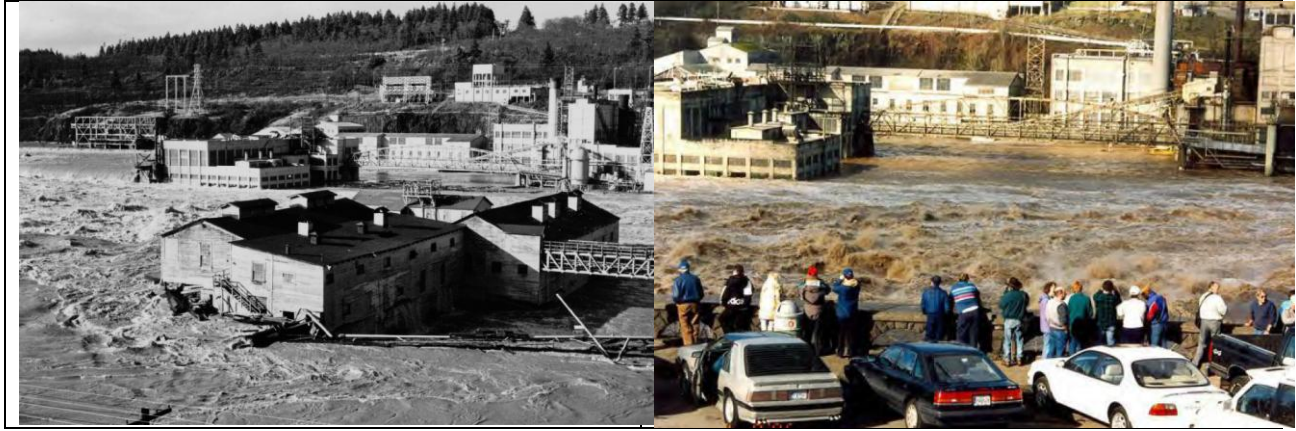


Figure 10. Site flooding, 1964 (left) and 1996 (right)

Oregon City designates two land areas as part of its local flood management area: the Federal Emergency Management Agency-mapped 100-year floodplain, and areas inundated by the 1996 flood. The 1996 flood inundation boundary is larger than the FEMA 100-year flood zone, which covers only the southwestern portion of the site. Taken together, the city's flood management area covers 12.5 acres of the 22 acre site.

Available 1996 flood inundation information is the best available data, and it has been used as an organizing framework for the master plan. However, conditions on the site have changed substantially in the last 18 years and further hydrologic analysis could be done to refine this boundary. Nevertheless, this application proposed no amendments to the city's flood management overlay district. New development will be subject to the existing flood overlay district requirements at the time of development.

### Natural Resources

Natural resources on the site are related to the proximity to the river, and its 4,500 feet of shoreline. Currently, habitats are relatively small and fragmented in part due to the presence of major highways along the river (I-205 and 99E), the railroad, and heavy industrial development along the shoreline. Habitat areas identified on this site include: Willamette River shoreline, tailraces, intake basin (lagoon), and the developed area. The shoreline is in two sections, downstream of the falls and the upstream of both the falls and lagoon. The lagoon is connected to the Willamette River and is part of the shoreline.





Figure 11. Riverbank along site.

A variety of fish species in the river adjacent to the site include at least six federally listed, threatened, endangered, or sensitive species. Anadromous fish present in the Willamette River include: Chinook salmon, steelhead, coastal cutthroat trout, Coho salmon, white sturgeon, Pacific lamprey, and bull trout. Gulls, mergansers, cormorants, and great blue herons congregate in the spring and fall to feed on out-migrating juvenile salmon at the falls. Besides native migratory species, 23 introduced species are found within the lower Willamette River, including sockeye salmon, brown trout, brook trout, American shad, and multiple warm water game fish such as bass, crappie, and catfish. In addition, significant reductions in the presence of wildlife have been occurring on and around this site for over a century due to habitat losses associated with conversion of forests to agricultural use in the early 1800s, followed by increasing development through the 19th and 20th centuries.

Riparian forests in the vicinity have been disturbed to varying degrees by management of adjacent lands. Dominant species in nearby riparian forests include red alder, black cottonwood, Oregon ash, and big-leaf maple. Douglas-fir and Oregon white oak are also present on drier sites. Understory species vary with red-osier dogwood, willows, and salmonberry along the river margin and Armerisan blackberry thickets occur along roadways and in sunny openings. Ocean spray, snowberry, and rose are common where soils are drier. Hazelnut and Douglas hawthorn are scattered.

In a landscape context, the habitat areas currently found on-site, though relatively small in size and fragmented with low structural and species diversity still provide some habitat functions in the region. Because of the small size and fragmentation, these habitats are subject to edge effects (*i.e.*, influence from recreation, residential and industrial use) as well as island effects. Habitats with a high edge to interior ratio are generally occupied by species with small home ranges, broad habitat requirements, and a relatively high tolerance to human activity. Riverside habitat is extremely important to birds, even small patches, due to the relative scarcity in the region. Small connector patches are essential to maintain connectivity along the river for migratory birds.

## **Historic/Cultural Resources**

Archaeological evidence of Native American activity around Willamette Falls potentially dates to as early as 13,000 years ago when the last of the Missoula Floods swept down the Columbia River. Petroglyphs on the rocks at the falls are visible and an obvious element for interpretation. The oral literature of the Chinookan and Kalapuyan peoples refer to Willamette Falls.

Archaeological evidence, including artifacts of Euro-American manufacture often referred to as “trade goods,” are likely to be recovered during future investigations and will contribute to the picture of native life ways in this critical period.

Founded in 1829 and incorporated in 1844, Oregon City was one of the earliest Euro-American settlements in the Oregon Territory, serving as its capital from 1848 to 1851. The original street grid is still discernible among the industrial structures and buildings covering the site today. Remains of commercial and residential structures – not only foundation walls but also such features as hearths, wells, privies – are still on the site from the period from 1829 to the 1880s, an era which is poorly documented in the historical record.

Features associated with early industries, such as rock or brick walls, wells and other water-control features, are present on the site. Features dating to the period from 1829 to the 1880s are potentially most important, at least in part because they are unlikely to have been documented in the historical record. The most impressive physical remains from this period are the stacked basalt masonry walls from the three-story Oregon Woolen Mill established in 1865. While the lower portions of these walls are visible today, future investigations may expose additional features that contribute to interpretation of the mill walls.

The more recent period of industrial development is well documented in Sanborn Fire Insurance maps (available from 1888, 1892, 1900, 1911, and 1925), which provide an invaluable guide to identifying and interpreting archaeological remains uncovered.



Because of the site's rich history, strategic archeological monitoring is recommended whenever the disturbance to native soil is proposed. As this site has been heavily manipulated, specific requirements on architectural mentoring will be addressed at the time of individual project review.

### **Land Use History**

City land use files go back only as far as the 1980s. While there are numerous land use review cases in the city's database, relating to this property none have conditions that still apply to the site. File numbers for land use actions on the site are listed below.

**Table 3. Land Use Case History**

CU 95-13	CU 94-04	CU 83-03	SP 95-41
CU 95-09	CU 88-03	CU 80-06	PA 99-50
CU 95-18	CU 86-04	CU 81-08	PA 05-09
SP 88-6	CU 82-00	CU 93-06	SP 95-41
CU 97-02	CU 95-09	CU 95-13	PA 99-50

The land use actions at the site were for site plan and design review activities related to construction or modification of industrial buildings or uses at the site. None are applicable to the proposed uses or development included in this master plan.

## 2. Master Plan

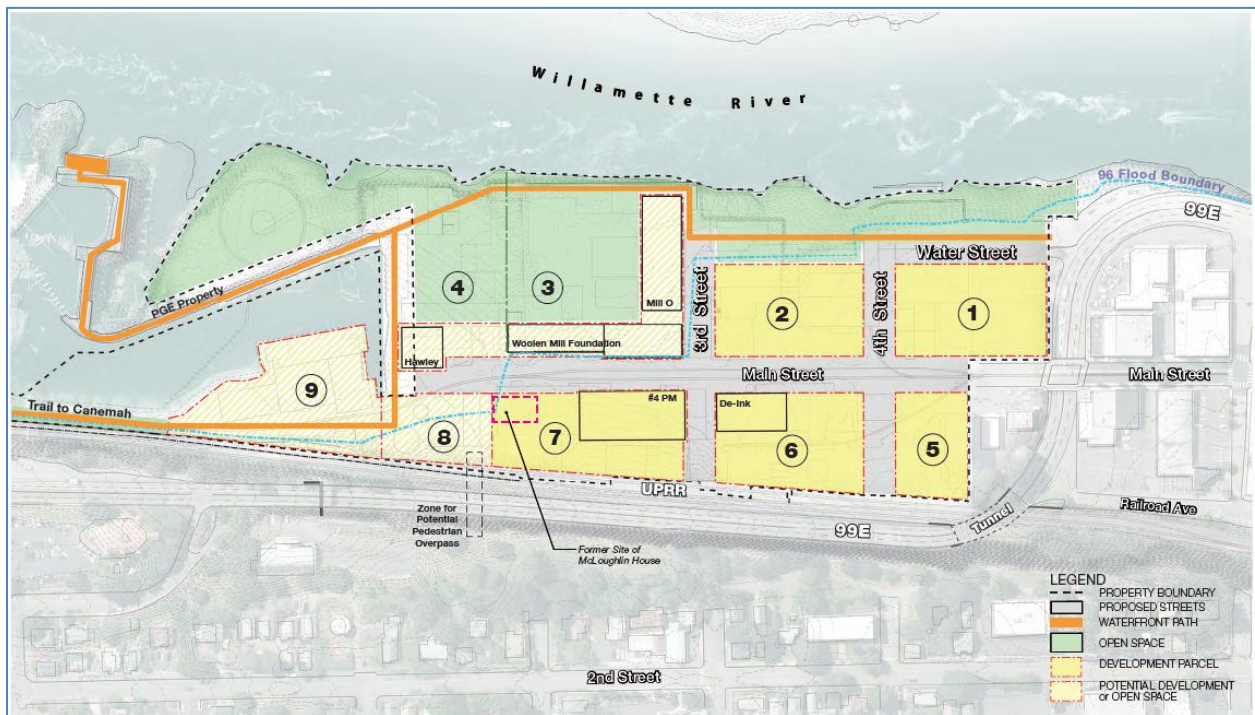


Figure 12. Overall framework plan.

### Purpose

The master plan creates a regulatory framework that encourages and enables revitalization of the site, and serves to remove barriers to redevelopment. Finding the right balance between certainty and flexibility for the public and a future owner is a driving goal for the framework plan. The new Willamette Falls Downtown zone and the master plan integrate public access, economic development, healthy habitat, and historic/cultural interpretation, the four core values identified for the project. Changes to the site enabled by this plan will elevate it into a regional amenity and a four-season destination location, stimulate private investment and job creation, improve riparian habitat, and honor the unique heritage of the place. Revamping underlying land use controls help the project move closer toward these goals. Specifically, this master plan delineates areas of the site for re-development, open space, streets, habitat restoration, and public paths and trails.

### Site Context

The Willamette Falls Legacy Project site's striking forms and patterns represent centuries of shaping by powerful natural and cultural forces. The power of ancient geomorphology is expressed here in the presence of a complex, thunderous waterfall,

created by basalt flows blocking the course of a mighty river. These falls create an intrinsic sense of place and are a magnet for settlement and human interaction.

The river has two levels at the site, a calm, upper river ideal for travelers to approach and bypass the falls, and a wild, turbulent lower river that carves a channel below a steep riverbank. Millions of years of the river crashing over rock left a flat bench below looming cliffs, an ideal place for people to gather and trade. They gathered to celebrate the rich harvest of fish trying to work their way upstream. Later, they built industries and businesses centered on the transport of goods around the falls and on the use of the roaring volume of water to produce power.

The importance of this place as a transition point along the main transportation artery of a growing territory meant that it also became a destination for settlers and the people who managed this settlement. Long before streets were platted in Seattle, Portland or San Francisco, Oregon City's Main Street extended from the falls, through this site and north through the basalt bench, becoming the spine of a thriving Pioneer community and the legendary end of the Oregon Trail. At the south end of Main Street, a substantial structure has always stood as a sentinel welcoming travelers to the City, marking the furthest extent of settlement and industry at the falls.

As the administrative center of a growing U.S. territory, Oregon City was where the wild landscape was tamed into a network of streets and settled with homesteads. The core of the pioneer-era Oregon City represented this orderly distribution of land, with a grid of streets laid atop the basalt, intersecting with Main Street. As industry thrived in the late 1800s, the old pioneer community shifted away from the crashing water, replaced by larger and larger industrial buildings such as the Oregon Woolen Mills. These were still subordinate to the river's power, located away from violent floodwaters. Over time, the industrial buildings crept riverward, filling in the crevices of ancient waterfall and consuming more and more of the original settlement.

Still, the fundamental organizational element of this site remained, and ever-larger industrial structures continued to line Main Street and the associated grid of streets, creating a sense of enclosure and a continued sense of connection to the City, expressed many times daily as the flow of workers came and went down that street. Subsequent paper mills at this site have grown almost organically, adding a building here and a shed there, yet the underlying grid can still be deciphered. Looming cliffs to the east remain, while the western spread of development has been contained by the rushing waters of the river, accelerated by their descent over the falls.

## **Future Reviews**

This application represents the first stage in approving future development on the site. The proposed zone change establishes underlying uses and development standards.

The general development plan is the first of Oregon City's two-step master planning process. Actual design proposals, within the framework set by this plan, will go through additional land use review.

The second step of the city's master plan process is a detailed development plan. Future development must follow both the zoning code standards and the principles set out in the approved-in-2014 general development plan.

In addition, future development in the Willamette Falls Downtown District must follow design guidelines, with each proposal processed as a Type III land use review that goes before the Oregon City Planning Commission. Only small projects that meet minor site plan and design review thresholds (OCMC 17.62.035) will be processed as a Type II review. For larger projects, a city-assigned Design Evaluation Board will provide feedback on the proposal, making an advisory recommendation to the planning commission via city planning staff.

In short, proposed development in the Willamette Falls Downtown District must comply with: district zoning standards, principles of the master plan including design guidelines, detailed development plan requirements, and any overlay zone requirements. Other layers of regulation that currently apply to the site will remain in place: natural resource, geologic hazard, flood management, and Willamette River Greenway overlays.

To deviate from the standards outlined here, applicants may amend or modify the approved master plan (OCMC 17.65.80). However, the easier path to project approval is follow the direction and principles outlined here.

### **Plan Boundary and Duration**

The master plan boundary includes four contiguous tax lots (2-2E-31BD-0300, 500, 600, and 390) owned by the bankruptcy trustee. The plan does not include the PGE dam, which zig-zags into the site's south end. It also excludes a property at the northeast corner of the industrial area that is under different ownership, and zoned Mixed Use Downtown.



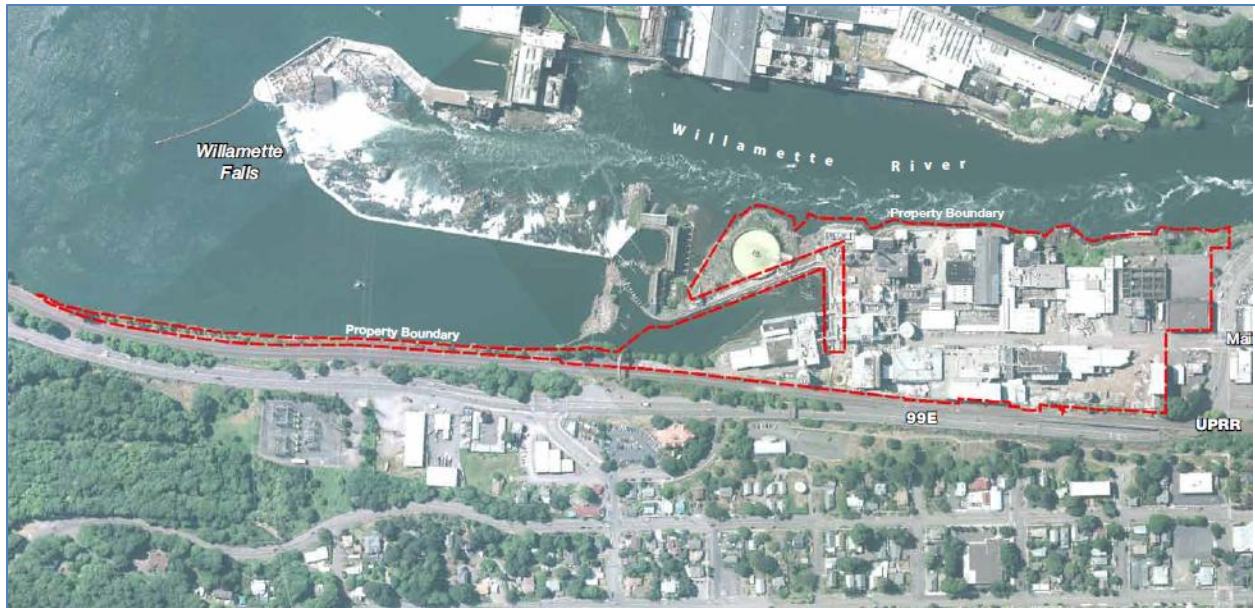


Figure 13. Master Plan Boundary.

The duration of this master plan is proposed to be the full 20 years allowed by Oregon City Municipal Code (“OCMC”) 17.65.050.B. The plan will remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superseded, or the plan expires under its stated expiration date of 20 years. Because the framework plan is not tied to any specific owner, future development will be subject to the requirements in the master plan and to current municipal code requirements at the time of application.

### Connections Into and Through Site

A primary organizing principle of the plan is creating connections into the site, for all different modes of transportation. Through this master plan, the historic street pattern of downtown will be re-established. A pedestrian-friendly network of local streets will link the district with the rest of Oregon City’s downtown. Historic Main Street will continue south across highway 99E and become the spine of the new district. Secondary streets will also follow historic patterns: east-west 4<sup>th</sup> and 3<sup>rd</sup> Streets, which follow the numbering convention evident in the existing downtown, and a new Water Street along the riverfront at the site’s north end. Because the site is hemmed in by topography and the river, a vehicular turnaround will be established at the terminus of Main Street at the south end of the district.

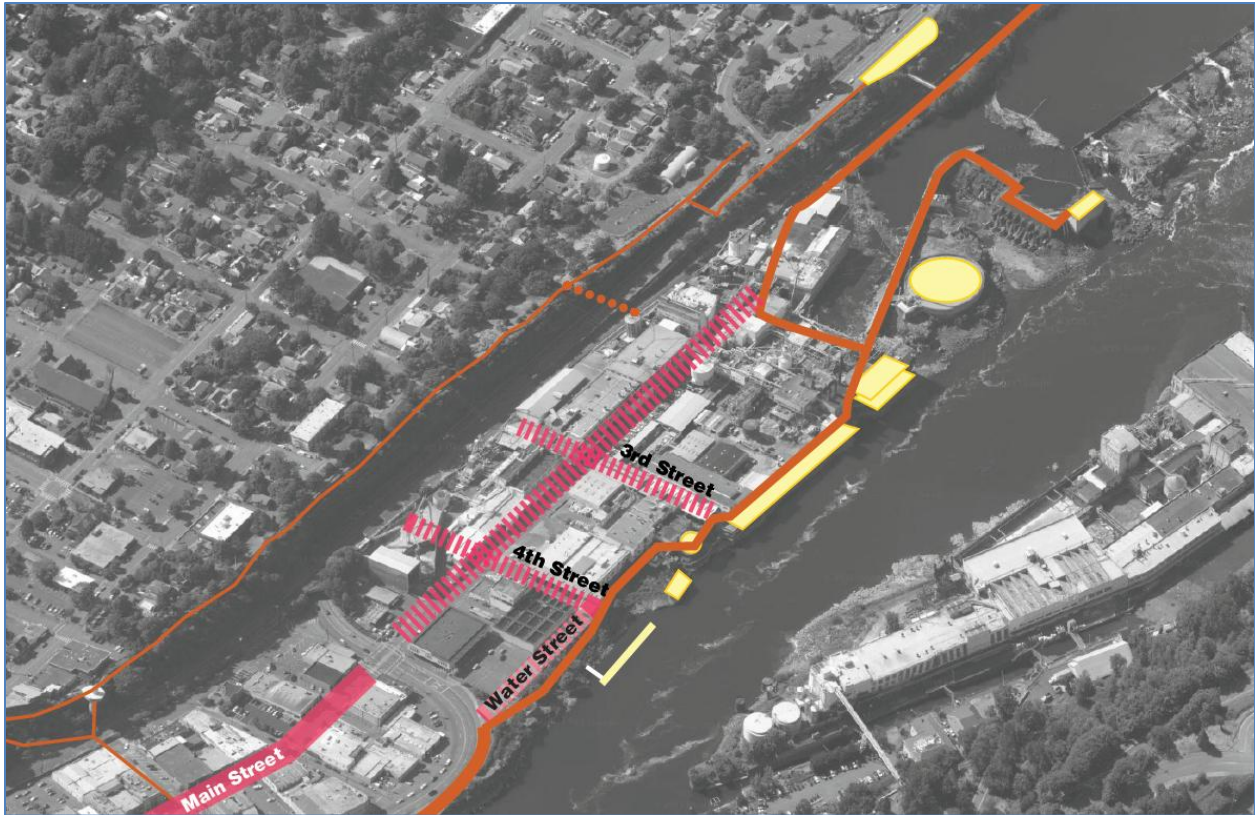


Figure 14. Transportation connections into and through site.

In addition to new streets, public access to the site will include pedestrian and bicycle connections. Continuing the existing Willamette River Terrace walkway along the river, the proposed plan shows a new path along the waterfront. This pedestrian/bike path will follow the river, and at the south end of the district, extend across the top of the dam out to the foundation of Mill A at the edge of the falls. Before reaching the dam, a second leg of this path would parallel a rail spur to the south, toward Canemah. This path could provide connections to an existing trail network south of the Willamette Falls site.

This plan establishes the expectations for the general location and purpose of connections into and through the site. The final configuration and location of the pedestrian paths and streets will be determined during the development review process.

In planning for better site connectivity, the project team reviewed dozens of alternatives and balanced the needs of all modes: bicycle, pedestrian, and motor vehicle. The options for making improvements to the site were developed six general objectives in mind:

- Identify at least one additional site access point for motor vehicles
- Allow for safe left-turns for motor vehicle from McLoughlin Boulevard to Main Street
- Maintain adequate operating conditions at the McLoughlin Boulevard/Main Street intersection
- Create at least one additional safe crossing of McLoughlin Boulevard between Downtown and the site
- Create at least one convenient pedestrian and bicycle overcrossing of McLoughlin Boulevard and the railroad tracks at the south end of the site
- Create a continuous walking and biking connection between the Willamette River Trail and the site

Out of this analysis was developed a package of improvements to the existing public system of streets, sidewalks, and pedestrian paths which are proposed in the master plan, and will be constructed in combination with new development on the site. The package of improvements assumes increased use of the Willamette Falls site, from workers, residents, and visitors to new buildings and activities. Fortunately, engineering analysis shows that relatively light infrastructure improvements to the south end of the existing downtown and the north end of the new Willamette Falls District can accommodate the potential vehicular and pedestrian traffic in and out of the site.



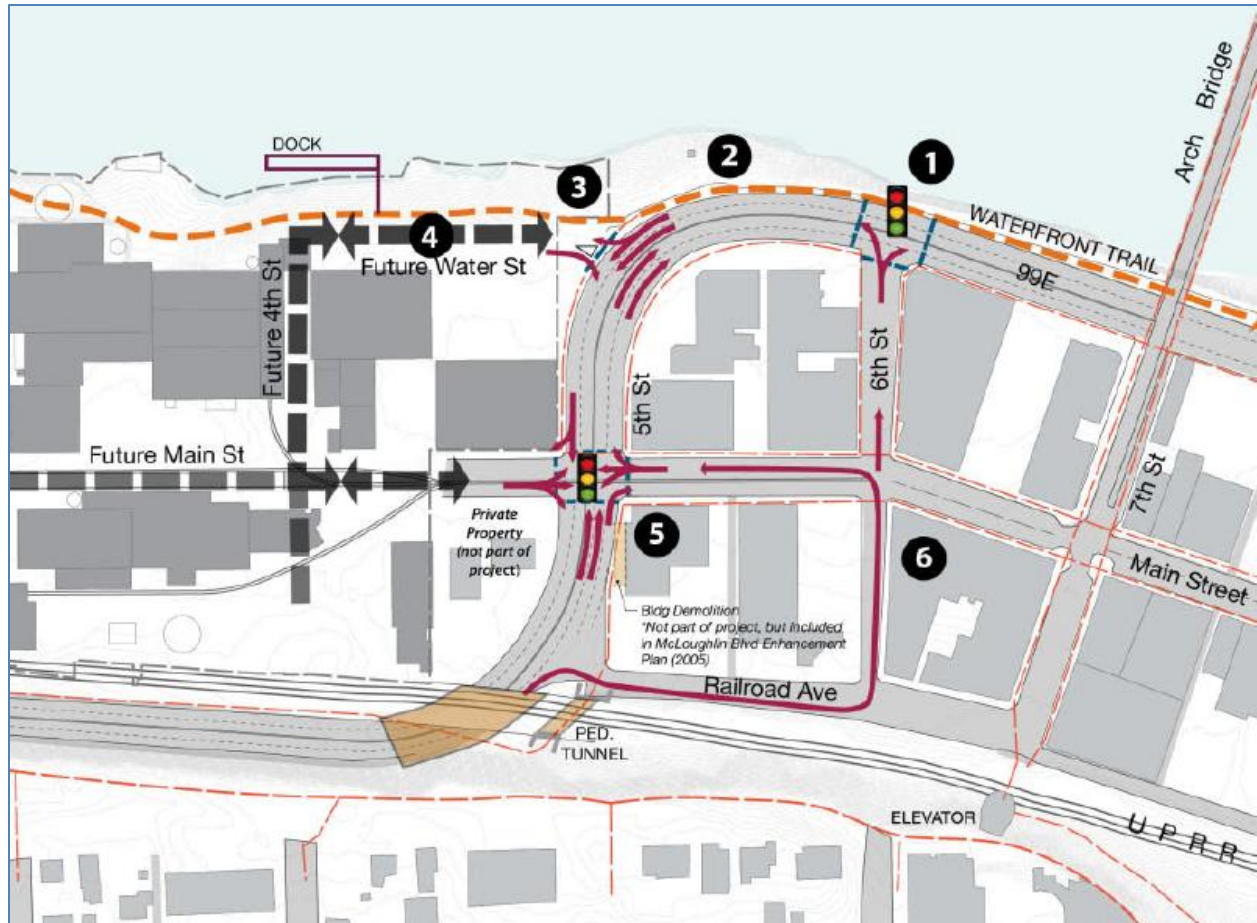


Figure 15. Future transportation improvements at site.

As shown in the diagram above, the package of changes from existing conditions includes the following.

1. A signal at 6<sup>th</sup> and 99E
2. A shared use path along the riverfront, connecting to the existing waterfront trail
3. Right in/Right out at Water Street
4. Water Street/4<sup>th</sup> Street connecting into the site
5. A northbound right turn lane at the Main/99E intersection
6. An indirect left turn (jug handle) route into site via Railroad Avenue, 6<sup>th</sup> Avenue, and Main Street
7. A pedestrian bridge over 99E at the south end of the site (not shown)

These improvements will enable the safe functioning of the transportation system in and around the site, while maintaining the urban design objectives of redevelopment. This conclusion is based on analysis done in cooperation with Oregon City and ODOT officials, and it assumes a high level of development and activity at the site. For motor vehicles, according to the analysis contained in the transportation report, through 2035,

*“all study intersections are expected to operate under capacity ... with the increased traffic resulting from the Willamette Falls redevelopment having only minor impacts on the operational results.”*

The transportation analysis includes a “toolbox” of multi-modal improvements that could help mitigate potential access and safety impacts generated by new development at the site. Because the size, type, and location of master planned development is not known, a range of options is provided. As individual projects are proposed, the appropriate transportation mitigation could be required.

**Table 4. Toolbox of Multi-Modal Improvements**

Potential Project	Improvement Type
<i>Walking/Biking</i>	
Install a traffic signal or HAWK signal at the McLoughlin Boulevard/ 6 <sup>th</sup> Street intersection	Walking/Biking Street Crossing
Upgrade the existing pedestrian crossing under the Oregon City-West Linn Arch Bridge	Walking/Biking Street Crossing
Expand the viaduct and extend the Willamette Riverfront trail west, from 10 <sup>th</sup> Street into the project site	Walking/Biking Access
Create a new overcrossing of McLoughlin Boulevard, linking the McLoughlin Promenade to the project site for pedestrians and bicyclists	Walking/Biking Access
Create a new overcrossing of the railroad tracks, linking an extended Willamette Riverfront Trail with the Canemah neighborhood	Walking/Biking Access
<i>Safety/Access</i>	
Create a new street connection to McLoughlin Boulevard via Water Street, between Main Street and 6 <sup>th</sup> Street. Turn movements should be restricted to right-in, right-out only due to limited sight distance. A median barrier may be needed on McLoughlin Boulevard to prevent left-turns. This would also require the construction of the proposed 4 <sup>th</sup> Street to provide a connection to Main Street	Site Access
Upgrade overhead street lighting inside McLoughlin Boulevard railroad undercrossing tunnel and along the highway fronting the site	Safety
Implement indirect left-turns for both northbound and southbound McLoughlin Boulevard	Safety/ Congestion
Install advanced access signing on both approaches of McLoughlin Boulevard and on side streets to direct visitors	Site Wayfinding
Install advanced signal warning system to warn motorists in advance to a red traffic signal and that they need to prepare to stop. They would continue flashing until the end of the red signal.	Safety
Install an end-of-queue warning system to alert approaching vehicles that the traffic ahead of them is slowing down or has	Safety/ Queuing

stopped altogether.	
---------------------	--

Finally, this land use application also includes a request to create Multi-Modal Mixed Use Area (“MMA”), which is a provision in state law that lets cities increase development in downtown areas. Because MMAs are not subject to the same strict limits on traffic congestion as would be the case elsewhere, these areas must show they soften potential impacts by promoting mixed-use development, active transportation, and transit. These elements include providing pedestrian amenities, a variety of land uses, buildings oriented toward streets, transit access, etc. Oregon City’s existing downtown is included in the request for an MMA. The historic downtown and the new Willamette Falls Downtown District together meet all the standards for an MMA, and the city anticipates the city’s core will continue to attract a significant share of non-car trips.

### Development and Open Space Blocks



Figure 16. Development blocks (in yellow) and open space (in green).

After the street grid is established and areas prone to frequent flooding are mapped on the site, a schematic plan for the development emerges. First, streets segment the property into regular, development-ready blocks. Areas to the north and farther away

from the river edge – that is, outside the flood area – are more appealing building sites. Conversely, the more vulnerable blocks to the south are better suited for park and open space uses.

The *nature* of development depends on specific future proposals, but the *pattern* of development is directed by this master plan. The blocks created by the street grid can be divided into two categories: development or open space/waterfront. Blocks 3 and 4 are hybrids, designated for waterfront/open space uses but with some room to develop or preserve existing historic structures.

**Table 5. Development and Open Space Blocks.**

<b>Block</b>	<b>Use Category</b>	<b>Size (acres)</b>	<b>Notes</b>
1	Development	1.17	
2	Development	1.15	
3	Waterfront/ Open Space	2.65	Mill O, Woolen Mill Foundation
4	Waterfront/ Open Space	1.48	Hawley
5	Development	0.62	
6	Development	1.17	De-Ink
7	Development	1.30	#4 Paper Machine
8	Development	0.62	
9	Waterfront/ Open Space	1.45	



**Table 6. Summary of District Land Uses**

<b>Land Use Category</b>	<b>Acreage</b>	<b>Share of total</b>
Development	6.0	28%
Open Space/Waterfront	5.6*	26%
Undevelopable (rock outcrops, lagoon, steep riverbank, etc.)	5.8	26%
Streets	3.0	14%
Spur to Canemah	1.5	7%
<i>Total</i>	<i>21.9 acres</i>	<i>100%</i>

*\*Some portion of this area will re-develop to preserve or re-use historic buildings – Mill O, Woolen Mill Foundation, and Hawley, and therefore be a mix of open space and development.*

Full build-out of the property will add significant new commercial/residential space and activity to Oregon City. For scenario planning, the project team estimated a maximum build-out for the entire site. The results of this exercise showed approximately 835,000 square feet of new development created, not including structured parking. This scenario may be broken out into the following categories:

**Table 7. “Full Build-Out” Development Scenario.**

<b>Use Category</b>	<b>Quantity</b>
Office/ flex-office/ craft industrial	240,000 square feet
Retail	105,000 square feet
Housing	700 units
Hotel	200 room
<i>Total</i>	<i>835,000 square feet</i>

The timeline for re-development of this site is long. New construction will not happen all at once, and potentially will extend beyond the 20 year duration of the master plan. The master plan sets out a framework that supports and anticipates this level of development, without regard to timing or sequence. Such redevelopment would bring tremendous new energy and investment to Oregon City and the region.

## Parking

The site currently has no public access for vehicles and no public streets, and consequently no publicly available parking. Anticipated development of new buildings, open space, and public attractions mean that numerous people will come to the site, many of whom will drive and need to park. A goal for the project is to have a large percentage of those people use the high-quality transit, pedestrian, and bicycle connections, but the majority of visitors, workers, and residents are expected to arrive by car, and thus will need vehicle storage.

An analysis of parking demand based on the anticipated build-out of the site and city required minimums found that sufficient parking can be provided on site. Parking requirements for the Willamette Falls Downtown District will be the same as those currently in place downtown, which has minimum requirements based on the kind of use proposed, but with an allowance to reduce those minimums by up to 50 percent. Parking supply at full build-out of the site was estimated at 1,150 spaces off-street and 85 on-street.

In addition, each development block in the Willamette Falls district can “park itself,” that is, each block could accommodate its own parking on site, without the need for an off-site lot or garage. This presumes parking is built within structures, at the back of the new building or on its upper stories. Because the site is located on solid basalt, underground parking is highly unlikely. The following diagram illustrates, in schematic form, how parking structures – shown in light gray – could be integrated into the site, without taking away from the importance of an active streetscape.

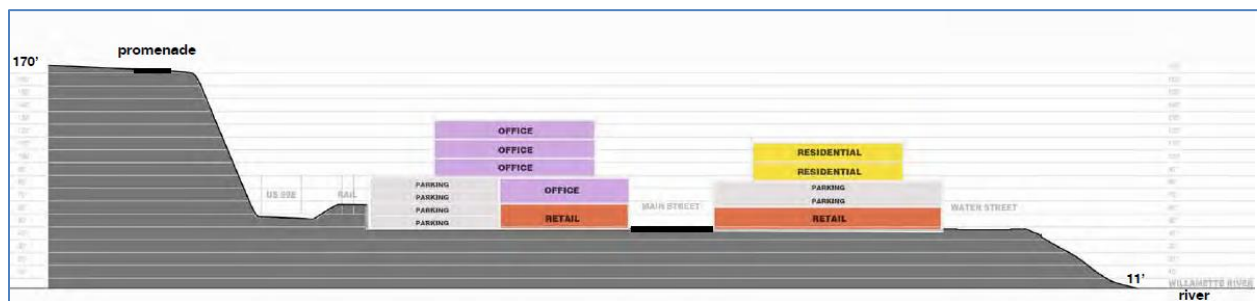


Figure 17. Section through site, showing possible parking locations and other uses.

Opportunities for shared parking abound, both within the district, because of its mix of uses, and outside the district in the existing downtown. Because of the short distances between the Willamette Falls district and the existing downtown, a parking structure on either side of 99E could potentially serve the entire area. Recreational visitors are typically more willing to walk a short distance from parking to see attractions, in this case those related to the falls or as-yet undefined open spaces. Helpfully, the attendance profile of recreational visitors is quite different – *i.e.*, weekends, and off-peak hours – from employment or residential users of the site.

In short, the district's plan for parking is very flexible, and a number of opportunities exist for providing adequate, but not excessive, space for future vehicle storage. The toolbox of options includes:

- A multi-modal district that reduces parking needs
- Shared parking allowed and encouraged within and outside the district
- Structured parking, above or behind main floor uses
- Reductions (up to 50%) allowed from zoning code minimums
- Creation of new on-street parking

### **Flood Protection**

A significant portion of the site is within city-designated flood management area. The proposed plan for locating park and open space uses on blocks closest to the river and below flood elevation protects buildings from catastrophic flood damage. The simplest path to compliance with city and FEMA flood rules is to organize development following the pattern shown in this plan. These guidelines do not forbid all development from the blocks designated for open space. For example, Block 3 could develop around its edge for the rehabilitation of Mill O, if the habitable areas of the building were elevated above flood level.



**Figure 18. Dashed line indicates 1996 flood plain boundary.**

Though the floodplain location and elevations are based on the best available data, more detailed hydrologic analysis will occur at the detailed master plan phase, to provide a clearer definition of the flood area. A more precise measurement of the base flood elevation can determine how far the flood zone extends into the site (horizontally) and the minimum floor elevations (vertically) that are appropriate for future development. In addition, if development does occur within the flood area, city rules require that new fill in the floodplain be balanced by an equal amount of material that is removed from it. Balanced cut and fill should be pursued as a district-wide strategy. Existing structures removed from the flood area should create “credits” for future development. If the clarifier is removed or the river bank is laid back to create enhanced habitat, for example, these removals can be used as credits against new structures in the flood area.

### **Willamette River Greenway**

The entire district is within the Willamette River Greenway, which is a designation to protect the scenic, historic, and recreational qualities of the riverfront. Within this area, a greenway review is required for “all developments and changes or intensification of uses.” Allowed uses in the new Willamette Falls District zone are presumed to be appropriate for lands within the greenway, as long as the development associated with these uses protects the important riverfront qualities.





**Figure 19. Willamette River Greenway boundary.**

When future development is proposed within the district, applicants will need to explain how they meet Willamette River Greenway standards. One of the key elements in this review is the creation of a setback. Separation between new buildings and the river must “protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway” (OCMC 17.48.080.E). The extent of building setbacks is not quantified by this master plan. The setback will be determined by the city as part of its review process when a detailed development plan is submitted. Whether the Greenway setback is adequate greatly depends on the nature of each redevelopment project, and cannot be determined district-wide, in advance of specific plans. Therefore, this determination will occur at a later date.

Also, for everything within 150 feet of the ordinary low water line, there is a Greenway “compatibility review” (OCMC 17.48.100.A) that will be part of a future detailed development plan application. This compatibility review emphasizes the landscaped area between the new activity and the river and public access along the riverfront. Both of these criteria would be satisfied by a landscaped riverfront access path. Such a path is shown in schematic form on the general master plan drawings.

Certain kinds of development are prohibited with the Willamette River Greenway, per Oregon City’s zoning code, including “main or accessory residential structures” taller than 35 feet (OCMC 17.48.110). This residential restriction creates a potential conflict. Residential uses are allowed outright in the proposed Willamette Falls Downtown District; height limits go up to 80 feet. A new or reconstructed building that is predominantly residential (and therefore defined as a “main residential structure”)



proposed to be taller than 35 feet would be prohibited under current rules. In order for such a hypothetical building to go forward, a change to the zoning code's Greenway chapter would be required. This land use application does not propose such a code change because the likelihood of residential buildings on the site taller than 35 feet is uncertain, and therefore a code change request is premature. It should be noted that prohibition/height limitation is a local condition and not part of state law. No similar limitation on residential building height in the Greenway exists across the river in West Linn, for example.

Development of the site as envisioned in the master plan can occur within the Greenway overlay, and continue the protections offered by city code and state law. Specific proposals to provide access and improve the qualities of the riverbank will be evaluated when they are submitted.

## Natural Resource Protection

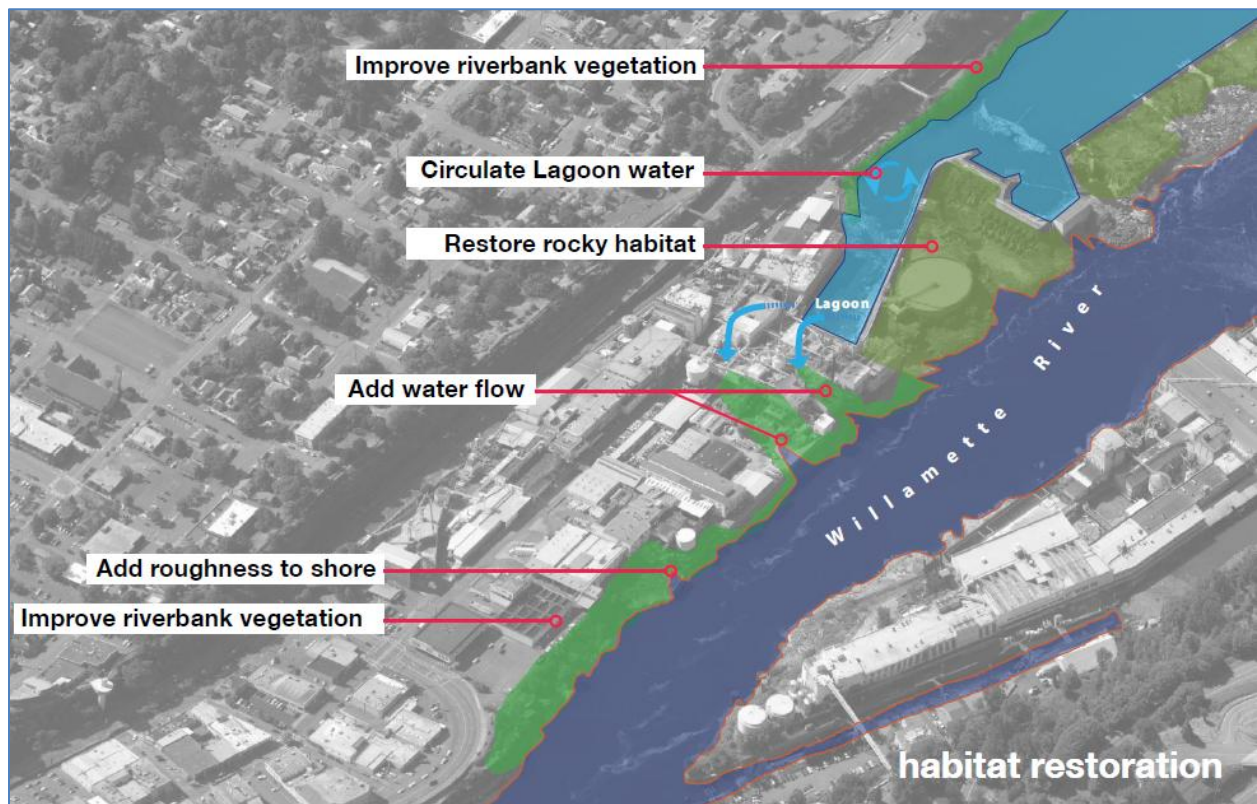


Figure 20. Location of potential enhancements to natural resources.

Natural resources on the site are connected to the riverfront, and the riparian habitat that is associated with it. The master plan identifies areas along the riverbank where habitat enhancements and riparian bank restoration could occur. The general principle

advanced by the master plan is for the riverbank to re-establish a rough edge and to meander in a pattern more indicative of its pre-industrial state, in order to allow more opportunities for fish and riparian vegetation to thrive.

Restoration and enhancement opportunities for improving fish and wildlife habitat can also provide improvements for water resources, including stormwater treatment and water quality. Key recommendations include:

**Table 8. Natural Resource Enhancement Opportunities.**

Expose and restore historical shoreline <ol style="list-style-type: none"> <li>1. Diversify shoreline habitat</li> <li>2. Restore ends of tailraces</li> <li>3. Revegetate shoreline</li> <li>4. Remove invasive species</li> </ol>
Provide stormwater treatment along shoreline and in grotto
Increase circulation in lagoon
Diversify lagoon habitat

Two of the above identified actions would be especially important to improving the habitat values of the Willamette Falls site and its adjunct river corridor. Tail races once carved deep into the site at its southern end, and have been filled in or channelized as industrial development dominated the site. The lagoon, which creates an upper section of river through the site above the dam, provided a place for log processing and storage, acting as a sort of mill pond. This water body is now stagnant. Re-establishing tail races, either in part or in full, to receive greater flows from the lagoon above has multiple environmental benefits. The water quality of the lagoon will improve through circulation of fresh water through the area. Below, greater circulation would aerate water flowing through the tail races, thus providing a more welcoming habitat for fish and other riparian vegetation. The master plan shows this concept, with the understanding that the development of the open space in this location is still undetermined. The design of the open space and development in this area of the site will be determined in a future development application.

The city's Natural Resource Overlay District applies to the entire Willamette Falls District, and its requirements will be met as part of a future detailed development plan application. However, city rules provide an exemption for properties that do not increase impervious surface over existing conditions. This exemption is likely to exist for future development, since there is virtually no pervious surface on the existing site, and any change is likely to result in a net decrease in impervious surface. Nevertheless, satisfying the overall district objectives requires attention to habitat restoration and

environmental protection. Healthy habitat is a core value that has been expressed clearly and strongly in all the planning for the site, and reinforced by Oregon City and all the regional partners. Insofar as new development creates impacts on natural resources, it is expected that the city may require environmental enhancements as mitigation for those impacts.

## **Historic Resource Protection**

History and culture have been identified as one of the four key values of this project, and the history of the site is important in both the development of the entire Pacific Northwest. Concrete economic benefits also support the retention and reuse of designated historic resources that cannot be captured by non-historically based development. As identified in the existing conditions section, the analysis of historic resources on the site was developed over a long period of time and throughout a robust public engagement process. Experts and the general public, bolstered by consultations with the Oregon State Historic Preservation Office, considered the relative values of retention vs. redevelopment, and how to incorporate historic structures. Given the character and the benefit that history brings to future redevelopment, the availability of resources and rules to support that reuse were included in building evaluations. Identified preservation incentives include:

1. *Certified Rehabilitation*: Creates a 20% Investment Tax Credit against Federal income tax liability for approved rehabilitation that meets the Secretary of the Interior's Standards, as reviewed by the National Park Service.
2. *Oregon Special Assessment for Historic Properties*: An Oregon-only benefit, Special Assessment creates a reduced basis for the calculation of local property taxes during a ten-year period following enrollment. Essentially the value of a qualified property is "frozen" prior to the beginning of an approved rehabilitation plan and then the property is taxed at the unimproved basis for the decade following the work.
3. *Building Code Relief*: Under the Oregon Structural Specialty Code, buildings that are "designated" as historic resources (*i.e.* listed on the National Register of Historic Places) may be eligible for waiver of certain building code requirements in the interest of retaining or preserving the qualities of the property that make it historic. Such waivers do not allow for reduced fire/life/safety or any other aspect related to public safety, but can often allow for reduced development costs by avoiding some costly construction changes.
4. *Environmental Benefits*: In addition to its potential economic positives, historic preservation, the reuse and purposing of existing structures, has been shown to be a sustainable, environmentally sound, method of development.

The expectation of the master plan is that future development will retain the historic character of the site at a very fundamental level, and incorporate its historic resources into future development plans. Five primary historic structures identified in the plan – De-ink, Mill O, Hawley, Paper Machine #4, and Woolen Mill Foundations – are particularly important, and should be preserved or adaptively reused. Other structures may also be incorporated into the design of a future project, as appropriate, since many of them give a unique character to the property. A second tier of historic structures are somewhat less prominent, and may be more difficult to re-use in a modern context. These structures are the digesters, the sphere, #1 Paper Machine, boilers, and the Oregon City Flour Mill foundations. Not every building on site is historically notable, and some are not suitable for conversion into modern uses. Preservation and integration of old structures will be highly dependent on future uses and development

## Utilities

A conceptual utility plan for future development is included with this plan. The plan supports the location, type, and amount of future development that is anticipated to occur on the site. Broadly speaking, this plan includes:

- Eventual replacement of a 10 inch public water main following its existing route through the site – down the bluff, 3<sup>rd</sup> Street, then north on Main Street.
- A new sanitary main network along Main, 4<sup>th</sup>, and Water Streets. It appears that the invert at the Tri-City Service District Willamette Interceptor, about 10 feet below existing grade, is deep enough to allow gravity service to most of the site, save for its extreme southern end.
- Stormwater drainage mains under 3<sup>rd</sup> and 4<sup>th</sup> Streets to be maintained and upgraded to current stormwater standards.

Beyond the upgrades to water, sewer, and stormwater mains, new laterals will be installed to support new development as the district grows.

The plan both encourages public-private partnerships for sharing utilities, as the market and future development allows. Sharing utility infrastructure in an “eco-district” model could create collaborations around systems for rainwater harvesting, gray-water recycling, solar energy generation, or lighting, heating, and cooling systems.

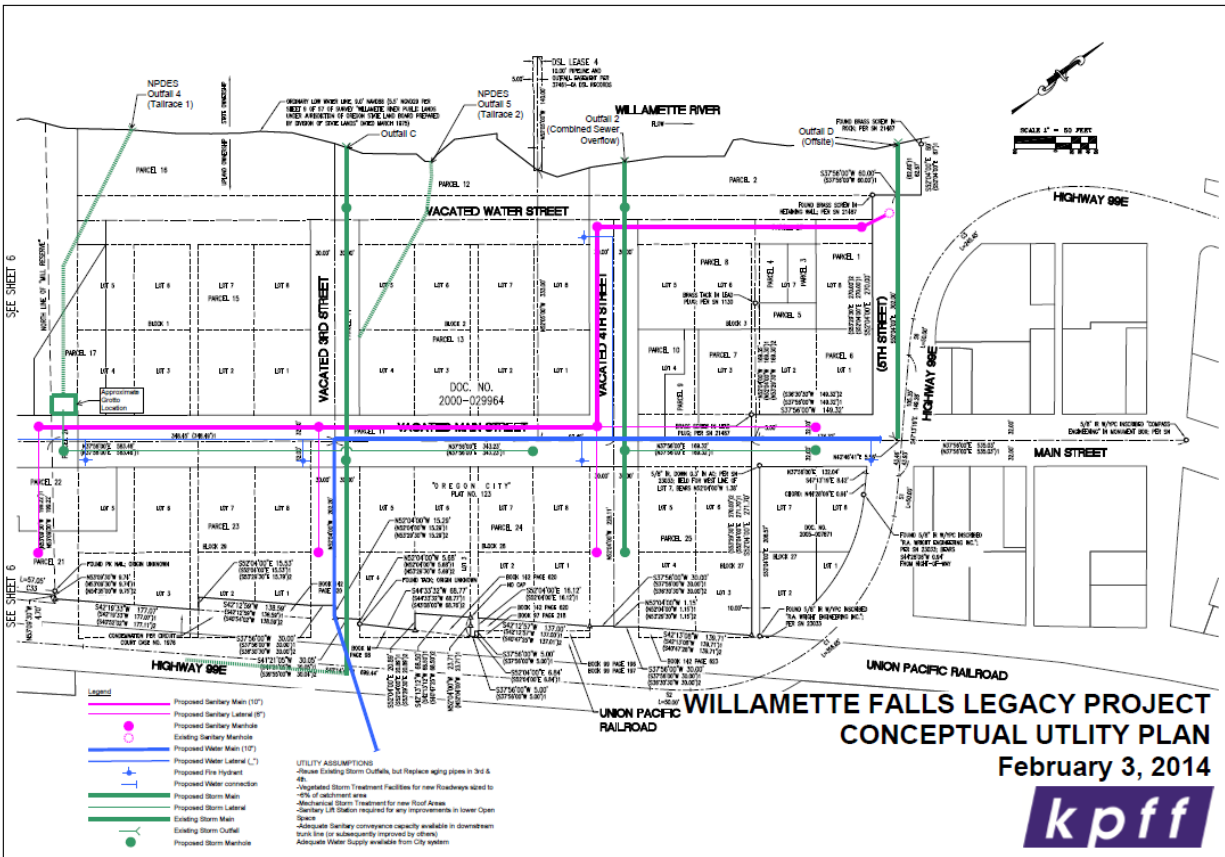


Figure 21. Proposed site utilities.

### Development Standards

Development standards for the Willamette Falls Legacy Project site are contained in the new zoning code chapter that control the site, and are summarized, generally, in the table below. These are very close to the current standards for the MUD zone that applies to the rest of downtown Oregon City.



**Table 9. Willamette Falls District Development Standards**

<b>Standard</b>	<b>Quantity</b>
Lot area, minimum	None
Floor Area Ratio, minimum	1.0
Building height, minimum	Two entire stories and 25 feet
Building height, maximum	80 feet
Setbacks, minimum	None
Setbacks, maximum	10 feet, provided site plan & design review req. are met
Site coverage, maximum	100 percent
Landscape coverage, minimum	None (landscaping still req. for parking and streets)
Parking	Requirements in OCMC 17.52, but quantity may be reduced by 50%.

These standards provide a canvas for future development. In addition to these standards, projects in the Willamette Falls District will be required to meet design guidelines that are exclusive to this district.

### **Development Phasing**

Unlike a traditional master plan, the proposed plan will not detail the phasing or order of development with precision, and no specific phase is requested for approval in the immediate term. This is because the location and timing of development is controlled by site ownership, market conditions, and public funding. Neither the private or public aspects of the real estate finance issues that will drive site redevelopment have been finalized. This is the role of a funding and sequencing plan, which will address the sticky issues of finance and investment priorities.

However, finance and investment is outside the scope of a zoning master plan, which deals with the spatial aspects and organization of the site. The goal of this master plan is to allow a range of different uses and opportunities for physical development within the district. The plan sets ground rules for future building and open space development, and maximizes flexibility for a variety of favorable outcomes.

Broadly, though, the first phase of development at the site is highly likely to include public access to the falls. The energy and power of the falls has a transformative power

on the public perception of the site and its potential. Bringing the public into the site and out to the falls will hopefully stimulate awareness of the site and promote development of the property.

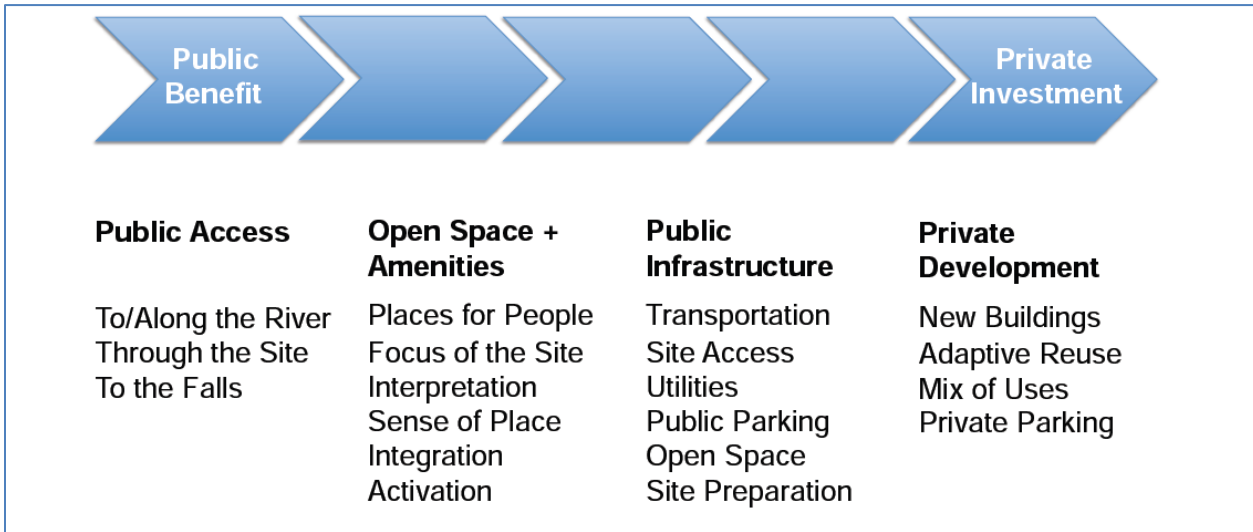


Figure 22. “Continuum of investment,” also anticipating the sequence of development on the site.

Though not strictly sequential, the “continuum of investment” shown above explains a relationship between private investment in new and rehabilitated buildings and the infrastructure that supports it. Early public participation in financing public access will be joined in later phases by more contingent financing and development of open space and public infrastructure. Overall, the phasing and sequencing of development will be highly dependent on the amount of public and private financing, the source of that money, and market conditions that drive investment.

### Development Impacts and Mitigation

A general development plan must show that it “adequately mitigates identified impacts from each phase of development.” As stated in the previous section, this master plan does not have strictly defined phases, since the location and sequence of development has not yet been determined. Impacts on surrounding properties would likely be minor, since the physical and visual access to the site is cut off from the rest of the city by topography, natural features, and transportation corridors. A primary goal of the site is to open up the site for more direct contact and use. Potential impacts from development on the site and mitigation for those impacts is described below.

### Aesthetics

Currently, views into the site are limited and views within the site are non-existent because there is no public access. Neighbors have views of the site from above, up on the bluff, and across 99E from the current southern terminus of Main Street. The site is currently occupied by industrial buildings and structures once needed for the paper-making process that was the core of the site's use for the last 100 years. Development at the industrial site was not subject to any design standards or guidelines. The natural resource that abuts the property – the Willamette River and its waterfall – is obscured from view by topography and buildings.

A general development plan will improve the appearance of the site by: establishing a framework to organize development in an orderly fashion, encouraging buildings and open space to be of high quality design, and opening up access and views of the river and the falls, which are the core of the property's visual experience. The new rules for the development of the site will make more direct interaction with the site possible, and give ordinary citizens access to the waterfall. The plan would anticipate a combination of preservation and new development, which will create a unique sense of place in the district where new and old development complements each other and both fit with the riparian corridor. Overall, views into and around the site will be improved by anticipated new development.

### Hydrology and Water Quality

The site is located on a largely impervious, basalt rock shelf, more than half of which is below the floodplain. Runoff from any redevelopment must be managed in accordance with Oregon City stormwater regulations. Due to direct discharge to the Willamette River, no detention will be required. However, standard water quality treatment must be provided. Water quality treatment alternatives include vegetated storm facilities as well as mechanical treatment systems approved by the City. Alternative treatment methods or low impact development strategies may need to be considered due to the shallow or exposed bedrock condition throughout the site.

The existing 18-inch storm main in 3<sup>rd</sup> Street that conveys public drainage from Highway 99E will be reconstructed to preserve the current conveyance pathway and outfall. Any proposed connections to this line should verify that additional capacity is available and whether outfall improvements may be required.

Because new development, as it arrives at the site, will follow city standards for preserving water quality, no significant negative impacts are anticipated.

The plan generally designates areas of the site that are within the floodplain for open space and waterfront uses. Committing these areas to flood-resilient uses, the site's

ability to withstand a major flood event will improve. By complying with the existing flood management overlay standards, new construction of buildings and open space will result in a safer situation for occupants of the site.

### Noise

The existing site zoning allows for heavy industrial uses that were the mainstay of the site for the last 100 years. This generated substantial noise impacts from, most recently, paper making processes. The mill on the West Linn side of the river is still active and generates noise that can be heard from the site and from locations nearby. Since the abandonment of heavy industrial uses on the Oregon City site, major noise impacts have abated. This land use application also includes a change in zoning. The new zone would no longer allow heavy industrial uses which are the source of most of the noise impacts. The new zone does allow limited light industrial uses on a smaller scale, like sewing garments or brewing beer. Generally, new uses would be mixed-use, and include an array of commercial, office, and residential uses. These uses are typically quiet, and the net difference in noise would be dramatically lower.

### Transportation/Traffic

Through this proposed master plan, the historic street pattern of downtown would be re-established. A pedestrian-friendly network of local streets will link the district with the rest of Oregon City's downtown. In addition to new streets, public access to the site will include pedestrian and bicycle connections. This plan establishes expectations for the general location and purpose of public access. Final configuration and location of paths and streets will be determined when building or open space is proposed.

The transportation analysis assumed full build out of the site at 835,000 square feet of new mixed-use development. This creates impacts on the system by generating 700 new trips at the peak hour. Based on modeling, these trips can be accommodated on the existing transportation network if a number of relatively minor improvements are made to improve safety and flow. A general development plan sets out a package of changes from existing conditions that would mitigate future impacts. They include the following.

- A signal at 6<sup>th</sup> and 99E
- A shared use path along the riverfront, connecting to the existing waterfront trail
- Creation of a new Water Street connecting into the site
- A northbound right turn lane at the Main/99E intersection
- An indirect left turn (jug handle) entry into site via Railroad Avenue
- A pedestrian bridge over 99E at the south end of the site

These improvements will enable the smooth functioning of the transportation system in and around the site. This conclusion is based on analysis done in cooperation with Oregon City and ODOT transportation officials.

### **3. Process and Background**

#### **Plan Implementation**

This application represents the first stage in approving future development on the site. This approval is for a zone change to the site, which establishes underlying uses and development standards, and for the first stage of development approval. Oregon City has a two-step master planning process. This document is a framework for future development, or, in city terms, a general development plan. On the ground changes to the property, that is, actual design proposals for buildings or open space on the blocks laid out in this plan require additional land use review.

Future development actions will be subject to the second step of the city's master plan process, a detailed development plan, per OCMC 17.65. The key criterion that links back to this approval is that detailed development plans must meet the requirements of the approved general development plan. (OCMC 17.65.060.B.1) In other words, the future development will follow the design principles set out in this document, or face a higher and more complex level of scrutiny and review.

In addition, an anticipated condition of approval for this general development plan will require developers of new buildings and open space in the district to provide additional information and be subject to more review that is more than would typically be required in a detailed master plan application. Specifically, development within the Willamette Falls Downtown District must comply with design guidelines, and each detailed development plan will be processed as a Type III land use review that goes before the Oregon City Planning Commission. Small projects that meet the minor site plan and design review thresholds (OCMC 17.62.035) may be processed, using the master plan standards, as a Type II review. For larger projects, the ability to comply with district design guidelines will be assessed by a Design Evaluation Board, a special city-assigned body that will provide broader feedback into the process. The Design Evaluation Board will make its recommendation to the planning commission through city planning staff, and its opinions will be integrated with the detailed development plan land use review.

In short, proposed development in the Willamette Falls Downtown District must address and/or comply with these main categories of city zoning regulations:



1. Comply with use and development standards in new WFD District.
2. Show consistency with principles of the approved general development plan (*i.e.*, framework plan)
3. Meet detailed development plan requirements (parallel to Site Plan & Design Review)
4. Follow design guidelines in the approved general development plan
5. Meet any overlay zone requirements that apply, *i.e.*,
  - Natural Resources
  - Willamette River Greenway
  - Geologic Hazard
  - Flood Management

These different reviews for new development projects will be consolidated into a single application, reviewed via a Type III planning process, and culminate in a hearing before the Oregon City Planning Commission. The Planning Commission decision may be appealed to the City Commission.

If a proposed development project does not follow the approach outlined in this document, an applicant may amend or modify of the master plan. That is, if any of the standards or preliminary designs in this master plan cannot be met by the proposed development project, the applicant has the option to amend or revise the master plan (OCMC 17.65.80). However, the easier path to approval for any project is to use the accumulated knowledge gathered from the public and technical input of the master plan, and follow the direction outlined here.

### **Public Engagement Summary**

This master plan and zone change proposal is the product of an intensive, eight-month long community engagement process that has built a broad base of supporters and champions. Project leaders and staff connected with thousands of participants through in-person conversations and online forums, including discussions with more than 62 local and regional groups ranging from civic to business, environmental and government organizations. Staff spoke one-on-one with hundreds of people of all ages at seven summer events including farmers markets, West Linn's Centennial Celebration and Concerts in the Park.

The first of three community interactive events was held at the First City Festival in July 2013 in Oregon City. Participants contributed nearly 1,000 distinct comments and ideas

for the site. In July and August more than 2,100 people commented through Metro's regional Opt In Online Opinion Panel and the survey on the project web site. Approximately 130 people learned about the project and shared ideas in small group discussions at the second community interactive event in October at the Museum of the Oregon Territory. A second round of surveys through Opt In and the project website garnered an additional 1,900 responses. Nearly 100 people participated in the third community event at Ainsworth House and Gardens to review the draft Framework and Demonstration Plans. In addition, nearly three dozen participants signed up to become community champions to support implementation of the Willamette Falls Legacy Project.



Figure 23. Small group discussion at October 10 community event.

The project team continues to stay connected with champions and engage new ones. Hundreds of people stay informed through the project website, Facebook page, Twitter feed, Oregon City News, email newsletter, and weekly online blog. The Facebook page alone reaches more than 1,400 people on a daily basis with updates on events as well as with a photo of the day. Weekly guided tours of the site are just one more way in which members of the public can get involved.

Public response to the Willamette Falls Legacy Project has been enthusiastic and positive. Participants are excited about the opportunity to redevelop the Blue Heron

site. During the initial visioning phase community members shared many creative ideas for the site, its uses, and how the four core values of public access, healthy habitat, historical and cultural interpretation, and economic redevelopment can lead to an ideal Willamette Falls future. Taking this information the team developed a series of alternative concepts for the site. Strong consensus across groups emerged about where development and open space should take place, with emphasis on healthy habitat and historical and cultural interpretation.

## **Meeting the Four Core Values**

The four core values for the site were developed, prior to this planning process, by the project partners: Oregon City, Clackamas County, Metro, State of Oregon, and the bankruptcy trustee for the Blue Heron property. These core values have been a theme of outreach and design since site planning began. As part of a future development application, the

### **1. Public Access**

Though the falls site is one of the most dynamic places along the Willamette River, it has been blocked from public use for more than 150 years. This plan provides new opportunities for Oregonians to connect with the river and to gain access to Willamette Falls. Specifically, a new street network will be established, based on an extension of the historic downtown grid. This network will provide access to and circulation through the site. Because access to the falls is a catalyst for development of the site, a new waterfront pathway will extend all the way to the edge of the falls. This path extends the current Oregon City waterfront walkway. Bringing the public into the site with these new transportation connections opens up the site to visitors and will bring a new dynamism to the area.

### **2. Economic Development**

Fishing, trading, and mills—first grain, then wool, then paper—created economic opportunity at the falls that drove prosperity in Oregon City for centuries. Now that Blue Heron Paper has closed for good, the master plan envisions a district where economic opportunities exist and the district continues to provide jobs to people in the region. The layout of the site put forward in this plan creates development-ready blocks that function for office and employment uses, as well as recreation and retail. A new Willamette Falls Downtown District allows a mix of uses, including light industrial uses that could potentially re-purpose some of the large footprint, large volume buildings on the site. A full-build out of the site—a process that will likely take many years—could contain nearly a million square feet of new development within the district, including retail, residential, office, and other employment uses. At full build-out, the site could

create between 600 and 1,100 new full-time jobs. As always, the falls and the river are the economic engine of this development. Open space relating to the river and access to the falls is the main comparative advantage this site holds over any other site in Oregon. The plan encourages private investment and public stewardship of the site in equal measure, and sets up a regulatory framework for future success.

### 3. Healthy Habitat

The master plan identifies both the location and type of restoration projects that will improve the natural resource condition of the site. Though degraded by a century of heavy industrial use, natural resources are present on the property and the riparian setting provides tremendous opportunities for improvement. Future development could expose and restore the historic shoreline, increase the circulation in the lagoon and diversify habitat, and establish a vegetated buffer along the riverbank. These actions would dramatically improve the riparian resource values and upgrade habitat for fish, birds, and plant communities. Finally, by designating a large area of the site as ideal for open space or park uses, the plan sets a framework for a large reduction in impervious surface and an increase in landscaped area. This would have an overall benefit to the site's natural resource functions.

### 4. Cultural and Historical Interpretation

The site has enormous historic value to Oregon and to the region shaped by the largest waterfall in the Pacific Northwest. Long an important cultural and gathering place for Native American tribes, and a natural locale for trade and fishing activity, the site had significance centuries before industrial development began here in the early 1800s. For many years there has been no public access to this important historic site. This plan creates new access to the site, enabling citizens to reconnect with the natural beauty of the falls and the industrial history on the property. Interpretive opportunities about the site will be part of future development, and allowed uses specifically include things like interpretive or education centers.

## **4. District Policies and Design Guidelines**

The proposed District Policies and Design Guidelines are mandatory for future development within the Willamette Falls Downtown District, and will be applied as part during detailed development plan review. Staff, with assistance from a Design Evaluation Board, will make a recommendation on a project to the Planning Commission, which will use the following policies and guidelines in deciding to whether to approve it.

**Purpose.** The plan policies and design guidelines promote development of high-quality buildings and open space that reinforce the four core values of the site: public access, economic development, healthy habitat, and cultural and historic interpretation. The guidelines are also intended to promote compatibility with the historic character of the district, while allowing contemporary interpretations of the historic patterns.

### **Guideline 1. Enhance the Special Character of the Willamette Falls Downtown District.**

#### *Principles:*

Unique setting. Buildings and landscape elements should establish an aesthetic that considers the site's natural setting and industrial history, and promotes permanence and quality. Design elements to consider are materials, massing, views and viewing areas, building transparency, orientation to public and semi-public spaces, and landscaping.

Celebrate the river and falls. Where appropriate, the unique natural setting of the site should be celebrated by building and open space design. Integrate the experience of the river and the falls through site design. Special attention should be paid to development at the river's edge.

Streets. Re-establishment of the historic street grid is fundamental to the new district. Buildings and open spaces should orient themselves toward or open up to these streets. Special care should be taken for the design of ground floor, street-level uses.

Views. Take advantage of views toward the river and falls. Step structures down to follow natural change in elevation from the basalt bluffs to water's edge. Open up views toward Canemah down Main Street, and toward river from future 3<sup>rd</sup> and 4<sup>th</sup> Streets.

Materials. Building materials should reflect the industrial character of the site. Proposed materials must be high quality and express a sense of permanence fitting for the industrial history of the site. The first two floors of development especially should use materials that reinforce the high-quality, comfortable pedestrian environment.

### **Guideline 2. Design for the Comfort and Safety of Pedestrians.**

#### *Principles:*

Network. Incorporate the pedestrian network that accompanies the street grid and public pedestrian ways into the design of buildings and open spaces. Link pedestrian



paths in open space areas to public sidewalks and building entrances. Incorporate main entrances that orient to Main Street.

Visual Interest. Establish areas of visual interest on the ground floor of buildings where they face main streets. Incorporate seating and viewing areas in front of buildings and in open space areas where appropriate.

Natural setting. Locate and design buildings and open space areas to consider effects of sunlight, rain, shadow, wind, and views of the river and the falls. Maximize the amount of direct and indirect sunlight to adjacent public spaces.

Signs. Use pedestrian-scaled signage within the district that offers clear direction into and around the site. Private commercial signage should reflect the pedestrian character of the district and reflect the history of the site. Signage should not obscure or detract from views toward the water or the falls.

Lighting. Place and direct outdoor lighting to ensure that the ground level of the building and associated outdoor and pedestrian areas are well lit at night. Integrate exterior lighting so that it does not detract from the uses of adjacent areas. Lighting should be Dark Sky compliant.

### **Guideline 3. Maintain Downtown Character**

#### *Principles:*

Continuity. The Willamette Falls District is an extension of the historic downtown. At the same time, the scale of buildings and industrial history of the district should create a different feeling. Buildings and open space areas should pay special attention to the transition between the two downtown districts. New development should consider architectural patterns and materials existing in downtown, and also create a new sense of place.

Block Structures. Respect the block structures of the historic downtown. The pedestrian and vehicular experience of streets and sidewalks should be continuous across the barrier of 99E.

Parking. Locate parking to minimize impact on building appearance, streetscape, and pedestrians. Plan for the primary method of car storage to be within structures. Show that parking can flexibly serve different users, times of day, and could be reconfigured for other purposes. Develop, orient and screen structured parking to complement adjacent buildings. Reduce automobile/pedestrian conflicts around parking areas and support the pedestrian environment.

## **Guideline 4. Re-Use, Rehabilitate, and Restore Buildings and Structures**

### *Principles:*

Key structures. Preservation or rehabilitation of key structures should be a priority in the design of new buildings and open space. Highest value is placed on the following structures: De-Ink Building, #4 Paper Machine, Mill O, Hawley Building, and the Woolen Mill Foundation. If any these key structures must be removed, the applicant must document the specific reason for doing so, and propose mitigation to compensate for the loss of site character.

Other structures. Incorporate remnants, key features or other significant portions of existing structures into project design. The district's 150-year history as a mill site (flour, wool, paper) and a manufacturing center should be celebrated and recognized when new buildings and uses are established.

Archaeology. Incorporate pre-colonial history of the site into new development where appropriate. Monitor archeology when disturbance of native soil is proposed.

## **Guideline 5. Build for long-term use**

### *Principles:*

Future development. Locate buildings to allow for infill on adjacent vacant or underdeveloped parcels. Design compatible transitions between buildings and open spaces. Promote visibility and accessibility between open spaces and adjacent uses.

Quality materials. Promote permanence and quality in new development through the use of substantial and attractive building materials. Re-use existing industrial materials where appropriate.

## **Guideline 6. Incorporate Ecology into Design**

### *Principles:*

Riparian edge. Promote healthy habitat when designing new buildings and open space at river's edge. Take advantage of natural resource enhancement opportunities along the riverbank.

Landscape. Integrate and juxtapose ecological landscape elements with the intense urban and industrial history of district. Create continuous canopy of street trees, where practicable. Integrate innovative stormwater treatment systems with the overall site and development site design.

Buildings. Incorporate sustainable building practices into site and building design. Bring features of the site's natural setting inside buildings as a means for better integrating buildings with significant site elements. Consider shared utilities (eco-districts).

## **5. Zoning Code Language**

### **17.35 Willamette Falls Downtown District**

#### **17.35.010 Designated.**

The Willamette Falls Downtown (WFD) district applies to the historic Willamette Falls site, bordered by 99E to the north and east, and the Willamette River to the west and south. This area was formerly an industrial site occupied by the Blue Heron Paper Mill and is the location of Oregon City's founding. A mix of open space, retail, high-density residential, office, and compatible light industrial uses are encouraged in this district, with retail, service, and light industrial uses on the ground floor and office and residential uses on upper floors. Allowed uses in the District will encourage pedestrian and transit activity. This district includes a Downtown Design overlay for the historic downtown area. Design guidelines for this sub-district require storefront façades along designated public streets featuring amenities to enhance the active and attractive pedestrian environment.

#### **17.35.020 Permitted uses.**

Permitted uses in the WFD district are defined as:

- A. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, and specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed 40,000 square feet (a freestanding building over 40,000 square feet is allowed as long as the building contains multiple tenant spaces or uses);
- B. Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials, and not to exceed 60,000 square feet;
- C. Research and development activities;
- D. Offices, including finance, insurance, real estate, software, engineering, design, and government;

- E. Restaurants, eating and drinking establishments without a drive through, and mobile food carts;
- F. Parks, playgrounds, outdoor entertainment space, and community or neighborhood centers;
- G. Museums, libraries, and interpretive/education facilities;
- H. Outdoor markets, such as produce stands, craft markets and farmers markets;
- I. Indoor entertainment centers and arcades;
- J. Studios and galleries, including dance, art, film and film production, photography, and music;
- K. Hotel and motel, commercial lodging;
- L. Conference facilities and meeting rooms;
- M. Public and/or private educational or training facilities;
- N. Child care centers and/or nursery schools;
- O. Health and fitness clubs;
- P. Medical and dental clinics, outpatient; infirmary services;
- Q. Repair shops, except automotive or heavy equipment repair;
- R. Residential units – multi-family;
- S. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- T. Seasonal sales, subject to Oregon City Municipal Code Section 17.54.060;
- 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. Religious institutions;
- Y. Live/work units;
- Z. Water-dependent uses, such as boat docks.
- AA. Passenger terminals (water, auto, bus, train).
- BB. Existing parking and loading areas, as an interim use, to support open space/recreational uses.

### **17.35.030 Conditional uses.**

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

- A. Emergency services;
- B. Hospitals;
- C. Assisted living facilities; nursing homes, residential care facilities and group homes for over fifteen patients;
- D. Parking structures and lots not in conjunction with a primary use;
- E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding 40,000 square feet;
- F. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
- G. Public utilities and services such as pump stations and sub-stations;
- H. Stadiums and arenas;

#### **17.35.040 Prohibited uses.**

The following uses are prohibited in the WFD district:

- A. Kennels;
- B. Outdoor sales or storage that is not accessory to a retail use allowed in 17.35.020 or 030.
- C. Self-service storage;
- D. Distributing, wholesaling and warehousing;
- E. Single-Family and two-family residential units;
- F. Motor vehicle and recreational vehicle repair/service;
- G. Motor vehicle and recreational vehicle sales and incidental service;
- H. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment)

#### **17.35.070 Willamette Falls Downtown District dimensional standards**

- A. Minimum lot area: None.
- B. Minimum floor area ratio (as defined in 17.34.080): 1.0.
- C. Minimum building height: Two entire stories and 25 feet, except for:
  - 1. accessory structures or buildings under 1,000 square feet, and
  - 2. buildings to serve open space or public assembly uses.
- D. Maximum building height: 80 feet.
- E. Minimum required setbacks: None.
- F. Maximum Allowed Setbacks. 10 feet, provided site plan and design review requirements are met.



- G. Maximum site coverage: 100 percent.
- H. Minimum Landscape Requirement: None for buildings. Landscaping for parking areas required per 17.52.
- I. Street standards: per Section 12.04, except where modified by a master plan.
- J. Parking: per Section 17.52, Off Street Parking and Loading. The Willamette Falls Downtown District is within the Downtown Parking Overlay District.

## SECTION 2: LAND USE REVIEW FINDINGS

This section provides the findings to support approval of the new development. Quotes from City code and plans are included in *italics*, the applicant response is shown in plain text. Text omitted from quoted codes or plan documents, for brevity's sake, is indicated by three asterisks: \*\*\*.

### Master Plan (17.65)

#### Submittal Requirements (Subsection 17.65.50)

The current proposal contains all of the required Master Plan components, addressed in detail in Section 1.

**Response:** As documented below, the applicant has submitted the components required by Subsection 17.65.50.

Table 10. Submittal Requirements

Component	Response
<b>A. Existing Conditions Submittal Requirements</b>	
<b>1. Narrative statement...</b>	
<i>a. Current uses...</i>	The site is currently a no-longer-operating industrial use. Most recently the site was used as a paper mill.
<i>b. History or background about the mission or operational characteristics of the institution...</i>	The site is not an institution. It is currently owned by the bankruptcy trustee that took control of the site from the Blue Heron Paper operation. Future ownership of the site is not determined, nor is the exact nature of future development.
<i>c. A vicinity map...</i>	Sheet 1 is a vicinity map that shows the site and surroundings.
<i>d. Non-institutional uses</i>	The site is bounded by non-institutional uses. Residential development borders the site to the east, though this is high above the site on the bluff. The river bounds the site to the west and south. To the north, across 99E, is existing downtown Oregon City, which is a commercial district. Aerial photos (Sheet 2) shows surrounding development.
<i>e. Previous land use approvals...</i>	The site has land use approvals that are identified by file number in Section 1. No outstanding conditions apply to the site.
<i>f. Existing utilization of the site...</i>	The site is fully and intensely developed for industrial use, though the mill use is no longer in operation. The south side of the property contains a lagoon and a long rail spur toward Canemah.
<i>g. Site description...</i>	The site is mostly flat, occupying a basalt shelf at the base of a bluff. The site drops off quickly into the Willamette River, which bounds the site to the west. Willamette Falls is located southwest of the site. Buildings and structures relate to the industrial past that occupied the site for the last 100 years, most recently a paper mill. (For further detail, see Section 1.)

<i>h. Existing transportation analysis...</i>	The site is bounded by Oregon Highway 99E to the north and east, with one access point at the corner of Main Street and 99E. No public streets go through the site, and no public parking is available. The site is poorly served by transit: TriMet's line 33 has stops three blocks north in downtown at 7 <sup>th</sup> and Railroad, and southeast of the site at 2 <sup>nd</sup> and Tumwater. More information is provided in the transportation report.
<i>i. Infrastructure facilities and capacity...</i>	The site is served by City sanitary sewer and water, and stormwater management. Use of existing public facilities is very low because the mill is not operating and the property is unoccupied.
<b>2. Maps and Plans...</b>	
<i>a. Existing conditions site plan...</i>	Sheets 2 and 3 show existing conditions. This figure contains the applicable items as required. Landscape plans (tree species and location, etc.) are deferred to the detailed development phase, where it is required.
<i>b. Vicinity map...</i>	Sheet 1 shows the site's general location including nearest cross streets, and relationship to the existing downtown.
<i>c. Aerial photo...</i>	Sheet 2 includes an aerial photo that depicts the site and property within 250 feet of the proposed development boundary.
<b>B. Proposed Development Submittal Requirements</b>	
<b>1. Narrative statement...</b>	
<i>a. The proposed duration...</i>	This application proposes a master plan duration of 20 years as permitted by code and detailed in Section 2, Proposed Master Plan.
<i>b. The proposed development boundary...</i>	The boundary includes several contiguous parcels, 2-2E-31BD-00300 and 00500. These are shown on Sheet 4 and discussed in Section 1, Proposed Master Plan
<i>c. A description, approximate location, and timing of each proposed phase...</i>	Development will occur in multiple phases over the 20-year lifespan of the master plan. The precise location and sequence of development is uncertain because public and private investment in the property has not been finalized.
<i>d. An explanation of how the proposed development is consistent with the purposes of Section 17.65 and any applicable overlay district.</i>	<p>The finding for OCMC 17.65.010 below explain how the proposed development is consistent with the purposes of the master plan chapter. That purpose is "foster the growth of major institutions and other large-scale development." The site consists of 22 acres of re-developable land, and this master plan fosters its growth by establishing a framework for the locations of streets, development, and open space areas within the district. Compatibility and design quality is insured through development standards and design guidelines.</p> <p>The site is located in the Willamette River Greenway, Natural Features, and Geologic Hazards Overlays. The purpose of these chapters is stated in OCMC 17.44.010, 17.48.020, and 17.49.010. As part of this master plan, all future development must still meet the regulations of the overlay districts as part of the detailed development plan process. As a result, the plan is consistent with the purposes of these districts.</p>
<i>e. A statement describing the impacts of the proposed development on inventoried Goal 5 natural, historic or cultural resources...</i>	Impacts on inventoried Goal 5 resources will depend on the specifics of actual development, which is not proposed as part of this master plan. This general development plan establishes a framework for future development. When building or open space redevelopment is proposed, these plans must demonstrate compliance with city rules for the protection of Goal 5 resources at that time.

<i>f. An analysis of the impacts of the proposed development on the surrounding community...</i>	Building and open spaces placement, development standards, design guidelines, and environmental enhancement opportunities identified in Section 1 will ensure the development's compatibility with the surrounding community. Transportation impacts from full build-out of the site can be managed with incremental improvements to the existing street network. There will be a net positive impact on natural features, as upgrades will occur with new development. Section 1, Development Impacts and Mitigation, identifies potential impacts on the community.
<i>g. A summary statement describing the anticipated transportation impacts...</i>	The proposed development at maximum build-out will generate approximately 700 p.m. peak hour trips. Parking demand will be 1,000 to 1,100 new spaces. Section 1, Development Impacts and Mitigation summarizes the anticipated transportation impacts.
<i>h. In addition to the summary statement of anticipated transportation impacts, an applicant shall provide a traffic impact study as specified by City requirements...</i>	A traffic impact study prepared by an engineer has been developed for the site, based on broad assumptions about the long term redevelopment of the site. This study summarizes impacts from proposed development, and identifies mitigation measures that will allow the existing transportation system to accommodate anticipated new trips.
<i>i. If an applicant chooses to pursue option h(1)...</i>	The traffic impact study has quantified transportation impacts based on anticipated future development. As discussed in the narrative, this plan includes a range of potential improvements to the area around the site. The study addresses impacts consistent with all phases of the general development plan.
<i>j. The applicant or city staff may propose objective development standards...</i>	Development standards specific to this facility are contained in the new zoning chapter for the Willamette Falls Downtown District. In addition, this application contains design guidelines for future development in the area.
<b>2. Maps and diagrams...</b>	
<i>a. A preliminary site circulation plan...</i>	Sheet 8 shows the circulation patterns on the site. The historic street grid will be re-established on the site, and a pedestrian/bike access will be created along the riverfront and south to Canemah.
<i>b. The approximate location of all proposed streets, alleys, other public ways, sidewalks, bicycle and pedestrian access ways...</i>	The proposal shows the location of all proposed streets and pedestrian/bicycle access ways. The historic street grid will be re-established on the site, and a pedestrian/bike access will be created along the riverfront and south to Canemah.
<i>c. The approximate location of all public facilities to serve the proposed development...</i>	Sheet 10, the proposed utility plan, shows approximate location of water, sanitary sewer, and stormwater management facilities.
<i>d. The approximate projected location, footprint and...</i>	The approximate location and footprint of proposed development is outlined by the framework plan map, Sheet 7. The precise location, footprint, and square feet of structures will depend on future development. The City will review location and building design at detailed development plan review.

e. <i>The approximate locations of proposed parks...</i>	Open space blocks are proposed on the framework plan. These areas are below the floodplain and will develop with a combination of open space/recreation uses and rehabilitated industrial buildings. The exact nature of the open space will be determined at the time of development. The natural resources subject to protection are related to the riparian corridor and are subject to the city's natural resource overlay. Historic structures to be preserved are shown Section 1.
--	--

## General Development Plan Approval Criteria (Subsection 17.65.50)

### 17.65.50 General Development Plan

**C. Approval Criteria for a General Development Plan.** *The Planning Commission shall approve an application for general development plan approval only upon finding that the following approval criteria are met.*

1. *The proposed general development plan is consistent with the purposes of Section 17.65.*

**Response:** The purpose and intent of Chapter 17.65 is as follows:

#### *17.65.010 - Purpose and intent.*

*It is the intent of this Chapter to foster the growth of major institutions and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The City recognizes the valuable services and employment opportunities that these developments bring to Oregon City residents. The master plan process is intended to facilitate an efficient and flexible review process for major developments and to provide them with the assurance they need over the long term so that they can plan for and execute their developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address the larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs.*

The Willamette Falls Legacy Project site is a 22 acre site, and has the potential for large-scale development to the benefit of Oregon City and the region. The potential impacts of the redevelopment of the site are favorable with regard to economic development, public access, and new opportunities for people to experience the natural wonder of the largest falls in Oregon. The impacts on surrounding properties with regard to transportation and public infrastructure will be mitigated by incremental offsetting changes to public systems for accommodating new growth, that is, the transportation and public utility improvements that are identified in this plan and will be implemented concurrent with new development. A re-developed and revitalized Willamette Falls District would provide a range of services and employment



opportunities to Oregon City residents--which are as-yet undefined, and contingent on market conditions.

This plan provides the first step in setting the future of the new district and establishes a flexible review process for major new development. This review process includes an assurance of compliance with the principles of and standards within the general development plan, all the requirements and information necessary for the subsequent detailed development plan, and further, compliance with a district-only set of design guidelines that will be approved with the general development plan. Setting up the master plan in this way allows planning and design of individual projects within the larger district to go forward, and gives a clear path to gaining future approval for development of both new buildings and open space. Having set parameters for future development on the site allows for renewal of the area to occur over time, in a phased manner, while assuring consistency with the general principles of the plan, which have been expressed by a broad and inclusive public process that leads up to this document. This general development plan addresses the larger development issues, such as street location, layout of development and open space areas, and infrastructure capacity, while leaving details of building orientation or how uses are mixed until the detailed development phase. Ultimately, the general development plan will foster the growth of the Willamette Falls District by clearly delineating areas for new development and open space, designating public access through a grid of streets and multi-use paths along the waterfront, and setting up a future land use approval process, including new design guidelines, that insure a clear path forward for high-quality future projects.

*2. Development shall demonstrate compliance with Chapter 12.04, Streets Sidewalks and Public Places.*

**Response:** The master plan for the new Willamette Falls District establishes street locations and dimensions that are generally consistent with OCMC 12.04. The primary facilities that will be established over the life of the master plan are a new Main Street, Water Street, 3rd and 4th Streets, and a multi-use pedestrian and bicycle path along the waterfront and potentially south toward Canemah. The grid of public streets is the continuation and re-creation of the historic pattern that already exists in downtown Oregon City. This network of streets was vacated to make way for large-scale industrial development. As the site re-develops with uses that do not have the same need for very large footprint structures like paper-making machines, the site can again benefit from the accessibility that can be provided by a continuous street network.

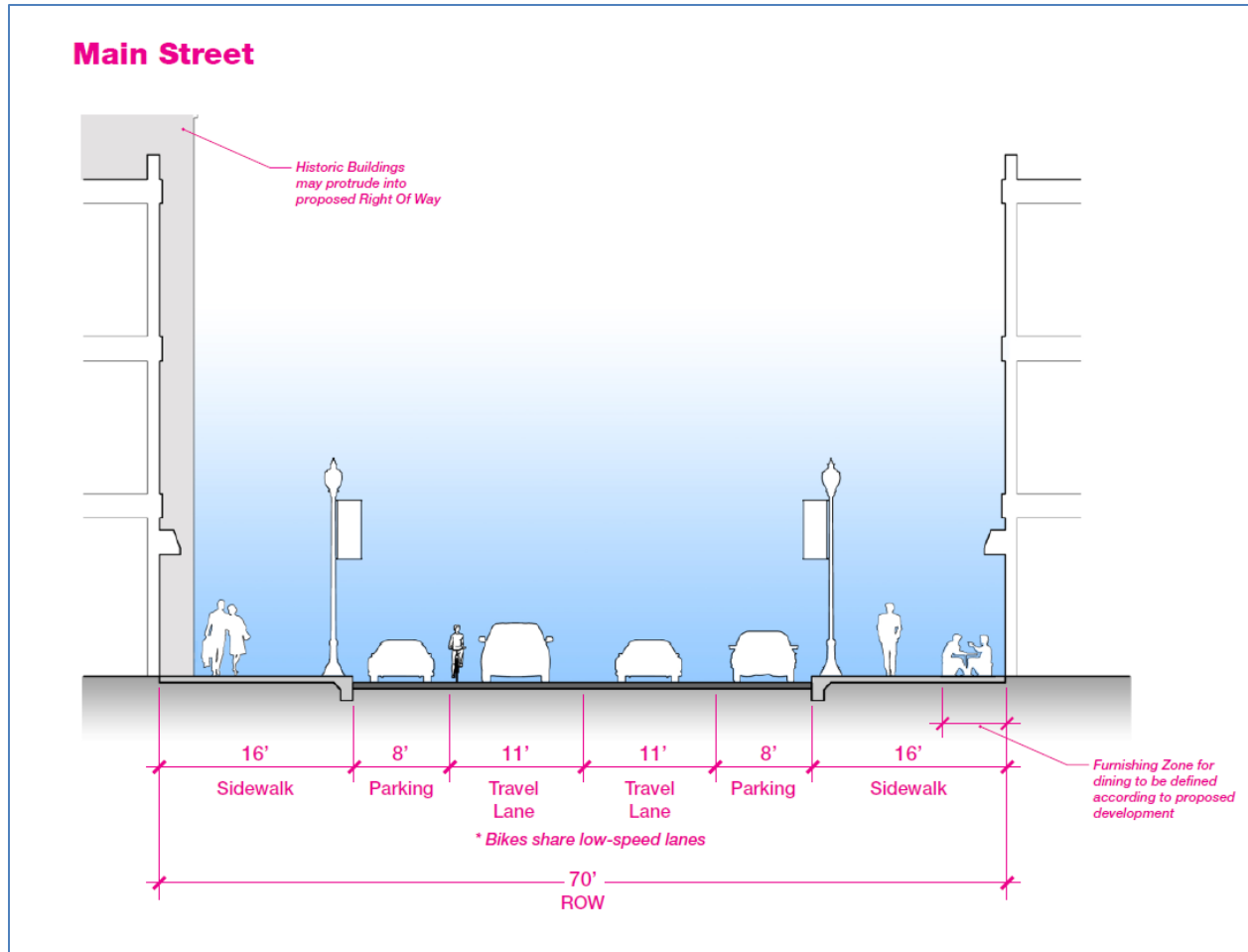
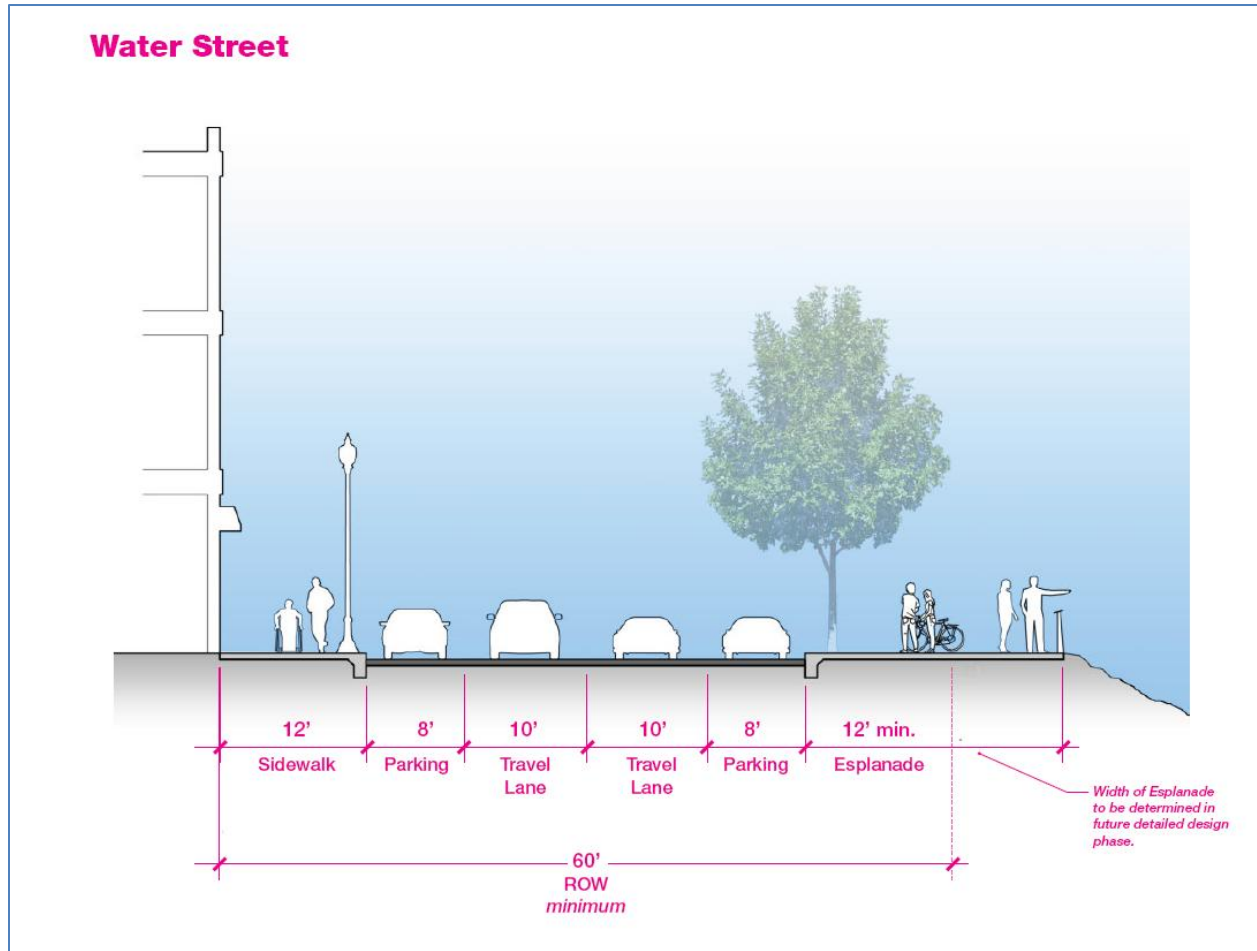


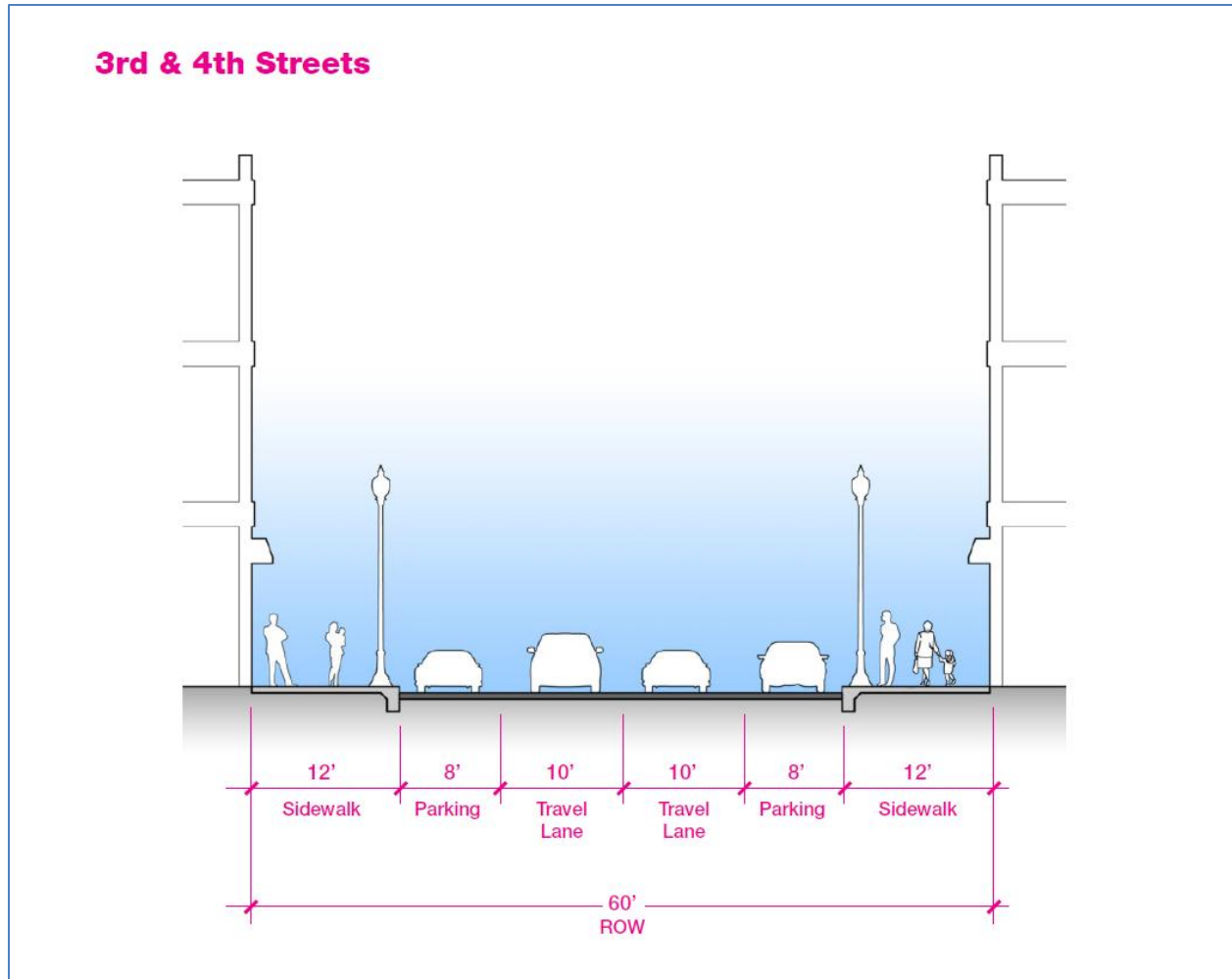
Figure 24. Main Street typical cross section.

Main Street is a “collector” street and future development of this street will comply with these standards with one exception. Rather than a city-designated 12 foot sidewalk, the standard profile will include minimum 16 foot sidewalks as shown in the preceding section drawing. This dimension could be reduced for a specific development application to accommodate a special condition such as to protect the façade of an existing historic building. This change will accommodate an expected level of pedestrian activity that is forecast for the new district, and is in response to the current experience of Main Street in downtown Oregon City, where street furniture and signage has often left the through-zone for pedestrian traffic seeming congested.



**Figure 25. Water Street typical cross section.**

Water Street is a new street that will be classified as a “local street” and comply with the design standards for that classification as contained in 12.04. Likewise, 3rd and 4th Streets will also be designated as local streets. These streets have the most flexibility depending on the nature of future development, since they are short segments, bounded by 99E and basalt cliffs to the east, and the river to the west. These streets could be established in a traditional section as identified, or as shared streets (“woonerf”), or as stubs into a parking structure.



**Figure 26. 3rd and 4th Street typical cross section.**

For all streets within the district, the requirement for street trees will be modified as part of this master plan approval. The entire Willamette Falls Downtown District is on a basalt shelf that has only a shallow layer of soil – if any--that is a poor environment for growing trees. A continuous canopy of street trees is strongly encouraged, and should be installed wherever it is feasible. In locations where underlying basalt does not allow standard street tree installation, an alternative approach will be allowed. Design guidelines proposed with the plan will encourage streetscapes to have a lively vegetative presence regardless of the underlying soil conditions, whether in planters or using smaller trees and shrubs.

*3. Public services for water supply, police, fire, sanitary waste disposal, and storm-water disposal are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.*

**Response:** As part of the pre-application meeting, city and area service providers provided information in response to the applicant's request regarding water, sanitary, storm, and other public services. The responses from the city, and other information is summarized below:

Water supply: The existing water system consists of a connection to a 10-inch water main extending south from Main Street. It is known that the new pipe extends to the location of the pressure-reducing valve ("PRV") vault near the south end of the office building (SW corner of Hwy 99 and Main St.). The 10-inch main continues south down the extension of Main St. to about the middle of the site, then it turns east and goes under buildings, the railroad tracks and highway 99E, and goes up the cliff to connect to the City grid system at another PRV station. There are other smaller pipes on-site that extend from the 10-inch main.

Concurrent with future development, all of the on-site pipe from the PRV station on Main Street will be replaced. (The existing pipe is old, leaking and is either cast iron or steel.) The southern connection to the City water grid will also be replaced including the crossing of the railroad and highway, extension up the cliff and the PRV station. It would be beneficial for this connection to occur further south on the site in order to avoid dead-end lines. The water distribution system should be modeled to determine the best place to complete the southern loop, and to determine if additional City water system improvements are required east of the highway to support the fire flow requirements. It is assumed the 3,000 gpm fire flow will be required. The water distribution system should be modeled to determine if an extension of the 10-inch line from Main Street will be sufficient to provide the flow. The loop through the site may or may not be required for fire flow.

Near the southern end of the site there is another private water line that crosses the railroad and highway, and extends to the top of the cliff where there is a tank that is currently used to provide fire flow. It is assumed that this system will eventually be abandoned and demolished.

Police: Police service will be the responsibility of Oregon City Police, who currently serve the site. The city has not indicated the need for any significant change in levels of police services due to the redevelopment of the site.

Fire: Fire protection will be the responsibility of the Oregon City Fire Department, who currently serve the site. As the site redevelops, new and rehabilitated buildings will comply with modern building codes that include fire protection and water supply that meets fire flow standards. Streets within the district will be constructed to city standards that accommodate fire fighting equipment. The city has not indicated the need for any significant change in levels of fire services due to the long term redevelopment of the site.



Sanitary sewer: There is existing private sanitary sewer collection system on site which is a gravity system consisting of 8 and 12 inch pipe. It connects directly to the Water Environment Services owned interceptor on Highway 99E near the location of the future Water Street. A portion of the private pipe is located beneath the water filtration plant.

The existing private system on site is old, the condition is unknown and is at least partially inaccessible. This system will need to be abandoned, perhaps removed, and replaced. As the site is relatively flat it may be difficult to provide gravity sanitary sewer service to the south end of the site. This would need to be investigated as actual development plans are pursued. There will need to be coordination with WES with regard to connection to their interceptor line. This may include an evaluation of capacity of the line with regard to the potential sanitary sewer flows at the site.

Storm drainage: Existing water quality facilities have been installed as temporary measures until development occurs. The temporary measures include gabions with filter material at one tailrace and the pipe gallery; retention and settling in the grotto; and rain gardens in totes for the roof drains. There are two outfalls on the site that are essentially pass through facilities that convey City and ODOT storm water. One is located at approximately mid site (north to south), and the other is at the south end discharging to the pond above the dam. The submerged outfall to the lagoon is believed to be damaged and would require repair or replacement to make the system fully functional. It appears that a portion of the storm water from the ODOT line is diverted to the sanitary sewer which flows directly to the WES interceptor pipe. This needs to be verified, and rectified. In future conditions, storm water may be directed away from the sanitary sewer.

The site has been cleaned up such that storm water from the site can be discharged to the Willamette River without further environmental remediation. Future storm water systems will only need to meet the City standards. Due to the direct discharge to the Willamette River detention will not be required. Standard water quality treatment will be required.

New facilities will need to provide for collection and treatment prior to discharge. Alternative treatment methods such as low-impact design methods may need to be considered due to the nature of the site (bedrock at the surface or near).

*4. The proposed general development plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of applicable overlay districts.*

**Response:** The city's mechanism for inventorying and protecting Goal 5 resources on the site is through the Natural Resources Overlay District. 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. Resources on this site are related to its proximity to the Willamette River and the associated NROD district boundary reflects the riparian resources. The city's Natural Resource Overlay District applies to the entire Willamette Falls District, and its requirements will be met as part of any future detailed development plan application.

Though the site is on the banks of the river, the entire developed area of the site and covered with impervious surface. The NROD chapter provides an exemption for properties that do not increase impervious surface over existing conditions (17.49.080.J). This exemption is likely to be invoked for future development, since there is virtually no pervious surface on the existing site. Because the property is completely built out with decades of industrial development In fact, changes to the site will likely increase pervious surface in the district.

Nevertheless, satisfying the overall district objectives requires attention to habitat restoration and environmental protection. To that end, the master plan identifies restoration and enhancement opportunities for the site that will improve riparian conditions and fish and wildlife habitat. These enhancement actions can also provide improvements for water resources, including stormwater treatment and water quality. The existing conditions and menu of proposed, high-value site improvements is outlined in a natural resources assessment prepared by ESA in October 2012, "Willamette Falls Legacy Project: Habitat and Water Resources Opportunities," which is included as an appendix. In addition, Metro scientists have done two years of study about the healthy habitat elements of the site, and further refined the list of environmental restoration targets at the site. These inputs have created key recommendations for enhancing the site's natural resource values:

- Expose and restore the historical shoreline
- Diversify habitat, restore tailraces, revegetate, remove invasive species
- Provide stormwater treatment along shoreline and in grotto
- Increase circulation in lagoon
- Diversify lagoon habitat

Two of the above identified actions would be especially important to improving the habitat values of the Willamette Falls site and its adjunct river corridor. Tail races once carved deep into the site at its southern end have been filled in or channelized as

industrial development dominated the site. The intake basin (*i.e.*, lagoon), which creates an upper section of river through the site above the dam, provided a place for water transportation into the site from upstream. This water body is now stagnant. Re-establishing the mill races, either in part or in full, to receive greater flows from the lagoon has multiple environmental benefits. The water quality of the lagoon improves by circulating fresh water through the area. Greater circulation would aerate water flowing through the tail races, thus providing a more welcoming habitat for fish and other riparian vegetation. The master plan shows this concept, with the understanding that the development of the open space in this location is still undetermined. The design of the open space and development in this area of the site will be determined in a future development application.

There are currently no locally designated historic structures (OCMC 17.40) located on the property. The Willamette Falls site is not currently located within a local or National Register Historic District. However, a report was prepared by a preservation specialist in 2002 for Portland General Electric & the Blue Heron Paper Company, in cooperation with the West Linn Paper Company. Oregon SHPO indicated that some of the buildings located on site are contributing historic structures that are eligible for listing on the National Register of Historic Places.

In the spring of 2012, the City of Oregon City provided updated survey data to the 2002 Determination of Eligibility, including additional information on the 1950s structures in the Oregon Historic Site Database. In the fall of 2012, the Oregon State Historic Preservation Office issued a Revised Determination of Eligibility for the site that concurred with the updated information and, due to the salvage work onsite, indicated that the site was no longer eligible for listings as a National Register District. Therefore, all of the buildings were reviewed individually for eligibility. The results of this review are included as an appendix to this application.

Buildings listed in the National Register of Historic Places, either individually or as a contributing building in a historic district, are eligible to take advantage of the 20% Federal Tax Credit Program and the State Special Assessment Program. A future property owner may choose to nominate some or all of the historic contributing buildings to take advantage of both programs.

*5. The proposed general development plan, including development standards and impact mitigation thresholds and improvements adequately mitigates identified impacts from each phase of development. For needed housing, as defined in ORS 197.303(1), the development standards and mitigation thresholds shall contain clear and objective standards.*

**Response:** The project's anticipated impact and associated mitigation measures were discussed above in Section 1, Proposed Development Impacts and Mitigation. The following table summarizes the discussion of impacts.

Table 11. Development Impacts and Mitigation

Impact category	Impact from Master Planned development	Summary of Proposed Mitigation
Aesthetics	New mixed use development and open space waterfront areas.	Impact is positive, no mitigation required.
Environmental Resources	Riparian corridor already badly degraded from years of heavy industrial use. New development subject to NROD and protects sensitive resources.	Plan includes enhancement opportunities to: expose and restore historical shoreline (diversify habitat, restore mill races, revegetate); provide stormwater treatment along shoreline and in grotto; increase circulation in lagoon and diversify habitat; establish vegetated buffer upslope.
Cultural Resources	Open up access to highly significant Native American site.	Impact is generally positive, no mitigation required. Future development will coordinate with tribes to assess impacts.
Hydrology and Water Quality	Site already heavily impervious because of basalt shelf and industrial development. No increase in impervious surface anticipated.	Areas in floodplain generally designated for open space uses
Noise	Reduced noise impacts from what is allowed under current zoning, because of conversion to mixed use development.	Impact is positive, no mitigation required.
Transportation/Traffic	Additional vehicle and pedestrian traffic from development of new buildings and open space uses.	Package of improvements in and near site to mitigate impacts. Includes: signal at 6 <sup>th</sup> and 99E, shared use path on waterfront, Water Street access, northbound right at Main/99E intersection, indirect left into site via Railroad, and ped bridge over 99E at south end of site.

6. The proposed general development plan is consistent with the Oregon City Comprehensive Plan and its ancillary documents.

**Response:** The following comprehensive plan goals and policies have been determined to be applicable to the general development plan and are addressed below

### ***Introduction***

#### ***Statements of Principle***

*Oregon City's Comprehensive Plan is founded on a number of principles, which shape the City Commission's vision for the future growth and development of the city. The*

*principles help determine the scope of issues, concerns, and actions that will guide development, and they are reflected in the plan's goals and policies. Statements of these principles, listed below, are not legally binding. They are instead intended to help citizens understand the kind of city this plan will help to achieve.*

*Promote sustainability and sustainable development. \*\*\**

*Contain urban development. \*\*\**

*Promote redevelopment. \*\*\**

*Protect natural resources. \*\*\**

*Foster economic vitality. \*\*\**

*Provide efficient and cost-effective services. \*\*\**

*Ensure a sense of history and place. \*\*\**

**Response:** The proposed general development plan for the Willamette Falls Downtown District is consistent with the above statements of principle because it takes a comprehensive approach to the redevelopment and revitalization of the district. The plan promotes sustainability by incorporating protections and enhancement for the site's riparian values, promoting the adaptive reuse of existing historic buildings on the site, and creating a pedestrian-friendly street and pathway network that will minimize car travel. It contains urban development by anticipating highly urban uses and building types downtown, which is the most central area of the city and will reinforce the core of the city. It promotes redevelopment by establishing a clear set of rules for buildings and open space, and designating more than six acres of the site for new development, and laying out the anticipated network of transportation and utility connections that will accompany future development. It protects natural resources by identifying a list of resource enhancement opportunities and requiring compliance with existing city rules for environmental protection. It fosters economic vitality by designating land for redevelopment consistent with current market realities, and providing more certainty for private and public investment on the site with regard to the spatial organization of the property. It provides efficient and cost-effective services because it promotes the redevelopment of 22 acres adjacent to the core of the city where it is easiest to provide utilities and other public services. It ensures a sense of history and place by designating specific buildings and structures for historic preservation, reestablishing the historic street grid, and requiring that new development show respect for the natural, territorial, and industrial history of the site.

## ***Section 2: Land Use***

### ***Industrial Land***

*There is often pressure to convert industrially zoned land to easily developable sites and other uses. The goals of the City are to protect existing industrial land from conversion, where appropriate, to annex industrial land and expand the Urban Growth Boundary to add urbanizable industrial land to the inventory, and to ensure that public facilities can serve future development.*



- *Industrial (I) – uses related to manufacturing, processing and distribution of goods. Employment-based uses are encouraged. Intensive or heavy industrial uses are allowed in certain zones. Zones in the Comprehensive Plan Land-Use Map district are designed to comply with requirements of Title 4 of Metro’s Urban Growth Management Functional Plan (1998).*
- *Mixed Use Downtown (MUD) – urban density, mixed uses that are conducive to pedestrian and transit uses. This category is intended to be used to implement the Oregon City Downtown Community Plan (1999), the Oregon City Waterfront Master Plan (2002), and Metro’s Regional Center concept, particularly in terms of connecting the Downtown with the waterfront. A design overlay is included in this area and is intended to promote development consistent with Oregon City’s traditional Downtown form.*

**Response:** The proposed plan is for re-development of the formerly industrial site, and is concurrent with a zone change from industrial to a mixed-use zone that supports a wider range of uses including office, craft industrial, commercial, and residential uses. This is consistent with comprehensive plan policy 2.2.12, “Ensure a master plan is developed at the Blue Heron Paper Company site ... which addresses transitioning the overall site from industrial to non-industrial land uses.” The industrial history of the site is rooted in its proximity to the falls as a source of power. Being close to hydro-power is no longer a necessary requirement for desirable industrial land. Moreover, the location of this site has numerous challenges that have rendered it less appealing for industrial use than other site’s within the city: limited transportation access, more than half the property being within the floodplain, and the presence of existing mill infrastructure. Finally, the city currently has in its inventory adequate and industrial land in areas with many fewer constraints.

#### *Goal 2.1 Efficient Use of Land*

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

##### *Policy 2.1.1*

*Create incentives for new development to use land more efficiently, such as by having minimum floor area ratios and maximums for parking and setbacks.*

##### *Policy 2.1.2*

*Encourage the vertical and horizontal mixing of different land-use types in selected areas of the city where compatible uses can be designed to reduce the overall need for parking, create vibrant urban areas, reduce reliance on private automobiles, create more business opportunities and achieve better places to live.*

##### *Policy 2.1.3*

*Encourage sub-area master planning for larger developments or parcels, including re-development, where it may be feasible to develop more mixed uses, or campus-style industrial parks, with shared parking and landscaping areas. Allow developments to vary from prescriptive standards if planned and approved under this provision.*

*Policy 2.1.4*

*Use redevelopment programs such as urban renewal to help redevelop underutilized commercial and industrial land.*

**Response:** The proposed plan for the Willamette Falls District will use land efficiently because it provides for a range of uses to mix on the same site at urban densities, and in a location that is close to existing development and public services. The new zone that is being created for this area encourages efficient use of land by establishing a minimum floor area ratio, no minimum setback, and very low parking minimums. The historic street grid that will be re-established on the site likewise creates a very rational and efficient division of the site into development blocks that are well suited for mixed use development of many different kinds, while providing sufficient access to each area of the site. The range of uses that are allowed and anticipated to occur at the site--employment, residential, commercial--will create a vibrant urban setting that drives economic development and also reduces the need for parking and automobile travel. The large scale nature of this development area and its current status as being in a single ownership provides unique opportunities for shared parking and common landscape areas. The areas proposed in the master plan for open space which are closest to the river (and below the floodplain) are an example of a common open space that efficiently serves the whole district.

*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 2.2.1*

*Redefine the Metro Regional Center concept to recognize the unique character of Oregon City while being in accordance with Metro’s 2040 Growth Concept.*

*Policy 2.2.2*

*Support multi-modal transportation options throughout the Regional Center and to other Regional and Town Centers.*

*Policy 2.2.3*

*Develop and promote a vision for the economic development and redevelopment of the Downtown area that solidifies the Oregon City Downtown Community Plan and Oregon City Waterfront Master Plan.*

*Policy 2.2.4*

*Target public infrastructure investments and create public/private partnerships to leverage maximum benefits from public investment and to help ensure that the Regional Center develops to its maximum capacity and realizes its full potential.*

*Policy 2.2.5*

*Encourage the development of a strong and healthy Historic Downtown retail, office, cultural, and residential center.*

**Policy 2.2.6**

*Working with major stakeholders, develop and implement a strategy to help the Historic Downtown Area enhance its position as a retail district. Such a strategy might include funding for a “Main Street” or similar program.*

**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 2.2.11**

*Investigate an interpretive scheme that incorporates the End of the Oregon Trail Interpretive Center, the waterfront, and Downtown. Describe environmental, social, and historic aspects including the concept of a greenway along Abernethy Creek and nearby structures of historic significance.*

**Policy 2.2.12**

*Ensure a master plan is developed at the Blue Heron Paper Company site at such time as the property owner proposes a large-scale development, which addresses transitioning the overall site from industrial to non-industrial land uses.*

**Policy 2.2.13**

*Monitor the redevelopment within the Downtown Design District and investigate the need to require retail and service uses on the first floor and limit residential and office uses to the second floor and above.*

**Response:** The proposed plan for the Willamette Falls Downtown District extends the existing downtown further to the south. The new district is anticipated to have a similar mixed-use feel as downtown, but also have larger buildings and a wider range of uses that are reflective of the industrial and employment history of the area. The change in zoning will allow for a wide range of uses within the area that are typical of Oregon City’s downtown, shopping, employment, culture and recreation, and also potentially light industrial uses. The plan creates a network of multi-use paths for pedestrian and bicycle traffic, and preserves the natural amenities of the site, which are largely related to the river. Most of all, the redevelopment and opening up of this district will preserve and enhance views of Willamette Falls and the Willamette River, by creating public access to the historic center of the region in a way that has not been possible for the last 100-plus years.

The master plan supports Metro’s Regional Center concept by increasing development and multi-modal transportation options within an existing downtown. The proposed new development will be well-served by existing services that are already present on site or close to it. Connectivity to the existing downtown and its surrounding areas will be vastly improved by the anticipated transportation improvements including a riverfront pathway that will provide access up to the edge of the falls.

The most directly applicable policy is 2.2.12, “Ensure a master plan is developed at the Blue Heron Paper Company site at such time as the property owner proposes a large-scale development, which addresses transitioning the overall site from industrial to non-industrial land uses.” This is exactly the purpose of this land use application, as it sets out the rules and expectations for the long term conversion and redevelopment of the site from its former industrial use to that of a district more consistent with the mixed use character reflective of the existing historic downtown.

*Goal 2.3 Corridors*

*Focus transit-oriented, higher intensity, mixed-use development along selected transit corridors.*

*Policy 2.3.1*

*Ensure planning for transit corridors includes facilities and access management, aesthetics (including signage and building facade improvements), infill and redevelopment opportunities, high-density residential development, and business assistance to existing businesses.*

**Response:** This site is bounded by a transit corridor, on Highway 99E, which is served by TriMet’s line 33 bus. The site itself is not open to the public, nor is it currently in use as an employment center, so it is not served in any real way by transit. There is a stop three blocks north of the site in the downtown at 7th and Railroad, and southeast of the site at 2nd and Tumwater. Nevertheless, with the anticipated redevelopment of the site, transit access into and through the site is likely to improve. Overall, the development standards and requirements for the site are highly supportive of transit-oriented development.

*Goal 2.6 Industrial Land Development*

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

*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 may be appropriate to annex. The selection of these areas will be based on market factors, protection of environmentally sensitive areas, compatibility with development. If there is not enough, identify areas outside the boundary that 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.*

*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.*

**Response:** The plan will re-develop a formerly industrial site, and is proposed concurrent with a zone change from industrial to a mixed-use zone that supports a wide range of uses including office, craft industrial, commercial, and residential uses. This change is consistent with the comprehensive plan policy most clearly directed at the site, policy 2.2.12, which states, "Ensure a master plan is developed at the Blue Heron Paper Company site ... which addresses transitioning the overall site from industrial to non-industrial land uses." This policy must be balanced against policies for preserving industrial land within the city. The decision to convert this land to mixed-use is the result of an analysis of its highest and best use, and that proximity to hydro-power is no longer a necessity for industrial users. Constraints on the site--limited access, floodplain, existing mill infrastructure--make it even more challenging for industrial development. The new Willamette Falls Downtown District will still allow craft industrial or light industrial uses such as small-scale apparel manufacturing or beer brewing. Finally, the city currently has in its inventory adequate and industrial land in areas with many fewer constraints.

**Goal 5.1 Open Space**

*Establish an open space system that conserves fish and wildlife habitat and provides recreational opportunities, scenic vistas, access to nature and other community benefits.*

**Policy 5.1.2**

*Manage open space areas for their value in linking citizens and visitors with the natural environment, providing solace, exercise, scenic views and outdoor community benefits.*

*Conserve open space along creeks, urban drainage ways, steep hillsides, and education.*

*Built features in open space sites should harmonize with natural surroundings.*

**Response:** The proposed framework plan for the site designates 26 percent of the site's property for open space and waterfront uses. These areas are closest to the river and within the flood zone. Consequently, they will be amenable to the values identified



above. A wide range of possibilities for the construction of these open space blocks could improve fish and wildlife habitat by roughening the shoreline and re-employing the mill races that have been hidden or covered over by decades of industrial development. Recreational opportunities could be created that will allow people to circulate through the district on a riverfront path to the edge of the falls, and beyond to Canemah. A planned waterfront path reaches its terminus at the edge of the falls, which is one of the most spectacular scenic vistas in the State of Oregon. Shoreline restoration and enhancement and the presence of a riverfront path will allow people access to this natural resource in a way that has not been possible for over 100 years. In all the anticipated options for development of the open spaces, citizens and visitors will be able to connect with the natural environment and gain access to views and the outdoors.

*Goal 5.2 Scenic Views and Scenic Sites*

*Protect the scenic qualities of Oregon City and scenic views of the surrounding landscape.*

*Policy 5.2.1*

*Identify and protect significant views of local and distant features such as Mt. Hood, the Cascade Mountains, the Clackamas River Valley, the Willamette River, Willamette Falls, the Tualatin Mountains, Newell Creek Canyon, and the skyline of the city of Portland, as viewed from within the city*

*Policy 5.2.2*

*Maximize the visual compatibility and minimize the visual distraction of new structures or development within important viewsheds by establishing standards for landscaping, placement, height, mass, color, and window reflectivity.*

**Response:** The plan protects the scenic qualities of the city by setting up a framework that will prioritize public access and help bring citizens and visitors to the falls. The most significant feature of the site, its presence at the edge of the falls, is currently obscured by industrial buildings and the lack of access. The proposed plan will create new access, and new buildings will comply with a proposed design guideline that insures respect for the views. Development standards in the new zone and compliance with design guidelines address the details of future development.

*Goal 5.3 Historic Resources*

*Encourage the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City.*

*Policy 5.3.4*

*Support the preservation of Oregon City's historic resources through public information, advocacy and leadership within the community, and the use of regulatory tools and incentive programs.*

*Policy 5.3.8*

*Preserve and accentuate historic resources as part of an urban environment that is being reshaped by new development projects.*

**Response:** This plan identifies buildings of historical significance on the site and designates them for preservation or rehabilitation as part of any redevelopment project. Four buildings and a foundation (of the 50-plus structures on the site) are identified as highest value considering their historicity and potential for re-use. Four other buildings are designated as worth saving, either whole or in part, but of less importance than the top tier. Elements or pieces of other buildings on the site have value, but will be more difficult to save. This plan lays out the regulatory tools and incentive programs for historic preservation. As part of the plan and as also promoted by the design guidelines, new development projects will emphasize and accentuate the historic value of the site and integrate these resources into the new setting.

*Goal 5.4 Natural Resources*

*Identify and seek strategies to conserve and restore Oregon City's natural resources, including air, surface and subsurface water, geologic features, soils, vegetation, and fish and wildlife, in order to sustain quality of life for current and future citizens and visitors, and the long-term viability of the ecological systems.*

*Policy 5.4.1*

*Conserve and restore ecological structure, processes and functions within the city to closely approximate natural ecosystem structure, processes, and functions.*

*Policy 5.4.2*

*Cooperate with Clackamas County, Metro and other agencies to identify and protect wildlife habitat, distinctive natural areas, corridors and linkages and other ecological resources within the Urban Growth Boundary and incorporate the information into the Urban Growth Management Agreement with Clackamas County.*

*Policy 5.4.4*

*Consider natural resources and their contribution to quality of life as a key community value when planning, evaluating and assessing costs of City actions.*

*Policy 5.4.5*

*Ensure that riparian corridors along streams and rivers are conserved and restored to provide maximum ecological value to aquatic and terrestrial species. This could include an aggressive tree and vegetation planting program to stabilize slopes, reduce erosion, and mitigate against invasive species and stream impacts where appropriate.*

*Policy 5.4.6*

*Support and promote public education, interpretation, and awareness of the city's ecological resources.*

*Policy 5.4.8*

*Conserve natural resources that have significant functions and values related to flood protection, sediment and erosion control, water quality, groundwater recharge and discharge, education, vegetation and fish, and wildlife habitat.*

*Policy 5.4.9*

*Protect and enhance riparian corridors along streams in Oregon City to increase shade, reduce streambank erosion and intrusion of sediments, and provide habitat for a variety of plants, animals, and fish.*

*Policy 5.4.10*

*Encourage and promote the restoration of the hydrologic and ecological character and function of streams and wetlands that have been degraded by channeling or eliminated from the landscape by routing into culverts.*

*Policy 5.4.16*

*Protect surfacewater quality by:*

- *providing a vegetated corridor to separate protected water features from development*
- *maintaining or reducing stream temperatures with vegetative shading*
- *minimizing erosion and nutrient and pollutant loading into water*
- *providing infiltration and natural water purification by percolation through soil and vegetation.*

**Response:** This plan identifies both the location and type of restoration projects that will improve the natural resources present on the site. Though degraded by a century of heavy industrial use, the riparian setting provides tremendous opportunities. As listed in the plan, future development could expose and restore the historical shoreline, increase the circulation in the lagoon and diversify habitat, and establish a vegetated buffer along the riverbank. These actions would dramatically improve resource values and upgrade habitat for fish, birds, and plant communities. Finally, by designating a large area of the site as ideal for open space or park uses, the plan sets a framework for a large reduction in impervious surface and an increase in landscaped area. This would have an overall benefit to the site's natural resource functions.

*Goal 6.1 Air Quality*

*Promote the conservation, protection and improvement of the quality of the air in Oregon City.*

*Policy 6.1.1*

*Promote land-use patterns that reduce the need for distance travel by single occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.*

*Policy 6.1.2*

*Ensure that development practices comply with or exceed regional, state, and federal standards for air quality.*

**Response:** This plan creates a multi-modal district with a mix of uses that will reduce the need for distance travel. By placing a range of uses together within close distance, and accessible by non-auto methods of travel, air quality will be protected. All development in the district will be subject to current regional, state, and federal air quality standards.

*Goal 6.2 Water Quality*

*Control erosion and sedimentation associated with construction and development activities to protect water quality.*

*Policy 6.2.1*

*Prevent erosion and restrict the discharge of sediments into surface- and groundwater by requiring erosion prevention measures and sediment control practices.*

**Policy 6.2.2**

*Where feasible, use open, naturally vegetated drainage ways to reduce stormwater and improve water quality.*

**Response:** The city's existing erosion control standards in OCMC 15.48 are to be used for any future construction or development on the site. This will reduce or eliminate discharge of sediment. Stormwater planters will be incorporated into site design as feasible, although the solid basalt base for the site offers little natural ability for water to be absorbed.

**Goal 7.1 Natural Hazards**

*Protect life and reduce property loss from the destruction associated with natural hazards.*

**Policy 7.1.1**

*Limit loss of life and damage to property from natural hazards by regulating or prohibiting development in areas of known or potential hazards.*

**Policy 7.1.5**

*Minimize the risk of loss of life and damage to property from flooding by limiting development in the 100-year floodplain and by ensuring that accepted methods of flood proofing are used.*

**Policy 7.1.6**

*Encourage the use of land and design of structures that are relatively unaffected by the periodic effects of flooding, such as parking and other uses not normally occupied by humans.*

**Policy 7.1.7**

*Prohibit uses in areas subject to flooding that would exacerbate or contribute to hazards posed by flooding by introducing hazardous materials, filling or obstructing floodways, modifying drainage channels, and other detrimental actions.*

**Response:** As a riverfront site, 12.5 acres of the 22 acre site is located within the 100 year floodplain. This plan outlines a design that protects life and reduces property loss by locating open space and waterfront uses within areas most vulnerable to flooding. This insures that those areas likely to flood are occupied by land and structures unaffected by flooding, like open spaces or unoccupied areas underneath buildings. Though some building development could occur within these zones, especially if it relates to the adaptive reuse of historic structures, any construction would be subject to the city's Flood Management Overlay District rules (OCMC 17.42). These rules require flood proofing and balanced cut and fill.

**Goal 8.1 Developing Oregon City's Park and Recreation System**

*Maintain and enhance the existing park and recreation system while planning for future expansion to meet residential growth.*

*Policy 8.1.1*

*Provide an active neighborhood park-type facility and community park-type facility within a reasonable distance from residences, as defined by the Oregon City Park and Recreation Master Plan, to residents of Oregon City.*

*Policy 8.1.3*

*Develop regional and community parks in such a way that revenue-producing amenities are included to bring in a revenue stream to partially fund maintenance of the parks system.*

**Response:** The proposed plan designates about 26 percent of site area for open space or waterfront uses. A large portion of this area is expected to be developed into a regional, neighborhood or community park-like facility that would be available for use by all residents of Oregon City and the region. Design of the facility or funding for it is still uncertain, but the plan clearly designated land close to the river for this use. Depending on the nature of the open space facility, this could include a revenue-producing amenity that offsets maintenance costs.

*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.*

*Policy 9.1.2*

*Contribute to the health of the regional and state economy by supporting efforts to attract "traded sector industries" such as high technology and production of metals, machinery, and transportation equipment. (Traded sector industries compete in multi-state, national, and international markets and bolster the state's economy by bringing money in from sales of goods and services outside of the state.)*

**Response:** The proposed mix of uses, including employment, office, residential, retail, and light industrial uses, will allow a wide range of businesses and employers to locate at the Willamette Falls site, thereby building toward a strong local economy. The site has been an economic engine for the city for more than a century. While future development is expected to be at a smaller scale in a variety of businesses and industries, the framework established by this plan will nevertheless create fertile ground for high-quality commercial development.

*Goal 9.6 Tourism*

*Promote Oregon City as a destination for tourism.*

*Policy 9.6.1*



*Protect historic, recreational, and natural resources as the basis for tourism, such as the Historic Downtown Area.*

*Policy 9.6.2*

*Ensure land uses and transportation connections that support tourism as an important aspect of the City's economic development strategy. This could include connections to the End of the Oregon Trail Interpretive Center and the train depot.*

*Policy 9.6.3*

*Provide land uses in the Downtown Historic Area, 7th Street corridor, and the End of the Oregon Trail Interpretive Center that support tourism and visitor services.*

*Policy 9.6.4*

*Encourage and support citywide events that would attract visitors and tie to the historic attractions of the city. Preserve tourism-related transportation services like the Oregon City Elevator and trolley.*

*Policy 9.6.5*

*Encourage river-related tourism facilities and services, such as docking facilities, river transit and river tours.*

*Policy 9.6.6*

*Encourage private development of hotel, bed and breakfast, restaurant facilities and other visitor services.*

**Response:** The master plan has been structured to be especially responsive to tourism, and anticipates that the site will be a regional destination that could attract visitors and outside investment on a large scale, to the benefit of the entire city. The core attraction of the site is its namesake and a spectacular natural feature: the second largest falls, by volume, in North America, behind only Niagara Falls. The key component of this master plan is public access to the site, giving the greater public a chance to access the falls for the first time in 100 years. A waterfront pathway that leads to the falls is expected to be a major attraction. Facilities and uses that support this attraction are allowed in the new district, and will build out as people begin to discover the site. Also, planned open space blocks that will be most visited and shared by the public are oriented toward the falls. The plan therefore explicitly encourages river-related tourism and facilities to support it.

*Goal 9.8 Transportation System*

*Recognize the importance of the land use-transportation link and encourage businesses to locate in areas already served by the type of transportation system they need.*

*Policy 9.8.1*

*Through coordination with TriMet and local employers, encourage and promote the use of mass transit to travel between residential areas and employment areas.*

*Policy 9.8.2*

*Participate in regional efforts to encourage employers to promote telecommuting and other flexible work arrangements.*

*Policy 9.8.4*

*Promote “shared parking” and transportation demand management techniques such as transit vouchers, car or van pooling, and flexible schedules and telecommuting options to reduce peak hour trips.*

*Policy 9.8.6*

*Encourage the provision of multi-modal transportation to support major existing employers.*

*Policy 9.8.7*

*Assess methods to integrate the pedestrian, bicycle and elevator transportation modes into the mass transit system.*

**Response:** The new Willamette Falls District has been planned to be a multi-modal area that has a high level of pedestrian and bicycle amenities, a mix of land uses in close proximity, and high densities that will support convenient and efficient transportation, and reduce peak hour trips. Transit stops that are close to but not on the site may one day be brought into the property, and the rich network of pedestrian and bicycle connections will complement transit opportunities. The parking plan for the site explicitly encourages shared parking both within and outside the district.

*Goal 10.1 Diverse Housing Opportunities*

*Provide for the planning, development and preservation of a variety of housing types and lot sizes.*

*Policy 10.1.3*

*Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.*

**Response:** There is no housing currently on the site, because it is not allowed by the existing General Industrial zoning. The proposed change in zoning will allow for multi-family residential uses. This is just one of many uses in what is anticipated by the master plan to be a mixed use zone with office, recreational, retail, and employment uses. Re-establishing a regular street grid makes development blocks that are well-suited for many types of development, including housing.

*Goal 10.2 Supply of Affordable Housing*

*Provide and maintain an adequate supply of affordable housing.*

*Policy 10.2.1*

*Retain affordable housing potential by evaluating and restricting the loss of land reserved or committed to residential use. When considering amendments to the Comprehensive Plan Land-Use Map, ensure that potential loss of affordable housing is replaced.*

**Response:** By changing from a zone where housing is prohibited to one in which housing is an allowed use, this land use action creates an opportunity for new housing at any price level. Regardless of the affordability of potential future housing on the site, increasing supply will reduce price pressure on other units in the city. Affordable

housing potential, as described in Policy 10.2.1, is increased by creating land where it could be built.

*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 12.1.3*

*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.*

**Response:** The Willamette Falls District is a multi-modal district that has a high level of pedestrian and bicycle amenities, a mix of land uses in close proximity, and high densities that will enhance convenient and efficient transportation choices. The development standards, use provisions, and design standards that are part of the district's regulatory scheme will promote mixed uses and higher residential densities, along with walkable neighborhoods.

*Goal 13.1 Energy Sources*

*Conserve energy in all forms through efficient land-use patterns, public transportation, building siting and construction standards, and city programs, facilities, and activities.*

*Policy 13.1.1*

*Maintain the historic use of Willamette Falls as an energy source for industrial and commercial development.*

**Response:** Willamette Falls is no longer used as an energy source for industrial and commercial development, but the proposed plan does not interfere with or preclude future use of the falls for this purpose. PGE will retain its current ownership of the dam on the Oregon City side of the falls. It has the authority to use the dam to create and/or transmit hydro power in the future.

*Goal 13.2 Energy Conservation*

*Plan public and private development to conserve energy.*

*Policy 13.2.3*

*Plan for complementary mixed uses when considering annexation of new, under- or undeveloped areas so that new urban residential areas have closer access to jobs and services.*

*Policy 13.2.5*

*Construct bikeways and sidewalks, and require connectivity of these facilities to reduce the use of petroleum-fueled transportation.*

**Response:** Development on the site is organized to accommodate a wide range of complementary mixed uses: office and other employment, retail, residential, and recreational. The planned network of sidewalks on the street network and a multi-use path along the riverfront will create connectivity throughout the site. Buildings are expected to be multi-story, multi-use structures, which are more energy-efficient than the same uses in detached buildings. Taken together, these plan elements will help conserve energy.

*Goal 15.1 Protect the Willamette River Greenway*

*Ensure the environmental and economic health of the Willamette River by adopting goals, policies and procedures that meet LCDC Statewide Planning Goal 15, Willamette River Greenway.*

*Policy 15.1.1*

*Protect the significant fish and wildlife habitat of the Willamette River by maximizing the preservation of trees and vegetative cover.*

*Policy 15.1.2*

*Preserve major scenic views, drives and sites of the WRG.*

*Policy 15.1.3*

*Encourage access to and along the river consistent with the Oregon City Park and Recreation Master Plan and the Oregon City Waterfront Master Plan.*

*Policy 15.1.4*

*Restrict new substations and power line towers in the WRG and river view corridor.*

*Policy 15.1.5*

*Protect and maintain parks and recreation areas and facilities along the Willamette River to minimize effects in the WRG, in accordance with the Oregon City Park and Recreation Master Plan and the Oregon City Waterfront Master Plan.*

*Policy 15.1.6*

*Review uses proposed for inside the Willamette River Greenway Compatibility Review Boundary for consistency with local goals and policies for that area.*

**Response:** The entire Willamette Falls District is within the Willamette River Greenway, protects the scenic, historic, and recreational qualities of the riverfront. Allowed uses in the new zone are appropriate for lands within the greenway, as long as the development associated with these uses protects the important riverfront qualities.

The plan requires that applicants meet Willamette River Greenway standards, including a setback that keeps structures separated from the river. Separation between buildings and the river must be found to “protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway” (17.48.080.E)

For everything within 150 feet of the ordinary low water line, there is a Greenway “compatibility review” (17.48.100.A) that will be part of a future detailed development plan application. This compatibility review emphasizes landscaped area between the new activity and the river and public access along the riverfront.

### **Modifications and Adjustments to Master Plan Process**

The general development requests two adjustments to development standards, as permitted during the master plan process. First, the applicant requests that future detailed development plans be reviewed through a Type III, rather than a Type II process, as would otherwise be required in OCMC 17.65.040.C. The reason for this change is that the proposed general development plan is less specific than usual for a master plan, because it is designed to be a flexible framework plan for future development. The shape of new buildings and open space on the site will evolve depending on the direction of a future owner, combined with a funding and financing plan that is not yet determined. The proposed plan offers a great deal of flexibility for a range of positive outcomes. However, that flexibility requires greater scrutiny and discretion by Oregon City at the next stage of the development process, more than can appropriately be decided by staff. One of the key elements of future review will be compliance with the design guidelines contained in this approval, for which planning staff anticipates incorporating the advice of the design community as part of the review. Also, future detailed plans will have to comply with multiple kinds of review, as described in Section 1 of this application: compliance with underlying zoning, consistency with this general development plan and design guidelines, the equivalent of site plan and design review, and compliance with rules for four overlay zones that might apply depending on location. Given the depth and complexity of a future development review, and the importance of this site to the City, future detailed development plans should be reviewed as a Type III process, which automatically is considered by the Planning Commission.

One exception to the above adjustment request—that all detailed development plans be elevated to Type III review—is for smaller projects, specifically those that meet all the requirements for minor site plan and design review (OCMC 17.62.035). In these limited situations, the detailed development plan may remain as a Type II review, but is still subject to the same standards identified in this master plan.

The second adjustment to the master plan process relates to the timing of which regulations apply. Although the master plan chapter allows development to freeze regulations in time as of the date of general development plan approval, the applicant requests that future plans instead be subject to the land use regulations in effect on the date those plans are submitted.



The timeframe for this approval is 20 years long. The site will build out in different stages, over a long period of time. In addition, properties on the site, depending on location, could be subject to multiple different sections of the Oregon City Municipal Code: rules for master plans, site plan and design review, and four different overlay zones. For ease of review by city staff, and so that future developers do not have to comb through old codes to find out which version is applicable, this general development plan streamlines the review by making future applications subject to regulations in effect at the date of detailed development plan submittal. This is specifically allowed by the master plan chapter (17.65.090), and requires no specific criteria/findings for approval.

**17.65.070 Adjustments to development standards.**

*A. Purpose. In order to implement the purpose of the city's master plan process, which is to foster the growth of major institutions and other large-scale development, while identifying and mitigating their impacts on surrounding properties and public infrastructure, an applicant may request one or more adjustments to the applicable development regulations as part of the master planning process. These include, but are not limited to, items such as: dimensional standards of the underlying zone, site plan and design review criteria, residential design standards, and standards for land division approval.*

*B. Procedure. Requests for adjustments shall be processed concurrently with a general development plan. An adjustment request at the detailed development plan review shall cause the detailed development plan to be reviewed as a Type III application.*

**Response:** The requirement that detailed development review is subject to a Type II process is an “applicable development regulation” as stated above, because it is contained in OCMC 17.65.040.C. The request to increase the level of review from Type II to Type III is not specifically listed under subsection (A), but this list is not exhaustive, as evidenced by the “but are not limited to” clause. The adjustment request is processed concurrently with the general development plan. An ancillary effect of this change will be that detailed development plans will be under a Type III review – with the exception of those small changes that can meet the minor site plan and design review thresholds – regardless of whether they also request an adjustment to a development standard.

*C. Regulations That May Not be Adjusted. Adjustments are prohibited for the following items:*

- 1. To allow a primary or accessory use that is not allowed by the regulations;*
- 2. To any regulation that contains the word "prohibited";*
- 3. As an exception to a threshold review, such as a Type III review process; and*
- 4. Any exception to allow a use not identified as a permitted or conditional use in the underlying zone.*

**Response:** The request is to increase the level of review for detailed development plans from a Type II to a Type III process, with a minor exception for those small projects that

meet minor site plan and design review thresholds. Such a change to the master plan process is not listed as a prohibited adjustment in this section, and is therefore allowed to proceed.

*D. Approval Criteria. A request for an adjustment to one or more applicable development regulations under this section shall be approved if the review body finds that the applicant has shown the following criteria to be met.*

*1. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;*

**Response:** The purpose of the master plan regulation is as follows.

*17.65.010 - Purpose and intent.*

*It is the intent of this Chapter to foster the growth of major institutions and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The City recognizes the valuable services and employment opportunities that these developments bring to Oregon City residents. The master plan process is intended to facilitate an efficient and flexible review process for major developments and to provide them with the assurance they need over the long term so that they can plan for and execute their developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address the larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs.*

The change to procedure that requires upgrading review from Type II to Type III is at the request of the applicant and serves to improve the level of scrutiny and insure the efficient growth of development on the site. The relatively open nature of the general development plan as a framework addresses “the larger development issues” but leaves specifics to a later date. The location and design of new buildings and open space on the site depends on the direction of a future owner, and a funding and financing plan that is not yet in place. The flexibility and discretion offered by the plan requires greater scrutiny by Oregon City at the detailed plan stage. Given the depth and complexity of a future development review, and the importance of this site to the city, future detailed development plans should be reviewed as a Type III process, which automatically goes to the Planning Commission. By doing so, the change helps facilitate an efficient and flexible review process, and provides more certainty for both future developers and the city.

Small projects that meet minor site plan and design review thresholds (OCMC 17.62.035) may still be processed as a Type II review. These projects will still be subject to the standards and conditions of the general development plan approval.

*2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zone;*

**Response:** Only one adjustment is being requested. This criterion does not apply.

*3. City-designated Goal 5 resources are protected to the extent otherwise required by Title 17.*

**Response:** The proposed change is procedural, and will have no effect on city designated Goal 5 resources. This criterion does not apply. To the extent that a future development application might impact Goal 5 resources, the increased level of scrutiny offered by a Type III rather than Type II review could potentially protect these resources more thoroughly than without the proposed change.

*4. Any impacts resulting from the adjustment are mitigated; and*

**Response:** The proposed change is procedural, and will have no on-the-ground impacts, and therefore nothing that needs to be mitigated. The change is merely to upgrade the level of review for future detailed development applications, from a Type II to a Type III land use review.

*5. If an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.*

**Response:** The proposed change applies to the entire area covered by the master plan, which includes areas within the Natural Resource Overlay District. However, this change is strictly procedural, increasing the level of land use review for future projects from Type II to Type III, and therefore has no impacts on the resource and resource values. Because there are no significant detrimental environmental impacts, this criterion does not apply.

*6. The proposed adjustment is consistent with the Oregon City Comprehensive Plan and ancillary documents.*

**Response:** The proposed change is procedural, and merely increases the level of public review from Type II to Type III. This is a minor change to procedure and is consistent with the Oregon City Comprehensive Plan. Insofar as any findings are required to satisfy this criterion, the findings for consistency of the master plan under OCMC 17.65.050.C.6 also are incorporated here, by reference, for the adjustment.

#### ***17.65.090 Regulations that apply.***

*An applicant is entitled to rely on land use regulations in effect on the date its general development plan application was initially submitted, pursuant to ORS 227.178(3), as that statute may be amended from time to time. After a general development plan is approved, and so long as that General Development Plan is in effect, an applicant is entitled to rely on the land*

*use regulations in effect on the date its general development plan application was initially submitted, as provided above, when seeking approval of detailed development plans that implement an approved general development plan. At its option, an applicant may request that a detailed development plan be subject to the land use regulations in effect on the date its detailed development plan is initially submitted.*

**Response:** The applicant requests that future detailed development plans be subject to the land use regulations in effect on the date its detailed development plan is initially submitted. Because this master plan may have multiple ownerships over the life of the plan, and because the financial and funding mechanisms are not yet in place for all district development, the level of detail and certainty is less than would be expected in a more traditional master plan. This approval has a 20 year lifespan. The site will build out in different stages, over a long period of time. In addition, properties on the site, depending on location, could be subject to multiple different sections of the Oregon City Municipal Code: rules for master plans, site plan and design review, and four different overlay zones. For ease of review by city staff, and so that future developers do not have to comb through old codes to find out applicable language, this general development plan prefers the ease of making future applications subject to whatever land use regulations are in effect at the date of detailed development plan submittal.

## **Zone Change (17.68)**

### ***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.*

**Response:** This zone change and comprehensive plan amendment results from an application to the planning division per 17.68.010.C above.

### ***17.68.020 Criteria.***

*The criteria for a zone change are set forth as follows:*

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

**Response:** Consistency with comprehensive plan goals and policies for the zone change was addressed in the findings for the general development plan, OCMC 17.65.50(C)(6), earlier this document. The plan goals and policies, and the applicant response to these policies, were selected and responded to in consideration of the whole proposal, both

master plan and zone change. Therefore, rather than duplicate the entire section of policies and responses, this response incorporates those findings by reference. Based on the findings contained in that section, this parallel criterion for the zone change is met.

*B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.*

**Response:** As part of the pre-application conference, city and area service providers provided information in response to the applicant's request regarding water, sanitary, storm, and other public services. The responses from the city, and other information is summarized below:

Water supply: The existing water system consists of a connection to a 10-inch water main extending south from Main Street. It is known that the new DI pipe extends to the location of the PRV vault near the south end of the office building (SW corner of Hwy 99 and Main St.). The 10-inch main continues south down the extension of Main St. to about the middle of the site, then it turns east and goes under buildings, the railroad tracks and highway 99E, and goes up the cliff to connect to the City grid system at another PRV station. There are other smaller pipes on-site that extend from the 10-inch main.

Concurrent with future development, all of the on-site pipe from the PRV station on Main Street will be replaced. (The existing pipe is old, leaking and is either cast iron or steel.) The southern connection to the City water grid will also be replaced including the crossing of the railroad and highway, extension up the cliff and the PRV station. It would be beneficial for this connection to occur further south on the site in order to avoid dead-end lines. The water distribution system should be modeled to determine the best place to complete the southern loop, and to determine if additional City water system improvements are required east of the highway to support the fire flow requirements. It is assumed the 3,000 gpm fire flow will be required. The water distribution system should be modeled to determine if an extension of the 10-inch line from Main Street will be sufficient to provide the flow. The loop through the site may or may not be required for fire flow.

Near the southern end of the site there is another private water line that crosses the railroad and highway, and extends to the top of the cliff where there is a tank that is currently used to provide fire flow. It is assumed that this system will eventually be abandoned and demolished.

Sanitary sewer: There is existing private sanitary sewer collection system on site which is a gravity system consisting of 8 and 12 inch pipe. It connects directly to the WES



interceptor on Highway 99E near the location of the future Water Street. A portion of the private pipe is located beneath the water filtration plant.

The existing private system on site is old, the condition is unknown and is at least partially inaccessible. This system will need to be abandoned, perhaps removed, and replaced. As the site is relatively flat it may be difficult to provide gravity sanitary sewer service to the south end of the site. This would need to be investigated as actual development plans are pursued. There will need to be coordination with WES with regard to connection to their interceptor line. This may include an evaluation of capacity of the line with regard to the potential sanitary sewer flows at the site.

Storm drainage: Existing water quality facilities have been installed as temporary measures until development occurs. The temporary measures include gabions with filter material at one tailrace and the pipe gallery; retention and settling in the grotto; and rain gardens in totes for the roof drains. There are two outfalls on the site that are essentially pass through facilities that convey City and ODOT storm water. One is located at approximately mid site (north to south), and the other is at the south end discharging to the pond above the dam. The submerged outfall to the pond is believed to be damaged and would require repair or replacement to make the system fully functional. It appears that a portion of the storm water from the ODOT line is diverted to the sanitary sewer which flows directly to the WES interceptor pipe. This needs to be verified, and rectified. In future conditions, storm water should be directed away from the sanitary sewer.

The site has been cleaned up such that storm water from the site can be discharged to the Willamette River without further environmental remediation. Future storm water systems will only need to meet the City standards. Due to the direct discharge to the Willamette River detention will not be required. Standard water quality treatment will be required.

New facilities will need to provide for collection and treatment prior to discharge. Alternative treatment methods such as LID methods may need to be considered due to the nature of the site (bedrock at or near the surface).

Transportation: A transportation study included with the application studied access to the site and evaluated a full-build out scenario. It assumed a mix of uses as allowed by the proposed zoning, and a network of streets and pedestrian facilities to serve the site as outlined in the master plan. Final configuration and location of paths and streets will be determined when building or open space is proposed.

Based on modeling, these trips can be accommodated on the existing transportation network if a number of relatively minor improvements are made to improve safety and

flow. This general development plan sets out a package of changes from existing conditions that will mitigate future impacts. They include the following.

- A signal at 6<sup>th</sup> and 99E
- A shared use path along the riverfront, connecting to the existing waterfront trail
- Creation of a new Water Street connecting into the site
- A northbound right turn lane at the Main/99E intersection
- An indirect left turn (jug handle) entry into site via Railroad Avenue
- A pedestrian bridge over 99E at the south end of the site

These improvements will be built incrementally, as development occurs, and will enable the smooth functioning of the transportation system in and around the site. This conclusion is based on analysis done in cooperation with Oregon City and ODOT transportation officials.

Schools: Housing is allowed in the Willamette Falls Downtown District, but the quantity of housing units to be constructed will depend on future action by a developer. The type and number of units has a large influence on how many school-aged children will live in the district. Because the district is not exclusively residential, and only multi-family housing is allowed as a housing type, a significant increase in school-attending children is not expected, and the existing school system could handle any increased enrollment.

Police: Police service will be the responsibility of Oregon City Police, who currently serve the site. The city has not indicated the need for any significant change in levels of police services due to the redevelopment of the site.

Fire: Fire protection will be the responsibility of the Oregon City Fire Department, who currently serve the site. As the site redevelops, new and rehabilitated buildings will comply with modern building codes that include fire protection and water supply that meets fire flow standards. Streets within the district will be constructed to city standards that accommodate fire-fighting equipment. The city has not indicated the need for any significant change in levels of fire services due to the long term redevelopment of the site.

*C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.*

**Response:** The proposed zoning allows a wide range of uses on the site, encouraging the development of a mixed use area that is similar to that of the existing downtown. The historic street pattern of downtown will be re-established, linking the district to the rest of the city with a pedestrian-friendly network of local streets. In addition to new streets, public access to the site will include pedestrian and bicycle connections. Final

configuration and location of the pedestrian paths and streets will be determined when building or park space development on the site is proposed.

Improvements to the existing public system of streets, sidewalks, and pedestrian paths will be constructed in combination with new development on the site. The package of improvements assumes increased use of the Willamette Falls site, from workers, residents, and visitors to new buildings and activities. A transportation analysis performed for the zone change and master plan showed that relatively light infrastructure improvements to the south end of the existing downtown and the north end of the new Willamette Falls District can accommodate the potential vehicular and pedestrian traffic in and out of the site. The package of changes is listed in Section 1 of this document, and includes new signalization on 99E, a shared use path on the riverfront, creation of a new Water Street connection, modifications to the Main Street/99E intersection geometry, and a pedestrian bridge over 99E at the south end of the site.

These improvements will enable the functioning of the transportation system in and around the site at the planned capacity and level of service. This conclusion is based on analysis done in cooperation with Oregon City and ODOT transportation officials, and assumed high levels of development and activity at the site.

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

**Response:** Comprehensive Plan goals and policies were addressed previously in the section under the master plan approval, 17.65. The following statewide planning goals are applicable to the change in zoning, and are satisfied by the proposal.

#### ***Goal 1. Citizen Involvement***

The zone change and master plan is the outcome of an extensive public engagement process. This process has reached out to thousands of Oregonians, as has been described in detail in Section 1.

#### ***Goal 2. Land Use Planning***

The zone change and master plan establishes an orderly, fact-based, rational process for development on the site, in conformance with existing land use planning codes and policies in Oregon City. The creation of a new zone and the master plan that applies to the site are existing, adopted policies within the city code.

#### ***Goal 5. Natural Resources, Scenic and Historic Areas, and Open Spaces***

The zone change and master plan protect all identified Goal 5 resources through a combination of: delineating areas for open space development, listing historic resources for future protection, identifying opportunities for enhancement, and improving public access to the resources. Existing city protections of Goal 5 resources will remain in place, specifically, compliance with the Natural Resources Overlay District, OCMC 17.49.

### ***Goal 6. Air, Water and Land Resources Quality***

The change to base zoning on the site that this application requests does not change existing city protections provided by overlays for natural resources, stormwater rules, or other environmental protections. These are specifically enhanced by the city code's acknowledged compliance with Metro code Title 3 and Title 13.

### ***Goal 7. Areas Subject to Natural Hazards***

The change to base zoning on the site that this application requests does not change existing city protections provided the city's Geologic Hazards Overlay, OCMC 17.44. These city rules are consistent with Goal 7 and protect development from inappropriate development on steep slopes.

### ***Goal 8. Recreational Needs***

The proposed zoning change allows parks and open areas as an allowed use, and the master plan anticipates new public access and open space areas for recreation. Access to the falls and to the river resource is a core element of the master plan that will be enabled by the new zoning.

### ***Goal 9. Economic Development***

The proposed mix of uses allowed in the new zone, including employment, office, retail, and light industrial uses, will allow a wide range of businesses and employers to locate at the site, thereby building toward a strong local economy. The framework established by this plan will create fertile environment for high-quality commercial development and jobs.

### ***Goal 10. Housing***

The proposed change in zoning allows for multi-family residential uses, which is appropriate for a downtown location. Under current industrial zoning, housing is not an allowed use. Re-establishing a regular street grid will makes development blocks that are well-suited for the development of housing, as well as other types of development.

### ***Goal 11. Public Facilities and Services***

Public facility provision is addressed in the response to criterion 17.68.020.B above. Briefly, all future development in the zone will meet current Oregon City code.

### ***Goal 12. Transportation***

A transportation study included with the application studied access to the site and evaluated a full-build out scenario. It assumed a mix of uses as allowed by the proposed zoning, and a network of streets and pedestrian facilities to serve the site as outlined in the master plan. Final configuration and location of paths and streets will be determined when building or open space is proposed.

Based on modeling, these trips can be accommodated on the existing transportation network if a number of relatively minor improvements are made to improve safety and flow. Improvements will be built incrementally, as development occurs, and will enable the smooth functioning of the transportation system in and around the site. This conclusion is based on analysis done in cooperation with Oregon City and ODOT transportation officials.

### ***Goal 13. Energy Conservation***

Mixed-use development encouraged by the new zone is more energy efficient than other development patterns. The zoning and the master plan for the site is organized to accommodate a wide range of complementary mixed uses: office and other employment, retail, residential, and recreational. Buildings are expected to be multi-story, multi-use structures, which are more energy-efficient than the same uses in detached buildings. Taken together, these plan elements will help conserve energy.

### ***Goal 15. Willamette River Greenway***

The entire Willamette Falls District zoning designation is within the Willamette River Greenway, which protects the scenic, historic, and recreational qualities of the riverfront. The base zoning requested does not change that future development is subject to city rules for Willamette River Greenway standards, including a setback that keeps structures separated from the river. Separation between buildings and the river must be found to “protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway” (17.48.080.E) Also, for everything within 150 feet of the ordinary low water line, there is a Greenway “compatibility review” (17.48.100.A) that will be part of a future development application.



## Modification to Street Standards

This general development plan application includes two modifications to the street standards contained in OCMC 12.04.180. Because of the unique character of the district, this application requests that the minimum sidewalk width of Main Street through the site, which is classified as a collector street, be increased from 10.5 feet to 16 feet. This is based on an observation by the city that the current 12 foot width of the sidewalks on Main Street frequently results in a congested condition for pedestrians, especially in locations where “sandwich” type sign boards, newspaper boxes, café tables, or other street furniture is present. The additional width will provide a livelier streetscape in the new district that will also have sufficient space for a pedestrian “through zone.” Without this modification, the city would have no basis to compel future development to provide the desired sidewalk width. The city may approve a reduction from this requested sidewalk width for unique conditions, such as to allow for the encroachment of a historic building façade.

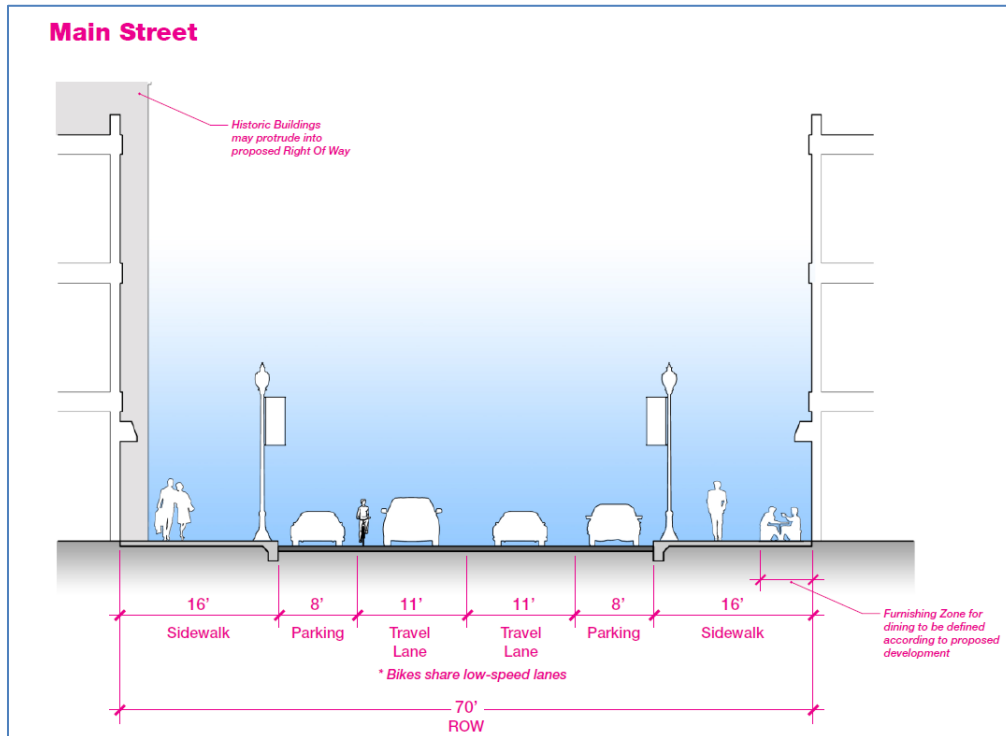


Figure 27. Main Street cross-section, showing 16' sidewalks and no street trees.

Secondly, the geology of the area requires a modification of the typical requirement in OCMC 12.04.180 for street trees to always be planted on both collectors and local streets. A continuous canopy of street trees should be planted if at all feasible. However, the entire Willamette Falls Downtown District is on a basalt shelf that has only a shallow layer of soil—if any—that is a poor environment for growing trees. In some locations, underlying conditions may make installing tree wells and meeting typical

street tree impractical. Nevertheless, design guidelines included with the plan will encourage streetscapes to have a lively vegetative presence, in planters above ground or integrated into facing buildings. This modification will apply both to collectors (Main Street) and local streets (3<sup>rd</sup>, 4<sup>th</sup>, Water) in the district.

#### **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;*

**Response:** Two modifications are proposed, for increased sidewalk width and for not requiring street trees. The intent of the street design standards is found in OCMC 12.04.175.

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

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

*B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved...[\*\*\*]*

Increasing the width of proposed Main Street's sidewalk through the district was considered "in relation to:... public convenience and safety for all modes of travel." City of Oregon City planning and engineering staff have observed that the presence of street furniture, sign boards, and other amenities in the sidewalk area reduces the capacity of the sidewalk to accommodate people walking through. A minor increase in width can increase the "through zone" of the sidewalk and create a livelier and more comfortable

pedestrian environment, which is an essential component of the planned mixed use area. This has the effect of improving the “proposed use of land to be served by the streets.”



Figure 28. Pedestrian traffic in downtown Oregon City.

Modifying the requirement for street trees is a necessity given the unique topography and soil conditions of the Willamette Falls District. In this sense, the modification was considered “in relation to:... topographical conditions,” per the statement of intent. “Topographical or other conditions” make matching the pattern of street development that is typical of downtown and other local area streets an unreasonable burden. Despite the modifying the street trees requirement, trees will still be installed if it is practical to do so. If local conditions prevent street trees, the street design will still maintain a lively vegetative presence by using planters or other ways of bringing green into the streetscape.

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

**Response:** The express purpose of the modification for wider sidewalks is to provide for more efficient movement of pedestrians. The rest of the right of way will be unchanged from existing standards, so this should have no effect on other modes. On balance, therefore the movement of all users will be improved. The exception for street trees in the right of way due to localized soil conditions has no impact on the safety or efficiency of any user.

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

**Response:** The modifications to street standards are still consistent with the city's TSP, and have virtually no effect on any of the principles espoused in that plan. As a result of this planning process, it is expected that the Oregon City Commission will adopt the findings of the new zone and master plan that contains the modification, thereby making the change consistent with the Willamette Falls District master plan.

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

**Response:** The proposed modifications are complementary with the street designs in the existing downtown, in that the general dimensions and appearance of the streetscape will be very similar, with only minor changes to improve pedestrian throughput and respond to local soil conditions. The alignment, overall right of way width, continuous storefront pattern, and provision of streetscape amenities are complementary to the surrounding street design.

*E. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The city shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.*

**Response:** The modification is not requested for constitutional reasons.

## **Flood Management Overlay (17.42)**

### **17.42.020 Applicability.**

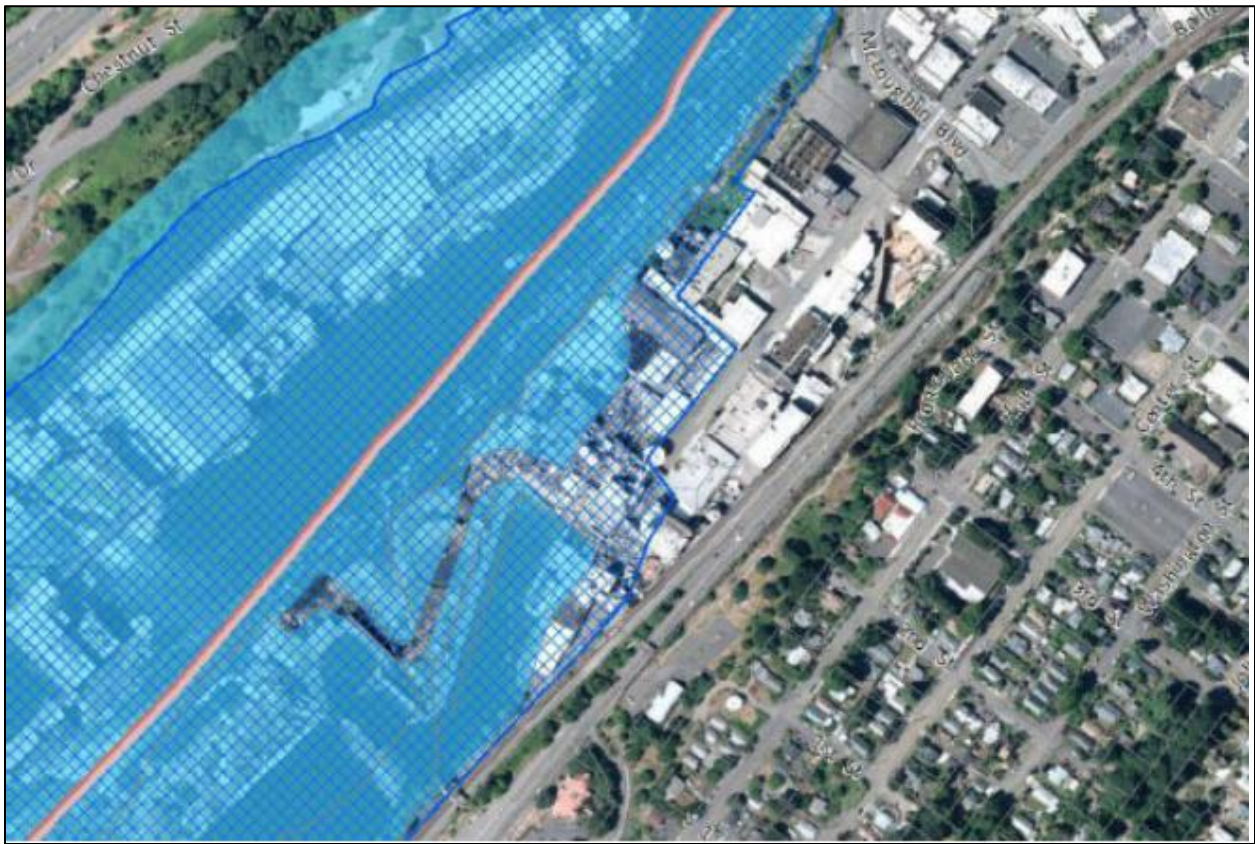
*A. This chapter shall apply to development in the flood management overlay district, which may also be referred to as the "floodplain overlay district" in this code. The flood management overlay district includes all areas of special flood hazards and all flood management areas within the city. The overlay district restricts the uses that are allowed in the base zone by right, with limitations, or as provisional uses.*

*B. The flood management areas which have been mapped include the following locations:*



1. Land contained within the one hundred-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency flood insurance maps dated June 17, 2008, including areas of special flood hazard pursuant to Section 17.42.040 and the area of inundation for the February 1996 flood; and
  2. Lands that have physical or documented evidence of flooding within recorded history based on aerial photographs of the 1996 flooding and/or the water quality and flood management areas maps.
- C. The standards that apply to the flood management areas apply in addition to state or federal restrictions governing floodplains or flood management areas.

**Response:** 12.5 acres of the Willamette Falls District is within the city-defined flood management area as shown in the map below:



**Figure 29. Flood Management Overlay Zone.**

#### **17.42.080 Administration.**

This chapter establishes a flood management overlay district, which is delineated on the water quality and flood management areas map attached and incorporated by reference as a part of this document.

A. The following maps and studies are adopted and declared to be a part of this chapter. These maps are on file in the office of the city recorder:

1. The Water Quality and Flood Management Areas Map, dated June 7, 1999;



2. *The Federal Insurance Administration, Flood Insurance Rate Maps for Clackamas County, Oregon and Incorporated Areas dated June 17, 2008;*
- B. *Applicants are required to provide the city with a delineation of the flood management areas on the subject property as part of any application. An application shall not be complete until this delineation is submitted to the city.*
- C. *The city shall review the water quality and flood management areas maps during periodic review as required by ORS 197.633 (1997).*
- D. *Development Permit.*
  1. *A development permit shall be obtained before construction or development begins within any portion of the flood management overlay district. The permit shall be for all structures, including manufactured homes and all other development, including fill and other activities, as set forth in Chapter 17.04 (Definitions).*
  2. *Application for a development permit shall be made on forms furnished by the community development department. Requirements may include, but are not limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage materials, drainage facilities; and the location of the foregoing.*
  3. *The following information is specifically required:*
    - a. *Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;*
    - b. *Elevation in relation to mean sea level to which any structure has been floodproofed;*
    - c. *Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 17.42.170E.5.; and*
    - d. *Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.*

**Response:** No specific development projects are proposed as part of this general development plan application. Rather, this application addresses the framework for future development, but does not request permits for work in the flood management area. As such, this chapter continues to apply to the district after the change in zoning and approval of the master plan. As part of the future detailed development plan application, which is required for any development in this district, compliance with the standards of this chapter will be required. Specifically, it is expected that the city will require a hydrologic analysis of the area to be developed that creates a more precise measurement of both the horizontal extent of the floodplain area and the vertical elevation of the floodplain as it relates to existing structures.

#### **17.42.160 Flood management area standards.**

##### **A. Uses Permitted Outright:**

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

##### **B. Provisional Uses.**

1. All uses allowed in the base zone or existing flood hazard overlay zone are allowed in the flood management overlay district subject to compliance with the development standards of this section.

*C. Prohibited Uses.*

1. Any use prohibited in the base zone;
2. Uncontained areas of hazardous materials as defined by the Department of Environmental Quality.

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

*E. Construction Standards.*

1. Anchoring. \*\*\*
2. Construction Materials and Methods. \*\*\*
3. Utilities. \*\*\*
4. Residential Construction. \*\*\*
5. Nonresidential Construction. \*\*\*

**Response:** As stated above, all future development in the Willamette Falls District is subject to the Flood Management Overlay District rules, which include these area standards. All of the uses written into the new Willamette Falls Downtown District designation will be allowed in the flood zone, “subject to compliance with development standards” for flood protection. These include provisions for anchoring, construction materials, utilities, and residential and non-residential construction.

## **Geologic Hazard Overlay District (17.44)**

### ***17.44.025 When required; regulated activities; permit and approval requirements.***

*No person shall engage in any of the following regulated activities within the adopted Oregon City Geologic Hazards Overlay Zone as defined in section 17.04.515 of the Oregon City Municipal Code without first obtaining permits or approvals as required by this chapter:*

- A. Installation or construction of an accessory structure greater than 500 square feet in area;*
- B. Development of land, construction, reconstruction, structural alteration, relocation or enlargement of any building or structure for which permission is required pursuant to the Oregon City Municipal Code;*
- C. Tree removal on slopes greater than 25 percent where canopy area removal exceeds 25 percent of the lot.*
- D. Excavation which exceeds two feet in depth, or which involves twenty-five or more cubic yards of volume;*

*The requirements of this chapter are in addition to other provisions of the Oregon City Municipal Code. Where the provisions of this chapter conflict with other provisions of the Oregon City Municipal Code, the provisions that are the more restrictive of regulated development activity shall govern.*

**Response:** As clearly shown on city maps, a large portion of the site is within a Geologic Hazard Overlay District.



Figure 30. Geologic Hazard Overlay District.

Consequently, the regulations within this chapter apply and future development proposals will be required to respond to the standards within it. As with the other overlay zones, the development standards are intended to apply to the specifics of a proposal to develop land, not to general plans such as the first step of a two-step master plan. Therefore, the rules of this chapter will be addressed as part of a future development application.

***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:*

- 1. Comprehensive information and data regarding the nature and distribution of underlying geology, the physical and chemical properties of existing soils and groundwater; an opinion of site geologic stability, and conclusions regarding the effect of geologic conditions on the proposed development. In addition to any field reconnaissance or subsurface investigation performed for the site, the following resources, as a minimum, shall be reviewed to obtain this information and data: \*\*\**
- 2. Information and recommendations regarding existing local drainage, proposed permit activity impacts on local drainage, and mitigation to address adverse impacts;*
- 3. Comprehensive information about site topography;*
- 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;*

\*\*\*

**Response:** To reiterate, all the protections of this chapter will be in effect when a detailed development plan application is requested. The information required at that time will include a geotechnical study, as listed in this section.

**17.44.060 Development standards.**

*Notwithstanding any contrary dimensional or density requirements of the underlying zone, the following standards shall apply to the review of any development proposal subject to this chapter. Requirements of this chapter are in addition to other provision of the Oregon City Municipal Code. Where provision of this chapter conflict with other provision of the Oregon City Municipal Code, the provisions that are more restrictive of regulated development activity shall govern.*

\*\*\*

**17.44.090 Stormwater drainage.**

*The applicant shall submit a permanent and complete stormwater control plan. The program shall include, but not be limited to the following items as appropriate: curbs, gutters, inlets, catch basins, detention facilities and stabilized outfalls. Detention facilities shall be designed to city standards as set out in the city's drainage master plan and design standards.*

\*\*\*

**17.44.100 Construction standards.**

*During construction on land subject to this chapter, the following standards shall be implemented by the developer:*

*A. All development activity shall minimize vegetation removal and soil disturbance and shall provide positive erosion prevention measures in conformance with OCMC Chapter 17.47 – Erosion and Sediment Control.*

\*\*\*

**Response:** The above quoted and truncated sections are to indicate that, as stated, all future development must comply with the standards of this chapter. That includes numerous standards related to slope stability, drainage, soil disturbance, vegetation removal, and cut and fill provisions. It also regulates stormwater methods and erosion and sediment control. None of these protections are altered as part of this application.

## **Willamette River Greenway Overlay (17.48)**

Future development in the district must meet Willamette River Greenway standards. One of the key elements in this review is a setback separating structures from the river. Separation between buildings and the river, which will be determined at the detailed development plan phase, must “protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway” (OCMC 17.48.080.E)



For everything within 150 feet of the ordinary low water line, there is a Greenway “compatibility review” (17.48.100.A) that will be part of a future detailed development plan application. This compatibility review emphasizes landscaped area between the new activity and the river and public access along the riverfront. Both of these criteria would be satisfied by a landscaped riverfront access path. Such a path is shown in schematic form on the general master plan drawings.

**17.48.070 Development standards – Specific use.**

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

*Considerations for Specific Uses.*

- A. With respect to recreational uses only: the considerations set forth in section C.3.b of Goal 15.*
- B. With respect to those fish and wildlife habitats identified in the city comprehensive plan only: the considerations set forth in section C.3.d. of Goal 15.*
- C. With respect to those scenic qualities and views identified in the city comprehensive plan only: the considerations set forth in section C.3.e. of Goal 15.*
- D. With respect to timber resources only: the considerations set forth in section C.3.h. of Goal 15.*
- E. With respect to aggregate extraction only: the considerations set forth in section C.3.i. of Goal 15.*

**Response:** To the extent that any of the above identified uses are proposed or located on the site, the applicable Goal 15 standards will apply. The greenway overlay does not restrict uses on the property, generally. Rather, uses that are allowed are listed in the underlying zone.

**17.48.080 Development standards – General considerations.**

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

- A. Access. Adequate public access to the Willamette River shall be considered and provided for.*
- B. Protection and Safety. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided for to the maximum extent practicable.*
- C. Vegetative Fringe. The natural vegetative fringe along the Willamette River shall be protected and enhanced to the maximum extent practicable.*
- D. Directing Development Away from the River. Development shall be directed away from the Willamette River to the greatest possible degree, provided that lands committed to urban uses within the Greenway may continue as urban uses, subject to the nonconforming use provisions of Chapter 17.58 of this title.*
- E. A Greenway Setback. In each application, the approving officer or body shall establish a setback to keep structures separated from the Willamette River in order to protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette*



*River Greenway, as set forth in the city comprehensive plan; provided, however, that the requirement to establish such setbacks shall not apply to water-related or water-dependent uses. F. Other Applicable Standards. The Oregon Department of Transportation Greenway Plan, the Greenway portions of the city comprehensive plan, the Willamette River Greenway statutes and the provisions of Statewide Planning Goal 15, shall also be considered in actions involving Willamette River Greenway permits.*

**Response:** Future development applications will be subject to these development standards. At that time, a review can include the fact that this general development plan proposes a multi-use pedestrian path along the riverfront that would satisfy the consideration under subsection (A). Likewise, the design of the path will determine protection and safety under subsection (B). The vegetative fringe consideration in subsection (C) can also be achieved by some of the environmental enhancements listed in this plan and be used to satisfy requirements under the Natural Resources Overlay District. The size of the setback and the extent to which development will be “directed away from the Willamette River to the greatest possible degree” in subsections (D) and (E) will be determined at the time a project is proposed, acknowledging the fact that the entire district is committed to urban uses.

#### **17.48.100 Compatibility review.**

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

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

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

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

*C. Procedure for action on compatibility review shall be as set forth in Section 17.48.060 and shall include application of the relevant use management considerations and requirements provided in Sections 17.48.070 and 080. The planning commission, after notice and public hearing held pursuant to Chapter 17.50 shall approve issuance, approve issuance with conditions or disapprove issuance of the Willamette River Greenway conditional use permit. The application shall be accompanied by the fee listed in Chapter to defray the costs of publication, investigation and processing.*

**Response:** The compatibility review described in this section will be required at the time of detailed development review. Two elements of this plan, if incorporated, would support a finding of compatibility for a future project. First, “maximum possible landscaped area, open space or vegetation between the activity and the river” could be

achieved by riparian enhancements which are identified in this master plan. Riverbank improvements would also help satisfy the requirements of the Natural Resources Overlay District. Second, “necessary public access...to and along the Willamette River” is shown, schematically, on the master plan by way of a multi-use riverfront path that leads from a re-established Water Street and south along the PGE dam to the edge of the falls.

**17.48.110 Prohibited activities.**

*The following are prohibited within the Willamette River Greenway:*

- A. Any main or accessory residential structure exceeding a height of thirty-five feet;*
- B. Structural bank protection, except rip rap or a channelization used as an emergency measure only to protect existing structures. Any such rip rap or channelization to stabilize undeveloped sites shall be prohibited as well;*
- C. Subsurface sewage disposal drainfields within one hundred feet of the ordinary mean low-water line of the Willamette River.*

**Response:** Structural bank protection is not anticipated on the site, nor is subsurface sewage disposal. Residential development in mixed use structures is expected to occur at the site. The residential restriction in subsection (A) creates a potential conflict. Residential uses are allowed outright in the proposed Willamette Falls Downtown District; height limits go up to 80 feet. A new or reconstructed building that is predominantly residential (and therefore defined as a “main...residential structure”) proposed to be taller than 35 feet would be prohibited under current rules. In order for such a hypothetical building to go forward, an amendment to this zoning code section would be required.

This land use application does not propose such a code change because the likelihood of residential buildings on the site that are taller than 35 feet is uncertain. Also, this prohibition/height limitation is a local restriction, and not part of state law. For example, no similar limitation on residential building height in the Greenway exists in West Linn. Buildings in which residential is not the “main” use, and residential buildings shorter than 35 feet, and non-residential development, are not subject to this restriction.

## **Natural Resources Overlay (17.49)**

As clearly shown on city maps, the entire Willamette Falls District is within the NROD. Consequently, future applications for development at the site will be subject to the requirements of 17.49. The standards for developing buildings or other structures within this overlay are specific to actual development proposals, not concept planning, so review under this chapter will be done at the time a detailed development plan is proposed.

In anticipation of future development, the master plan identifies both the location and type of restoration projects that will improve the natural resource condition of the site. Though degraded by a century of heavy industrial use, natural resources are present on the property and the riparian setting provides tremendous opportunity for restoration. Future development could expose and restore the historical shoreline, increase the circulation in the lagoon and diversify habitat, and establish a vegetated buffer along the riverbank. These actions would dramatically improve the riparian resource values and upgrade habitat for fish, birds, and plant communities. Finally, by designating a large area of the site as ideal for open space or park uses, the plan sets a framework for a large reduction in impervious surface and an increase in landscaped area. This would have an overall benefit to the site's natural resource functions.

**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:*

*A. Stream, wetland, riparian, and upland restoration or enhancement projects as authorized by the city.*

\*\*\*

*I. Routine repair and maintenance of existing structures, roadways, driveways and utilities.*

*J. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased.*

*K. Measures mandated by the City of Oregon City to remove or abate nuisances or hazardous conditions.*

*L. Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the Oregon City Native Plant List), and removal of refuse and fill, provided that:*

- 1. All work is done using hand-held equipment;*
- 2. No existing native vegetation is disturbed or removed; and*
- 3. All work occurs outside of wetlands and the top-of-bank of streams.*

**Response:** The most significant element of the NROD rules as it relates to the Willamette Falls district is the exemption contained in 17.49.080.J, which exempts from NROD permits development “where ground level impervious surface area is not increased.” This exemption applies even to “replacement” of existing structures. Virtually the entire area where new development will occur in the Willamette Falls District – where structures and other development will be replaced-- is impervious surface. This is the result of more than a century of urban development, most recently for heavy industrial uses. Nearly every developed square foot of the site is either paved, covered by a building. Because the site is built on top of a basalt shelf, even those areas without buildings or paving are impervious. In the long run the anticipated development of open space on the site (per the framework plan's designation of more than 5 acres of the site for some kind of waterfront or open space use), and the anticipated habitat and shoreline restoration opportunities identified in the master plan

will result in a site that has significantly more impervious surface than exists under current conditions.

Nevertheless, healthy habitat is a core value for the site that has been repeatedly expressed by all the partners in the planning of this site, and other regulations will encourage restoration of the natural resource values. The enhancements identified in the master plan are a starting point for the restoration of the site's unique setting and natural resources.

Finally, several other uses identified above could occur at the site and would be exempt from NROD permits: natural resource enhancement projects, routine maintenance and repair, and nuisance abatement. These categories—combined with any development that doesn't increase impervious surface—are likely to cover virtually all potential projects at the site.

**17.49.[0]90 Uses allowed under prescribed conditions.**

*The following uses within the NROD are subject to the applicable standards listed in Sections 17.49.100 through 190 pursuant to a Type II process:*

*A. Alteration to existing structures within the NROD when not exempted by Section 17.49.080, subject to Section 17.49.13*

\*\*\*

*D. Land divisions when not exempted by Section 17.49.080, subject to the applicable standards of Section 17.49.160*

*E. Trails/pedestrian paths when not exempted by Section 17.49.080, subject to Section 17.49.170 (for trails) or Section 17.49.150 (for paved pedestrian paths).*

*F. New roadways, bridges/creek crossings, utilities or alterations to such facilities when not exempted by Section 17.49.080.*

*G. Roads, bridges/creek crossings Subject to Section 17.49.150*

*H. Utility lines subject to Section 17.49.140*

*I. Stormwater detention or pre-treatment facilities subject to Section 17.49.155*

*J. Institutional, industrial or commercial development on a vacant lot of record situated in an area designated for such use that has more than seventy-five percent of its area covered by the NROD, subject to subsection 17.49.120B.*

*K. City, county and state capital improvement projects, including sanitary sewer, water and storm water facilities, water stations, and parks and recreation projects.*

**Response:** In the event that a future development proposal under the master plan cannot show that it is exempt, it would be “allowed under prescribed conditions” and subject to all the standards of this chapter. Because future development actions in the plan are subject to detailed development plan approval under a Type III process, the NROD review would occur concurrent with this process.



## Multi-Modal Mixed Use Area (OAR 660-012-0060)

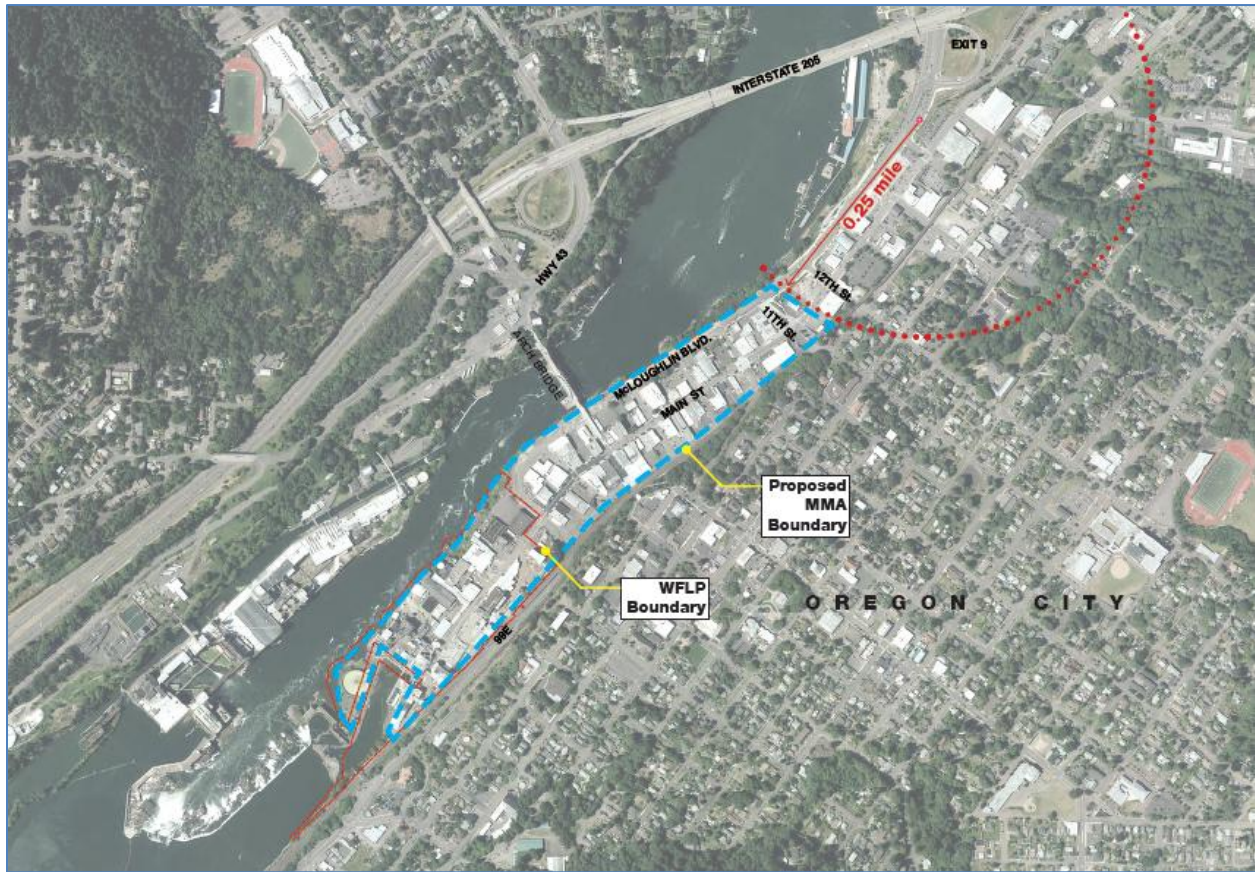


Figure 31. Proposed MMA boundary.

When a city proposes changes to its Comprehensive Plan, state law requires transportation impacts of that change to be analyzed. The Transportation Planning Rule (“TPR”), OAR 660-012-0060, outlines the analysis. The purpose of the TPR is to maintain a balance between allowed land uses and the transportation system necessary to support them. The rule assesses whether changes create a “significant impact” on the system. If so, mitigation must be proposed that brings the conditions back to the same level (or better) than the no-build condition.

However, as of 2012, new TPR regulations allow more leeway for projects that are located in areas designated as “Mixed-use Multi-modal Areas” (“MMA”). Cities can rezone areas for more intensive use without the impact analysis that would typically be required if that area is within an MMA. Specifically, Section 10 of the rule now authorizes a local government to amend local land use provisions without applying the TPR performance standards, if the amendment meets two specified requirements:



1. The amendment must be a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and
2. The amendment must be consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.

Because it offers flexibility for future development, this application requests the creation of a new MMA that encompasses the existing downtown area of Oregon City and the newly rezoned Willamette Falls Downtown District. The city anticipates demand for more mixed-use development in the new Willamette Falls district and the existing downtown, which is already zoned mixed-use.

A key requirement for an MMA is that it be more than  $\frac{1}{4}$  mile from freeway on ramps. The proposed boundary's north edge is at 12<sup>th</sup> Street, which is farther than  $\frac{1}{4}$  mile from the nearest I-205 ramp. In fact, there are two freeway interchanges near the downtown—one over the river in West Linn, and one north of downtown on Highway 99E—but both are more than  $\frac{1}{4}$  of a mile distance by road from the proposed MMA boundary. At this time, these freeway interchanges have enough transportation capacity, but with additional development, there could be some traffic capacity issues at some intersections in the area. Oregon City wants to strengthen their downtown and provide for additional development and visitors to a newly designated open space along the Willamette River overlooking Willamette Falls. Without the freedom offered by an MMA, Oregon City is concerned that the old system of mitigating for significant impacts would require major, expensive, impractical upgrades to create more automobile capacity. These upgrades could be more than Oregon City can afford, especially because the area's unique topography (cliffsides, riverfront, basalt rock) would drive up infrastructure costs.

Oregon City has used the Model Development Code that was jointly developed by the Oregon Department of Transportation and Department of Land Conservation and Development as a reference to create zoning in the existing Mixed Use Downtown District and for the newly created Willamette Falls Downtown District. The existing Municipal Code has been updated and refined over the last nine years to better meet the intent of a multi-modal Regional Center.

The Willamette Falls Downtown (WFD) district is designed to apply within the historic Willamette Falls downtown area, between McLoughlin Boulevard and the Willamette River. This area was formerly an industrial site occupied by the Blue Heron Paper Mill. A mix of open space, retail, high-density residential, office and light industrial uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. Allowed uses in the District will encourage pedestrian and transit activity. This district includes a Downtown Design overlay for

the historic downtown area. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

The existing mixed-use downtown (MUD) district applies within the traditional downtown core along Main Street and includes the “north-end” area, generally between 5th Street and Abernethy Street, and some of the area bordering McLoughlin Boulevard. Land uses are characterized by high-volume establishments constructed at the human scale such as retail, service, office, multi-family residential, lodging or similar as defined by the community development director. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes a Downtown Design District overlay for the historic downtown area. Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

## **OAR 660-012-0060 Findings**

*(10)(b)(A) Requires the MMA to be an area “With a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged.”*

**Response:** Figure 31 shows the proposed boundary around the MMA area. The proposed area includes all of downtown Oregon City, including the existing downtown and the new Willamette Falls Downtown District. The boundary follows 11<sup>th</sup> Street to the north, Railroad Avenue and 99E to the east, the lagoon to the south, and the Willamette River to the west. Through the adoption and acknowledgement of this proposed MMA boundary in the Oregon City Comprehensive Plan, this requirement can be met.

*(10)(b)(B) Requires MMAs to be located “Entirely within an urban growth boundary.”*

**Response:** Downtown Oregon City is entirely within the city’s urban growth boundary. The UGB is shown below in purple. The Willamette Falls Downtown District is identified with a red dot. The MMA area includes the Willamette Falls Downtown District and the existing downtown, just north of the district, both of which are within Oregon City’s UGB.

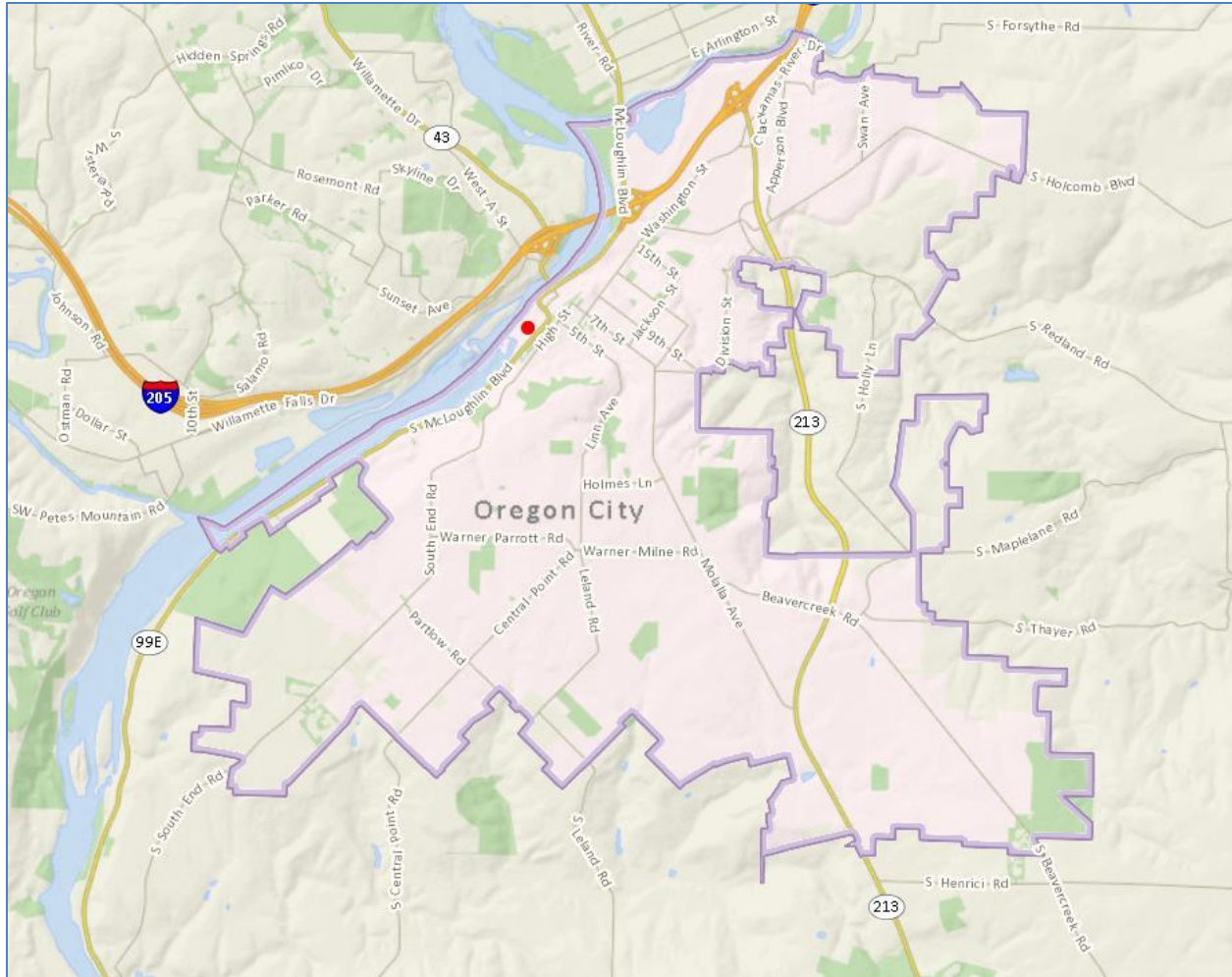


Figure 32. Oregon City urban growth boundary.

*(10)(b)(C) Requires MMAs to have “adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule.”*

**Response:** The proposed language for a Willamette Falls Downtown District is included with this application and contained in Section 1 of this application. The zoning district regulations address allowed and prohibited uses, minimum FAR, height, and other development standards. A set of plan policies and design guidelines is also anticipated to be approved with the master plan and will apply to development on the site. These plans will constitute “adopted plans and development regulations” as described in this standard. The existing downtown, which is also part of the proposed MMA, is within the city’s Mixed Use Downtown District (OCMC 17.34). The MUD chapter regulates new development consistent with the uses and characteristics identified. In total, the proposed WFDD and the existing MUD satisfy the requirements of this rule.

*(8)(b)(A) Requires MMAs to allow “A concentration of a variety of land uses in a well-defined area, including the following:”*

**Response:** The MMA is centered on Main Street, south from 11<sup>th</sup> street, through downtown and into the proposed through the Willamette Falls Downtown District. This area includes a variety of retail, office, and civic uses, with allowances for higher-density residential, craft industrial, and recreational attractions. The downtown, due to geography and the historic development of the area, is well-defined with denser development than in other areas of Oregon City.

*(8)(b)(A)(i) Requires MMAs to allow “Medium to high density residential development (12 or more units per acre).”*

**Response:** Multifamily residential development is allowed in the proposed MMA, both in both in the existing MUD and proposed WFDD. Within the stated limits on height, there is no restriction on the density of residential units. Ultimately, the number of units on a site and the overall residential density will be is dictated by proposed development, but the zone encourages higher densities by incorporating a minimum FAR, expansive height limits, and reduced parking requirements.

*(8)(b)(A)(ii) Requires MMAs to allow “Offices or office buildings.”*

**Response:** Office uses are allowed in the proposed MMA, both in the existing MUD (17.34) and the proposed Willamette Falls Downtown District.

*(8)(b)(A)(iii) Requires MMAs to allow “Retail stores and services.”*

**Response:** Retail and service uses are allowed in the proposed MMA, both in the existing MUD (17.34) and the proposed Willamette Falls Downtown District.

*(8)(b)(A)(vi) Requires MMAs to allow “Restaurants”*

**Response:** Restaurants are allowed in the proposed MMA, both in the existing MUD (17.34) and the proposed Willamette Falls Downtown District.

*(8)(b)(A)(v) Requires MMAs to allow “Public open space or private open space which is available for public use, such as a park or plaza.”*

**Response:** Public and private open spaces for public use are allowed in the proposed MMA, both in the existing MUD (17.34) and the proposed Willamette Falls Downtown District. The new Willamette Falls District master plan designates more than five acres of land for open-space and waterfront uses.

*(8)(b)(B) Requires MMAs to “Generally include civic or cultural uses.”*

**Response:** Civic and cultural uses are allowed in the proposed MMA, both in the existing MUD (17.34) and the proposed Willamette Falls Downtown District.

*(8)(b)(C) Requires MMAs to allow “A core commercial area where multi-story buildings are permitted.”*

**Response:** The proposed MMA is centered on the existing Main Street core commercial areas, on which there are existing multi-story buildings in a historic downtown center, which includes the Main Street core commercial area. There are existing multi-story buildings on Main Street, both north and south of McLoughlin Boulevard. Building height limits in the existing downtown vary, but go up to 75 feet. The new Willamette Falls district allows buildings up to 80 feet.

*(8)(b)(D) Requires MMAs to have development standards where “buildings and building entrances oriented to streets.”*

**Response:** Any new development in the existing MUD zone must go through site plan and design review (17.62), which requires that all new buildings oriented to streets. OCMC 17.62.055(D)(1) through (3) requires “the front most architecturally significant facade shall be oriented toward the street and shall be accessed from a public sidewalk,” and “primary building entrances shall be clearly defined and recessed or framed by a sheltering element.” OCMC 17.62.050.A.2 also requires parking areas to be located behind buildings, below buildings, or on one or both sides of buildings.

New development in the proposed WFDD zone is subject to a detailed development review, the second step of a master planned development. This review requires compliance with the same standard in 17.62 for buildings to face streets and de-emphasize parking, per 17.65.060(B)(3).

*(8)(b)(E) Requires MMAs to have “street connections and crossings that make the center safe and conveniently accessible from adjacent areas.”*

**Response:** The proposed MMA is located within an historic downtown grid of streets that is either existing or will be re-established on the Willamette Falls property. Accessibility for the existing downtown will not change, and with development of the Willamette Falls area, this adjacent area will re-create a connected downtown street grid, resulting in a safer and greater public access. Existing streets in the downtown area of the MMA have sidewalks on both sides of the street; this condition will be a requirement of development in the new Willamette Falls District. There are crosswalks throughout the MMA and strong pedestrian connections planned from the historic downtown across 99E.



*(8)(b)(F) Requires MMAs to have “a network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and onstreet parking.”*

**Response:** The proposed MMA is a series of blocks within a street grid. The proposed MMA is approximately 15 blocks long and two blocks wide. Approximately 90 percent of streets have sidewalks on both sides of the street. Most intersections within the existing downtown are marked, and crossing distances are short. Downtown has a strong, pedestrian oriented streetscape. A map of the proposed MMA showing the local street network is included as an exhibit.

*(8)(b)(G) Requires MMAs to have “one or more transit stops (in urban areas with fixed route transit service).”*

**Response:** TriMet serves the proposed MMA with its Line 33 and Line 99 bus service, with multiple stops within the district. The Oregon City Transit Center is within the proposed MMA, 11<sup>th</sup> Street and Main Street. Oregon City’s TSP (2013 update) identifies downtown as a regional transit hub.

*(8)(b)(H) Requires regulations within MMAs to “limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.”*

**Response:** Industrial uses are not permitted in the MUD zone district, and only light industrial or craft industrial uses such as brewpubs or apparel studios are allowed in the WFDD zone. These uses are size-limited. Automotive sales, service, rental and repair are only as a conditional use, as are drive-through uses.

*(10)(b)(D) requires MMAs to have “land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking).”*

**Response:** The off-street parking requirement in both the MUD and proposed WFDD zones are unique in Oregon City in that they allow reduction from the city’s existing standard by up to 50 percent. Likewise, there is flexibility within both districts for shared parking between uses, and for sharing parking between the two zoned areas. On street parking in both zones may count toward the minimum standard when it is on the street face abutting the proposed land use. A change in use of an existing building

within the MUD zone is exempt from constructing additional parking. In this respect the MMA area requires lower levels of off-street parking than required in other areas.

*(10)(b)(E) Requires the MMA to be “located in one or more of the categories below:*

*(i) At least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;*

*(ii) Within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or*

*(iii) Within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.”*

**Response:** The proposed MMA is more than ¼ mile from any ramp terminal intersection of the existing I-205 interchange. Subsection (i) is satisfied and this requirement is met.



# City of Oregon City

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

## Staff Report

File Number: 14-152

---

**Agenda Date:** 3/10/2014

**Status:** Agenda Ready

**To:** Planning Commission

**Agenda #:** 2a.

**From:** Community Development Director Tony Konkol

**File Type:** Minutes

Adoption of Planning Commission Minutes for September 23, 2013

**RECOMMENDED ACTION (Motion):**

Adopt minutes following review and revision.

**BACKGROUND:**

See attached draft minutes.



# City of Oregon City

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

## Meeting Minutes Planning Commission

---

Monday, September 23, 2013

7:00 PM

Commission Chambers

---

### 1. Call to Order

*Chair Kidwell called the meeting to order at 7:00 PM.*

**Present:** 6 - Paul Espe, Zachary Henkin, Denyse McGriff, Robert Mahoney, Charles Kidwell and Tom Geil

**Absent:** 1 - Damon Mabee

**Staffers:** 2 - Tony Konkol and Christina Robertson-Gardiner

### 2. Public Comments

*There were no public comments.*

### 3. Presentation

#### PC 13-071

#### Willamette Falls Legacy Project Update

*Christina Roberston-Gardiner, Planner, introduced Ken Pirie of Walker Macy and Kirstin Greene with Cogan Owens Cogan who would provide an update on the Willamette Falls Legacy Project.*

*Mr. Pirie discussed the master plan team and research of the site. The goal was a thorough understanding of the site's physical, economic, and community context which would form the basis for creating scenarios and a plan. He then explained the opportunities and constraints booklet. They were now in the process of preparing initial scenarios guided by the work which would be presented to the public on October 10. The scenarios would be refined into a set of master plan alternatives which would then blend into one preferred plan which would serve as the vision for the site and would directly influence the drafting of the land use plan and implementation strategy for rezoning.*

*Ms. Greene said from July to September more than 2,500 regional residents had been engaged to help construct the vision. She described the community discussions and events that had been held and key findings from that input. She announced the open house on October 10 and former Blue Heron employees event on October 24.*

*Tony Konkol, Community Development Director, said an offer was submitted on the property by Eclipse, however they had not reached an agreement with the trustee on closing on the property. Eclipse had asked for additional time. He explained the multiple layers of public engagement, makeup of the partnership group, and how staff was checking in through the process. He then discussed the two products to come out of the process, the Framework Master Plan and Comprehensive Plan*

*amendment and zone change for the property. These were scheduled to be brought to the Planning Commission in April.*

*Commissioner McGriff suggested a joint work session with the City Commission to discuss the project.*

*Ms. Robertson-Gardiner explained the pros and cons to a legislative action vs. quasi judicial land use action. The Planning Commission would receive updates of the website as new information was added. The community had supported the big picture and she thought the City was going in the right direction.*

*Chair Kidwell said people had told him they did not want a big box retail store there and were concerned about losing Oregon City's voice in the process.*

*Commissioner Mahoney thought City Attorney Ed Sullivan should help guide them in this process.*

*Commissioner McGriff wanted to make sure PGE was included in the story of the site.*

#### 4. Public Hearing

13-550

Approval of Planning Commission Minutes for January 14, January 28, February 11, February 25, March 11, March 18, March 25, and April 8, 2013.

*Commissioner McGriff had corrections to the minutes of January 14, March 18, and March 25. In general she questioned the motions that did not include specifics especially revised conditions.*

*Mr. Konkol said these were brief minutes and not verbatim.*

*Chair Kidwell thought the motions should note the motion was approved with the findings in the staff report and/or conditions of approval.*

*Commissioner McGriff said for the minutes of January 14, the minutes list her as present, but she was not listed in one of the votes. Staff explained Commissioner McGriff had arrived late to that meeting, which was why she was not listed in the vote.*

*Commissioner McGriff said Ms. Terway's name was misspelled in the March 25 minutes and that there were question marks after consultants' names.*

**A motion was made by Commissioner Espe, seconded by Commissioner Mahoney, to approve the minutes for January 14, January 28, February 11, February 25, March 11, March 18, March 25, and April 8, 2013, as corrected. The motion carried by the following vote:**

**Aye:** 6 - Paul Espe, Zachary Henkin, Denyse McGriff, Robert Mahoney, Charles Kidwell and Tom Geil

#### 5. Communications

*Mr. Konkol reported on the South End Concept Plan status and Sign Code update.*

*Commissioner Henkin discussed the first meeting of the Sign Code Community*



*Advisory Team.*

**6. Adjournment**

*Chair Kidwell adjourned the meeting at 8:22 PM.*

DRAFT



# City of Oregon City

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

## Staff Report

File Number: PC 14-025

**Agenda Date:** 3/10/2014

**Status:** Agenda Ready

**To:** Planning Commission

**Agenda #:** 4a.

**From:** Community Development Director Tony Konkol and  
[REDACTED]

**File Type:** Land Use Item

### **SUBJECT:**

ZC 13-03: Zone Change at Central Point Rd / White Ln  
Request for Continuation to April 15, 2014

### **RECOMMENDED ACTION (Motion):**

Staff recommends that the Planning Commission take testimony from anyone present who wishes to speak on this item, then continue the public hearing for consideration of ZC 13-03 to the date certain of April 15, 2014.

### **BACKGROUND:**

Venture Properties, Inc is the applicant for the Central Point Road Zone Change request (ZC 13-03) which currently proposes to change the zoning designations for parcels Tax Map 3 3 1E 12D Lots 1593, 1600, 1503, 1701; 3 2E 07C Lot 1003 from R-10 to R-6.

Since the initial public hearing on January 27, 2014, Venture Properties has reconsidered the zone change request. Upon review, the applicant would like to modify the application to propose an R-8 zone over the five parcels. In discussions with City Staff, the applicant is aware that the application materials will need to be revised for the new requested designation and the public hearings will need to be renoticed.

Therefore, the applicant is requesting a continuance to April 15, 2014 for the Planning Commission hearing and May 7, 2014 for the City Commission hearing. The applicant also agrees to extend the 120 day for the length of the continuance.

The applicant's request is attached.



Creating  
Tomorrow's  
Communities  
Today

# VentureProperties

INCORPORATED

February 28, 2014

Oregon City Planning Commission and City Commission  
c/o Pete Walter, AICP, Associate Planner  
Community Development Department  
Planning Division  
221 Molalla Avenue, Ste. 200  
Oregon City, Oregon 97045

Dear Oregon City Planning and City Commissions,

Venture Properties, Inc is the applicant for the Central Point Road Zone Change request (ZC 13-03) which currently proposes to change the zoning designations for parcels Tax Map 3 3 1E 12D Lots 1593, 1600, 1503, 1701; 3 2E 07C Lot 1003 from R-10 to R-6.

Since our initial public hearing on January 27, 2014, Venture Properties has reconsidered the zone change request. Upon review, Venture would like to modify our application to propose an R-8 zone over the five parcels. In discussions with City Staff, we understand that our application materials will need to be revised for the new requested designation and the public hearings will need to be renoticed. Therefore, Venture Properties is requesting a continuance to April 15, 2014 for the Planning Commission hearing and May 7, 2014 for the City Commission hearing. We will also extend the 120 day for the length of the continuance.

We appreciate your consideration and look forward to discussing the revised application in more detail on April 15, 2014.

Sincerely,

Mimi Doukas, AICP, RLA  
Venture Properties, Inc

c. Vern Johnson  
Reitha Tolstrup  
Chris Godell, AKS  
Kelly Ritz, Venture Properties

Q:\Projects\Or City - Central Point\land use\ZC Application\Modification to ZC letter-2014-03-03.docx



# City of Oregon City

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

## Staff Report

File Number: PC 14-023

**Agenda Date:** 2/24/2014

**Status:** Agenda Ready

**To:** Planning Commission

**Agenda #:** 4b.

**From:** Planner Laura Terway

**File Type:** Land Use Item

### **SUBJECT:**

ZC 13-02: Woodlawn Avenue Land Use Application, Requesting Approval of a Zone Change from R-10 Single-Family Dwelling District to R-8 Single Family Dwelling District.

### **RECOMMENDED ACTION (Motion):**

Staff recommends that the City Commission take public testimony from any interested party that wishes to testify and then continue the public hearing for Planning file ZC 13-02: Zone Change to the April 14, 2014 Planning Commission hearing.

### **BACKGROUND:**

The applicant originally submitted an application for a Zone Change from "R-10" Single-Family Dwelling District to "R-6" Single-Family Dwelling District for the properties located near Woodlawn Avenue and identified as Clackamas County Map 3-2E-06BC, TL 2000, 1801, 3100, 1700, 1800, and 1601.

At the January 27, 2014 Planning Commission hearing, the applicant was allowed to revise the application with a request for a Zone Change from "R-10" Single-Family Dwelling District to "R-8" Single-Family Dwelling District. The Planning Commission granted a continuance of the application to March 10, 2014 Planning Commission hearing and an extension to the 120 day timeline to renote the application and revise the staff report.

A continuance is requested by City staff and the applicant to allow the City and the applicant time to address new information regarding sewer capacity. Information related to sewer capacity will be presented to the Planning Commission as it is identified.



# City of Oregon City

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

## Staff Report

File Number: PC 14-024

**Agenda Date:** 3/10/2014

**Status:** Agenda Ready

**To:** Planning Commission

**Agenda #:** 4c.

**From:** Planner Laura Terway

**File Type:** Land Use Item

### **SUBJECT:**

Portland Metro Men's Center -  
Conditional Use Permit (CU 13-01), Site Plan and Design Review (SP 13-11) and Lot Line  
Abandonment (LL 13-04).

### **RECOMMENDED ACTION (Motion):**

Staff is re-evaluating in the light of evidence recently received and will make recommendations at the continued public hearing.

### **BACKGROUND:**

The applicant has submitted a Site Plan and Design Review, Conditional Use and Lot Line Abandonment application in order to utilize the site for the Portland Metro Men's Center, a religious institution and associated Christian recovery program, including dormitory facilities for sixty-two (62) people comprised of up to sixty (60) students enrolled in the program and at least two employees, construct associated structures, and consolidate two lots.

A continuance was requested, and a thirty day extension of the 120-day deadline was provided by the applicant, to allow the City and the applicant time to address new information regarding sewer capacity. Information related to sewer capacity will be presented to the Planning Commission as it is identified.

### **BUDGET IMPACT:**

Amount:

FY(s):

Funding Source:



**From:** Laura Terway  
**To:** "Ignacio"  
**Subject:** RE: Planning Commission Hearing Monday: Portland Metro Men's Center  
**Date:** Monday, February 24, 2014 12:43:00 PM

ENTERED INTO THE RECORD  
DATE RECEIVED: 2/24/14  
SUBMITTED BY: Laura Terway  
SUBJECT: 3a. PC 14-017  
New written testimony recd  
between 2/10/14 + 2/24/14

Thank you,  
I have received the information and will enter it into the record.



Laura Terway, AICP  
Planner  
Planning Division  
PO Box 3040  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045  
Phone: 503.496.1553  
Fax: 503.722.3880  
lterway@orc.org

Please note the Planning Division is available from 8am - 5pm Monday - Thursday and by appointment on Friday.



Please consider the environment before printing

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

**From:** Ignacio [mailto:ignacio927@hotmail.com]  
**Sent:** Monday, February 24, 2014 11:53 AM  
**To:** Laura Terway  
**Subject:** RE: Planning Commission Hearing Monday: Portland Metro Men's Center

Ms. Terway:

I would like to submit another letter for tonight's planning meeting. Thank you.

From: [lterway@ci.oregon-city.or.us](mailto:lterway@ci.oregon-city.or.us)  
To: 'brando.boyd@gmail.com'; 'lopezl@loswego.k12.or.us'; 'l.mix@comcast.net';  
'itsmandy@msn.com'; 'rj\_clevenger@msn.com'; 'mattnel79@gmail.com';  
'enochlin@katu.com'; [ksdalej@hotmail.com](mailto:ksdalej@hotmail.com); [iward0846@msn.com](mailto:iward0846@msn.com);  
[randbswanson@gmail.com](mailto:randbswanson@gmail.com); [kentwalton@aol.com](mailto:kentwalton@aol.com); [acherney@buildcentral.com](mailto:acherney@buildcentral.com);  
[boyd.kimberlee@gmail.com](mailto:boyd.kimberlee@gmail.com); [amarek@pamplincorp.com](mailto:amarek@pamplincorp.com); [ignacio927@hotmail.com](mailto:ignacio927@hotmail.com);  
'sschaeffer3@msn.com'; [ochall@comcast.net](mailto:ochall@comcast.net); [deionlopez2@yahoo.com](mailto:deionlopez2@yahoo.com)  
CC: 'JBragar@gsblaw.com'; [tkonkol@ci.oregon-city.or.us](mailto:tkonkol@ci.oregon-city.or.us)  
Date: Tue, 18 Feb 2014 18:08:34 -0800  
Subject: Planning Commission Hearing Monday: Portland Metro Men's Center

Good Afternoon,

As you have submitted comments for the Portland Metro Men's Center, I wanted to let you know that **the hearing has been relocated to the Pioneer Community Center** (located at 615 Fifth Street) to accommodate the expected crowd. The Planning Commission agenda

including the staff report, applicant's submittal and public comments may be found here.  
Thank you



---

**Laura Terway, AICP**  
**Planner**  
Planning Division  
PO Box 3040  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045  
Phone: 503.496.1553  
Fax: 503.722.3880  
[lterway@orc.org](mailto:lterway@orc.org)

Please note the Planning Division is available from 8am - 5pm Monday - Thursday and by appointment on Friday.



Please consider the environment before printing

*PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.*

February 24, 2014

City of Oregon City Planning  
221 Molalla Avenue, Ste 200  
Oregon City, OR 97045

Reference: File CU 13-01

We are writing in response to the Portland Metro's Men's Center request to build a 60 client treatment center on Warner Parrot. We request that you deny the permit to build due to safety concerns regarding the location of this facility. However, if the City is planning to grant a permit for this building some consideration should be given to reducing the impact to traffic in an area that sees heavy use at peak times. Our suggestion would be to reduce the number of beds in this facility to 32. Additionally, this facility should build a sidewalk and enhance the bike lane in front of the property as pedestrian traffic is likely to increase significantly.

While the Planning Commission cannot stop this type of facilities from moving in, it is important to recognize the impact it will have on the economic future of the community. The benefits of investing in real estate holdings in this community will be significantly impacted and we will re-focus our tax-paying business into a safer area for the benefit of our customers.

Thank you for your consideration,

Stacie Hall & Ignacio Gonzalez  
927 Clearbrook Dr.  
Oregon City, OR 97045

**From:** [Espe, Paul](#)  
**To:** [Laura Terway](#)  
**Cc:** [Tony Konkol](#)  
**Subject:** Teen Challenge CUP  
**Date:** Monday, February 24, 2014 12:02:59 PM

---

Do either of you know when the former church organization left the property and ceased being a church?

Paul Espe  
Associate Planner  
City of Lake Oswego  
PO Box 369  
Phone: (503)697-6577  
Fax: (503)635-0269



**PUBLIC RECORDS LAW DISCLOSURE**

This e-mail is a public record of the City of Lake Oswego and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This e-mail is subject to the State Retention Schedule

**From:** Laura Terway  
**To:** "Courtney Selby"  
**Subject:** RE: Portland Metro Men's Center  
**Date:** Monday, February 24, 2014 11:08:00 AM

---

Thank you,  
I have received the information and will enter it into the record.  
-Laura Terway



Laura Terway, AICP  
Planner  
Planning Division  
PO Box 3040  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045  
Phone: 503.496.1553  
Fax: 503.722.3880  
[lterway@orc.org](mailto:lterway@orc.org)

Please note the Planning Division is available from 8am - 5pm Monday - Thursday and by appointment on Friday.



Please consider the environment before printing

*PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.*

---

**From:** Courtney Selby [mailto:[courtney798@gmail.com](mailto:courtney798@gmail.com)]  
**Sent:** Monday, February 24, 2014 10:57 AM  
**To:** Laura Terway  
**Subject:** Re: Portland Metro Men's Center

Good morning Laura,

Please see attached my written public comment for tonight's hearing regarding Portland Metro Men's Center.

Thank you,  
Courtney Selby

On Thu, Feb 20, 2014 at 8:38 AM, Laura Terway <[lterway@ci.oregon-city.or.us](mailto:lterway@ci.oregon-city.or.us)> wrote:  
Courtney,

Thank you for your email. In response to your concern the City Code Enforcement Division is sending a letter to inform the Portland Metro Men's Center that dormitory use of its 405 Warner Parrott Road property is not allowed at this time. Please feel free to contact myself at [503.496.1553](tel:503.496.1553) or the Code Enforcement Division at [503.496.1559](tel:503.496.1559) with any continued concerns regarding this matter.

Laura Terway, AICP  
Planner  
Planning Division  
PO Box 3040



221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045  
Phone: 503.496.1553  
Fax: 503.722.3880  
[lterway@orccity.org](mailto:lterway@orccity.org)<<mailto:lterway@orccity.org>>

Please note the Planning Division is available from 8am - 5pm Monday - Thursday and by appointment on Friday.

ü Please consider the environment before printing

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

---

From: Courtney Selby [[courtney798@gmail.com](mailto:courtney798@gmail.com)]  
Sent: Wednesday, February 12, 2014 5:38 PM  
To: Laura Terway  
Subject: Portland Metro Men's Center

Hello Laura

I live at 18413 Brookside Road. I was wondering if you had any insight on who I can contact about my concerns regarding the possibility of residents already living at the Teen Challenge building. From my home location, I can see cars and their Teen Challenge Vans still parked in their lot at all hours of the night. I've called Oregon City code enforcement and they told me to contact you. My question really is, are they allowed to be sleeping at this location without a conditional use permit. Who can find out for me if they are indeed sleeping there? I highly doubt staff would leave their cars there over night if they aren't, but I have not been brave enough to walk over there in the middle of the night to find out for sure.

Thank you,  
Courtney Selby

Feb 22, 2014

Courtney Selby  
18413 Brookside Rd  
Oregon City, OR 97045  
[Courtney798@gmail.com](mailto:Courtney798@gmail.com)

To the Oregon City Planning Division:

Thank you for taking the time to read my public comment regarding the Portland Metro Men's Center ( Teen Challenge ) proposal for a conditional use permit(s) at their property of 405 Warner Parrot in Oregon City.

I've been neighbors with PMMC Teen Challenge since December 2012, when I found out only by chance after noticing suspicious traffic and many men going in and out of the building of the Church behind my home. I called Oregon City Code Enforcement on Jan. 7<sup>th</sup> 2013 with my concerns that people were living at the church and was wondering if it was being ran as a homeless shelter, to which they did not know. It is very unsettling when you call the city you live in and they claim they to don't know what kind of activity is happening at the property next to your home. PMMC never took the opportunity to introduce themselves to me or my neighbors and more so snuck in, I was left very confused and unsure if the activity at the church was even legal. I later learned they were a non profit organization, who purchased the property and allowed to be there. I still wasn't sure if they were allowed to be sleeping there and questioned if they were indeed a homeless shelter.

Months went by and our new neighbors continued to carry on their activities which included loud weekends with men outside all the time, men smoking cigarettes in front of my house ( I am assuming because the directors or staff in charge can't see them once they go around the corner ), basketballs pounding the pavement with vulgar language at very loud volumes being heard and later repeated by my 7 year old, van doors being slammed early hours in the morning every day, vans doors being slammed and lights shining in my bedroom window very late into the night. My little sleepy street of ten homes, of respectable neighbors, was no longer, before even building this monstrosity of a dormitory the character of our neighborhood has already been altered. The quality of living has gone down as we no longer feel like we know our neighbors or that they respect who lives next door to them. PMMC has not been "neighborly" since they secretly arrived in November of 2012. They have also been dishonest in their opening statement at the hearing when they claimed no nearby residents have

ever complained. This is completely untrue, I have emailed them, my husband has called multiple times and I know my other neighbors have called as well. The dishonesty from PMMC is very concerning.

After the hearing on Feb. 10<sup>th</sup>, I left with a lot of questions. One being why is PMMC allowed to operate at the property without a conditional use permit in place? Which was later answered that if they're working towards a resolution they can remain at the property. Is this going to be a permanent rule in place for them? What if a decision takes years? The city will continue to allow PMMC to operate without any sort of permit indefinitely? Seems like the City is being extremely relaxed with this, and almost granting PMMC special favors, which is NOT in the best interest to their community and long time citizens who neighbor the property.

PMMC wishes to build a 60 bed dormitory that they call a "group home". This is not a group home, it's a treatment facility. If it's a group home, they need to be licensed with the state as a group home. If they don't treat the residents living there ( which we already established that yes, they are treated to some degree ) then they should be renaming themselves a Room & Board facility and STILL file for a license with the State of Oregon as such. However, if they are found to not be a legitimate group home, and more so a Room & Board Facility, they should not be granted a conditional use permit as a Group Home. Plain and simple. I'm asking the Oregon City Planning division to refuse PMMC a conditional use permit for OCMC 17.08.030.J – Group Home, until further evidence and proof is provided that they will be running their facility as one under state laws and become licensed.

Thank you for your time and I hope you'll take my comments into consideration when making your decision.

Sincerely,

A handwritten signature in cursive script that reads "Courtney Selby". The signature is written in dark ink and is positioned above the printed name.

Courtney Selby

**From:** Laura Terway  
**To:** "Micheal Reeder"  
**Cc:** [garry.wallace@teenchallengepnw.com](mailto:garry.wallace@teenchallengepnw.com); [Rodger.Snodgrass@teenchallengepnw.com](mailto:Rodger.Snodgrass@teenchallengepnw.com); [rickgivens@gmail.com](mailto:rickgivens@gmail.com); [hodgesc@comcast.net](mailto:hodgesc@comcast.net); Dave Oliver  
**Subject:** RE: Teen Challenge - Supportive Testimony  
**Date:** Monday, February 24, 2014 11:06:00 AM

---

Thank you,  
I have received the information and will enter it into the record.  
-Laura Terway



Laura Terway, AICP  
Planner  
Planning Division  
PO Box 3040  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045  
Phone: 503.496.1553  
Fax: 503.722.3880  
[lterway@orc.org](mailto:lterway@orc.org)

Please note the Planning Division is available from 8am - 5pm Monday - Thursday and by appointment on Friday.



Please consider the environment before printing

*PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.*

---

**From:** Micheal Reeder [<mailto:mreeder@arnoldgallagher.com>]  
**Sent:** Monday, February 24, 2014 10:50 AM  
**To:** Laura Terway  
**Cc:** [garry.wallace@teenchallengepnw.com](mailto:garry.wallace@teenchallengepnw.com); [Rodger.Snodgrass@teenchallengepnw.com](mailto:Rodger.Snodgrass@teenchallengepnw.com); [rickgivens@gmail.com](mailto:rickgivens@gmail.com); [hodgesc@comcast.net](mailto:hodgesc@comcast.net); Dave Oliver  
**Subject:** Teen Challenge - Supportive Testimony

Laura: Please include into the record on the Teen Challenge CUP, CU 13-01. Many thanks!

MICHEAL M. REEDER



T: (541) 484-0188 / F: (541) 484-0536  
800 Willamette Street, Suite 800, Eugene, OR 97401  
[www.arnoldgallagher.com](http://www.arnoldgallagher.com)

CONFIDENTIAL: The information contained in this electronic communication is privileged and/or confidential. The information is for the sole use of the intended addressee. If the reader of this communication is not the intended addressee, you are hereby notified that any dissemination, distribution and/or copying of this communication or the information contained in this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at 541/484-0188 and thereafter, immediately destroy this electronic communication. Thank you.

TAX ADVICE DISCLAIMER: Pursuant to federal law, you are advised that any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.





# OREGON CITY

## ***THE CHURCH IN OREGON CITY***

*The body of Christ in Oregon City united in the mission of proclaiming the gospel of Jesus Christ to the inhabitants of the city.*

February 9, 2014

Oregon City Planning Commission:

I wish to express my support for Teen Challenge.

I have been aware of the effectiveness of this ministry for many years. Speaking on behalf of our congregation, we are pleased to have them in our community. They have proven themselves to be good neighbors in our city since moving here in 2012. We believe they are an asset to our community.

This is just another indication of the extended hand of God's blessing on our community, and a continuation of this commission's efforts and labor to provide for the health and well being of the residents of our city.

We pray that you will grant permission to move ahead with the dormitory building project of Portland Metro Men's Centers, a part of Teen Challenge Pacific Northwest, who has graciously consented to establish and develop this outreach here in Oregon City.

The church in this city will continue to pray for you by name on a weekly basis, and will support you in all you do.

May God bless you,

Tom Hurt  
Lead Pastor  
Oregon City Evangelical Church

***"God, who has saved us and called us to a holy calling, not because of our works but because of his own purpose and grace, which he gave us in Christ Jesus before the ages began." (2 Timothy 1:9)***

~Living Love~

PO BOX 10, 1024 Linn Ave., Oregon City, OR 97041  
phone: (503) 656-8582 web: [www.vocet.net](http://www.vocet.net)

**Thomas and Elizabeth Dressel**

1005 Woodlawn Avenue  
Oregon City, Oregon 97045  
Telephone: (503) 655-1489

February 10, 2014

Oregon City Planning Commission:

We wish to express our support for Teen Challenge and their proposed Portland Metro Men's Center here in Oregon City.

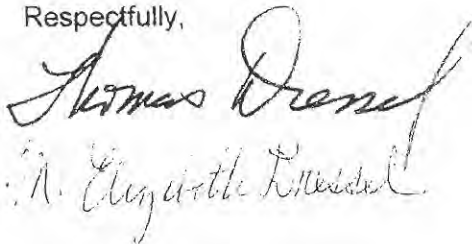
We're almost neighbors with the local Teen Challenge ministry and are pleased to have them in our community. They have proven themselves to be good neighbors in our city since moving here in 2012. We believe they are a very special resource to the young men of our community who have had difficulty finding themselves.

Teen Challenge is effective in restoring the lives of the men that accept the challenge of committing to a year of building or rebuilding a foundation of physical, mental and spiritual disciplines into their lives.

We're aware of the effectiveness of this ministry over the past several years. We have a grandson who was scheduled to leave prison life this past September. After evaluating the Teen Challenge opportunity we encouraged him to apply. He refused, saying he had already lost out on living for the duration of his prison sentence and didn't want to lose another year of his life. We pray that he makes a positive transition to life outside prison walls; from what we've seen of the Teen Challenge young men we know that a year with Teen Challenge would have provided a far better foundation for the rest of his life.

We urge your approval of Teen Challenge's plans for the Portland Metro Men's Center here in Oregon City.

Respectfully,

The block contains two handwritten signatures in black ink. The first signature is 'Thomas Dressel' and the second is 'Elizabeth Dressel'. Both are written in a cursive, flowing style.

LIFE IS FRAGILE, HANDLE WITH PRAYER



Missio Dei  
Community  
a local church expression of Eternal Impact

PO BOX 250 OC, OR 97045 | 503-655-4500 | WWW.ETERNALIMPACT.ORG | WWW.MISSIODEIPOX.ORG



FROM THE DESK OF  
JOHN GARRICK  
SPIRITUAL CATALYST  
MISSIONARY  
PASTOR  
HUSBAND  
FATHER  
FRIEND

### THE CHURCH IN OREGON CITY

The body of Christ in Oregon City united in the mission of proclaiming the gospel of Jesus Christ to the inhabitants of the city.

February 09, 2014

Oregon City Planning Commission:

I wish to express my support for Teen Challenge.

I have been aware of the effectiveness of this ministry for many years. Speaking on behalf of our congregation, we are pleased to have them in our community. They have proven themselves to be good neighbors in our city since moving here in 2012. We believe they are an asset to our community.

This is just another indication of the extended hand of God's blessing on our community, and a continuation of this commission's efforts and labor to provide for the health and well being of the residents of our city.

We pray that you will grant permission to move ahead with the dormitory building project of Portland Metro Men's Centers, a part of Teen Challenge Pacific Northwest who has graciously consented to establish and develop this outreach here in Oregon City.

The church in this city will continue to pray for you by name on a weekly basis, and will support you in all you do.

May God bless you.



John Garrick



# *First Presbyterian Church Of Oregon City*

1321 Linn Ave., P.O. Box 1718, Oregon City, OR 97045



To The City And Community Of Oregon City

5 Feb., 2014

From The Elders (Leaders) Of First Presbyterian Church Of Oregon City

We wish to express our appreciation for the neighborhoods and their associations in which we all live. Community action helps keep us all informed and involved. In pursuit of the common good for our city and neighborhoods, we know there are meetings underway relative to Teen Challenge's work. We would like to contribute to that dialogue by sharing what we know and what we have experienced relative to Teen Challenge's ministries.

We have networked with Teen Challenge for about twenty years. To our knowledge, they are the number one program with the greatest success for addiction recovery in our region. Their leadership is passionate about their values, stated purposes and desire to serve the city and its residents for the public good. In short, we believe the leadership at Teen Challenge is excellent based on our interactions with them.

The men (women attend other Teen Challenge sites elsewhere) in their program have been attending our worship services about once every 5-6 weeks. They are well behaved and supervised. We have never had a problem in any way. Our congregants enjoy having them come to worship with us, and their stories of healing and hope have inspired us over and over.

Several of the Teen Challenge men help us each week in our food pantry on Tuesdays as well. They take groceries out to the cars in all sorts of weather without complaining. They are reliable, courteous, friendly and helpful. Our food pantry is the largest and busiest in Oregon City and we are grateful for their volunteer help each week.

Consequently, we heartily endorse Teen Challenge's plans to construct a nearby dormitory.

Sincerely,

The Elders of First Presbyterian Church of Oregon City

Rev. Bruce J. Marten

Church: 503-656-7444 • Fax: 503-656-0909 • email: [office@firstpresoc.org](mailto:office@firstpresoc.org)

Web Page: <http://www.firstpresoc.org>



## Teen Challenge

**Robert Cinnamon** <robert.cinnamon@teenchallengepnw.com>  
To: eric.fruits+lna@gmail.com

Fri, Jan 24, 2014 at 2:51 PM

Mr. Fruits,

As you may know, Teen Challenge has moved and we are now in Oregon City. We are looking to build on site and currently navigating through discussions with the South End Neighborhood Association. Since we had a good relationship with the LNA, I would like to ask if you would be willing to endorse us as good neighbors. This would be immensely helpful when conversing with our local neighborhood association.

Thank you for your consideration of this matter,

Bob Cinnamon

Robert (Bob) Cinnamon  
Teen Challenge PNW  
Portland Metro Men's Center  
(503) 230-1910

### DISCLAIMER:

This message is intended for the sole use of the addressee, and may contain information that is privileged, confidential and exempt from disclosure under applicable law, and may not be used, copied, disclosed, or distributed to anyone any part of the message or any information contained in the message without the expressed written consent of the sender. If you have received this message in error, please immediately advise the sender by reply email and delete this message.

**Eric Fruits** <eric.fruits@gmail.com>  
To: Robert Cinnamon <robert.cinnamon@teenchallengepnw.com>

Fri, Jan 24, 2014 at 3:14 PM

I would be delighted to help you out. Please send me the address and/or contact of who I should send it to.

Sent from my iPhone. Apologies for brevity or typos.

[Quoted text hidden]

**Robert Cinnamon** <robert.cinnamon@teenchallengepnw.com>  
To: Eric Fruits <eric.fruits@gmail.com>

Fri, Jan 24, 2014 at 7:20 PM

Thank you it will help alleviate worries in the neighborhood. You can send it to:  
Portland Teen Challenge  
Attn: Garry Wallace  
405 Warner Parrott Rd.  
Oregon City, OR 97045

Thanks again,  
Bob Cinnamon

Sent from my iPhone



## Micheal Reeder

---

**From:** Garry Wallace <garry.wallace@teenchallengepnw.com>  
**Sent:** Tuesday, February 04, 2014 12:53 PM  
**To:** Micheal Reeder; Chris; Dave Oliver; Rick Givens; Rachel Wallace  
**Subject:** Fwd: Meeting

I just got this email from Bill McConnel, the president of the neighborhood association. It appears there will be no meeting with the neighbors.

----- Forwarded message -----

**From:** Bill McConnel <Bill.Mcconnel@ricoh-usa.com>  
**Date:** Tue, Feb 4, 2014 at 10:29 AM  
**Subject:** Re: Meeting  
**To:** Garry Wallace <garry.wallace@teenchallengepnw.com>

Good morning Garry,

I am writing to let you know that I extended the invitation to meet with you to our neighbors who expressed their concern at the last SENA meeting on Friday morning. As of 6:00pm yesterday evening, nobody has responded.

Best regards,

**Bill McConnel**

Integrated Account Manager, Ricoh Managed Services

### **RICOH USA**

7440 SW Bonita Road

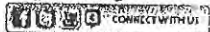
Portland, OR 97224

Cell: 503-572-6159

[bill.mcconnel@ricoh-usa.com](mailto:bill.mcconnel@ricoh-usa.com)

### **RICOH**

Imagine. change.



---

**From:** Garry Wallace <garry.wallace@teenchallengepnw.com>  
**To:** Bill McConnel <Bill.Mcconnel@ricoh-usa.com>  
**Date:** 01/29/2014 04:36 PM  
**Subject:** Re: Meeting

---

See you there

On Jan 29, 2014 4:17 PM, "Bill McConnel" <Bill.Mcconnel@ricoh-usa.com> wrote:  
Let's meet at the South End Fire Station. They have a community meeting room and I have it reserved for 4:00pm Thursday.

**Bill McConnel**  
Integrated Account Manager, Ricoh Managed Services

**RICOH USA**  
7440 SW Bonita Road  
Portland, OR 97224  
Cell: 503-572-6159  
[bill.mcconnel@ricoh-usa.com](mailto:bill.mcconnel@ricoh-usa.com)

**RICOH**  
imagine. change.



From: Garry Wallace <[garry.wallace@teenchallengepnw.com](mailto:garry.wallace@teenchallengepnw.com)>  
To: Bill McConnel <[Bill.Mcconnel@ricoh-usa.com](mailto:Bill.Mcconnel@ricoh-usa.com)>  
Date: 01/27/2014 02:18 PM  
Subject: Re: Meeting

---

Hey,  
No problem. Thursday is wide open.  
Is it still for 4pm? Where do you want to meet?

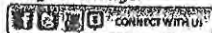
On Mon, Jan 27, 2014 at 2:09 PM, Bill McConnel <[Bill.Mcconnel@ricoh-usa.com](mailto:Bill.Mcconnel@ricoh-usa.com)> wrote:  
Funny.....I was just about to send you a note to let you know that I will be in North Portland tomorrow afternoon.

How does Thursday look?

**Bill McConnel**  
Integrated Account Manager, Ricoh Managed Services

**RICOH USA**  
7440 SW Bonita Road  
Portland, OR 97224  
Cell: 503-572-6159  
[bill.mcconnel@ricoh-usa.com](mailto:bill.mcconnel@ricoh-usa.com)

**RICOH**  
imagine. change.



From: Garry Wallace <[garry.wallace@teenchallengepnw.com](mailto:garry.wallace@teenchallengepnw.com)>  
To: Bill McConnel <[bill.mcconnel@ricoh-usa.com](mailto:bill.mcconnel@ricoh-usa.com)>  
Date: 01/27/2014 02:07 PM  
Subject: Re: Meeting

---

Bill,

I was just reminded of a 3pm appointment on Wednesday. We should probably make it Tuesday.

On Mon, Jan 27, 2014 at 9:17 AM, Garry Wallace <[garry.wallace@teenchallengepnw.com](mailto:garry.wallace@teenchallengepnw.com)> wrote:  
Thanks Bill.

Either Tuesday or Wednesday will work well with me. Let's say Tuesday.

I look forward to getting together.

--

**Garry Wallace**

*Executive Director*

*Portland Metro Men's Center*

503-230-1910

--

**Garry Wallace**

*Executive Director*

*Portland Metro Men's Center*

503-230-1910

--

**Garry Wallace**

*Executive Director*

*Portland Metro Men's Center*

503-230-1910

**From:** Laura Terway  
**To:** "Micheal Reeder"  
**Cc:** [hodgesc@comcast.net](mailto:hodgesc@comcast.net); Dave Oliver; [garry.wallace@teenchallengepnw.com](mailto:garry.wallace@teenchallengepnw.com)  
**Subject:** RE: Teen Challenge Accreditation Standards  
**Date:** Monday, February 24, 2014 10:32:00 AM

---

Thank you,  
I have received the information and will enter it into the record.  
-Laura Terway



Laura Terway, AICP  
Planner  
Planning Division  
PO Box 3040  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045  
Phone: 503.496.1553  
Fax: 503.722.3880  
[Iterway@orc.org](mailto:Iterway@orc.org)

Please note the Planning Division is available from 8am - 5pm Monday - Thursday and by appointment on Friday.



Please consider the environment before printing

*PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.*

---

**From:** Micheal Reeder [<mailto:mreeder@arnoldgallagher.com>]  
**Sent:** Monday, February 24, 2014 10:30 AM  
**To:** Laura Terway  
**Cc:** [hodgesc@comcast.net](mailto:hodgesc@comcast.net); Dave Oliver; [garry.wallace@teenchallengepnw.com](mailto:garry.wallace@teenchallengepnw.com)  
**Subject:** Teen Challenge Accreditation Standards

Laura:

Please include the attached into the record for the PMMC CUP application, CU 13-01.  
Many thanks!

--Mike

MICHEAL M. REEDER



T: (541) 484-0188 / F: (541) 484-0536  
800 Willamette Street, Suite 800, Eugene, OR 97401  
[www.arnoldgallagher.com](http://www.arnoldgallagher.com)

CONFIDENTIAL: The information contained in this electronic communication is privileged and/or confidential. The information is for the sole use of the intended addressee. If the reader of this

communication is not the intended addressee, you are hereby notified that any dissemination, distribution and/or copying of this communication or the information contained in this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at 541/484-0188 and thereafter, immediately destroy this electronic communication. Thank you.

TAX ADVICE DISCLAIMER: Pursuant to federal law, you are advised that any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.





# 2012

## Accreditation Standards

Text changed or added in 2012 is indicated in red.

Approved by the  
TEEN CHALLENGE INTERNATIONAL, U. S. A. BOARD OF DIRECTORS

Please direct questions or comments to:

Accreditation Manager  
[dougl@teenchallengeusa.com](mailto:dougl@teenchallengeusa.com)

# Table of Contents

	Page
THE HISTORY OF ACCREDITATION .....	3
STATEMENT OF FAITH .....	4
ACCREDITATION GOALS, DEFINITIONS, AND PROCEDURES .....	6
AUTHORIZATION, BOD, AFFILIATION, AND FISCAL MANAGEMENT .....	8
FUND RAISING POLICY .....	11
PERSONNEL MANAGEMENT, STAFF & VOLUNTEER DEVELOPMENT .....	12
PROGRAM .....	17
Academic Development .....	17
Admissions .....	18
Work Experience .....	19
Dietetics .....	19
Follow-Up .....	19
General Counseling .....	19
Legal Assistance .....	20
Medication Control .....	20
Mental Health .....	20
Outreach & Evangelism .....	20
Physical Development .....	20
Physical Health .....	20
Program Review .....	21
Spiritual Development .....	21
Student Records .....	21
Vocational .....	22
Student Rights .....	23
Student Grievance .....	23
Crisis Plan .....	24
Facilities, Grounds & Vehicle Management .....	24
Adolescent Specific Standards .....	25
INDEX .....	27
ADDENDUM .....	28
ONSITE REVIEW CHECK LIST .....	31

## **THE HISTORY OF ACCREDITATION**

Accreditation was originally decided upon at a national directors meeting in 1976. The participants (several executive directors, regional representatives, Teen Challenge National staff, and others) authored our original standards under what was then called "certification." The statement of purpose for certification was and remains today "to provide a means to maintain the integrity and unity of the Teen Challenge ministries and to enable Teen Challenge to fulfill its purpose" (1978).

In 1989, after a number of studies and at the request of the Teen Challenge constituency, accreditation became a requirement for all Teen Challenge ministries. That same year, the National Accreditation Office was established.

Between May 1989 and June 1992, the Teen Challenge National Accreditation Revision Committee met regularly to revise the Teen Challenge Standards. This process formally involved over 60 Teen Challenge ministries with many other Teen Challenge ministries providing input as well. The revised standards were approved by the Teen Challenge National Board in June 1992 and became official at the October 1992 Teen Challenge National Conference in Washington, D.C. A subsequent revision was accomplished in 1994 to clarify references and provide sequential numbering.

The 1996 revision was the result of interaction with staff and directors at over 100 Teen Challenge centers conducted personally by the National Accreditation Manager over a 24-month period. Detailed written input was obtained from almost 25 executive directors, program directors, board members, and national staff, the Assemblies of God attorney, the revision committee, the national staff, the regional representatives. The National Teen Challenge board approved the 1996 final product. It proved to be more user friendly.

In 2001 there was a need to tighten up the language of the standards to compensate for changes in the fabric of society and minor revisions were presented to the Operational Board of TCI, USA (Regional Representatives) in January 2002. The result is a set of standards that define Teen Challenge as an organization and facilitate the Teen Challenge mission statement and the goals of the organization now maintaining Teen Challenge centers across the U.S.

As the need arises, revisions will be proposed and require final approval by the National Teen Challenge board as efforts are made to keep the Accreditation Standards relevant and useful to the mission of Teen Challenge.

## STATEMENT OF FAITH

- i. We believe the Bible is the inspired, infallible, and authoritative written Word of God.
- ii. We believe there is one God, eternally existent in three persons: God the Father, God the Son, and God the Holy Spirit.
- iii. We believe in the deity of our Lord Jesus Christ, His virgin birth, His sinless life, His miraculous ministry, His vicarious and atoning death, in His bodily resurrection, in His Ascension to the right hand of the Father, in His personal return to earth, at which time he will judge the quick and the dead.
- iv. We believe the only means of being cleansed from sin is through repentance and faith in the precious blood of Jesus Christ, and that regeneration by the Holy Spirit is absolutely essential for personal salvation.
- v. We believe in the ordinances of the church: Holy Communion and Water Baptism by immersion
- vi. We believe the Baptism in the Holy Spirit, according to Acts 2:4, is given to believers who ask for it.
- vii. We believe the redemptive work of Christ on the cross provides divine healing of the human body in answer to believing prayer.
- viii. We believe in the sanctifying power of the Holy Spirit by whose indwelling the Christian is enabled to live a holy life.
- ix. We believe in the Blessed Hope, the imminent return of Jesus Christ followed by his reign on the earth for 1,000 years.
- x. We believe in the resurrection of the saved and the lost, the one to everlasting life and other to everlasting damnation.

Accepted in the Teen Challenge National Executive Committee meeting 2/28/91. Revised and approved on January 23-24, 2001.

## MISSION STATEMENT (revised 2001)

To provide youth, adults and families with an effective and comprehensive Christian faith-based solution to life-controlling drug and alcohol problems in order to become productive members of society. By applying biblical principles, Teen Challenge endeavors to help people become mentally sound, emotionally balanced, socially adjusted, physically well, and spiritually alive.

## ACCREDITATION GOALS, DEFINITIONS, AND PROCEDURES

### GOALS:

1. To provide a measure of public confidence that will assist a local center's public relations and fund-raising efforts.
2. To provide an onsite review and follow-up process that ensures quality and consistency in all Teen Challenge affiliates.

### DEFINITIONS:

The definitions used in this document are unique to Teen Challenge Accreditation. The definitions are as follows:

1. **Shall** means mandatory compliance.
2. **Should** means mandatory but allows for an effective alternative.
3. **Recommended** means compliance is preferred though not mandatory.
4. **Absolute:** To ensure the integrity of the Affiliation Agreement between TCI, USA and Teen Challenge nationwide, our constituency requested that the following standards have the added designation as "**absolute**" and identified with an asterisk (\*). These standards are #s **1, 9, 13, 17, 18, 20, 24, 31, 36, 70, 72, and 80**. Compliance in these Standards must be constantly maintained if a Teen Challenge organization desires a continued affiliation with TCI, USA.

The Accreditation categories are:

- **Accreditation with Honors** valid for **three years**. (compliance in 95% or more of the mandatory standards at the time of the review).
- **Provisional Accreditation** (A compliance of **94%** or less of the mandatory standards at the time of the review) valid for a defined period of time and indicates specific improvement needed.
- **Provisional Certification** issued for new Teen Challenge non-profit corporations who are working to prepare for the first accreditation review and valid for a defined period of time.

A center will still have to become 100% compliant in order to receive their accreditation. Failure to do so will jeopardize affiliation with TCI, USA. (See point 3 under Procedures)

### OTHER DEFINITIONS:

1. **TCI, USA** means Teen Challenge International, USA.
2. **BOD** means Board of Directors
3. **(NR)** means Non-residential.

*Those standards with (NR) after the number indicate a standard which a Non-residential Program will need to be in compliance with.*



## PROCEDURES:

1. During a review, any non-compliance in one or more of the mandatory standards will be brought to the attention of the director. If it is possible to become compliant during the review, the reviewer will mark the center as compliant. The Final Review Report will be emailed to the director detailing those standards still needing brought into compliance, how to verify compliance and the time frame for compliance to be achieved.
2. **Please note:** the expectation is that a center will bring their program into compliance within 30 days of the date the final report is received. If there is a reason why this can't be done, please email the Accreditation Manager to discuss an agreeable timeframe for compliance to be achieved. At this point, a director can consider his/her center **Provisionally Certificated** until compliance is verified.
3. If it becomes apparent that a center is not going to bring itself into compliance with one or more mandatory standards, TCI, USA has been directed to notify the center's BOD in writing providing the center with a timeframe within which compliance must be achieved. If compliance is not achieved following the aforesaid timeframe, regrettably, a recommendation to pull the center's affiliation with TCI, USA will be made at the subsequent TCI, USA, BOD meeting.

## Verifying Compliance with Accreditation Standards

Many of the standards, while at times not dictated specifically or individually, require by their nature the maintenance of records and good organization. It is understood that the records kept in compliance with a standard are a part of the evidence a reviewer depends on to verify center compliance. A reviewer may also interview staff or students to verify compliance.

### The Process for Opening Teen Challenge Centers in Multiple AG Districts

The Executive Presbytery of the Assemblies of God and the TCI, USA BOD has determined that the following steps be followed when a fully accredited Teen Challenge Corporation is opening up a new Teen Challenge center in a different A/G district then the one they're currently operating in.

1. The TC Director meets with the Superintendent for the district that the new center will be located in to discuss plan.
2. Follow-up the meeting with a letter of intent to the impacted District Superintendent's office. If any reservations were communicated during step one above on the part of the District, request a "respond by" date in the letter. This is to ensure that any reservations on the part of the District Superintendent will have been put in writing and be on record with TCI USA.
3. Send a copy of the letter *and all written follow-up responses between the Teen Challenge organization and the District* to the Accreditation Office at TCI USA.
4. If there is no response from the District by requested "respond by" date because of previous verbally stated concerns in step one, the Teen Challenge Organization can assume that the previous stated concerns are no longer an issue and move forward with their plans to expand.
5. If the District Superintendent's office does express reservations in writing, the Teen Challenge Organization desiring to expand must first make a reasonable attempt to address these concerns before moving forward.

## AUTHORIZATION

**\*Standard 1 (NR):** To operate as a Teen Challenge center, TCI, USA shall have in the central file:

- a. \_\_\_\_ A signed copy of the Teen Challenge Certificate of Affiliation.
- b. \_\_\_\_ Written IRS recognition as a 501(c) 3 corporation or written documentation of being a subsidiary of a Teen Challenge 501(c) 3 corporation.
- c. \_\_\_\_ A current copy of the constitution and bylaws, statement of faith, mission statement must be in the TCI, USA central file.

## INTRODUCTION TO BOARD OF DIRECTORS

The BOD has legal control of the corporation and is responsible for setting certain policies, delegating tasks, and monitoring the corporation. The BOD is also responsible for safeguarding the assets of the corporation. Board members should be aware of their responsibilities.

### BOD-Composition

**Standard 2 (NR):** The composition of the BOD shall:

- a. \_\_\_\_ Be a majority of Assemblies of God laypersons and/or ministers. All shall be Christians that are in harmony with the Teen Challenge Statement of Faith
- b. \_\_\_\_ (and) no immediate family members shall serve as officers of the board at the same time. The immediate family members cannot comprise more than 10% of board membership.

**Standard 3 (NR):** The program's constitution, bylaws, and policies shall define:

- a. \_\_\_\_ The program's type of government.
- b. \_\_\_\_ Methods of selecting members and/or BOD.
- c. \_\_\_\_ The terms of appointment and/or election of members and the chairperson of the BOD in accordance with its type of government.
- d. \_\_\_\_ That the BOD shall hold meetings at least quarterly.

### BOD – Authority & Duties

**Standard 4 (NR):** The BOD shall have written policies and/or bylaws that define the powers and duties of the:

- a. \_\_\_\_ Governing body.
- b. \_\_\_\_ Committees.
- c. \_\_\_\_ Executive director.
- d. \_\_\_\_ Where one exists, the advisory council(s).

**Standard 5 (NR):** The duties of the BOD shall include but not be limited to the following:

- a. \_\_\_\_ Appointment of a qualified executive director as the official representative of the BOD along with a delineation of the responsibilities and authority of this person.
- b. \_\_\_\_ Adoption, review, and revision of the program's bylaws and policies.
- c. \_\_\_\_ Review and approval of an annual written budget to carry out the objectives of the program.
- d. \_\_\_\_ Shall retain its right to rescind any assignment, referral, or delegation of authority and shall not enter into any agreement that would preclude it from exercising the authority required to meet its responsibilities.

**Standard 6 (NR):** The BOD shall develop policies and have or make available resources; i.e., funds, staff equipment, supplies, and facilities, to ensure the program is capable of providing appropriate and adequate services to the Teen Challenge students.

**Standard 7 (NR):** Minutes shall be kept of the BOD meetings and shall include but not necessarily be limited to:

- a. \_\_\_\_ Date of meeting.
- b. \_\_\_\_ Names of members attending and those absent.
- c. \_\_\_\_ Topics discussed.
- d. \_\_\_\_ Decisions reached and actions taken.
- e. \_\_\_\_ Target dates for implementation of recommendations.
- f. \_\_\_\_ Reports given by the executive director

**Standard 8 (NR):** The BOD shall appoint an executive director who agrees to fulfill the executive director duties as outlined in the TCI, USA job description (Addendum A).

## **ONLINE CENTER REPORTS & ACCREDITATION FEE**

**\*Standard 9 (NR):** A Teen Challenge center shall comply with the TCI, USA Certificate of Affiliation Agreement Section 3 to:

- a. \_\_\_\_ Complete and submit, on a monthly basis, the online center report to TCI, USA.
- b. \_\_\_\_ Meet its financial affiliation obligations by submitting the designated monthly accreditation fee to TCI, USA.

## FISCAL MANAGEMENT/STEWARDSHIP

**1 Corinthians 4:2** states, "It is required in stewards that one be found faithful." Faithful stewards are firm and loyal to the cause to which they are committed. Our determination to adhere to standards in treasury management will honor God.

Definitions for consideration in regard to fiscal management:

**Fiscal:** Relates to financial matters or treasury.

**Management:** To handle or direct with a degree of skill.

**Steward:** A person who manages another's property, finances, or other affairs.

**Standard 10 (NR):** There shall be an annual written budget of expected revenues and expenses.

- a. \_\_\_\_\_ The budget shall list revenues by source and expenses by component and/or services.
- b. \_\_\_\_\_ The development of the budget shall include participation of appropriate personnel.
- c. \_\_\_\_\_ The budget shall be reviewed and approved by the BOD no later than the beginning of each fiscal year of operation. The BOD shall approve any amendment to the budget during the fiscal year of operation.

**Standard 11 (NR):** The bookkeeping management system shall produce information that reflects the exact present financial situation.

- a. \_\_\_\_\_ It is recommended that the bookkeeping system have the capacity to determine the direct and indirect costs attributable to each area (division) of the program.
- b. \_\_\_\_\_ The bookkeeping system shall set forth how each transaction is to be documented; i.e., issuing of receipts, petty cash, and reimbursements to staff, etc.

**Standard 12 (NR):** There shall be a reporting procedure that provides information regarding the treasury performance as follows:

- a. \_\_\_\_\_ To show the relationship of budget with actual experience, including both income and expenses by category.
- b. \_\_\_\_\_ If the Teen Challenge center has more than one source of funds, there should be an income and expense report on each individual funding source. This information should also be a part of the consolidated statement showing receipts and expenditures.
- c. \_\_\_\_\_ Reports developed by the above accounting system shall be made available to (a) the BOD and (b) those staff who participated in the budget preparation and/or those who have responsibility in treasury management.

**\*Standard 13 (NR): Annual Independent Certified Audit.**

- a. \_\_\_\_\_ There shall be an independent certified audit conducted annually in accordance with standard accounting procedures for all Teen Challenge Corporations with annual revenue of \$750,000 or more.
- b. \_\_\_\_\_ Reports of such an audit shall be reviewed and approved by the BOD.
- c. \_\_\_\_\_ A Financial Review for Teen Challenge Corporations with annual revenue under \$750,000 shall be permitted. \*\*

(continued on next page)



- d. \_\_\_\_ Audited or reviewed financial statements shall be available upon request. A copy of any completed audits or reviews shall automatically be sent to TCI, USA office in Springfield, MO in order to confirm compliance with this standard.
- e. \_\_\_\_ When appropriate, copies of 990s shall be placed in the file with the audit or financial review to confirm compliance with this standard.

**\*\***The key **difference** between an audit and a review is that the audit requires the auditor to obtain independent confirmation or verification of financial information. The goal of a review is to provide assurance (without independent confirmation or verification) that the financial statements do not contain any material errors or departures from Generally Accepted Accounting Principles (GAAP). In a review the CPA will make inquiry of management and conduct an analytical review to assure that the numbers make sense.

**Standard 14 (NR):** There shall be written policies and procedures for the control of accounts receivable, the handling of cash, credit arrangements, discounts, write-offs, billings, and gifts in kind.

**Standard 15 (NR):** Designated funds shall be used exclusively in the area(s) specified by the donor. Changes shall be approved by the donor and shall be documented by the center.

**Standard 15:** A letter or phone call to the donor is sufficient. Where the donor approves of such change verbally, the center should document the date, place, and time of the conversation.

**Standard 16 (NR):** Where Teen Challenge students are charged for services, there shall be:

- a. \_\_\_\_ A written fee schedule that is made available to Teen Challenge students.
- b. \_\_\_\_ Policies on fees approved by the BOD
- c. \_\_\_\_ A schedule of fees and policies made available to the parents or guardians when the student is a minor.

**\*Standard 17 (NR): Insurance**

- a. \_\_\_\_ For liability protection, each Teen Challenge Corporation shall maintain:
  - i. \_\_\_\_ Vehicle liability insurance. (\$100,000 min. \*\*)
  - ii. \_\_\_\_ Fire and property insurance.
  - iii. \_\_\_\_ Liability Insurance (\$1,000,000 min. \*\*)
  - iv. \_\_\_\_ Bonding or surety coverage for personnel who process financial assets for the program, if not covered in general liability policy.
- b. \_\_\_\_ It is strongly recommended that each Teen Challenge Corporation maintain:
  - i. \_\_\_\_ Directors and Officers insurance for the board members.
  - ii. \_\_\_\_ Professional liability if available.
  - iii. \_\_\_\_ Non-program owned vehicle liability coverage.

**\*\***These numbers represent minimum required amounts, larger amounts of coverage are recommended.



## Fund Raising Policy Introduction

Teen Challenge has been in the midst of aggressive growth and the promotion of new programs for some time now. The aggressive nature of this growth made it necessary for the TCI, USA National Board to appoint a committee to write an ethics policy for fundraising that provides guidelines and boundaries in areas where interests and activities have overlapped. The National Board understands that in this atmosphere of competition, agendas of individual programs, as well as greater public scrutiny and skepticism, these boundaries will protect our national organization as well as individual Teen Challenge programs from unethical practices that might sabotage our integrity and best practices as we implement our mission. With the desire to open more Teen Challenge centers there will be a pressing need for a center to reduce its geographic area of fundraising and generate stronger grass roots efforts.

**\*Standard 18:** All Teen Challenge (TC) centers shall comply with the following guidelines developed by the Committee for ethical fundraising in TC and approved by the TCI USA National Board. The guide lines are as follows:

- a. **Public Solicitation\*\*:** TC centers shall respect the boundaries set in this policy and do their public solicitation within their own state or district.
    - i. Exceptions: Regional TC training centers that serve multiple states.
    - ii. Exceptions: If a TC center is located closer than 50 miles from the state line, they are allowed to go into the next state, but only within a 50 mile radius of their own TC center. This is allowed only if there is not another TC center in that neighboring state within that 50 mile radius.
  - b. The TC center wishing to work under the exceptions must communicate with the affected TC centers and the Regional TC Rep – noting location, times, and types of fund raising activities planned, and honor any existing TC corporative agreements.
  - c. If there is more than one TC organization represented in the same state/district, the TC director's of that state must meet and draw up boundaries for public solicitations. The boundaries must be reviewed and reaffirmed every two years. When any of these TC centers bring on a new Executive Director, then these boundaries are up for review within 9 months of that new director assuming his/her position.
    - i. When setting boundaries, consideration should be given to: Zip Code, County or Parish Lines, Metropolitan Area Lines, Major highway designations, Suburb boarders.
    - ii. If these TC centers are not able to come to an agreement on these boundaries, it will go to the Regional TC Rep to help facilitate a solution. If that does not work, then it will go to binding arbitration with TC USA acting as the arbitrator.
- \*\* Public solicitation is defined as door to door, storefront solicitations, church services, contract services, direct mail appeals and telephone calling campaigns**
- d. If multiple states are covered by the same TC corporation, then that corporation shall set the boundaries for their TC centers within those states and allow its TC centers to fundraise across state lines within that TC corporation's area if they so choose. However, if the state also includes TC centers of other TC corporations, then point "c" above applies, taking precedence in the setting of the boundaries within that state.

(continued on next page)

- e. If more than one TC center is in the same state and all TC centers are part of the same TC Corporation, the state director shall set the boundaries in consultation with the directors of those respective TC centers.
- f. **New Center Start up:** If a TC center has been approved by the National Board by a resolution to open a center in another state/district then they can do public solicitation in the state they have been approved to open. If there are other TC centers already represented in that state/district, compliance with point “c” above is still required.
- g. **Conducting Church Services:**
  - i. All solicitation for Church itinerating shall be confined to a center’s local state, district or region.
  - ii. If an out-of-state student’s home church desires to host a TC service for them, the visiting center shall provide timely communication to the local TC center in the area so that they can have representation in the service.
  - iii. The visiting center shall encourage the local support for the TC in that area in order to promote cooperation and collaboration.
- h. **Contract Services:** When a center is under contract to a company or group to provide a service outside its state, district, or region, as a matter of professional courtesy, the center under contract shall inform the local TC centers of their presence in the area.
- i. **Direct Mail Appeals and Telephone Calling Campaigns:** Over the years a Teen Challenge center will build relationships that are out of its state of incorporation. If a TC organization wishes to buy mailing lists for out-of-state fundraising, there should be a concern to purchase names that are not in its primary state or states of operation. These same concerns should apply to telephone solicitation campaigns as well.

## PERSONNEL MANAGEMENT, STAFF & VOLUNTEER DEVELOPMENT

The standards of personnel management provide a basis for proper Christian relationship and understanding. The standards provide the program with the freedom for proper care and supervision of staff. Through personnel management, the BOD and the director of the Teen Challenge program have the joy of knowing they have done their best to receive each new staff member properly and have provided the means for a viable relationship for continued program effectiveness.

### PERSONNEL MANAGEMENT

**Standard 19 (NR):** A Teen Challenge program shall have written policies and procedures for:

- a. \_\_\_\_ Recruitment, selection, promotion, termination of staff, and discipline.
- b. \_\_\_\_ Clearly defined staff parameters for activity restrictions  
(i.e. Code of Conduct Agreements), grievances, responsibilities, and lines of authority.
- c. \_\_\_\_ Clearly described employment agreements including:
  - i. Salary (minimum wages or equivalent required).
  - ii. Employee benefits.
  - iii. Vacations, holidays, normal workweek requirement.

(continued from previous page)

- d. \_\_\_\_ A policy defining the basis for wage and salary determination.
- e. \_\_\_\_ Criteria for job performance evaluation.

**\*Standard 20 (NR):** Teen Challenge shall be subject to all applicable State and Federal discrimination laws. Therefore, a Teen Challenge program shall not categorically refuse employment to individuals with personal substance abuse histories or prior criminal histories. Individuals convicted of a felony relating to a sexual act such as that of rape, molestation etc. within the previous 10 years\* shall be excluded from employment at Teen Challenge (refer to c & d).

- a. \_\_\_\_ An adequate and appropriate background check shall be completed on every employee and regular volunteer of Teen Challenge. \*\*

The following companies specialize in pre-employment background checks:

ChoicePoint at  
[www.screennow.com](http://www.screennow.com)

Intellicorp at  
[www.intellicorp.net](http://www.intellicorp.net)

Backgrounds Online at  
[www.backgroundsonline.com](http://www.backgroundsonline.com)

\*From the time of the offense and not the conviction date.

\*\*defined as providing an hour or more a week in services.

- b. \_\_\_\_ Teen Challenge shall have a policy on the eligibility of applicants applying for employment with criminal backgrounds.
- c. \_\_\_\_ Adult programs wanting to hire someone with a felony conviction associated with a sexual act that is older than 10 years shall have the BOD review the application to determine the eligibility for employment. The final approval to hire shall come from the BOD and documented in both the board meeting minutes and in the employee file.
- d. \_\_\_\_ Programs that serve individuals under the legal age shall not employ nor utilize volunteers who have ever been convicted of a felony with respect to a sexual act.

**Standard 21 (NR):** There shall be written job descriptions for all positions. Each job description shall identify specifically:

- a. \_\_\_\_ Job Title.
- b. \_\_\_\_ Responsibilities.
- c. \_\_\_\_ Description of the skills, knowledge, training, education, and experience required for the job.
- d. \_\_\_\_ Appropriate revisions when changes are made in required qualifications, duties, or other major job-related changes.
- e. \_\_\_\_ In addition, all job descriptions shall be available upon request to all staff members and the appropriate job description shall be filed in the staff files.

**Standard 22 (NR):** The selection of staff members shall be based on standards required by the job description of the job under consideration. A Teen Challenge program may develop a staff that potentially reflects the general characteristics of the service needed for the student program.

**Standard 23 (NR):** There shall be an orientation/training program for the new staff members to include but not be limited to:

- a. \_\_\_\_ Introduction to the program philosophy, goals, policies, and procedures in written form.
- b. \_\_\_\_ A written copy of his/her job description provided.
- c. \_\_\_\_ Written criteria for evaluating job performances.

**Standard 23a:** "written form" means that an Employee or Staff Handbook has been created and made available to a new staff hire.

## PERSONNEL FILES

**\*Standard 24 (NR):** A personnel file shall be kept on each staff member. The staff record shall contain the following:

- a. \_\_\_\_ Application for employment.
- b. \_\_\_\_ Letters of recommendation and the results of investigation of references.
- c. \_\_\_\_ Verification of training, experience, and licenses.
- d. \_\_\_\_ Completed I-9\*\* and current W-4 forms.
- e. \_\_\_\_ Annual job performance evaluations (Standard 26a).
- f. \_\_\_\_ A Current and relevant Job Description (Standard 21, 23b).
- g. \_\_\_\_ Completed Background check and signed consent form (Standard 20a).
- h. \_\_\_\_ All personnel who operate center vehicles shall have a copy of a valid driver's license.

...when circumstances require:

- i. \_\_\_\_ Incident reports written in full
- j. \_\_\_\_ Disciplinary action(s) taken.
- k. \_\_\_\_ A copy of a discharge summary

\*\* Department of Homeland Security requires that an employer file the completed I-9 forms in a separate file. This is so that if a Homeland Security representative arrives to inspect for employee eligibility, he/she will not need to go through all the other information in an employee's file that is considered confidential when looking for the I-9 form.

**Standard 25 (NR):** There shall be written policies and procedures designed to ensure the confidentiality of all staff records, including the marking of all records as confidential. Policies shall also identify those staff positions that require access to various types of staff information.



**Standard 26 (NR):** There shall be a written measuring tool to set forth the criteria for validity, reliability, and objectivity in evaluating job performance.

- a. \_\_\_\_ Each staff member shall be evaluated annually. The staff member shall be encouraged to review, comment on, and sign the evaluation to verify s/he has been duly informed of its contents.
- b. \_\_\_\_ Where there are serious gaps between staff member's actual job performance and the criteria for optimal performance, the staff member shall be informed of the skills, to perform the job at optimal level. Appropriate training should then be considered.

**Standard 27:** There shall be written policies designed to ensure that the program is adequately and appropriately staffed during all hours of operation. During such hours, there shall be a qualified staff member on the site who is designated to be responsible for overseeing the operations of the program.

**Standard 28 (NR):** All Teen Challenge centers shall comply with the Fair Labor Standards Act in regard to minimum wage, overtime, and record keeping as well as any applicable state laws.

**Standard 29:** Weekend, holiday, and odd shift work hours shall be distributed equitably among staff or similar job descriptions. This is not applicable where staff members have been hired specifically to cover particular days (e.g., weekends) or shifts (e.g., evenings).

**Standard 30 (NR):** It is recommended (when applicable) that employees sign a Christian conciliation and arbitration agreement as a condition of employment or volunteer status.

## **STAFF DEVELOPMENT**

**\*Standard 31 (NR):** There shall be written policies that establish a meaningful staff training program capable of meeting staff's training needs.

- a. \_\_\_\_ Staff training shall provide:
  - i. Orientation training for all newly hired staff, and for staff assuming new positions.
  - ii. On-the-job training to enable all staff to meet their job requirements.
  - iii. In-house training to enable all staff to remain current on relevant job-related issues.
  - iv. Opportunities for job-related education for potential advancement or personal enhancement.
- b. \_\_\_\_ There shall be a written schedule detailing the staff training being planned for the current year with projected completion dates showing when each training session will be done.
- c. \_\_\_\_ It is recommended that the staff training program make available to the staff worker training opportunities such as:
  - i. Teen Challenge International, U.S.A training and curricula events.
  - ii. In-house training seminars by qualified trainers.
  - iii. Local education institutions.
  - iv. Quality resources in the form of books, a/v tapes, and correspondence courses.
- d. \_\_\_\_ It is recommended that staff obtain (earn) a minimum of 20 CEUs (continuing education units) a year.



## CONFIDENTIALITY

**Standard 32 (NR):** Staff and regular volunteers shall be trained at least annually in program confidentiality, particularly in handling outside requests for information on or about students. Such training shall be a part of all orientation for staff and volunteers and shall be documented.

A pastor who comes in once a month to do chapel does not fall under regular volunteer category.

## VOLUNTEERS

**Standard 33 (NR):** Regular volunteers shall come under the same requirement in personnel management and staff training, as regular staff. Where volunteers have limited or very distinct responsibilities, policies should be implemented in an accordingly limited way (see comment at left).

**Standard 34 (NR):** Under the supervision of the volunteer coordinator (or other delegated staff member), regular volunteers shall:

- a. \_\_\_\_ Be screened: Fill out a volunteer application and be processed as regular paid staff.
- b. \_\_\_\_ Be trained: Receive all the orientation and training that paid staff would receive.
- c. \_\_\_\_ Be supervised: As regular paid staff.
- d. \_\_\_\_ Sign a prepared agreement with the volunteer coordinator.
- e. \_\_\_\_ Be given a job description.

**Standard 34:a:** "Be screened" means that any referrals listed in the volunteer application need to be contacted and documented that the call was made. This also means that a background check is required with a signed consent form attached to the results. These items, along with the other required items in this standard, will need kept in a volunteer file marked "Confidential" as per regular paid staff.

## OUTREACH & REFERRAL FILE MANAGEMENT

**Standard 35 (NR)** When applicable, in a Teen Challenge crisis intervention program, a record shall be kept for every person requesting or receiving assistance on-site or in their natural environment except where the only contact made was by telephone. Records maintained on emergency cases shall include, when possible:

- a. \_\_\_\_ Individual's name and address, unless gathering such information is not advisable.
- b. \_\_\_\_ Date of birth, sex, and race or ethnic origin.
- c. \_\_\_\_ Time of first contact with individual.
- d. \_\_\_\_ The time of the individual's arrival, means of arrival, and who transported.
- e. \_\_\_\_ Presenting problem.
- f. \_\_\_\_ The time of crisis intervention began.
- g. \_\_\_\_ History of recent substance use, if determinable.

(continued on next page)

- h. \_\_\_\_ Pertinent history of the problem, including details relative to first aid or emergency care given to the individual prior to his/ her being seen by the crisis intervention program.
- i. \_\_\_\_ Description of significant clinical and/or laboratory findings.
- j. \_\_\_\_ Results of screening, diagnosis, or other assessment undertaken.
- k. \_\_\_\_ Detailed description of services provided.
- l. \_\_\_\_ Progress notes.
- m. \_\_\_\_ Condition of the individual on discharge or transfer.
- n. \_\_\_\_ Final disposition, including instructions given to the individual relative to necessary follow-up care. The record shall be continually updated so that it reflects the current status of the student.

## PROGRAM — Introduction

You will note that the Program Standards are less restrictive when compared to the preceding two chapters. In the previous two sections, established conventions exist by which not only Teen Challenge ministries operate but religious nonprofits in general. Moreover, there are a number of legal and liability considerations that provide for uniform Standards in these sections.

When moving into Program Standards, we must recognize the positive side of our diversity nationally in Teen Challenge. Consequently, we have avoided highly prescriptive Accreditation Standards. Rather, standards that provide latitude for compliance by giving the decision of how to comply to the local organization.

### ACADEMIC DEVELOPMENT

**\*Standard 36:** Programs serving adult students shall use the TCI, USA Group Studies (GSNC) for New Christians Curriculum in the Induction phase (Phase III).

**Standard 37:** Programs (excluding Regional TC Training centers that service multiple states) serving both adult and adolescents shall utilize the Personal Studies (PSNC) for New Christians in the Teen Challenge program.

All programs are now required to utilize at least some of the PSNC curriculum in a student's education program.

- a. \_\_\_\_ The program shall maintain a ratio of one PSNC certified teacher for every 20 students. PSNC teacher certification must be current.
- b. \_\_\_\_ It is recommended that throughout the Training Center Phase (Phase IV) of the program, GED and other academic and vocational opportunities, appropriate assessment, and training be provided.
- c. \_\_\_\_ It is recommended that a reading level indicator test to be utilized to identify students who have a lower reading level and offer assistance to them for the purposes of raising the reading level and assistance with program requirements.

**Standard 38:** Programs shall schedule a minimum average of 15 hours of structured spiritual, moral, or similar life-skills training including chapel and prayer times each week. More hours are preferred. *Please read box to the right* →

**Standard 38:** Please note that the 15 hours does not include the time spent in Church attendance.

## ADMISSIONS

**Standard 39 (NR):** There shall be policies defining the qualifications for admission into the program, the type of information needed, and how it is to be collected on each student.

**Standard 40:** At least the following information shall be collected and recorded on all applicants prior to or at the time of admission.

- |                                 |  |
|---------------------------------|--|
| a. _____ Name                   | g. _____ Present substance and/or life-controlling problem(s).   |
| b. _____ Address                | h. _____ Medical histories.  |
| c. _____ Telephone number       | i. _____ Date the information was gathered.  |
| d. _____ Date of birth          | j. _____ Signature of the staff member gathering the information.  |
| e. _____ Gender                 | k. _____ Name of referring agency, if appropriate.   |
| f. _____ Race or ethnic origin. | l. _____ It is recommended that each student be asked to sign a Christian Conciliation form at the time of admission |

**Standard 41:** A student shall have a physical not later than 30 days after entering Teen Challenge. HIV, Hepatitis, and TB tests shall be part of the physical unless prohibited by state law. **Please note:** All staff shall be trained annually in the use of universal precautions.

**Standard 42 (NR):** During the admission process, every effort shall be made to ensure that the applicant understands the:

- a. \_\_\_\_\_ General nature and goals of the program.
- b. \_\_\_\_\_ Rules governing student conduct and infractions that can lead to disciplinary action or discharge from the program.
- c. \_\_\_\_\_ Program costs, if any, to be borne by the student.
- d. \_\_\_\_\_ Hours during which services are available in a non-residential program.

**Standard 43 (NR):** Applicants to Teen Challenge shall be informed in writing concerning the policies on withdrawal, psychoactive medications and other medications prior to acceptance into the residential program. Prescribed substances come under medication policies. These policies shall be in compliance with state laws.

**Standard 43:** This is usually located on a Center's website, in the Intro information letter or packet that is provided to the inquirer.

**Standard 44:** Each center shall have a referral list that provides:

- a. \_\_\_\_ Alternate placement options for applicants who do not qualify for the Teen Challenge program.
- b. \_\_\_\_ Additional services available in the community that a current student may have need of that are not provided by the program.

## WORK EXPERIENCE – DEVELOPING A BIBLICAL WORK ETHIC

**Standard 45:** As part of Teen Challenge Christian discipleship training:

- a. \_\_\_\_ Students shall be given work assignments while in the program.
- b. \_\_\_\_ At the time of admission or intake, adult programs should utilize a Student Acknowledgement regarding work assignments form. (Addendum C)

## DIETETICS

**Standard 46:** The center shall adhere to requirements of the federal, state, and local laws and/or regulations.

- a. \_\_\_\_ Menus shall ensure balanced meals are served daily.
- b. \_\_\_\_ A staff member shall be trained in food handling procedures.
- c. \_\_\_\_ Food preparation and storage areas shall be in compliance with all applicable health codes and be inspected when required by local agencies.

**Standard 46:b**

If your center is not currently compliant, a good online source that many TC centers have used is Food Safety Institute of America.

[www.foodsafetyinstituteofamerica.com](http://www.foodsafetyinstituteofamerica.com)

## FOLLOW-UP

**Standard 47:** Policies shall describe the follow-up to take place with students after they leave the program. A success-tracking system is strongly recommended.

## General Case Management

Teen Challenge fulfills its stated purpose through Christian discipleship training. Where, within this training, qualified ministries choose to employ general therapeutic vocabulary such as but not limited to therapy, patient, client, psychosocial, treatment, plan, etc., ministries do so at their own discretion while adhering to the principles of biblical consistency. Ministries should be aware that in many states the use of these terms by anyone other than licensed counselors or psychotherapists is not legally permissible. Further, where a program chooses to adapt specific tools or instruments (e.g., personality and temperament inventories, treatment plans, etc.), it shall be done in a biblically consistent manner with personnel trained or certified where appropriate.

TCI, USA Accreditation Revision Committee & TCI, USA Board, Springfield, MO, 6/5, 8/1992.



## GENERAL COUNSELING STANDARDS

**Standard 48 (NR):** Policies shall exist which describe the staff positions responsibilities for case managing, types of case managing, amount of case managing, and process of case managing in the Teen Challenge program.

**Standard 49 (NR):** There shall be timely and regular (at least monthly) documentation (i.e. progress notes) which provides the nature and progress of each student.

**Standard 50:** The Teen Challenge program's discipleship process shall be biblically consistent. Any and all issues of discipleship counseling, training, and provision—direct and indirect—shall be consistent with biblical principles.

### Standard 48:

**Types** of counseling would be one-on-one, group, etc.

**Amount** of counseling is the minimum time in counseling you require per week or month for a student.

**Process** of counseling refers to how the above is implemented as part of your overall discipleship strategy or system.

## LEGAL ASSISTANCE

**Standard 51:** Policies shall describe the program's responsibilities and relationship to students who have legal situations while in Teen Challenge.

## MEDICATION CONTROL

**Standard 52:** A policy shall exist that no alterations shall be made to a student's prescription medication dosage or schedule without permission from a physician.

**Standard 53:** Staff will distribute medication. A written record shall be kept of date, time, amount, and to whom the medication was given or refused and signed with signatures by both staff and student.

**Standard 54:** Medication shall be kept in a locked area accessible only to assigned personnel.

## MENTAL HEALTH

**Standard 55:** Policies shall identify mental conditions or behaviors which exceed the program's intervention capabilities so that appropriate and timely referral may be made.

**Standard 56 (NR):** Guidelines shall describe mental health professionals available (if any) to the program.

## OUTREACH & EVANGELISM

**Standard 57 (NR):** The program shall assess its opportunities for outreach and establish strategies for the programs. Evangelism shall be the goal of outreach programs.

## PHYSICAL DEVELOPMENT

**Standard 58:** There shall be policies describing the schedule and type of physical activities to be engaged in regularly by students.

## PHYSICAL HEALTH

**Standard 59:** There shall be policies designed to provide a way for the student enrolled in the program to inform the staff that a medical or dental problem may exist and treatment is possibly needed.



**Standard 60:** During admissions, qualified staff shall review appropriate histories in the admissions documentation to check for medical needs. Identification of needs shall be followed up with an implemented action plan.

**Standard 61:** The program shall have policies regarding students who have medical conditions with respect to program activities and confidentiality.

## **PROGRAM REVIEW**

**Standard 62 (NR):** The BOD shall establish a policy that regular evaluations of the program take place for the purpose of information, planning, and/or corrective actions to enable further excellence in program services.

**Standard 63 (NR):** All policies shall be reviewed on a schedule established by the BOD, the executive director, a committee, or designate.

## **SPIRITUAL DEVELOPMENT – (PLEASE READ BOX AT RIGHT)**

**Standard 64:** Chapel services shall be regularly scheduled and conducted at least weekly. More often is preferred.

**Standard 65:** Personal devotions shall be scheduled daily.

**Standard 66:** Regular Bible classes shall be scheduled.

**Standard 67:** Students shall participate in local church services.

## **STUDENT RECORDS**

**Standard 68:** There shall be written policies and procedures governing the compilation, storage, disposal, and dissemination of individual student records (Refer to Standard 70 for further guidelines). These policies and procedures shall ensure that the program is:

- a. \_\_\_\_ Maintaining a central file for all student records in which information and documents are maintained in a standardized manner.
- b. \_\_\_\_ Developing and/or using forms for the purpose of data collection and record-keeping.
- c. \_\_\_\_ Periodically reviewing student records to assure they are current and that staff are signing and dating entries in the student records according to program policy.
- d. \_\_\_\_ Providing staff orientation and/or training on the use of student records.
- e. \_\_\_\_ Safeguarding all student records against loss or tampering by providing locked storage.

The section on spiritual development is the heart of our program—conforming individual lives to the One Life, that of Jesus Christ. Every effort was made to ensure that the Spiritual Development standards affirm those essential elements of Teen Challenge discipleship while at the same time leaving each program the freedom to uniquely realize their call from God in their areas of service. *Commit to the Lord whatever you do, and your plans will succeed.*  
(Proverbs 16:3)

**Standard 69:** There shall be a file maintained on each student for at least five years that contains, when appropriate:

- a. \_\_\_\_ Program application (Standard 44) and results of all examinations, tests, and other assessment information (Standard 41).
- b. \_\_\_\_ Reports and treatment plans from referring sources (Standard 45).
- c. \_\_\_\_ Medication records that show what medications were taken (Standard 53) and a record of any adverse reactions.
- d. \_\_\_\_ All prescription medication orders showing at least the name of the medication, the dose and frequency of administration, and the name of the physician who prescribed the medication.
- e. \_\_\_\_ Records of any referrals made to outside resources. All reports from outside resource shall include the name of the resource, the date issued, and signed by the person making the report or by the program staff member receiving the report.
- f. \_\_\_\_ Correspondence related to the student's needs and progress, including all letters and date notations of telephone conversations.
- g. \_\_\_\_ Consent forms, if applicable.
- h. \_\_\_\_ Information release forms.
- i. \_\_\_\_ Progress notes. Entries shall be filed in chronological order and shall include the date and any relevant observations that were made as well as the signature and staff title of the person making the entry. (Standard 49).
- j. \_\_\_\_ Records of services provided. Summaries of services provided shall be sufficiently detailed so a person not familiar with the program can identify the types of services the student has received.
- k. \_\_\_\_ Discharge summary.
- l. \_\_\_\_ Follow-up information (Standard 47).

**Standard 69g:** Consent forms include all forms signed at check-in giving permission to review mail, phone calls, etc.

**\*Standard 70 (NR):** All policies and procedures shall be in accordance with applicable provisions of the Federal and State Confidentiality Laws, (provisions in HIPPA when applicable) including the marking of all student records as confidential.

## **VOCATIONAL**

**Standard 71:** It is recommended that extended phase programs and training centers endeavor to provide students with vocational assessment testing to assist them in preparation for productive lives after Teen Challenge completion.

**\*Standard 72:** The program shall have a written policy prohibiting abuse, neglect, and exploitation of students. (Refer to Standard 76)

**Standard 73:** While a program may suggest times of fasting, no student(s) shall be forced or coerced to fast.

**Standard 74:** So that a student participating in a Teen Challenge program is not assigned an excessive amount of work hours, it is recommended that a student be scheduled for no more than 40 hours of work experience a week.

## **STUDENT RIGHTS**

### **Reporting Abuse**

**Standard 75 (NR):** The center shall have in the staff manual a written procedure to provide guidance to staff and ensures compliance with the following:

Student rights ...are defined as "provisions for assuring the protection of all Teen Challenge residents from mistreatment or abuse." For our purposes, the term could be "student protection", but "student rights" is the term preferred for legal considerations.

- a. \_\_\_\_ Any staff member or volunteer who has any knowledge of an alleged incident involving acts or omissions which may constitute abuse, neglect, or exploitation of a student shall make an immediate verbal report to the director or designee.
- b. \_\_\_\_ Any alleged incident of child abuse shall be handled in accordance with federal, state and local laws. In many states there exists mandatory reporting of alleged abuse.
- c. \_\_\_\_ The staff member or volunteer shall submit a written incident report to the director within 24 hours, who shall inform the BOD or designee.

**Standard 76:** The center shall have written policy on student discipline that addresses the following standards:

- a. \_\_\_\_ Corporal discipline shall be prohibited. Physical restraint may be used if a student becomes out of control.
- b. \_\_\_\_ Students shall not be subjected to any harsh, cruel, or excessive discipline.
- c. \_\_\_\_ Discipline of a student shall not benefit a staff member personally in any manner. Discipline shall be administered in a just and equitable manner. Circumstances that may lead to immediate discharge shall be clearly defined.
- d. \_\_\_\_ The reasons for any restrictions from student behavior shall be explained to the student when the measures are imposed, and appropriate alternative behavior shall be described. This shall be documented in the student record.

## **STUDENT GRIEVANCE POLICY:**

**Standard 77:** The program shall have in both the staff manual and student handbook a student grievance procedure that addresses the following:

- a. \_\_\_\_ All staff and volunteers shall be required to know the provisions contained in the student grievance procedure and how to process a student complaint.
- b. \_\_\_\_ All complaints shall be acknowledged and documented within 24 hours (72 hours on weekends).
- c. \_\_\_\_ The student shall be informed of the findings and recommendations within seven calendar days.

(continued on next page)

- d. \_\_\_\_ Student grievance procedures shall be written in clear, simple language appropriate to the student population and shall inform the student of the following:
- i. The right to seek remedy for any complaint.
  - ii. Methods to be used to file a complaint.
  - iii. The right to grieve directly to any staff member.
  - iv. The right to have direct access (if necessary) to the Executive Director at some point in the grievance process.
  - v. The right to submit a complaint in writing and to have assistance in writing the complaint if they are unable to read or write.
  - vi. The right for grievances to be resolved in a timely fashion, generally within seven days.

**Standard 78:** Students shall be adequately informed of the following rights, presented in clear and non-technical language:

- a. \_\_\_\_ The right to give informed consent to refuse treatment or medication and to be advised of the consequences of such a decision. That any third-party coverage of treatment, including any limitations on the duration of services, be made aware of if available.
- b. \_\_\_\_ The right to a grievance procedure.
- c. \_\_\_\_ The right to a humane and safe environment free from abuse, neglect, and exploitation. The student shall not be detained against their will. They shall be granted dignity and personal privacy.

## **CRISIS PLAN**

**Standard 79 (NR):** To help protect the good name of Teen Challenge nationally, all Teen Challenge Organizations shall have a developed Crisis Plan on file.

## **FACILITIES, GROUNDS & VEHICLE MANAGEMENT**

**\*Standard 80 (NR):** Teen Challenge ministries shall have written policies that safeguard the well being of students and staff. Relationships with agencies with expertise in facility safety such as the fire marshal, health department, etc., are encouraged. Where laws require compliance in these areas, or requires occupancy permits, the program shall initiate and maintain relationships that ensure compliance. As a minimum, each center shall ensure center safety by providing and implementing:

- a. \_\_\_\_ A house-keeping and maintenance plan that ensures the program facilities and furnishings be kept in good repair and the grounds kept clean, landscaped and well maintained. The plan shall include:
  - i. A maintenance schedule for the heating, ventilation and air condition equipment as well as refrigerators, freezers and large kitchen equipment.
  - ii. Proper pest control and legal garbage removal.
- b. \_\_\_\_ All center vehicles must have current inspection approval and be legally registered to operate.

(continued on next page)



- c. \_\_\_\_ Posted fire escape plans and easily seen exit signs.
- d. \_\_\_\_ Smoke detectors on each floor of bedrooms.
- e. \_\_\_\_ Handrails at stairwells.
- f. \_\_\_\_ Regularly inspected/ charged fire extinguishers.
- g. \_\_\_\_ Adequately equipped first aid kits and fully charged fire extinguishers in vans and buses.
- h. \_\_\_\_ Documented regularly conducted (at least quarterly) fire drills.

**Standard 80:** Sub-points a & b were merged. Sub-point b:iii was dropped because of duplication in sub-point a. Sub-point b:iv became sub-point b.

## Adolescent Specific Standards

**Standard 81:** Direct care staff shall receive a minimum of 20 CEU's annually of documented training on issues regarding the treatment of juveniles.\*

\*Training may be done through a variety of means: - college courses, books, tapes and/or videos, seminars in-house training with credentialed trainers.

**Standard 82:** The direct care staff for the students should be of a mature and of Godly character.

*(Refer to the box on the right for a working definition of mature)*

**Standard 83:** It is recommended that any staff member working in case managing/advising relationships with students hold a college degree either in ministry or counseling and/or equivalent experience.

**Standard 84:** All centers with students under the legal age shall develop and implement policies concerning case managing of students at least 3 of the following:

- a. \_\_\_\_ No one-on-one interaction on or off the premises of Teen Challenge in secluded, private or semi-private areas.
- b. \_\_\_\_ Meeting with at least a third person whenever possible.
- c. \_\_\_\_ Visibility and windows in places where sessions occur.
- d. \_\_\_\_ Same sex case management as a norm.

**Mature is defined as one or all of the following:**

One who is at least 21 years of age.

**Or**

If a graduate, then one who has graduated no less than one (1) year before being placed into a position of supervision over students.

**Or**

One who has received training in how to treat others with respect including but not limited to:

- ◆ disciplinary procedures
- ◆ confidentiality
- ◆ restraint methods
- ◆ grievance procedures for students
- ◆ the policies and procedures of that center in relation to student rights

## PARENTS/GUARDIANS

**Standard 85:** Shall provide the parent/guardian with information regarding the treatment of the adolescent including but not limited to the following:

- a. \_\_\_\_ Parent/guardian. It is recommended that the center maintain and implement a call policy limited to 24 hours (36 hours on weekends) after receiving communication from a parent or guardian.

(continued on next page)



- b. \_\_\_\_ A contact number that is open to the parents.
- c. \_\_\_\_ A body of regulations regarding the treatment of the adolescent such as:
  - i. Disciplinary policies
  - ii. Rules of conduct, dress, and appropriate and inappropriate possessions.
  - iii. A schedule of requirements and visitation regulations.
- d. \_\_\_\_ A grievance procedure as defined in standard 79.
- e. \_\_\_\_ Shall have a signed, working agreement with parent including the following:
  - i. the obligation of the center to the parent and the student.
  - ii. the obligation of the parent to the center.
  - iii. the obligation of the parent to the student.

**Standard 86:** Documented parent/guardian communication shall be regularly maintained.

**Standard 87:** The staff/student ratio shall be as prescribed by a certifying or licensing body. If no such guidelines exist than a ratio will be determined by the governing board and implemented.

**Standard 88:** Shall provide a fully accredited school curriculum with Christian school certification from a recognized association.

- a. \_\_\_\_ Keep academic records in an accessible, safe and confidential place and for an indefinite period of time.
- b. \_\_\_\_ Provide the graduates of the school and their families' timely access to the transcripts.

**Standard 89:** Shall maintain regular outside activities (at least weekly) with supervision of at least 1:6 staff student ratio for activities off the program grounds.

**Standard 90:** Shall maintain structured physical fitness activities at least twice every seven days.

## Index

Unless otherwise noted, subjects are listed by the Standards that address the subject.

501 (c) (3)		*1 Page 7			<b>L</b>	
	<b>A</b>		Legal Assistance			51
Academic Development		*36, 37, 38, 88			<b>M</b>	
Admissions		39, 40, 41, 43, 44, 45				
Authorization		*1	Medications Control			52, 53, 54
	<b>B</b>		Mental Health			55, 56
Back Ground Checks		20, 24, 34			<b>O</b>	
BOD		2-7, 8, 10, 12-13, 16, 17, 20, 63, 77	Outreach & Evangelism			57
	<b>C</b>				<b>P</b>	
Conciliation		30, 44	Personnel Files			*24
Confidentiality		25, 32, 34, *70	Personnel Management			page 12
Crisis Plan		79	Physical Development			58
	<b>D</b>		Physical Health			59, 60, 61
Dietetics		46	Program Introduction			page 17
Discipline		19, 76	Program Review			62, 63,
Discrimination		20			<b>S</b>	
	<b>E</b>		Spiritual Development			page 21
Executive Director	4, 5, 7, 9, 63, Addendum A		Staff Training			23, *31, 32, 33, 34
	<b>F</b>		Student Records			68, 69, *70
			Student Rights			75, 76, 77, 78
					<b>T</b>	
Facilities, Grounds & Vehicle Management		*80				
Fiscal Management		10	TCI, USA Monthly Accreditation Fee			*9
Fund Raising Policy		*18	TCI, USA Monthly Online center Reporting			*9
	<b>G</b>				<b>V</b>	
General Counseling		page 19				
Grievance		19, 75, 77, 78, 79, 85	Vocational			71
	<b>I</b>		Volunteers			30, 32,
			33, 34, 75, 78			
Insurance		*17			<b>W</b>	
	<b>J</b>		Student Work Agreement			Addendum C
Job Description	4, 5, 9, 21, 22, 23, *24, 34					
Juvenile Standards	81-90					

## Addendum A

### **EXECUTIVE DIRECTOR JOB DESCRIPTION**

Title: Executive Director

Description: The executive director shall be the senior staff member and the operations manager of all activities at a local Teen Challenge. He/ she shall be employed by and accountable to the BOD. The executive director shall be a member of the BOD by virtue of position but should not serve as both chairman of the board and president of the corporation.

Responsibilities: His/ her responsibilities shall include but not be limited to the following:

- A. The executive director shall act in accordance with established policy. He shall be responsible to the BOD for the overall operation of the program including the:
  - 1. Control, utilization, and conservation of the physical and financial assets of the program.
  - 2. Recruitment and direction to the staff.
- B. The executive director shall:
  - 1. Assist the BOD in formulating policy.
  - 2. Prepare, present, and interpret appropriate reports to the BOD.
  - 3. Show the nature and extent of funding and other available resources.
  - 4. Inform the BOD of federal, state, and local developments affecting the program and its facilities.
  - 5. Prepare evaluation reports of the program's effectiveness.
  - 6. Prepare budgets and financial statements.
- C. The executive director shall:
  - 1. Organize the administrative functions of the program.
  - 2. Delegate duties.
  - 3. Establish a formal means of accountability on the part of the subordinates.
- D. The executive director shall provide a staff manual:
  - 1. Defining program policies and procedures.
  - 2. Maintaining its revisions and updates.
  - 3. Containing all required written policies, procedures, definitions, and lists required by these standards.

Qualifications: The executive director shall be a person of spiritual maturity, amiable to the Assemblies of God doctrine, and in full agreement with the Teen Challenge missions' statement, goals, and statement of faith. It is recommended that the executive director be Assemblies of God ordained minister.

The executive director should have at least five years relevant leadership experience. Teen Challenge program experience is desirable. A college degree or its experiential equivalent is desirable.

## Addendum B

### **PHASES OF TEEN CHALLENGE DEFINED**

**Phase One: Outreach and Evangelism** - all Teen Challenge programs carry out this phase in some aspect of their program. It is the core of the process and the reason why Teen Challenge was birthed. In its very essence, this phase entails going out into the community, seeking those who require the assistance of Teen Challenge, and making them aware that life can be better.

**Phase Two: Crisis and Referral** – is the procedure of assisting individuals with the immediate crisis at hand in relation to the use and/or abuse of drugs and alcohol. Then providing them with an appropriate and accurate referral to services that are conducive to his/her needs. In rare instances a crisis and referral center may include, in its services, short term (1-4 weeks) residential care while placement is applied for and readied at an Induction Center.

**Phase Three: Induction Center** – is the beginning of residential services at Teen Challenge and is the service most commonly referred to when “entering” the program. Typically, an Induction phase is 3-6 months of residential care. During that time the participant will experience all aspects of the program after an initial orientation phase.

**Phase Four: Training Center** – is typically a 6-12 month residential phase of the program following a successful completion of the Induction Phase. The curriculum, policies and experiences a participant has in this phase vary dramatically from program to program. Many Teen Challenge programs offer life-skills classes in personal money management, relationships, job skills, adult basic education and GED classes.

**Phase Five: Re-entry** – is offered in many programs after graduation if a participant chooses to relocate into the area of the program instead of going back home. Normally the program consists of part-time help at the Teen Challenge Center and a 6 month contractual arrangement involving bank accounts, purchasing an automobile, and other necessary stages towards independence.

**Phase Six: Restoration** – is the most diverse of the phases at Teen Challenge and is currently available in limited areas. This involves the process of assisting graduates of Teen Challenge who have gone out and experienced some problems or experienced a relapse and require a safe place to recover and regroup. *(Not yet widely recognized or adopted as a phase in the TC program, although widely practiced)*

Addendum C

## **STUDENT ACKNOWLEDGEMENT AND AGREEMENT REGARDING WORK ASSIGNMENTS**

### **Statement of Student**

1. I understand that if I am admitted as a student I will be required to participate in the Teen Challenge Work Experience Program.
2. I acknowledge that I have read and fully agree with Teen Challenge's description of its Work Experience Program; which addresses the importance of my work assignments in helping to build in me the Biblical values of a good work ethic and the character of a responsible, upright individual.
3. I understand that if I am admitted to Teen Challenge as a student I will be performing work assignments not as an employee; but, solely for my benefit to further my spiritual growth, maturity, character development, recovery from controlled substances and a preparedness to go back into the work place.
4. Accordingly, by signing this **Agreement**, I am not applying for a position of employment with Teen Challenge, and if admitted as a student into the program, I understand I will not receive any compensation or in-kind benefits in exchange for the performance of my work assignments.
5. I further understand that if I fail to perform my assigned work related tasks, Teen Challenge may revoke my status and privileges as a student. Because, performance of work assignments are a consideration for the receipt of such status and benefits, each student's participation in the Work Experience Program is a necessary and vital part of the restoration process.

\_\_\_\_\_  
Teen Challenge Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Teen Challenge Staff Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (print)



## Accreditation On-Site Review Checklist

**During the on-site review, the National Board of Teen Challenge requires the reviewer to check the following**

If the center is a satellite center [SC] with an administration office providing overall management over several centers, then only those items marked with [SC] will need to be made available. The items not marked [SC] were already looked at when the administration office was reviewed. Independent centers, those not part of a larger administration, will need to make available all the items on this checklist.

Please Note: It is required that a Teen Challenge affiliate operate in 100% compliance with all Standards designed as "shall" in the Accreditation Standards. Please review ACCREDITATION GOALS, DEFINITIONS, AND PROCEDURES on pages 5 & 6 to be familiar with accreditation procedures for compliance and accreditation. Thank you!

### **Authorization & Fiscal Management:**

\_\_\_\_\_ All required documents listed in Standard One.

\_\_\_\_\_ Previous Audits or (if budget is under \$750,000) the Financial Reviews done since last Accreditation review (Standard 13) Please note, the Accreditation Office has no authorization from the TCI, USA BOD to issue accreditation unless these audits or reviews have been getting done.

*Note: If the review is being done early in the year before an audit or review would be completed, **please make available at the time of the review a letter from your CPA written on his/her firm's letter head stationary giving a projected completion date with contact information. The Accreditation office will check with the CPA firm around the projected date as to the status of the audit or financial review.***

\_\_\_\_\_ Minutes of last two (2) Board Meetings (Standard 7)

\_\_\_\_\_ Petty Cash Records [SC]

\_\_\_\_\_ Up-dated Constitution and Bylaws

\_\_\_\_\_ Summaries of Insurance coverage for auto, liability, D&O, etc. (Standard 17)

\_\_\_\_\_ The current operational budget along with the minutes from the Board Meeting where the budget was reviewed and approved by the BOD (Standards 5 & 10)

### **Personnel Management , Staff & Volunteer Development:**

\_\_\_\_\_ The current Employee Handbook or Staff Manual [SC]

\_\_\_\_\_ The Staff training plan for the year (Standard 31) [SC]

\_\_\_\_\_ Check to make sure all Personnel and regular volunteer files are compliant as per Standard's 24, 25 & 33-34. Please do not have preselected files out for the review.

\_\_\_\_\_ Staff Schedules for current and previous month. (to verify compliance with Standard 28) [SC]

**Program:**

\_\_\_\_\_ Student Handbook or Manual [SC]

\_\_\_\_\_ Check to ensure that all current student files are compliant with Standard's 69 & 70. Please do not have preselected files out for the review. The reviewer will also look at some archived student files from the previous 12 months. [SC]

\_\_\_\_\_ The program's referral list showing where people are referred to if they're not a good candidate for Teen Challenge. (Standard 45) [SC]

\_\_\_\_\_ The previous two (2) weeks menus and documentation showing food handling training [SC]

\_\_\_\_\_ Complete Intake Information Packet [SC]

\_\_\_\_\_ Student Medication log book. (Standard 53) [SC]

\_\_\_\_\_ List of courses (including GSNC if applicable and PSNC) that is taught at the center. [SC]. *All programs (excluding Regional TC Training centers that service multiple states) are now required to utilize at least some of the PSNC curriculum in a student's education program (Standard 37).*

\_\_\_\_\_ Provide the current student schedule. If a separate work schedule is issued daily or weekly, please plan to have that available for the review as well. [SC]

\_\_\_\_\_ Fire drill log [SC]

\_\_\_\_\_ Crisis Plan [SC]

\_\_\_\_\_ Review facilities and all vehicles as per Standard 80 [SC]

**BY REVIEW DATE, PLEASE BE SURE YOU CENTER IS CURRENT IN BOTH MONTHLY ONLINE CENTER REPORTS AND MONTHLY ACCREDITATION FEES (\*STANDARD 9)**

**Please Note!** During a review, the Teen Challenge center shall be expected to provide clean hotel lodging and a daily meal for the reviewer.

**From:** Micheal Reeder  
**To:** Ed Sullivan; JBragar@gsblaw.com; Laura Terway  
**Cc:** rickgivens@gmail.com; garry.wallace@teenchallengepnw.com; Dave Oliver; hodgesc@comcast.net  
**Subject:** Teen Challenge 120-day Rule Extension - Oregon City  
**Date:** Thursday, February 20, 2014 4:37:36 PM

---

Ed, Jennifer and Laura:

Pursuant to ORS 227.178(5), Teen Challenge International Pacific Northwest hereby requests that the 120-day period be extended for 30 days. It is my understanding that with this extension the City now has until May 3, 2014 to make a final decision pursuant to ORS 227.178. Should you have any questions, please feel free to contact me.

Regards,

MICHEAL M. REEDER



T: (541) 484-0188 / F: (541) 484-0536  
800 Willamette Street, Suite 800, Eugene, OR 97401  
[www.arnoldgallagher.com](http://www.arnoldgallagher.com)

CONFIDENTIAL: The information contained in this electronic communication is privileged and/or confidential. The information is for the sole use of the intended addressee. If the reader of this communication is not the intended addressee, you are hereby notified that any dissemination, distribution and/or copying of this communication or the information contained in this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at 541/484-0188 and thereafter, immediately destroy this electronic communication. Thank you.

TAX ADVICE DISCLAIMER: Pursuant to federal law, you are advised that any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

**From:** Micheal Reeder  
**To:** Laura Terway  
**Cc:** rickgivens@gmail.com; JBragar@gsblaw.com  
**Subject:** RE: Teen Challenge Portland Metro's Men's Center  
**Date:** Thursday, February 20, 2014 1:39:16 PM

---

Laura: I tried sending the email below with 2 attachments but it was bounced because the file size was too large. I will send two more emails after this one, each with one attachment to be included into the PC record. Many thanks! --Mike

MICHEAL M. REEDER



T: (541) 484-0188 / F: (541) 484-0536  
800 Willamette Street, Suite 800, Eugene, OR 97401  
[www.arnoldgallagher.com](http://www.arnoldgallagher.com)

CONFIDENTIAL: The information contained in this electronic communication is privileged and/or confidential. The information is for the sole use of the intended addressee. If the reader of this communication is not the intended addressee, you are hereby notified that any dissemination, distribution and/or copying of this communication or the information contained in this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at 541/484-0188 and thereafter, immediately destroy this electronic communication. Thank you.

TAX ADVICE DISCLAIMER: Pursuant to federal law, you are advised that any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

**From:** Micheal Reeder  
**Sent:** Thursday, February 20, 2014 1:31 PM  
**To:** Laura Terway (lterway@ci.oregon-city.or.us)  
**Cc:** Rick Givens (rickgivens@gmail.com); Jennifer Bragar (JBragar@gsblaw.com)  
**Subject:** Teen Challenge Portland Metro's Men's Center

Laura:

Please see the attached letters dated July 28, 2012 and August 14, 2012 and include them both into the record for CUP 13-01/SP 13-11/LL 13-04. These two letters are referenced in Ms. Bragar's August 8, 2012 and September 13, 2012 letters that have been included into the record (presumably by City staff) as Exhibit 10.

Regards,

MICHEAL M. REEDER



T: (541) 484-0188 / F: (541) 484-0536  
800 Willamette Street, Suite 800, Eugene, OR 97401

[www.arnoldgallagher.com](http://www.arnoldgallagher.com)

CONFIDENTIAL: The information contained in this electronic communication is privileged and/or confidential. The information is for the sole use of the intended addressee. If the reader of this communication is not the intended addressee, you are hereby notified that any dissemination, distribution and/or copying of this communication or the information contained in this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at 541/484-0188 and thereafter, immediately destroy this electronic communication. Thank you.

TAX ADVICE DISCLAIMER: Pursuant to federal law, you are advised that any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.



**From:** [Ed Sullivan](#)  
**To:** [Micheal Reeder](#)  
**Cc:** [Laura Terway](#); [Jennifer Bragar](#)  
**Subject:** RE: Teen Challenge - Oregon City 120-day rule extension  
**Date:** Thursday, February 20, 2014 4:03:21 PM

---

I will check for sure, but I believe it is April 4<sup>th</sup>. I will be back with you.

**From:** Micheal Reeder [mailto:mreeder@arnoldgallagher.com]  
**Sent:** Thursday, February 20, 2014 4:03 PM  
**To:** Ed Sullivan  
**Cc:** lterway@ci.oregon-city.or.us; Jennifer Bragar; rickgivens@gmail.com  
**Subject:** Teen Challenge - Oregon City 120-day rule extension

Ed:

I spoke with my client's representative and he is fine with providing the City with a reasonable extension of time in order to render a final decision on the Teen Challenge PUD application. It would be helpful to know when the current 120-days expires. Once I have that information, then I will provide you with a formal extension of time (in number of days) so that the City will have the flexibility to render a final decision by the end of April.

Best,

MICHEAL M. REEDER



T: (541) 484-0188 / F: (541) 484-0536  
800 Willamette Street, Suite 800, Eugene, OR 97401  
[www.arnoldgallagher.com](http://www.arnoldgallagher.com)

CONFIDENTIAL: The information contained in this electronic communication is privileged and/or confidential. The information is for the sole use of the intended addressee. If the reader of this communication is not the intended addressee, you are hereby notified that any dissemination, distribution and/or copying of this communication or the information contained in this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at 541/484-0188 and thereafter, immediately destroy this electronic communication. Thank you.

TAX ADVICE DISCLAIMER: Pursuant to federal law, you are advised that any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

**From:** Ed Sullivan  
**To:** Micheal Reeder; Jennifer Bragar; Laura Terway  
**Subject:** RE: Teen Challenge 120-day Rule Extension - Oregon City  
**Date:** Thursday, February 20, 2014 4:25:47 PM

---

Thanks, Mike.

---

**From:** Micheal Reeder [mailto:mreeder@arnoldgallagher.com]  
**Sent:** Thursday, February 20, 2014 4:25 PM  
**To:** Ed Sullivan; Jennifer Bragar; lterway@ci.oregon-city.or.us  
**Cc:** rickgivens@gmail.com; garry.wallace@teenchallengepnw.com; Dave Oliver; hodgesc@comcast.net  
**Subject:** Teen Challenge 120-day Rule Extension - Oregon City

Ed, Jennifer and Laura:

Pursuant to ORS 227.178(5), Teen Challenge International Pacific Northwest hereby requests that the 120-day period be extended for 30 days. It is my understanding that with this extension the City now has until May 3, 2014 to make a final decision pursuant to ORS 227.178. Should you have any questions, please feel free to contact me.

Regards,

MICHEAL M. REEDER



T: (541) 484-0188 / F: (541) 484-0536  
800 Willamette Street, Suite 800, Eugene, OR 97401  
[www.arnoldgallagher.com](http://www.arnoldgallagher.com)

CONFIDENTIAL: The information contained in this electronic communication is privileged and/or confidential. The information is for the sole use of the intended addressee. If the reader of this communication is not the intended addressee, you are hereby notified that any dissemination, distribution and/or copying of this communication or the information contained in this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at 541/484-0188 and thereafter, immediately destroy this electronic communication. Thank you.

TAX ADVICE DISCLAIMER: Pursuant to federal law, you are advised that any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

**From:** [Laura Terway](#)  
**To:** [Courtney Selby](#)  
**Cc:** [Tony Konkol](#)  
**Subject:** RE: Portland Metro Men's Center  
**Date:** Thursday, February 20, 2014 8:38:16 AM

---

Courtney,

Thank you for your email. In response to your concern the City Code Enforcement Division is sending a letter to inform the Portland Metro Men's Center that dormitory use of its 405 Warner Parrott Road property is not allowed at this time. Please feel free to contact myself at 503.496.1553 or the Code Enforcement Division at 503.496.1559 with any continued concerns regarding this matter.

---

 Laura Terway, AICP  
Planner  
Planning Division  
PO Box 3040  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045  
Phone: 503.496.1553  
Fax: 503.722.3880  
[lterway@orc.org](mailto:lterway@orc.org)

Please note the Planning Division is available from 8am - 5pm Monday - Thursday and by appointment on Friday.



Please consider the environment before printing

*PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.*

---

**From:** Courtney Selby [courtney798@gmail.com]  
**Sent:** Wednesday, February 12, 2014 5:38 PM  
**To:** Laura Terway  
**Subject:** Portland Metro Men's Center

Hello Laura

I live at 18413 Brookside Road. I was wondering if you had any insight on who I can contact about my concerns regarding the possibility of residents already living at the Teen Challenge building. From my home location, I can see cars and their Teen Challenge Vans still parked in their lot at all hours of the night. I've called Oregon City code enforcement and they told me to contact you. My question really is, are they allowed to be sleeping at this location without a conditional use permit. Who can find out for me if they are indeed sleeping there? I highly doubt staff would leave their cars there over night if they aren't, but I have not been brave enough to walk over there in the middle of the night to find out for sure.

Thank you,  
Courtney Selby

**From:** Laura Terway  
**To:** "it's ME"  
**Subject:** RE: Planning Commission Hearing Monday: Portland Metro Men's Center  
**Date:** Thursday, February 20, 2014 7:31:00 AM  
**Attachments:** PUBLIC HEARING PROCEDURE.DOC

---

Morning,

The Planning Commission agenda and all materials may be found [here](#). The Men's Center is the only item on the agenda for the public hearing, but there is a short work session prior which will end by 7pm. The hearing process for the continuance of the Portland Metro Men's Center application will be as follows:

City staff will present a short presentation

Public testimony will continue and I do not anticipate any new restrictions on public testimony, however the Planning Commission may decide on additional restrictions;

Applicant will have 5 minutes for rebuttal.

These steps follow the procedure set forth at the hearing and described in the attached document.

Thank you.



Laura Terway, AICP  
Planner  
Planning Division  
PO Box 3040  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045  
Phone: 503.496.1553  
Fax: 503.722.3880  
[Iterway@orccity.org](mailto:Iterway@orccity.org)

Please note the Planning Division is available from 8am - 5pm Monday - Thursday and by appointment on Friday.



Please consider the environment before printing

*PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.*

---

**From:** it's ME [<mailto:itsmandy@msn.com>]  
**Sent:** Tuesday, February 18, 2014 1:39 PM  
**To:** Laura Terway  
**Subject:** Re: Planning Commission Hearing Monday: Portland Metro Men's Center

Hello Laura-

I know there is another meeting regarding Portland metro men's center (Teen Challenge) coming up on feb 24th. Will there be a notice that goes out to the community? Also, do you have the agenda for this yet? Will this be heard first or last like the last meeting?

Thank you,

Mandy

Sent from my iPhone

On Feb 5, 2014, at 10:40 AM, "Laura Terway" <[literway@ci.oregon-city.or.us](mailto:literway@ci.oregon-city.or.us)> wrote:

Mandy,

Thank you for your email. It is important to the City that the community is aware of the change in venue for the Planning Commission hearing on Monday. In order to provide notice of the change in venue, the City took the following steps:

- On Monday, February 3, 2014, the Planning Commission agenda (with the revised location and start time for this hearing item highlighted) was mailed to all properties within 300 feet of the site, as well as all of the people that provided their mailing address in connection with this matter.
- The Planning Commission agenda (with the revised location and start time for this hearing item) was emailed to the applicant, all email addresses we received from people that submitted comment, the Citizen Involvement Committee, all neighborhood associations, the Planning Commission, City Commission, Chamber of Commerce and various employees and citizens.
- The Planning Commission agenda (with the revised location and start time for this hearing item) was also posted on the site of the proposed development.
- The Planning Commission agenda (with the revised location and start time for this hearing item) was posted on the Oregon City website in three locations.
- The Planning Commission agenda (with the revised location and start time for this hearing item) was also posted at various City facilities, including at City Hall and the Planning Department offices.


Please feel free to forward the agenda to anyone you would like and provide any further suggestions for the City to disperse the information. Thank you.

---

<image001.jpg>

**Laura Terway, AICP**  
**Planner**  
Planning Division  
PO Box 3040  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045  
Phone: 503.496.1553  
Fax: 503.722.3880  
[literway@orc.org](mailto:literway@orc.org)

Please note the Planning Division is available from 8am - 5pm Monday - Thursday and by appointment on Friday.

 Please consider the environment before printing

**PUBLIC RECORDS LAW DISCLOSURE:** This e-mail is subject to the State Retention Schedule and may be made available to the public.

**From:** it's ME [<mailto:itsmandy@msn.com>]

**Sent:** Tuesday, February 04, 2014 2:13 PM



**To:** Laura Terway  
**Subject:** Re: Planning Commission Hearing Monday: Portland Metro Men's Center

Laura-

Thank you for the update regarding the location change.

How do we go about getting this information sent out to more of the community? I don't feel that 300 feet will cover enough of the community and I feel everyone needs to know of the change!

Thank you for your help,  
Mandy

Sent from my iPhone

On Feb 4, 2014, at 8:18 AM, "Laura Terway" <[lterway@ci.oregon-city.or.us](mailto:lterway@ci.oregon-city.or.us)> wrote:

Good Morning,

As you have submitted comments for the Portland Metro Men's Center, I wanted to let you know that **the hearing has been relocated to the Pioneer Community Center** (located at 615 Fifth Street) to accommodate the expected crowd. Also, please note **that the hearing for this item will not begin before 8pm**. The Planning Commission agenda including the staff report, applicant's submittal and public comments may be found [here](#) and some general information about the process of approval may be found [here](#).

Notice of the new location and time has been sent in the mail to all properties within 300 feet of the site as well as all those people who provided their mailing addresses when submitting comments. Thank you

---

<image001.jpg>

**Laura Terway, AICP**  
**Planner**  
Planning Division  
PO Box 3040  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045  
Phone: 503.496.1553  
Fax: 503.722.3880  
[lterway@orc.org](mailto:lterway@orc.org)

Please note the Planning Division is available from 8am - 5pm Monday - Thursday and by appointment on Friday.



Please consider the environment before printing

**PUBLIC RECORDS LAW DISCLOSURE:** This e-mail is subject to the State Retention Schedule and may be made available to the public.



## **PUBLIC HEARING PROCEDURE**

- |  |                 |
|--|-----------------|
| A. Introduction and Legal Readings   | 5 Minutes Max.  |
| B. Staff Report:   | 15 Minutes Max. |
| C. Applicant's Presentation:   | 15 Minutes Max. |
| D. Public testimony from those in support of the application:                        |                 |
| Neighborhood Assoc./Incorp. Public Interest Org./Gov. Agencies                       | 5 Minutes Max.  |
| Individuals  | 3 Minutes Max.  |
| E. Public testimony from those neither in support or opposed to the application:     |                 |
| Neighborhood Assoc./Incorp. Public Interest Org./Gov. Agencies                       | 5 Minutes Max.  |
| Individuals  | 3 Minutes Max.  |
| F. Public testimony from those in opposition to the application:                     |                 |
| Neighborhood Assoc./Incorp. Public Interest Org./Gov. Agencies                       | 5 Minutes Max.  |
| Individuals  | 3 Minutes Max.  |
| G. Questions from the Planning Commission  |                 |
| H. Rebuttal testimony from the applicant:  | 5 Minutes       |
| I. Closing of the public hearing and deliberation or continuation of the application |                 |

*The Oregon City Municipal Code and Planning Commission agendas are on-line at [www.oregocity.org](http://www.oregocity.org). For further information please contact the Planning Division at 503.722.3789.*

**From:** [Pete Walter](#)  
**To:** ["bramsour@comcast.net"](mailto:bramsour@comcast.net); [David Frasher](#); [Tony Konkol](#); [Christina Robertson-Gardiner](#); [Kelly Moosbrugger](#)  
**Cc:** [Laura Terway](#)  
**Subject:** RE: metro men's ctr  
**Date:** Friday, February 21, 2014 11:39:00 AM

---

Mr. and Mrs. Ramsour,

Thanks for sending your comments. I will forward them to Laura Terway, who is the reviewing planner for this project. They will be included in the record for the Planning Commission's consideration.

Pete Walter

---

**From:** bramsour@comcast.net [mailto:bramsour@comcast.net]  
**Sent:** Friday, February 21, 2014 10:41 AM  
**To:** David Frasher; Tony Konkol; Christina Robertson-Gardiner; Pete Walter; Kelly Moosbrugger  
**Subject:** metro men's ctr

We feel the construction of the proposed 60 bed dormitory in our neighborhood is a very bad idea. To locate this right in the middle of a family neighborhood is wrong. If you take a look at where the 5 closest "men's centers" are now, you will see that 3 of them are in commercial areas, and the other 2 are in remote areas. That is where they belong, not here. In his own words, Wallace states that he appreciates how this (Warner Parrot) site is away from some of the temptations that were present at their previous location. I thought they said these men were constantly monitored, and not allowed to leave the site. To us this is a safety concern as we all realize that drug addiction, and property crime go hand in hand. While we do not live within 300' of the site, we do live in the South End neighborhood, and just moved here from N. E. Portland for a quiet lifestyle. My 81yr old mother lives about 1000' away, just across the field behind the site. She lives alone, as do many of her neighbors. She has lived here for about 60yrs and is very upset about this plan. Some of her friends are also concerned about what this could do to their property values. Please consider these issues, this is just the wrong location for this project.

Thank you,  
Bill and Julie Ramsour  
946 Woodlawn av.  
Oregon City

**From:** Laura Terway  
**To:** "Micheal Reeder"; rickgivens@gmail.com  
**Cc:** JBragar@gsblaw.com  
**Subject:** RE: February 24, 2014 Planning Commission Hearing Agenda  
**Date:** Wednesday, February 19, 2014 5:44:00 PM  
**Attachments:** PUBLIC HEARING PROCEDURE.DOC

---

Afternoon,

The hearing process for the continuance of the Portland Metro Men's Center application will be as follows:

City staff will present a short presentation

Public testimony will continue and I do not anticipate any new restrictions on public testimony, however the Planning Commission may decide on additional restrictions;

Applicant will have 5 minutes for rebuttal.


These steps follow the procedure set forth at the hearing and described in the attached document.

The City staff encourages the applicant and members of the public to provide as much information in writing as possible. Thank you.



Laura Terway, AICP  
Planner  
Planning Division  
PO Box 3040  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045  
Phone: 503.496.1553  
Fax: 503.722.3880  
lterway@orc.org

Please note the Planning Division is available from 8am - 5pm Monday - Thursday and by appointment on Friday.

 Please consider the environment before printing

*PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.*

**From:** Micheal Reeder [mailto:mreeder@arnoldgallagher.com]  
**Sent:** Tuesday, February 18, 2014 6:02 PM  
**To:** Laura Terway; rickgivens@gmail.com  
**Cc:** JBragar@gsblaw.com  
**Subject:** RE: February 24, 2014 Planning Commission Hearing Agenda

Laura: Thanks for the attachment and link. However, I am interested in knowing what the precise procedure is for the continued hearing. Will there be a new staff report and a staff presentation? Will the applicant's team go first? Will there be any restrictions on public testimony (such as will those have already testified be able to testify again)? Many thanks! -

-Mike

MICHEAL M. REEDER



T: (541) 484-0188 / F: (541) 484-0536  
800 Willamette Street, Suite 800, Eugene, OR 97401  
[www.arnoldgallagher.com](http://www.arnoldgallagher.com)

CONFIDENTIAL: The information contained in this electronic communication is privileged and/or confidential. The information is for the sole use of the intended addressee. If the reader of this communication is not the intended addressee, you are hereby notified that any dissemination, distribution and/or copying of this communication or the information contained in this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at 541/484-0188 and thereafter, immediately destroy this electronic communication. Thank you.

TAX ADVICE DISCLAIMER: Pursuant to federal law, you are advised that any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

---

**From:** Laura Terway [<mailto:lterway@ci.oregon-city.or.us>]  
**Sent:** Tuesday, February 18, 2014 5:45 PM  
**To:** Micheal Reeder; [rickgivens@gmail.com](mailto:rickgivens@gmail.com)  
**Subject:** February 24, 2014 Planning Commission Hearing Agenda

Good Afternoon,

The February 24, 2014 Planning Commission agenda may be found at <http://oregon-city.legistar.com/Calendar.aspx>. Please feel free to contact the Planning Division at (503) 722-3789 for additional information. Thank you.



---

Laura Terway, AICP  
Planner  
Planning Division  
PO Box 3040  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045  
Phone: 503.496.1553  
Fax: 503.722.3880  
[lterway@orc.org](mailto:lterway@orc.org)

Please note the Planning Division is available from 8am - 5pm Monday - Thursday and by appointment on Friday.



Please consider the environment before printing

**PUBLIC RECORDS LAW DISCLOSURE:** This e-mail is subject to the State Retention Schedule and may be made available to the public.





## **PUBLIC HEARING PROCEDURE**

- |  |                 |
|--|-----------------|
| A. Introduction and Legal Readings   | 5 Minutes Max.  |
| B. Staff Report:   | 15 Minutes Max. |
| C. Applicant's Presentation:   | 15 Minutes Max. |
| D. Public testimony from those in support of the application:                        |                 |
| Neighborhood Assoc./Incorp. Public Interest Org./Gov. Agencies                       | 5 Minutes Max.  |
| Individuals  | 3 Minutes Max.  |
| E. Public testimony from those neither in support or opposed to the application:     |                 |
| Neighborhood Assoc./Incorp. Public Interest Org./Gov. Agencies                       | 5 Minutes Max.  |
| Individuals  | 3 Minutes Max.  |
| F. Public testimony from those in opposition to the application:                     |                 |
| Neighborhood Assoc./Incorp. Public Interest Org./Gov. Agencies                       | 5 Minutes Max.  |
| Individuals  | 3 Minutes Max.  |
| G. Questions from the Planning Commission  |                 |
| H. Rebuttal testimony from the applicant:  | 5 Minutes       |
| I. Closing of the public hearing and deliberation or continuation of the application |                 |

*The Oregon City Municipal Code and Planning Commission agendas are on-line at [www.oregocity.org](http://www.oregocity.org). For further information please contact the Planning Division at 503.722.3789.*

**From:** [L L](#)  
**To:** [Laura Terway](#)  
**Subject:** Portland Men's Center Warner Parrot  
**Date:** Thursday, February 20, 2014 3:27:08 PM

---

Hello,

I understand there is what could be the final meeting on this unlicensed and unregulated Residential Care/Drug Rehab facility. My husband and I will be there with a packet of materials for the planning commission about this corrupt organization that hides under the blanket of god and church which they think gives them the right to trample everyone else's rights and bully cities and neighborhoods into submission. Below is a letter I have prepared to read at the hearing. I would encourage all of you to make use of the link that gives a detailed history of this corrupt and criminal operation. The only reason this agency still exists today is due corrupt friends (this was proven in an investigation) in government agencies and deep pockets.

The IRS and US government leaves the definition of Church open to interpretation. I submit to you that by their own definition they are a Residential Care Facility for Drug Rehab. They operate without a license or any regulation and do not employ any licensed or qualified persons. They in fact have a history of repeatedly hiring sex offenders and ex-cons as well as treating sex offenders. The planning commission has no right to endanger the neighborhood children or the children that play and walk to the park that is 546 feet from this facility as well as the children that walk to and from school. This neighborhood is not zoned for this facility and as such should be denied and these people forced to vacate immediately. This facility by it's very nature damages the integrity and safety of this neighborhood.

Thursday, February 20, 2014

Oregon City Planning Commission  
625 Center St  
Oregon City, Oregon 97045

RE: Portland Metro Men's Center

Dear Planning Commission,

I and my husband along with every other person that lives in the neighborhood where this Residential Care Facility is proposed are strongly opposed to it. Not only does it completely change and damage the integrity of the neighborhood it creates a safety concern for the children and teenagers walking to and from the grade school and Chapin Park. If approved this facility would be located 524 feet from a public park where children congregate and about a sidewalk that school children walk on in droves daily. Their Residential Care Facility/Drug Rehab Center houses convicted felons and very likely could and will house convicted sex offenders that have limitations on where they can live. Placing this type of facility next to a public park and school is ludicrous and dangerous to our children.

This facility by its own description is a Residential Care Facility for drug addicts. This neighborhood is not zoned for a Residential Care Facility of this magnitude and placing it smack in the middle of the neighborhood damages the integrity of our neighborhood. The fact that children will fear walking to school or the park past this place destroys their sense of safety in their own neighborhood. People choose to live in Oregon City because of the low crime and the ability to feel safe in their homes and on the streets of their neighborhood. The destruction of that sense of safety cannot be allowed to take place. Will it take a child being pulled off the sidewalk and drug behind a six foot fence and assaulted by a sex offender for you to see they have no place here? There will not be enough staff or supervision of these people to prevent it. None of the staff are or will be trained care givers or licensed counselors; they are not trained in addiction counseling or anything else nor are they background checked.

This company has tried to pass themselves off to you as a "church", when in fact by their definition and description are a Residential Care Facility. These people are using religion as club to beat all of us into submission with. They are using religion as a crutch to get away with operating an unlicensed and unmonitored drug rehab facility. They are using religion and "church" to cheat the tax payers of the United States and Oregon out of tax revenue. They are so deceitful and corrupt the USDA, FBI and other Federal agencies have tried repeatedly to shut them down due to evidence of food stamp fraud, drug trafficking, money laundering, child molestation and abuse, physical and mental abuse, and their history of hiring sex offenders and felons as counselors. They have a known history of hiring sex offenders and ex-cons as unlicensed counselors. Please see <http://medicalwhistleblower.blogspot.com/2011/04/scott-bloch-protects-teen-challenge.html> for documentation of this and a history of this corrupt agency, you will be shocked and appalled. Only through legal wrangling and using the cover of God and church do they exist today as an unlicensed, unregulated Residential Care Facility/Drug Rehab.

This agency is trying to bully and intimidate you and our community into compliance by using religion and God as a threat. Unlicensed and unregulated or not it does not negate the facts of what they are a Residential Care Facility for Drug Rehabilitation that houses and employs ex-cons and sex offenders. This is a neighborhood not zoned for this facility. You have an obligation and a duty to uphold and protect the integrity of this neighborhood by not giving in to bullies and criminals. Giving in to a bully out of fear of retaliation no matter the disguise they wear makes you no better than the bully.

Sincerely  
Melody Librande

**From:** [Laura Terway](#)  
**To:** Micheal Reeder; Rick Givens  
**Cc:** [Garry Wallace](#); [hodgesc@comcast.net](mailto:hodgesc@comcast.net); [Tony Konkol](#); [Jennifer Bragar](#)  
**Subject:** RE: PMMC Responsive Testimony  
**Date:** Saturday, February 22, 2014 8:06:10 PM

---

Thank you,  
I have received the information and will enter it into the record.  
-Laura Terway

---

From: Micheal Reeder [[mreeder@arnoldgallagher.com](mailto:mreeder@arnoldgallagher.com)]  
Sent: Saturday, February 22, 2014 5:39 PM  
To: Laura Terway; Rick Givens  
Cc: Garry Wallace; [hodgesc@comcast.net](mailto:hodgesc@comcast.net); Tony Konkol; Jennifer Bragar  
Subject: RE: PMMC Responsive Testimony

Dear Laura:

Please see the attached 1 MB color PDF of Mr. Givens' responsive testimony that he attempted to submit yesterday. Please confirm that you received this PDF and that you have included it into the record and provided copies to the Planning Commission on this matter. Many thanks!

--Mike

MICHEAL M. REEDER  
T: (541) 484-0188 / F: (541) 484-0536  
800 Willamette Street, Suite 800, Eugene, OR 97401  
[www.arnoldgallagher.com](http://www.arnoldgallagher.com)  
CONFIDENTIAL: The information contained in this electronic communication is privileged and/or confidential. The information is for the sole use of the intended addressee. If the reader of this communication is not the intended addressee, you are hereby notified that any dissemination, distribution and/or copying of this communication or the information contained in this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at 541/484-0188 and thereafter, immediately destroy this electronic communication. Thank you.  
TAX ADVICE DISCLAIMER: Pursuant to federal law, you are advised that any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

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

From: Laura Terway [<mailto:lterway@ci.oregon-city.or.us>]  
Sent: Friday, February 21, 2014 3:49 PM  
To: Rick Givens  
Cc: Laura Terway; Garry Wallace; Micheal Reeder; [hodgesc@comcast.net](mailto:hodgesc@comcast.net); Tony Konkol; Jennifer Bragar  
Subject: Re: PMMC Responsive Testimony

Rick,

I am unable to open the PDF attachment successfully. Can you resend?  
Thank you

-Laura Terway

> On Feb 21, 2014, at 3:22 PM, "Rick Givens" <rickgivens@gmail.com>  
wrote:

>

> Hi Laura,

>

> I am attaching testimony that we are submitting in response to  
> questions and issues raised at the February 10, 2014 Planning  
> Commission hearing on the Portland Metro Men's Center Conditional Use  
> Permit and Site and Design Review applications. Please include this in

> the record for the Planning Commission's consideration.

>

> Thanks,

>

> Rick Givens

> Planning Consultant

> 18680 Sunblaze Drive.

> Oregon City, OR 97045

> PH: (503) 479-0097

> Cell: (503) 351-8204

> email: rickgivens@gmail.com

>

>

> <PMMC Responsive Testimony.pdf>



Portland Metro Men's Center  
Applicant's Responsive Testimony  
To Opponent Comments From  
2-10-2014 Planning Commission Hearing

Since many of the comments made at the initial public hearing were duplicative of comments made by others, we will organize our responsive testimony by topic rather than by individual testimony.

**Issue 1:** Does the use proposed by Portland Metro Men's Center qualify as a "religious institution" allowed conditionally within the R-10 zone? Questions were raised as to whether it qualifies since it is not a church in the traditional sense of being open for to the general public for worship.

**Response:** OCMC 17.04.1015 defines a religious institution as follows:

*A church or place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground or cemetery.*

Portland Metro Men's Center (PMMC) operates a Christian recovery program that is based upon religious training and counseling and that involves Christian worship services on a regular basis. These activities are consistent with the above definition as the use is a place of religious assembly and worship. PMMC is owned by Teen Challenge International Pacific Northwest Centers, a non-profit religious institution operating under Section 501(c)(3) of the Internal Revenue Code.

**Issue 2:** Does the proposed dormitory use qualify as a "group home" as allowed under the conditional use provisions of the R-10 zone? Testimony was offered that since the proposed use isn't licensed by the State of Oregon, it wouldn't qualify as a group home.

**Response:** While the State of Oregon does require licensing for group homes that provide treatment for individuals with medical or behavioral issues, the term is not restricted to such uses. PMMC offers no medical treatment. The program is based entirely on religious training and, as such, is not subject to state licensing requirements. OCMC 17.08.030(J) lists group homes as a conditional use permissible in the R-10 zone. The term "group home" is not defined in the definitions section under OCMC 17.04. The proposed dormitory provides group living quarters for men enrolled in the PMMC program. There are no individual kitchen facilities for each room and, therefore, the rooms are not multi-family residences. The proposed facility, however, does provide group living quarters for those enrolled in the PMMC program and, therefore, is consistent with an allowed group home use.

**Issue 3:** Is the proposed use a "residential care facility" regulated under ORS 443.400?

**Response:** ORS 443.400(5) states, "Residential care facility means a facility that provides, for six or more socially dependent individuals or individuals with physical disabilities, residential care in one or more buildings on contiguous properties." The men

enrolled in the PMMC program are not socially dependent and do not have physical disabilities. PMMC maintains any pharmaceuticals that people enrolled in the program may be prescribed by a physician and makes sure that they are taken at times and in dosages in accordance with the prescription. It was suggested that the fact that this was being done constituted residential care. These prescription drugs have nothing to do with the program and the supervisory role PMMC fills is no different than that done by one member of a household for another. Finally, we would point out that, even if the faith-based counseling program were somehow determined to be a residential care facility, such facilities are an allowed conditional use in the R-10 zoning district.

**Issue 4:** Does the scale of the proposed dormitory facility conflict with the character of the neighborhood in a manner “which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed” in the underlying zoning district? (Quote from OCMC 17.56.010.A.4)

**Response:** The proposed dormitory building is a two-story structure that complies with the height standard of the R-10 zoning district. The testimony offered at the public hearing was from a resident living on Shore Pine Place stating that he would be impacted by the size of the dormitory building that would be visible from his property. The photograph below is from Google Maps and is taken at the intersection of Shore Pine Place and Brookside Road:



All of the homes in the photo are two-story residences that are approximately the same height as the proposed dormitory. The pictured homes are, reading from right to left, 12399, 12383, 12391, and 12399 Shore Pine Place. These homes are listed on County records as having the following floor areas: 2,515 sq. ft., 2,419 sq. ft., 2,515 sq. ft., and 2,404 sq. ft. All have attached two-car garages which would add approximately 400 sq. ft. each to their total enclosed space. The total enclosed building area of these four homes would come to approximately 11,453 sq. ft. The proposed dormitory building measures 10,831 sq. ft., or about 622 sq. ft. less than the combined area of the four homes. The dormitory has a 36-foot setback from the property line abutting Shore Pine Place, which is 20 feet greater than the R-10 interior yard setback standard. The proposed dormitory is set back 46 feet from the rear property line, which is 26 feet greater than the required setback in the R-10 zone. The proposed building location is approximately 100 feet from the single home on the south side of Shore Pine Place that would look to the northwest at the proposed dormitory. As a point of comparison, the home at 12375 Shore Pine Place is approximately 120 feet from the existing church building that is of a similar total floor area (although all on one level) and which has a similar height at the peak of the sanctuary as the proposed dormitory. The view of the existing church from Shore Pine Place is shown below:



The landscape plan calls for the construction of a 6-foot high solid wood fence that lines the perimeter of the property (except along the portion of the right-of-way of Shore Pine Place that abuts the eastern property line). Additionally, the site plan includes significant vegetative buffering along the perimeter of the property, including trees as shown in the Preliminary Landscape Plan, which will help to mitigate any visual impact associated

with both the existing church building and the proposed dormitory. Currently, there are no trees on the property. The Preliminary Landscape Plan will significantly improve the property and the immediate vicinity. The applicant will work with the Fire Department on the design of the emergency vehicle access gate to be constructed at the end of Shore Pine Place and, if possible, design to be sight-obscuring as well.

The height of the proposed dormitory is approximately 29 feet, well below the 35 foot maximum in the R-10 zone.

It must be noted that the standard is not whether the proposed use will be of a scale that is visible from adjoining properties. Rather, it is whether the scale would substantially limit, impair or preclude the use of surrounding properties for the primary uses allowed, in this case, in the R-3.5 zoning district. Since this neighborhood was developed, the homes were built, sold and have been lived in since 2007 already having an unobstructed view of the similarly-scaled existing church. The proposed dormitory building will be screened with fencing, will be landscaped and incorporates exterior materials that are comparable to those found in single-family homes in the abutting neighborhood.

We would also point out that it is not unusual in the least for single-family neighborhoods to abut uses incorporating even much larger buildings than the proposed dormitory. Churches, schools, and multi-family uses commonly abut single-family neighborhoods without causing significant impact on these neighborhoods. For all of these reasons, it is clear that the proposed dormitory would not limit, impair or preclude the adjoining properties from the single-family residential uses developed there.

**Issue 5:** Is the size of the property suitable for the use proposed?

**Response:** The staff report, in discussion of OCMC 17.56.010.A.2, attempts to address the issue of the relationship between the proposed use and the size of the property by comparing the maximum number of men who could be housed in the dormitory to the density of development allowable under the existing R-10 zoning. The staff report notes:

The Oregon City Municipal Code and Comprehensive Plan do not provide a limitation or specific criteria to determine the number of people who may live in a group home, the size limitations for religious institutions or the size of offices associated with conditional uses.

The staff report, on page 13-14, then provides a discussion of residential density that is typically found on average in the city and also a discussion of the density that could be developed on the site under its existing R-10 zoning. These methods are suggested as a potential means for the Planning Commission to compare site size with the maximum number of men (62) who could be housed in the dormitory.

While we understand that the staff report is simply trying to provide some context for the Planning Commission's consideration of the size issue, we believe that there are two problems with this particular approach:



1. We do not believe that the code envisions a density test as a means of evaluating whether a property is of a suitable size for a proposed conditional use. The range of conditional uses permissible in the R-10 zone includes things as diverse as golf courses, cemeteries, schools, churches, emergency services, public utilities, etc. for which density is clearly not any measure of whether the site is of adequate size for the use proposed. Rather, the issue of size relates to whether the proposed use and all of the facilities associated with it physically fit on the property in conformance with setbacks, lot coverage, minimum landscaped area requirements, parking standards, etc. As discussed in our application and in the staff report findings, the proposed use does fit well on the property in compliance with the applicable standards. In fact, the setbacks proposed are considerably greater than required, the amount of landscaping exceeds standards, and lot coverage is well under the maximum permitted in the R-10 zone. Clearly, the size of the property is adequate to accommodate the proposed use.
2. If the Planning Commission were to consider density of development in looking at adequacy of the property size for the proposed use, it would be more appropriate to use the density allowable in the R-3.5 for comparison purposes. The dormitory is located in an area that is surrounded on three sides by neighborhoods zoned and developed at an R-3.5 density of development. Shore Pine Place, the street which is stubbed into the subject property, is located in an R-3.5 subdivision. If this property were to be converted to residential use, it is nearly certain that a developer proposing to tear down the church and continue this street through the subject property would only be able to financially do so if a request for R-3.5 zoning were approved by the City. The site contains 2.13 acres of land and, assuming a deduction for a typical street area of 20%, the net site area would allow 21 units on the subject property. Assuming an average size of 3 persons per household, the number of residents that could be accommodated on the site would be 63, which is consistent with the number of people who could be housed in the dormitory.

**Issue 6:** Are the existing sewer, water and storm drainage facilities adequate to accommodate the proposed use?

**Response:** All necessary sewer, water and storm drainage facilities are available in Warner Parrott Road. A civil engineer has prepared the preliminary utility plans in accordance with City standards and they have been reviewed by City engineering staff and have been determined to be adequate to serve the proposed use.

In response to several comments about storm drainage impacts, we are attaching a summary page from the storm drainage report submitted with this application. Please note that this report, together with the storm drainage plan, call for the construction of three storm water detention basins on the subject site to ensure that the rate of storm runoff from the site following development is consistent with City standards and can be adequately accommodated by the storm sewer in Warner-Parrott Road. This report and plan have been reviewed and accepted by City engineering staff.



**Issue 7:** Neighborhood concerns about noise, safety and adequate oversight of men enrolled in the program.

**Response:** First, we agree with the points made in the City legal counsel's memorandum dated Feb. 3, 2014 relative to The Fair Housing Act (FHA). Much of the characterization of the men enrolled in the PMMC program in testimony at the public hearing was stereotypical. All applicants to the program are screened prior to being admitted and no one having a record involving physical violence or sexual crimes is eligible for the program. The men enrolled in the program are there voluntarily. If they wish to leave, PMMC will take them to the bus station and send them home. Men enrolled in the program must live by the rules PMMC establishes or they are expelled from the program. They are tested randomly with urine tests to ensure that no drug or alcohol use exists.

Concerns were expressed about whether there would be adequate supervisory staff on the property, especially at night. While students are free to leave the program at any time, PMMC will employ security systems to ensure that they live in accordance with the rules PMMC establishes. The men living on the property will be in the dormitory by 9:00 pm and lights will be turned out by 10:00 pm. Doors and windows will be monitored and an alarm will go off if they are opened during night hours. Two staff members will be on site in the dormitory during night hours, which is adequate given the screening of the students and the voluntary nature of the program.

Testimony was offered regarding noise and unwanted contact of men enrolled in the program with neighbors. We must point out that single-family homes often abut parks and school playgrounds used by the public and that noise from outdoor activities is not out of character for such neighborhoods. PMMC is very concerned about being a good neighbor and has modified its policies in response to these complaints and now requires staff supervision of outdoor activities. The installation of perimeter fencing and landscaping will also help with these concerns.

**Issue 8:** Is the proposed use a "school" and, if so, should it be licensed?

**Response:** Several opponents were concerned by the use of the term "students" by PMMC in referring to those enrolled in this program. The men enrolled in the program receive religious instruction. Such instruction is similar in nature to adult bible classes offered at most churches. This instruction includes academic development, but there is no educational degree or professional accreditation associated with the program and, therefore, no licensing is required by the State of Oregon. Constitutional provisions guaranteeing separation of church and state preclude any government licensing of religious training. The term "student" is applied to people enrolled in many endeavors outside of a formal school environment; with art, music, dance classes and Sunday school classes being typical examples. PMMC chooses to use that term because they believe it best describes the relationship that exists between those receiving religious instruction in this program.

**Issue 9:** Traffic. Several people were concerned about traffic impacts associated with the PMMC project. Additionally, one Planning Commissioner had questions on this topic.

Response: The executive summary page from the traffic study prepared for this application is attached. The report shows that the traffic generated by this project is minimal and that the affected intersections will operate at a Level of Service B during both the morning and evening rush hour periods. Sight distance at the project driveway exceeds city standards. The traffic report, which has been reviewed and accepted by the City's traffic consultant, concludes, "The transportation system within the impacted area of the proposed subdivision is capable of safely accommodating the addition trips resulting from the proposed subdivision. No mitigations are needed or recommended."

### Detention Summary:

The detention requirements will be met with three detention areas. The north detention area will be 3 feet deep with 2 feet of detention storage and 1 foot of freeboard during a 25 year storm event. The flow control structure will have two orifices and an overflow riser. The bottom orifice will be 1 ¾ inches in diameter and the top orifice will be 4 inches.

The south two ponds will be at the same elevation and will drain into one flow control structure, so they will basically act like one pond. Both ponds will be 2 feet deep with 1.5 feet of detention storage and 6 inches of freeboard during a 25 year storm event. The flow control structure will have two orifices and an overflow riser. The bottom orifice will be 3 ½ inches in diameter and the top orifice will be 4 ½ inches.

The following tables show that the detention requirements have been met.

#### **Minimum Peak Rate Stormwater Runoff Control Requirements.**

2yr, 24-hour storm event must be controlled to 50% of the pre-developed runoff rate of a 2yr 24 hour storm event.

<b>2-year allowable release rate (1/2 of the 2 year pre dev. runoff)</b>	<b>2-year post development release rate</b>
<b>0.42 cfs</b>	<b>0.42 cfs</b>

5yr, 24-hour storm event must be controlled to the pre-developed runoff rate of a 5yr 24-hour storm event.

<b>5-year allowable release rate</b>	<b>5-year post development release rate</b>
<b>1.08 cfs</b>	<b>0.64 cfs</b>

25yr, 24-hour storm event must be controlled to the pre-developed runoff rate of a 10yr 24-hour storm event.

<b>25-year allowable release rate</b>	<b>25-year post development release rate</b>
<b>1.22 cfs</b>	<b>1.15 cfs</b>

1e

## Executive Summary

1. The property at 405 Warner Parrott Road in Oregon City, Oregon is proposed for redevelopment into the Portland Metro Men's Center, a Christian adult drug and alcohol rehabilitation program. The property was previously used as a traditional church. The proposal includes remodeling the existing church building, and construction of new office and dormitory buildings, as well as other ancillary improvements.
2. Trip generation estimates show that approximately 18 new trips are expected to be generated during the morning peak hour, with 12 entering the site and 6 exiting. During the evening peak hour, 23 new trips are expected, with 10 entering and 13 exiting.
3. The site access forms the northern leg of the intersection of Warner Parrott Road at Shenandoah Drive. This intersection & access presently operates at level-of-service (LOS) B during both the morning and evening peak hours, with a volume-to-capacity (v/c) ratio of 0.13 in the morning and 0.06 in the evening. Following the development of the site and the growth of traffic volumes during the build-out period, the intersection and access will continue to operate at LOS B during both the morning and evening peak hours, with a v/c ratio of 0.16 in the morning and 0.08 in the evening.
4. Sight distance to the east of the site access was measured to be 385 feet. Sight distance to the west was measured to be in excess of 700 feet. This exceeds the recommended intersection sight distance of 335 feet for safe and efficient operation of the access.
5. The crash rate for the intersection of Warner Parrott Road at Shenandoah Drive and the church access is 0.16 crashes per million entering vehicles (MEV). Crash rates greater than 1.0 crashes/MEV are indicative of a need for further analysis, so the study intersection is well below this threshold.
6. Left-turn lane warrants for the turning movement into the site from Warner Parrott Road are not presently met, nor will they be following the development of the site. Left-turn lane warrants for the turning movement onto Shenandoah Drive from Warner Parrott Road are currently met, however installation of a left-turn lane is not recommended as the intersection is presently operating safely and the proposed site plan adds no left-turning movements on this approach.
7. The transportation system within the impacted area of the proposed subdivision is capable of safely accommodating the addition trips resulting from the proposed subdivision. No mitigations are needed or recommended.

**From:** Laura Terway  
**To:** "brando.boyd@gmail.com"; "lopezl@loswego.k12.or.us"; "l.mix@comcast.net"; "itsmandy@msn.com"; "rj\_clevenger@msn.com"; "mattnel79@gmail.com"; "enochlin@katu.com"; "ksdalej@hotmail.com"; "iward0846@msn.com"; "randbswanson@gmail.com"; "kentwalton@aol.com"; "acherney@buildcentral.com"; "boyd.kimberlee@gmail.com"; "amarek@pamplincorp.com"; "ignacio927@hotmail.com"; "sschaeffer3@msn.com"; "ochall@comcast.net"; "deionlopez2@yahoo.com"  
**Cc:** "JBragar@gsblaw.com"; Tony Konkol  
**Subject:** Planning Commission Hearing Monday: Portland Metro Men's Center  
**Date:** Tuesday, February 18, 2014 6:08:00 PM  
**Attachments:** [PC Agenda 2.24.14.pdf](#)

---

Good Afternoon,

As you have submitted comments for the Portland Metro Men's Center, I wanted to let you know that **the hearing has been relocated to the Pioneer Community Center** (located at 615 Fifth Street) to accommodate the expected crowd. The Planning Commission agenda including the staff report, applicant's submittal and public comments may be found [here](#). Thank you



Laura Terway, AICP  
Planner  
Planning Division  
PO Box 3040  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045  
Phone: 503.496.1553  
Fax: 503.722.3880  
[lterway@orccity.org](mailto:lterway@orccity.org)

Please note the Planning Division is available from 8am - 5pm Monday - Thursday and by appointment on Friday.



Please consider the environment before printing

**PUBLIC RECORDS LAW DISCLOSURE:** This e-mail is subject to the State Retention Schedule and may be made available to the public.





# City of Oregon City

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

## Meeting Agenda Planning Commission

---

Monday, February 24, 2014

7:00 PM

Pioneer Center, 615 5th St., Oregon City, OR

---

### Note Revised Location

#### Work Session (6:30 p.m.)

Sign Code Update

#### Public Hearing (7 p.m.)

1. Call to Order
2. Public Comments for Items Not on the Agenda
3. Public Hearing

- 3a. Portland Metro Men's Center -  
Conditional Use Permit (CU 13-01), Site Plan and Design Review (SP 13-11) and Lot Line Abandonment (LL 13-04)  
Attachments: [Commission Report](#)  
[February 3, 2014 CU 13-01, SP 13-11 and LL 13-04 Staff Report](#)  
[Exhibit 1: Vicinity Map](#)  
[Exhibit 2A: Current Application Materials](#)  
[Exhibit 2B: Current Site Plans and Building Elevations](#)  
[Exhibit 2C: Outdated Application Materials \(These have been Updated and Replaced by A and B\)](#)  
[Exhibit 3: Planning File CU 80-04](#)  
[Exhibit 4: City Attorney's Memorandum to the Planning Commission](#)  
[Exhibit 5: Comments Submitted by John Replinger of Replinger and Associates](#)  
[Exhibit 6: Public Comments Received prior to January 30, 2014](#)  
[Exhibit 7: Letter from Diana Long of Oregon City Business Licenses](#)  
[February 18, 2014 Supplemental Staff Report for CU 13-01, SP 13-11 and LL 13-04](#)  
[Exhibit 8: Notice of Decision CU 07-03](#)  
[Exhibit 9: Notice of Decision CU 07-04](#)  
[Exhibit 10: August 8, 2012 and September 13, 2012 letters from Jennifer Bragar, Assistant City Attorney](#)  
[Exhibit 11: Revised Recommended Conditions of Approval](#)

Exhibit 12A: Comments Received at the February 10, 2014 Hearing

Exhibit 12B: Comments Received from February 11, 2014 - February 18, 2014

**4. Communications**

**5. Adjournment**

---

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

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

*Agenda Posted at City Hall, Pioneer Community Center, Library, and City Web site([oregon-city.legistar.com](http://oregon-city.legistar.com)).*

*Video Streaming & Broadcasts: The meeting is streamed live on Oregon City's Web site at [www.orcity.org](http://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.*

**From:** [bramsour@comcast.net](mailto:bramsour@comcast.net)  
**To:** [Laura Terway](#)  
**Subject:** metro men"s ctr (again)  
**Date:** Friday, February 21, 2014 5:15:19 PM

---

Hi Laura,

Thank you for being so patient with me.

I am having a hard time contacting these people, I was hoping you could help out.

They are listed as planning commissioners for our fair city, but their contact info is not available on the city website for some reason.

If you could please provide this, I would be forever grateful.

Again, I thank you for your patience.

Denyse McGriff  
Damon Mabee  
Charles Kidwell

Bill Ramsour, South End Neighborhood resident.

**From:** Kelly Moosbrugger  
**To:** Laura Terway  
**Subject:** FW: metro men's ctr  
**Date:** Friday, February 21, 2014 10:51:14 AM

---

**From:** bramsour@comcast.net [mailto:bramsour@comcast.net]  
**Sent:** Friday, February 21, 2014 10:41 AM  
**To:** David Frasher; Tony Konkol; Christina Robertson-Gardiner; Pete Walter; Kelly Moosbrugger  
**Subject:** metro men's ctr

We feel the construction of the proposed 60 bed dormitory in our neighborhood is a very bad idea. To locate this right in the middle of a family neighborhood is wrong. If you take a look at where the 5 closest "men's centers" are now, you will see that 3 of them are in commercial areas, and the other 2 are in remote areas. That is where they belong, not here. In his own words, Wallace states that he appreciates how this (Warner Parrot) site is away from some of the temptations that were present at their previous location. I thought they said these men were constantly monitored, and not allowed to leave the site. To us this is a safety concern as we all realize that drug addiction, and property crime go hand in hand. While we do not live within 300' of the site, we do live in the South End neighborhood, and just moved here from N. E. Portland for a quiet lifestyle. My 81yr old mother lives about 1000' away, just across the field behind the site. She lives alone, as do many of her neighbors. She has lived here for about 60yrs and is very upset about this plan. Some of her friends are also concerned about what this could do to their property values. Please consider these issues, this is just the wrong location for this project.

Thank you,  
Bill and Julie Ramsour  
946 Woodlawn av.  
Oregon City

**From:** [Rick Givens](#)  
**To:** [Laura Terway](#)  
**Subject:** 120-Day Rule  
**Date:** Thursday, February 20, 2014 2:10:09 PM

---

Hi Laura,

Ed Sullivan has been in contact with Micheal Reeder and asked for an extension of the 120-day rule on the PMMC application. Would you please let me know what date you currently show as the expiration date?

Thanks,

Rick Givens  
Planning Consultant  
18680 Sunblaze Drive.  
Oregon City, OR 97045  
PH: (503) 479-0097  
Cell: (503) 351-8204  
email: [rickgivens@gmail.com](mailto:rickgivens@gmail.com)



# PUBLIC COMMENT

Portland Metro Men's Center  
File CU 13-01, SP 13-11 and LL 13-04  
Planning Commission Hearing February 10, 2014

Name: PATRICIA J. RAMSOUR  
Address: 124 RANDALL STREET  
City, State, Zip: OREGON CITY, OR 97045  
Representing: MYSELF AS A CONCERNED RESIDENT.

## COMMENTS:

As a long-time resident of Randall Street, located one block over from Warner Barrett Rd, I am very concerned regarding the safety of my neighborhood if the City planning commission allows a permit for "Portland Metro Men's Center" to build a 60-bed dormitory housing up to sixty "Male adult addicts" (for counseling, and recovery services).

At this time, according to information issued on website by Portland Metro Men's Center, the adult men in the program are residing in Portland.

Local residents I have conferred with are not in favor of having new residence facilities here in a residential neighborhood where children play outdoors, families use the Chapin Park daily where persons in this recovery program will live.

Garry Wallace should be able to relocate his Portland-Based program in a better-suited area.

I have read all data from 3/21/13 to 11-13-13 and still feel unsafe in my neighborhood.

Sincerely,  
Patricia Ramsour

18693 Joyce Ct.  
Oregon City, OR 97045  
Feb. 20, 2014


Oregon City Planning Department  
221 Molalla Avenue, Suite 200  
Oregon City, OR 97045

Dear Oregon City Planning Department,

The following are comments in opposition to the proposed expansion to the Portland's Men Center located at 405 Warner Parrot Road.

- At the last public meeting regarding this issue, a man testified that he was denied the approval to expand the number of his rental units on his property that is adjoined to the property held by the Portland's Men Center. If the Portland's Men Center is allowed to expand, this is action would be discriminatory against the person that was denied the right to expand his rental units, assuming his assertion of denial is true.
- Many that testified in favor of the expansion at the last public meeting were not landowners in the South End neighborhood. Some of the same did not own property in Oregon City. They have no financial risk due to impairment of their property values.
- At the last public meeting people living right next the Portland Men's Center testified about how poorly they have been treated by participants from the Portland Men's Center. These types of issues impair the livability of the neighborhood.
- Property values have already been impaired in the area. This impairment to property values will increase once an approval is made.
- Safety and livability of the neighborhood will be impaired. Some of the intended participants will be kept from going to jail in exchange for entering the programs offered by the Portland's Men Center. I was involved with a church group that assisted the Portland Rescue Mission. The church group was told that these people were dangerous and not to take them to their homes. By allowing an expansion to the Portland Men's Center, many dangerous people will be in our residential area. Please note that the Portland Rescue Mission is not located in a residential suburb.
- As the values of the homes go down due to any expansion of the Portland Men's Center, so will the city's tax revenues for this area.
- Other cities have denied the approval of Teen Challenge's (entity over Portland's Men Center) expansion into residential neighborhoods. This type of operation has no place in a residential neighborhood.

Thank you for taking these comments into consideration.



Gregory Smith

2014 FEB 20 PM 3:18

RECEIVED  
CITY OF OREGON CITY

**From:** Micheal Reeder  
**To:** Laura Terway  
**Cc:** rickgivens@gmail.com; JBragar@gsblaw.com  
**Subject:** RE: Teen Challenge Portland Metro's Men's Center  
**Date:** Thursday, February 20, 2014 1:38:45 PM  
**Attachments:** Teen Challenge RLUIPA Equal Terms Ltr 072812.pdf

---

MICHEAL M. REEDER



T: (541) 484-0188 / F: (541) 484-0536  
800 Willamette Street, Suite 800, Eugene, OR 97401  
[www.arnoldgallagher.com](http://www.arnoldgallagher.com)

CONFIDENTIAL: The information contained in this electronic communication is privileged and/or confidential. The information is for the sole use of the intended addressee. If the reader of this communication is not the intended addressee, you are hereby notified that any dissemination, distribution and/or copying of this communication or the information contained in this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at 541/484-0188 and thereafter, immediately destroy this electronic communication. Thank you.

TAX ADVICE DISCLAIMER: Pursuant to federal law, you are advised that any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

---

**From:** Micheal Reeder  
**Sent:** Thursday, February 20, 2014 1:31 PM  
**To:** Laura Terway (lterway@ci.oregon-city.or.us)  
**Cc:** Rick Givens (rickgivens@gmail.com); Jennifer Bragar (JBragar@gsblaw.com)  
**Subject:** Teen Challenge Portland Metro's Men's Center

Laura:

Please see the attached letters dated July 28, 2012 and August 14, 2012 and include them both into the record for CUP 13-01/SP 13-11/LL 13-04. These two letters are referenced in Ms. Bragar's August 8, 2012 and September 13, 2012 letters that have been included into the record (presumably by City staff) as Exhibit 10.

Regards,

MICHEAL M. REEDER



T: (541) 484-0188 / F: (541) 484-0536  
800 Willamette Street, Suite 800, Eugene, OR 97401  
[www.arnoldgallagher.com](http://www.arnoldgallagher.com)

CONFIDENTIAL: The information contained in this electronic communication is privileged and/or confidential. The information is for the sole use of the intended addressee. If the reader of this communication is not the intended addressee, you are hereby notified that any dissemination, distribution and/or copying of this communication or the information contained in this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at 541/484-0188 and thereafter, immediately destroy this electronic communication. Thank you.

TAX ADVICE DISCLAIMER: Pursuant to federal law, you are advised that any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.



# ARNOLD GALLAGHER

A Professional Corporation

---

ATTORNEYS AT LAW

800 U.S. Bank Center  
800 Willamette Street  
Eugene, OR 97401

Telephone: (541) 484-0188  
Facsimile: (541) 484-0536  
E-Mail: mreeder@agsprp.com  
www.arnoldgallagher.com

Correspondence:  
P.O. Box 1758  
Eugene, OR 97440-1758

MICHAEL M. REEDER

July 28, 2012

***Via Email and USPS***

Laura Terway, AICP  
Planning Division  
PO Box 3040  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97405

**Re: Teen Challenge International Pacific Northwest Centers  
Acknowledgement of the Applicability of the Equal Terms Provision**

Dear Ms. Terway:

This firm represents Teen Challenge International Pacific Northwest Centers ("Teen Challenge"). Teen Challenge is interested in purchasing property located at 405 Warner Parrott Road in Oregon City, Taxlot: 3-2E-06CA-01700 located within the 10,000 Single Family Dwelling District, R-10 (the "Subject Property"). As we discussed with the City Attorney, Jennifer Bragar, Teen Challenge wishes to use the Subject Property to operate the Subject Property for housing between 30-35 disabled residents (the "Intended Use") as more fully described in Ms. Bragar's July 12, 2012 email to you.

The purpose of this letter a request that Oregon City (the "City") formally acknowledge that, pursuant to the "Equal Terms" provision of Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), 42 U.S.C. 2000cc(b)(1), that the Intended Use is an outright permitted use and that Teen Challenge need not apply for and receive a conditional use permit ("CUP") prior to using the Subject Property as intended.

**RLUIPA Equal Terms Provision**

Teen Challenge submits this letter as an official request for the City to acknowledge that the proposed use of the Subject Property is allowed pursuant to RLUIPA's Equal Terms Provision.

Teen Challenge respectfully requests that you waive the application of any provisions in the Oregon City Municipal Code ("OCMC") that would limit or prohibit the use of the Subject Property for the Intended Use. Specifically, the Equal Terms Provision of RLUIPA applies in this case. The Equal Terms provision of RLUIPA states as follows:

**“No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.” 42 USC § 2000cc-(b)(1).**

You will note that there are three independent “protection” provisions to RLUIPA: (1) substantial burden, (2) equal terms, and (3) total exclusion. The Substantial Burden provision is considered the “general” provision and the most common RLUIPA claim against a government. *See generally*, 2 Religious Organizations and the Law § 15:8. Without waiving any other claims, such as under the Substantial Burden Provision, this request for acknowledgment by the City focuses on the Equal Terms Provision. It is also important to note that “Congress expressly provided for broad construction of RLUIPA ‘in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this chapter.’” *Centro Familiar Christiano Buenas Nuevas v. City of Yuma*, 651 F.3d 1163, 1172 (9<sup>th</sup> Cir. 2011) (internal citations omitted).

Federal courts of appeals, including the Ninth Circuit, have held that no substantial burden need exist for the Equal Terms Provision to apply; it is an independent ground for relief. *Centro Familiar Christiano Buenas Nuevas*, *supra*, 651 F.3d at 1172; *Lighthouse Institute for Evangelism, Inc. v. City of Long Branch*, 510 F.3d 253 (3<sup>rd</sup> Cir. 2007), *cert denied*, 553 U.S. 1065 (2008); *Konikov v. Orange County, Fla.*, 410 F.3d 1317 (11<sup>th</sup> Cir. 2005); *Midrash Sephardi, Inc. v. Town of Surfside*, 366 F.3d 1214 (11<sup>th</sup> Cir. 2004); *see also Civil Liberties for Urban Believers v. City of Chicago*, 342 F.3d 752, 762 (7<sup>th</sup> Cir. 2003) (“the substantial burden and nondiscrimination provisions are operatively independent of one another”). The Land Use Board of Appeals also treats the Equal Terms Provision as an independent basis for analysis under RLUIPA. *See Young v. Jackson County*, 58 Or LUBA 64, 67-68 (2008) (“[b]ecause we agree with petitioners that application of the three-mile rule at OAR 660-033-00130(2) to deny the proposed church violates the ‘equal terms’ provision of RLUIPA, we do not address petitioners’ challenges under the [substantial burden provision]”). Similarly, LUBA has held that under the Equal Terms Provision “it is irrelevant that there are zones or alternative locations where the proposed religious use is allowed.” *Id* at 68, fn 3 (citing *Digrugilliers v. Consolidated City of Indianapolis*, 506 F.3d 612, 616 (7<sup>th</sup> Cir. 2007)).

In order to claim RLUIPA protection, a claimant must establish five elements: “(1) it is a religious assembly or institution, (2) subject to a land use regulation, which regulation (3) treats the religious assembly on less than equal terms with (4) a nonreligious assembly or institution (5) that causes no lesser harm to the interests the regulation seeks to advance.”<sup>1</sup> *Young*, *supra* at 72 (citing *Lighthouse*).

---

<sup>1</sup> There is some question among federal and state appellate courts whether Element #5 is in fact required. *See County of Los Angeles v. Sahag-Mesrob Armenian Christian School*, 188 Cal.App.4<sup>th</sup> 851, 864 (2010). As far as I can tell, neither LUBA nor any Oregon courts have decided the exact standard for the Equal Terms provision. *See Young*, *supra* at 73. For purposes of this request, without waiving any argument that such a requirement is necessary, we address Element #5 below.

#### Element #1 - Religious Assembly or Institution

The first element that must be shown is that the Intended Use qualifies as a “religious assembly or institution.” RLUIPA protects not only churches, synagogues, mosques, temples and other “traditional” places of worship, but also other assemblies and institutions such as the Intended Use. See *Westchester Day School v. Village of Mamaroneck*, 504 F.3d 338 (2007). Merely because a religious assembly or institution may have secular activities, it is still a protected religious exercise. See *Catholic Diocese of Baker v. Crook County*, 60 Or LUBA 157, 174 (2009) (where LUBA found that a chancery/pastoral center held more secular activities than religious activities, LUBA held that it was still a “religious exercise”). In *Westchester Day School*, the Jewish day school was deemed a religious exercise even though the curriculum was not solely religious in nature. The court in *Westchester Day School, supra*, described the Jewish day school as follows: “As a Jewish private school, Westchester Day School provides its students with a dual curriculum in Judaic and general studies. Even general studies classes are taught so that religious and Judaic concepts are reinforced...In an effort to provide the kind of synthesis between the Judaic and general studies for which the school aims, the curriculum of virtually all secular studies classes is permeated with religious aspects...” *Id* at 344.

The Intended Use of the Subject Property consists of providing a home environment for up to 30-35 disabled male students. Teen Challenge intends to provide a stable, drug and alcohol free environment based on Christian values and pastoral instruction to aid in the recovery of addiction. The Intended Use is clearly a religious assembly or institution as defined by RLUIPA.

#### Element #2 - Subject to Land Use Regulation

The land use regulation is the imposition of the R-10 zoning district that requires “Religious institutions” to apply for and receive a conditional use permit (“CUP”). See Oregon City Municipal Code (“OCMC”) 17.08.030, “Conditional uses.” Therefore, the Intended Use, which is a religious assembly or institution, is subject to a restrictive land use regulation.

#### Elements #3 and #4 – Land Use Regulation Treats Religious Assembly or Institution on Less than Equal Terms with a Nonreligious Assembly or Institution

The OCMC treats the Intended Use on unequal terms with nonreligious assemblies and institutions in the R-10 zoning district. The OCMC allows “Parks, playgrounds, playfields and community or neighborhood centers” as outright permitted uses without the need to apply for a CUP. OCMC 17.08.020, “Permitted uses.” (Emphasis mine).

Since religious assemblies and institutions, such as the Intended Use, are excluded from the “permitted uses” provisions of the R-10 regulations, while secular assemblies and institutions such as parks, playgrounds, playfields, community centers and neighborhood centers are so allowed, the Intended Use is not on equal terms and RLUIPA would be violated if Teen Challenge was unable to use the Subject Property without receiving a CUP from the City.

For purposes of the Equal Terms Provision, an “assembly” is a place where groups or individuals dedicated to similar social, educational or recreational purposes meet to pursue those interests. *Young, supra* at 78 (citing *Midrash, supra* at 1230-31). In *Young*, LUBA discussed what types of uses and activities constituted nonreligious assemblies or institutions for purposes of comparison with religious assemblies and institutions. *Id* at 74-76. LUBA discussed the fact that the RLUIPA legislative record intended nonreligious assemblies and institutions to “encompass a broad scope.” *Id* at 74. LUBA held that golf courses, parks, playgrounds, and living history museums all constituted nonreligious assemblies or institutions. *Id* at 74-75.

In *Victory Center v. City of Kelso*, Slip Copy 2012 WL 1133643 (W.D. Wash.) (April 4, 2012), the court found that a religious institution that held educational sessions in life skills for youth and adults, cultural events, and conferences within the Church of Truth, was a comparator to secular uses listed in the city’s zoning regulations, including community centers.

In *River of Life Kingdom Ministries v. Village of Hazel Crest*, 611 F.3d 367, 371 (7<sup>th</sup> Cir. 2010), the Seventh Circuit Court of Appeals held: “If a church and a community center, though different in many respects, do not differ with respect to any accepted zoning criterion, then an ordinance that allows one and forbids the other denies equality and violates the equal-terms provision.” The thrust of this case is that the court found that community centers were secular comparators to churches. The court further explained: “...Hazel Crest’s zoning ordinance originally allowed meeting halls and community centers, which are likely comparable to a church under any standard of equivalency.” *Id*, fn 1.

In *Midrash, supra*, the Eleventh Circuit Court of Appeals found that “private clubs” and “lodges” were similarly situated to churches and synagogues. The court cited the RLUIPA legislative history for support: “[the Equal Terms provision] was intended to apply in *precisely* the situation presented here. *See* Joint Statement, at \*S7774 (‘Zoning codes frequently exclude churches in places where they permit theaters, meeting halls, and other places where large groups of people assemble for secular purposes.’” *Id* at 1231 (Emphasis in original).

#### Element #5 - Causes No Lesser Harm to the Interests the Regulation Seeks to Advance

This element requires an analysis of the “interests” that the regulation seeks to advance. Another way of describing Element #5 is that the proposed use is no more harmful to the “regulatory objectives” of the land use regulation seeking to be waived. *See generally, Young, supra* at 72-74. In the *Young* case, the applicable land use regulation, OAR 660-033-0130(2), prohibited churches (and schools) within a three-mile radius of a UGB on EFU land (without taking an exception). *Id* at 66. LUBA indicated that the policy purpose of the so-called “three-mile rule” was to preserve the integrity of that urban-rural boundary that is required by Statewide Planning Goal 14 (Urbanization). *Id* at 74. The three-mile rule is an attempt to prohibit churches and schools within a three-mile radius of a UGB on the premise that churches and schools would likely not serve a suburban or urban population. However, since OAR 660-033-0130(2) allowed nonreligious public assemblies and institutions such as golf courses, public and private parks, playgrounds and living history museums, all of which would not be limited to serving rural populations, LUBA held that the three-mile rule



was not a basis for denial. *Id* at 81.

The *Young* case is instructive here. The purpose of the R-10 zone is found in OCMC 17.08.010 as follows:

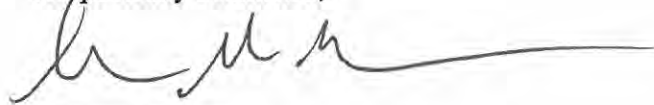
**“Designated. This residential district is designed for areas of single-family homes on lot sizes of approximately ten thousand square feet.”**

Parks, playgrounds, playfields, community centers and neighborhood centers do not advance the purposes of the R-10 zone any more than the Intended Use. Each above-cited uses is not a residential use, and is not necessarily limited to lots of approximately ten thousand square feet. Element #5 is therefore satisfied. In fact, the Intended Use is a residential use, and is therefore more compatible with the designated purpose of the R-10 zoning district than other, secular, outright permitted uses.

#### **Conclusion**

The Intended Use is a religious assembly or institution protected by RLUIPA. The R-10 zoning district allows nonreligious assemblies and institutions that do no less harm to the purposes of the R-10 zoning district as the Intended Use. Therefore, pursuant to the Equal Terms Provision of RLUIPA Teen Challenge respectfully requests that the City formally acknowledge that the Intended Use be permitted outright. Thank you for your consideration in this matter.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Micheal M. Reeder', with a long horizontal flourish extending to the right.

Micheal M. Reeder  
Attorney for Teen Challenge

cc: Jennifer Bragar, City Attorney  
Chris Hodges  
Dave Oliver



**From:** Micheal Reeder  
**To:** [Laura Terway](#)  
**Cc:** [rickgivens@gmail.com](mailto:rickgivens@gmail.com); [JBragar@gsblaw.com](mailto:JBragar@gsblaw.com)  
**Subject:** RE: Teen Challenge Portland Metro's Men's Center  
**Date:** Thursday, February 20, 2014 1:38:48 PM  
**Attachments:** [Bragar 081412.pdf](#)

---

MICHEAL M. REEDER



T: (541) 484-0188 / F: (541) 484-0536  
800 Willamette Street, Suite 800, Eugene, OR 97401  
[www.arnoldgallagher.com](http://www.arnoldgallagher.com)

CONFIDENTIAL: The information contained in this electronic communication is privileged and/or confidential. The information is for the sole use of the intended addressee. If the reader of this communication is not the intended addressee, you are hereby notified that any dissemination, distribution and/or copying of this communication or the information contained in this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at 541/484-0188 and thereafter, immediately destroy this electronic communication. Thank you.

TAX ADVICE DISCLAIMER: Pursuant to federal law, you are advised that any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

**From:** Micheal Reeder  
**Sent:** Thursday, February 20, 2014 1:31 PM  
**To:** Laura Terway ([lterway@ci.oregon-city.or.us](mailto:lterway@ci.oregon-city.or.us))  
**Cc:** Rick Givens ([rickgivens@gmail.com](mailto:rickgivens@gmail.com)); Jennifer Bragar ([JBragar@gsblaw.com](mailto:JBragar@gsblaw.com))  
**Subject:** Teen Challenge Portland Metro's Men's Center

Laura:

Please see the attached letters dated July 28, 2012 and August 14, 2012 and include them both into the record for CUP 13-01/SP 13-11/LL 13-04. These two letters are referenced in Ms. Bragar's August 8, 2012 and September 13, 2012 letters that have been included into the record (presumably by City staff) as Exhibit 10.

Regards,

MICHEAL M. REEDER



T: (541) 484-0188 / F: (541) 484-0536  
800 Willamette Street, Suite 800, Eugene, OR 97401  
[www.arnoldgallagher.com](http://www.arnoldgallagher.com)

CONFIDENTIAL: The information contained in this electronic communication is privileged and/or confidential. The information is for the sole use of the intended addressee. If the reader of this communication is not the intended addressee, you are hereby notified that any dissemination, distribution and/or copying of this communication or the information contained in this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at 541/484-0188 and thereafter, immediately destroy this electronic communication. Thank you.

TAX ADVICE DISCLAIMER: Pursuant to federal law, you are advised that any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

# ARNOLD GALLAGHER

A Professional Corporation

---

ATTORNEYS AT LAW

800 U.S. Bank Center  
800 Willamette Street  
Eugene, OR 97401

Telephone: (541) 484-0188  
Facsimile: (541) 484-0536  
E-Mail: mreeeder@agsprp.com  
www.arnoldgallagher.com

Correspondence:  
P.O. Box 1758  
Eugene, OR 97440-1758

MICHEAL M. REEDER

August 14, 2012

*Via Email and First Class Mail*

Jennifer Bragar  
Garvey Schubert Barer  
Eleventh Floor  
121 S.W. Morrison Street  
Portland, Oregon 97204-3141

Re: Teen Challenge International Pacific Northwest Centers  
Acknowledgement of the Applicability of the RLUIPA Equal Terms Provision

Dear Ms. Brager:

Thank you for forwarding to me electronically your August 8<sup>th</sup> letter. I have read it but unfortunately it does not appropriately respond to my July 28<sup>th</sup> letter requesting acknowledgment from the City of Oregon City (the "City") that the Religious Land Use and Institutionalized Persons Act ("RLUIPA") Equal Terms Provision applies in this case.

Rather than relying on a Michigan Supreme Court case that addresses the Equal Protection Clause of the 14<sup>th</sup> Amendment instead of the RLUIPA Equal Terms Provision, I recommend you review RLUIPA's Equal Terms Provision, RLUIPA's legislative history, and the resulting Land Use Board of Appeals ("LUBA") and Federal case law that interpret the Equal Terms Provision. My letter did not assert an Equal Protection violation. My letter was a request that the City acknowledge that the RLUIPA Equal Terms Provision requires that the City not impose a requirement on my client to apply for and receive a conditional use permit ("CUP") for the Intended Use. I ask you to carefully review the RLUIPA case law that I cite and I do so because it appears that your reliance on the Michigan case colors your analysis of the case at hand.

Under the Equal Terms Provision of RLUIPA, a plaintiff need not demonstrate disparate treatment between two institutions similarly situated in *all* relevant respects, as is required under the Equal Protection Clause (as articulated in *Shepherd Montessori Center Milan v. Ann Arbor Charter Township*, 783 N.W2d 695, 700 (Mich. 2010)). Your citation of the Michigan case, along with your associated commentary strongly implies that Teen Challenge is using "religion in an effort to obtain preferential treatment over non-religious uses." However, Teen Challenge is not seeking preferential treatment; rather it is seeking to be treated the same as secular assemblies and institutions in

accordance with RLUIPA's Equal Terms Provision. The 11<sup>th</sup> Circuit stated: "For purposes of a RLUIPA equal terms challenge, the standard for determining whether it is proper to compare a religious group to a nonreligious group is not whether one is 'similarly situated' to the other as in our familiar equal protection jurisprudence. Rather, the relevant 'natural parameter' for comparison is the category of 'assemblies and institutions' as set forth in RLUIPA." *Konikov v. Orange County*, 410 F3d 1317, 1324 (11<sup>th</sup> Cir. 2005) (citing *Midrash Sephardi, Inc. v. Town of Surfside*, 366 F3d 1214 (11<sup>th</sup> Cir. 2004) (emphasis mine). In *Midrash*, the 11<sup>th</sup> Circuit stated: "...while §(b)(1) [Equal Terms Provision] has the 'feel' of an equal protection law, it lacks the 'similarly situated' requirement usually found in equal protection analysis." *Id* at 1229.

RLUIPA is a remedial statute meant to provide additional protection to Religious Institutions and Assemblies, above and beyond the Equal Protection Clause within the constraints of the Free Exercise Clause of the 1<sup>st</sup> Amendment. Equating the Equal Terms Provision comparator analysis with the Equal Protection Clause comparator analysis as you appear to do would necessarily render the Equal Terms Provision superfluous and contradicts LUBA and the 9<sup>th</sup> Circuit.

LUBA and Federal case law make it clear that a perfect comparator analysis is not required. In fact, the 9<sup>th</sup> Circuit recently adopted the "similarly situated as to the regulatory purpose" standard similar to the 3<sup>rd</sup> Circuit. See *Centro Familiar Cristiano Buenas Nuevas v. City of Yuma*, 651 F3d 1163 (9<sup>th</sup> Cir. 2011)<sup>1</sup> and *Victory Center v. City of Kelso*, Slip Copy, 2012 WL 1133643 (W.D.Wash.) (April 4, 2012).

In 2011 the 9<sup>th</sup> Circuit recently held that the local government has the burden of showing how the ordinance is not treating the Religious Assembly or Institution unequally:

"The city violates the equal terms provision only when a church is treated on a less than equal basis with a secular comparator, similarly situated with respect to an accepted zoning criteria. The burden is not on the church to show a similarly situated secular assembly, but on the city to show that the treatment received by the church should not be deemed unequal, where it appears to be unequal on the face of the ordinance." *Centro Familiar Cristiano Buenas Nuevas*, 651 F3d at 1173.

The 9<sup>th</sup> Circuit explained:

"In this case, no 'accepted zoning criteria' justifies the exception of religious organizations in the 'as of right' ordinance provision... The city code does not address vehicular traffic or parking needs, as a neutral restriction on the size of membership organizations might. It does not address generation of tax revenue, since it allows all sorts of non-taxpayers to operate as of right, such as the United States Postal Service, museums, and zoos." *Id* at 1173 (emphasis mine).

---

<sup>1</sup> Your August 8, 2012 letter incorrectly indicated that this case was decided in 2001 rather than 2011.

Additionally, LUBA, in 2008, stated:

“While there are obvious functional differences between a religious assembly and a golf course, private or public park, or a living history museum, the focus under the equal terms provision (at least as the 3<sup>rd</sup> Circuit construes it) is less on functional similarities and dissimilarities and more on whether the secular assembly ‘causes no lesser harm to the interests the regulation seeks to advance.’” *Young v. Jackson County*, 58 Or LUBA 64, 78-79 (2008) (emphasis mine).

In an apparent attempt to distinguish community centers and neighborhood centers from the Intended Use in a way that those secular uses are not comparators for purposes of the Equal Terms Provision, you assert, without any support, that community centers and neighborhood centers do not provide overnight accommodations. However, I find no support for this in the Oregon City Municipal Code (“OCMC”). In fact, there does not appear to be any limitations on community centers or community centers in terms of overnight accommodations, overall size of the building or numbers of uses, frequency of events, numbers of residents or employees, types of use or activities or any other uses. Additionally, although I am unfamiliar with the City’s patterns or practices, other communities regularly house individuals such as the homeless in community centers or neighborhood centers.

More to the point, even if your assertion is correct, that community centers and neighborhood centers do not provide overnight accommodations, that fact alone *supports* Teen Challenge’s contention that the Intended Use of the Subject Property is allowed without need for a CUP because the Intended Use includes, among other uses, overnight accommodations for (permanent) residents. The Intended Use is more in harmony with the purpose of the R-10 zone than community centers and neighborhood centers that have no residential component. You assert that community centers and neighborhood centers “are day uses that serve or operate for the benefit of the R-10 zone’s residential uses.” However, the Intended Use need not support residential uses, because it is *itself* a residential use (one protected not only by RLUIPA’s Equal Terms Provision but also by the Federal Fair Housing Act). Again, there is apparently no limitation on the hours of operation for community centers and neighborhood centers and therefore, your assertion that such secular uses are “day uses” is suspect. Even if they are limited to daytime operations, your logic is flawed. Almost all nonresidential uses, in one way or another, “serve or operate to benefit” residential zones. Gas stations, movie theaters, fire stations, restaurants, delis, etc. generally serve residential uses. The potential adverse impacts to the R-10 zoning district are much greater with a community center or a neighborhood center that is unlimited in size (and therefore, noise, traffic, and parking impacts, among others).

Lastly, your first full paragraph on page 2 is devoted to the proposition that since the OCMC “lists a secular comparator to the Intended Use that is similarly situated with respect to the accepted zoning criteria in its listing of ‘group home for over fifteen people,’” this fact negates an Equal Treatment Provision challenge. This is in error. The standard is not whether there is *one* secular comparator that is treated the same as the Religious Assembly or Institution, but whether there are *any* secular comparators that are treated more favorably than the Religious Assembly or Institution in




Jennifer Bragar  
August 14, 2012  
Page 4

question. See *Lighthouse Institute for Evangelism v. Inc. v. City of Long Branch*, 510 F3d 253, 264 (3d Cir. 2007), *cert. denied*, 553 US 1065 (2008). You have impermissibly reversed the standard.

I respectfully request that you reevaluate your position and advise the City to recognize that the Intended Use is permitted without the need for a CUP, especially in light of the recent 9<sup>th</sup> Circuit case that states: "Congress expressly provided for broad construction [of RLUIPA] 'in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this chapter.'" *Centro Familiar Christiano Buenas Nuevas*, 651 F3d at 1172. We hope to resolve this matter soon and appreciate very much your prompt attention in this matter thus far.

Regards,

A handwritten signature in black ink, appearing to read "Micheal M. Reeder", with a long horizontal flourish extending to the right.

Micheal M. Reeder

MMR:jgh

cc via email only:

Chris Hodges  
Dave Oliver  
William K. Kabeisemen  
Edward J. Sullivan  
Laura Terway, AICP

**From:** Laura Terway  
**To:** "bramsour@comcast.net"  
**Subject:** RE: metro men's ctr  
**Date:** Monday, February 24, 2014 8:42:00 AM


---

Thank you for your comments, I will enter them into the record.



**Laura Terway, AICP  
Planner**  
Planning Division  
PO Box 3040  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045  
Phone: 503.496.1553  
Fax: 503.722.3880  
[literway@orc.org](mailto:literway@orc.org)

Please note the Planning Division is available from 8am - 5pm Monday - Thursday and by appointment on Friday.

 Please consider the environment before printing

*PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.*

**From:** bramsour@comcast.net [mailto:bramsour@comcast.net]  
**Sent:** Friday, February 21, 2014 10:06 AM  
**To:** Laura Terway  
**Subject:** metro men's ctr

Laura,

We feel the construction of the proposed 60 bed dormitory in our neighborhood is a very bad idea. To locate this right in the middle of a family neighborhood is wrong. If you take a look at where the 5 closest "men's centers" are now, you will see that 3 of them are in commercial areas, and the other 2 in remote areas. That is where these belong, not here. In his own words, Wallace states that he appreciated how this (Warner Parrot) site is away from some of the temptations that were present at their previous location. I thought they said that these men were constantly monitored, and were not allowed to leave the site. To us this is a safety concern as we realize that drug addiction, and property crimes go hand in hand. While we do not live within 300' of the site, we do live in the South End neighborhood, and just moved here from N.E. Portland for a quiet lifestyle. My 81yr old mother lives about 1000' away, just across the field behind the site. She lives alone, as do many of her neighbors. She has lived here for about 60yrs and is very upset about this plan, and shocked that the city planners would allow this to procede. This is just the wrong location for this.

Bill and Julie Ramsour  
946 Woodlawn ave.  
Oregon City

**From:** [Christina Robertson-Gardiner](#)  
**To:** [Laura Terway](#)  
**Subject:** FW: metro men's ctr  
**Date:** Friday, February 21, 2014 10:42:43 AM

---

---

**From:** bramsour@comcast.net [mailto:bramsour@comcast.net]  
**Sent:** Friday, February 21, 2014 10:41 AM  
**To:** David Frasher; Tony Konkol; Christina Robertson-Gardiner; Pete Walter; Kelly Moosbrugger  
**Subject:** metro men's ctr

We feel the construction of the proposed 60 bed dormitory in our neighborhood is a very bad idea. To locate this right in the middle of a family neighborhood is wrong. If you take a look at where the 5 closest "men's centers" are now, you will see that 3 of them are in commercial areas, and the other 2 are in remote areas. That is where they belong, not here. In his own words, Wallace states that he appreciates how this (Warner Parrot) site is away from some of the temptations that were present at their previous location. I thought they said these men were constantly monitored, and not allowed to leave the site. To us this is a safety concern as we all realize that drug addiction, and property crime go hand in hand. While we do not live within 300' of the site, we do live in the South End neighborhood, and just moved here from N. E. Portland for a quiet lifestyle. My 81yr old mother lives about 1000' away, just across the field behind the site. She lives alone, as do many of her neighbors. She has lived here for about 60yrs and is very upset about this plan. Some of her friends are also concerned about what this could do to their property values. Please consider these issues, this is just the wrong location for this project.

Thank you,  
Bill and Julie Ramsour  
946 Woodlawn av.  
Oregon City

**From:** Rick Givens  
**To:** Laura Terway  
**Subject:** RE: PMMC Responsive Testimony  
**Date:** Friday, February 21, 2014 4:21:33 PM  
**Attachments:** PMMC Responsive Testimony.pdf

---

Laura,

Here is the file again. It seems to open fine on our end, but please let me know if you have problems with it and I will bring it in person on Monday.

Rick

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

From: Laura Terway [mailto:[lterway@ci.oregon-city.or.us](mailto:lterway@ci.oregon-city.or.us)]  
Sent: Friday, February 21, 2014 3:49 PM  
To: Rick Givens  
Cc: Laura Terway; Garry Wallace; mreeder@arnoldgallagher.com; hodgesc@comcast.net; Tony Konkol; Jennifer Bragar  
Subject: Re: PMMC Responsive Testimony

Rick,

I am unable to open the PDF attachment successfully. Can you resend? Thank you

-Laura Terway

> On Feb 21, 2014, at 3:22 PM, "Rick Givens" <[rickgivens@gmail.com](mailto:rickgivens@gmail.com)> wrote:

>

> Hi Laura,

>

> I am attaching testimony that we are submitting in response to questions and

> issues raised at the February 10, 2014 Planning Commission hearing on the

> Portland Metro Men's Center Conditional Use Permit and Site and Design

> Review applications. Please include this in the record for the Planning

> Commission's consideration.

>

> Thanks,

>

> Rick Givens

> Planning Consultant

> 18680 Sunblaze Drive

> Oregon City, OR 97045

> PH: (503) 479-0097

> Cell: (503) 351-8204

> email: [rickgivens@gmail.com](mailto:rickgivens@gmail.com)

>

>

> <PMMC Responsive Testimony.pdf>

Portland Metro Men's Center  
Applicant's Responsive Testimony  
To Opponent Comments From  
2-10-2014 Planning Commission Hearing

Since many of the comments made at the initial public hearing were duplicative of comments made by others, we will organize our responsive testimony by topic rather than by individual testimony.

**Issue 1:** Does the use proposed by Portland Metro Men's Center qualify as a "religious institution" allowed conditionally within the R-10 zone? Questions were raised as to whether it qualifies since it is not a church in the traditional sense of being open for to the general public for worship.

**Response:** OCMC 17.04.1015 defines a religious institution as follows:

*A church or place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground or cemetery.*

Portland Metro Men's Center (PMMC) operates a Christian recovery program that is based upon religious training and counseling and that involves Christian worship services on a regular basis. These activities are consistent with the above definition as the use is a place of religious assembly and worship. PMMC is owned by Teen Challenge International Pacific Northwest Centers, a non-profit religious institution operating under Section 501(c)(3) of the Internal Revenue Code.

**Issue 2:** Does the proposed dormitory use qualify as a "group home" as allowed under the conditional use provisions of the R-10 zone? Testimony was offered that since the proposed use isn't licensed by the State of Oregon, it wouldn't qualify as a group home.

**Response:** While the State of Oregon does require licensing for group homes that provide treatment for individuals with medical or behavioral issues, the term is not restricted to such uses. PMMC offers no medical treatment. The program is based entirely on religious training and, as such, is not subject to state licensing requirements. OCMC 17.08.030(J) lists group homes as a conditional use permissible in the R-10 zone. The term "group home" is not defined in the definitions section under OCMC 17.04. The proposed dormitory provides group living quarters for men enrolled in the PMMC program. There are no individual kitchen facilities for each room and, therefore, the rooms are not multi-family residences. The proposed facility, however, does provide group living quarters for those enrolled in the PMMC program and, therefore, is consistent with an allowed group home use.

**Issue 3:** Is the proposed use a "residential care facility" regulated under ORS 443.400?

**Response:** ORS 443.400(5) states, "Residential care facility means a facility that provides, for six or more socially dependent individuals or individuals with physical disabilities, residential care in one or more buildings on contiguous properties." The men



enrolled in the PMMC program are not socially dependent and do not have physical disabilities. PMMC maintains any pharmaceuticals that people enrolled in the program may be prescribed by a physician and makes sure that they are taken at times and in dosages in accordance with the prescription. It was suggested that the fact that this was being done constituted residential care. These prescription drugs have nothing to do with the program and the supervisory role PMMC fills is no different than that done by one member of a household for another. Finally, we would point out that, even if the faith-based counseling program were somehow determined to be a residential care facility, such facilities are an allowed conditional use in the R-10 zoning district.

**Issue 4:** Does the scale of the proposed dormitory facility conflict with the character of the neighborhood in a manner “which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed” in the underlying zoning district? (Quote from OCMC 17.56.010.A.4)

**Response:** The proposed dormitory building is a two-story structure that complies with the height standard of the R-10 zoning district. The testimony offered at the public hearing was from a resident living on Shore Pine Place stating that he would be impacted by the size of the dormitory building that would be visible from his property. The photograph below is from Google Maps and is taken at the intersection of Shore Pine Place and Brookside Road:



All of the homes in the photo are two-story residences that are approximately the same height as the proposed dormitory. The pictured homes are, reading from right to left, 12399, 12383, 12391, and 12399 Shore Pine Place. These homes are listed on County records as having the following floor areas: 2,515 sq. ft., 2,419 sq. ft., 2,515 sq. ft., and 2,404 sq. ft. All have attached two-car garages which would add approximately 400 sq. ft. each to their total enclosed space. The total enclosed building area of these four homes would come to approximately 11,453 sq. ft. The proposed dormitory building measures 10,831 sq. ft., or about 622 sq. ft. less than the combined area of the four homes. The dormitory has a 36-foot setback from the property line abutting Shore Pine Place, which is 20 feet greater than the R-10 interior yard setback standard. The proposed dormitory is set back 46 feet from the rear property line, which is 26 feet greater than the required setback in the R-10 zone. The proposed building location is approximately 100 feet from the single home on the south side of Shore Pine Place that would look to the northwest at the proposed dormitory. As a point of comparison, the home at 12375 Shore Pine Place is approximately 120 feet from the existing church building that is of a similar total floor area (although all on one level) and which has a similar height at the peak of the sanctuary as the proposed dormitory. The view of the existing church from Shore Pine Place is shown below:



The landscape plan calls for the construction of a 6-foot high solid wood fence that lines the perimeter of the property (except along the portion of the right-of-way of Shore Pine Place that abuts the eastern property line). Additionally, the site plan includes significant vegetative buffering along the perimeter of the property, including trees as shown in the Preliminary Landscape Plan, which will help to mitigate any visual impact associated

with both the existing church building and the proposed dormitory. Currently, there are no trees on the property. The Preliminary Landscape Plan will significantly improve the property and the immediate vicinity. The applicant will work with the Fire Department on the design of the emergency vehicle access gate to be constructed at the end of Shore Pine Place and, if possible, design to be sight-obscuring as well.

The height of the proposed dormitory is approximately 29 feet, well below the 35 foot maximum in the R-10 zone.

It must be noted that the standard is not whether the proposed use will be of a scale that is visible from adjoining properties. Rather, it is whether the scale would substantially limit, impair or preclude the use of surrounding properties for the primary uses allowed, in this case, in the R-3.5 zoning district. Since this neighborhood was developed, the homes were built, sold and have been lived in since 2007 already having an unobstructed view of the similarly-scaled existing church. The proposed dormitory building will be screened with fencing, will be landscaped and incorporates exterior materials that are comparable to those found in single-family homes in the abutting neighborhood.

We would also point out that it is not unusual in the least for single-family neighborhoods to abut uses incorporating even much larger buildings than the proposed dormitory. Churches, schools, and multi-family uses commonly abut single-family neighborhoods without causing significant impact on these neighborhoods. For all of these reasons, it is clear that the proposed dormitory would not limit, impair or preclude the adjoining properties from the single-family residential uses developed there.

**Issue 5:** Is the size of the property suitable for the use proposed?

**Response:** The staff report, in discussion of OCMC 17.56.010.A.2, attempts to address the issue of the relationship between the proposed use and the size of the property by comparing the maximum number of men who could be housed in the dormitory to the density of development allowable under the existing R-10 zoning. The staff report notes:

The Oregon City Municipal Code and Comprehensive Plan do not provide a limitation or specific criteria to determine the number of people who may live in a group home, the size limitations for religious institutions or the size of offices associated with conditional uses.

The staff report, on page 13-14, then provides a discussion of residential density that is typically found on average in the city and also a discussion of the density that could be developed on the site under its existing R-10 zoning. These methods are suggested as a potential means for the Planning Commission to compare site size with the maximum number of men (62) who could be housed in the dormitory.

While we understand that the staff report is simply trying to provide some context for the Planning Commission's consideration of the size issue, we believe that there are two problems with this particular approach:

1. We do not believe that the code envisions a density test as a means of evaluating whether a property is of a suitable size for a proposed conditional use. The range of conditional uses permissible in the R-10 zone includes things as diverse as golf courses, cemeteries, schools, churches, emergency services, public utilities, etc. for which density is clearly not any measure of whether the site is of adequate size for the use proposed. Rather, the issue of size relates to whether the proposed use and all of the facilities associated with it physically fit on the property in conformance with setbacks, lot coverage, minimum landscaped area requirements, parking standards, etc. As discussed in our application and in the staff report findings, the proposed use does fit well on the property in compliance with the applicable standards. In fact, the setbacks proposed are considerably greater than required, the amount of landscaping exceeds standards, and lot coverage is well under the maximum permitted in the R-10 zone. Clearly, the size of the property is adequate to accommodate the proposed use.
2. If the Planning Commission were to consider density of development in looking at adequacy of the property size for the proposed use, it would be more appropriate to use the density allowable in the R-3.5 for comparison purposes. The dormitory is located in an area that is surrounded on three sides by neighborhoods zoned and developed at an R-3.5 density of development. Shore Pine Place, the street which is stubbed into the subject property, is located in an R-3.5 subdivision. If this property were to be converted to residential use, it is nearly certain that a developer proposing to tear down the church and continue this street through the subject property would only be able to financially do so if a request for R-3.5 zoning were approved by the City. The site contains 2.13 acres of land and, assuming a deduction for a typical street area of 20%, the net site area would allow 21 units on the subject property. Assuming an average size of 3 persons per household, the number of residents that could be accommodated on the site would be 63, which is consistent with the number of people who could be housed in the dormitory.

**Issue 6:** Are the existing sewer, water and storm drainage facilities adequate to accommodate the proposed use?

**Response:** All necessary sewer, water and storm drainage facilities are available in Warner Parrott Road. A civil engineer has prepared the preliminary utility plans in accordance with City standards and they have been reviewed by City engineering staff and have been determined to be adequate to serve the proposed use.

In response to several comments about storm drainage impacts, we are attaching a summary page from the storm drainage report submitted with this application. Please note that this report, together with the storm drainage plan, call for the construction of three storm water detention basins on the subject site to ensure that the rate of storm runoff from the site following development is consistent with City standards and can be adequately accommodated by the storm sewer in Warner-Parrott Road. This report and plan have been reviewed and accepted by City engineering staff.



**Issue 7:** Neighborhood concerns about noise, safety and adequate oversight of men enrolled in the program.

**Response:** First, we agree with the points made in the City legal counsel's memorandum dated Feb. 3, 2014 relative to The Fair Housing Act (FHA). Much of the characterization of the men enrolled in the PMMC program in testimony at the public hearing was stereotypical. All applicants to the program are screened prior to being admitted and no one having a record involving physical violence or sexual crimes is eligible for the program. The men enrolled in the program are there voluntarily. If they wish to leave, PMMC will take them to the bus station and send them home. Men enrolled in the program must live by the rules PMMC establishes or they are expelled from the program. They are tested randomly with urine tests to ensure that no drug or alcohol use exists.

Concerns were expressed about whether there would be adequate supervisory staff on the property, especially at night. While students are free to leave the program at any time, PMMC will employ security systems to ensure that they live in accordance with the rules PMMC establishes. The men living on the property will be in the dormitory by 9:00 pm and lights will be turned out by 10:00 pm. Doors and windows will be monitored and an alarm will go off if they are opened during night hours. Two staff members will be on site in the dormitory during night hours, which is adequate given the screening of the students and the voluntary nature of the program.

Testimony was offered regarding noise and unwanted contact of men enrolled in the program with neighbors. We must point out that single-family homes often abut parks and school playgrounds used by the public and that noise from outdoor activities is not out of character for such neighborhoods. PMMC is very concerned about being a good neighbor and has modified its policies in response to these complaints and now requires staff supervision of outdoor activities. The installation of perimeter fencing and landscaping will also help with these concerns.

**Issue 8:** Is the proposed use a "school" and, if so, should it be licensed?

**Response:** Several opponents were concerned by the use of the term "students" by PMMC in referring to those enrolled in this program. The men enrolled in the program receive religious instruction. Such instruction is similar in nature to adult bible classes offered at most churches. This instruction includes academic development, but there is no educational degree or professional accreditation associated with the program and, therefore, no licensing is required by the State of Oregon. Constitutional provisions guaranteeing separation of church and state preclude any government licensing of religious training. The term "student" is applied to people enrolled in many endeavors outside of a formal school environment; with art, music, dance classes and Sunday school classes being typical examples. PMMC chooses to use that term because they believe it best describes the relationship that exists between those receiving religious instruction in this program.



**Issue 9:** Traffic. Several people were concerned about traffic impacts associated with the PMMC project. Additionally, one Planning Commissioner had questions on this topic.

Response: The executive summary page from the traffic study prepared for this application is attached. The report shows that the traffic generated by this project is minimal and that the affected intersections will operate at a Level of Service B during both the morning and evening rush hour periods. Sight distance at the project driveway exceeds city standards. The traffic report, which has been reviewed and accepted by the City's traffic consultant, concludes, "The transportation system within the impacted area of the proposed subdivision is capable of safely accommodating the addition trips resulting from the proposed subdivision. No mitigations are needed or recommended."

### **Detention Summary:**

The detention requirements will be met with three detention areas. The north detention area will be 3 feet deep with 2 feet of detention storage and 1 foot of freeboard during a 25 year storm event. The flow control structure will have two orifices and an overflow riser. The bottom orifice will be 1 ¾ inches in diameter and the top orifice will be 4 inches.

The south two ponds will be at the same elevation and will drain into one flow control structure, so they will basically act like one pond. Both ponds will be 2 feet deep with 1.5 feet of detention storage and 6 inches of freeboard during a 25 year storm event. The flow control structure will have two orifices and an overflow riser. The bottom orifice will be 3 ½ inches in diameter and the top orifice will be 4 ½ inches.

The following tables show that the detention requirements have been met.

#### **Minimum Peak Rate Stormwater Runoff Control Requirements.**

2yr, 24-hour storm event must be controlled to 50% of the pre-developed runoff rate of a 2yr 24 hour storm event.

<b>2-year allowable release rate (1/2 of the 2 year pre dev. runoff)</b>	<b>2-year post development release rate</b>
<b>0.42 cfs</b>	<b>0.42 cfs</b>

5yr, 24-hour storm event must be controlled to the pre-developed runoff rate of a 5yr 24-hour storm event.

<b>5-year allowable release rate</b>	<b>5-year post development release rate</b>
<b>1.08 cfs</b>	<b>0.64 cfs</b>

25yr, 24-hour storm event must be controlled to the pre-developed runoff rate of a 10yr 24-hour storm event.

<b>25-year allowable release rate</b>	<b>25-year post development release rate</b>
<b>1.22 cfs</b>	<b>1.15 cfs</b>

1e

## Executive Summary

1. The property at 405 Warner Parrott Road in Oregon City, Oregon is proposed for redevelopment into the Portland Metro Men's Center, a Christian adult drug and alcohol rehabilitation program. The property was previously used as a traditional church. The proposal includes remodeling the existing church building, and construction of new office and dormitory buildings, as well as other ancillary improvements.
2. Trip generation estimates show that approximately 18 new trips are expected to be generated during the morning peak hour, with 12 entering the site and 6 exiting. During the evening peak hour, 23 new trips are expected, with 10 entering and 13 exiting.
3. The site access forms the northern leg of the intersection of Warner Parrott Road at Shenandoah Drive. This intersection & access presently operates at level-of-service (LOS) B during both the morning and evening peak hours, with a volume-to-capacity (v/c) ratio of 0.13 in the morning and 0.06 in the evening. Following the development of the site and the growth of traffic volumes during the build-out period, the intersection and access will continue to operate at LOS B during both the morning and evening peak hours, with a v/c ratio of 0.16 in the morning and 0.08 in the evening.
4. Sight distance to the east of the site access was measured to be 385 feet. Sight distance to the west was measured to be in excess of 700 feet. This exceeds the recommended intersection sight distance of 335 feet for safe and efficient operation of the access.
5. The crash rate for the intersection of Warner Parrott Road at Shenandoah Drive and the church access is 0.16 crashes per million entering vehicles (MEV). Crash rates greater than 1.0 crashes/MEV are indicative of a need for further analysis, so the study intersection is well below this threshold.
6. Left-turn lane warrants for the turning movement into the site from Warner Parrott Road are not presently met, nor will they be following the development of the site. Left-turn lane warrants for the turning movement onto Shenandoah Drive from Warner Parrott Road are currently met, however installation of a left-turn lane is not recommended as the intersection is presently operating safely and the proposed site plan adds no left-turning movements on this approach.
7. The transportation system within the impacted area of the proposed subdivision is capable of safely accommodating the addition trips resulting from the proposed subdivision. No mitigations are needed or recommended.

**From:** [Laura Terway](#)  
**To:** [Tam's](#)  
**Cc:** [Laura Terway](#)  
**Subject:** Re: February 24, 2014 Planning Commission Hearing Agenda  
**Date:** Tuesday, February 18, 2014 7:33:53 PM

---

Yes, it is.

-Laura Terway

On Feb 18, 2014, at 7:14 PM, "Tam's" <[tamjps@gmail.com](mailto:tamjps@gmail.com)> wrote:

Hi Laura,

Is this the hearing on the Teen Challenge location on Warner Parrot?

Thanks Laura for clarification.

Steve

Steven Tam  
Sent from iPhone

On Feb 18, 2014, at 5:34 PM, Laura Terway <[lterway@ci.oregon-city.or.us](mailto:lterway@ci.oregon-city.or.us)> wrote:

Good Afternoon,

The February 24, 2014 Planning Commission agenda may be found at <http://oregon-city.legistar.com/Calendar.aspx>. Please feel free to contact the Planning Division at (503) 722-3789 for additional information. Thank you.

---

<image001.jpg>

**Laura Terway, AICP**  
**Planner**  
Planning Division  
PO Box 3040  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045  
Phone: 503.496.1553  
Fax: 503.722.3880  
[lterway@orc.org](mailto:lterway@orc.org)

Please note the Planning Division is available from 8am - 5pm Monday - Thursday and by appointment on Friday.



Please consider the environment before printing

**PUBLIC RECORDS LAW DISCLOSURE:** This e-mail is subject to the State Retention Schedule and may be made available to the public.

<PC Agenda 2.24.14.pdf>



**Objection to request by Portland Metro Men's Center**

Tom Pirkel [tompirkel@gmail.com]

Sent: Monday, February 24, 2014 5:04 PM

To: Laura Terway

ENTERED INTO THE RECORD

DATE RECEIVED: 2/24/14SUBMITTED BY: Laura TerwaySUBJECT: 3a.PC14-017new written testimony  
revd. between 2/10/14 +2/24/14

We are homeowners at 930 Woodlawn Ave, Oregon City, which is less than a mile from the Warner Parrot location of Portland Metro Mens Center. We vehemently object to the granting of a conditional use or variance for the construction of a dormitory on the property.

First of all, this is a residential neighborhood and a facility with 24/7 drug addicts and alcoholics residing there does not blend in with the character of the neighborhood. It is also a concern of the proximity of this dormitory to both Chapin Park and King School which currently is home to two High School Charter Schools.

Drug addicts are known to be very unpredictable. How can anyone say that there would be no problems with these residents, many of whom may be there against their own will? Are the local police ready to respond to problems? How can residents in the neighborhood feel safe knowing that this residence facility is close by?

Though we appreciate the goal of the Portland Men's Center to help drug addicts and alcoholics, the location is most undesirable. It seems it would be more suited close to where the addicts live and in an industrial location. Please do not bring drug addicts, potential felons and alcoholics into our neighborhoods.

We appreciate your consideration, and hope you will listen to common sense regarding this request.

Sincerely,

Thomas and Elizabeth Pirkel  
930 Woodlawn Ave  
Oregon City OR 97045

**Teen Challenge - Reeder Ltr to PC 022414**

Micheal Reeder [mreeder@arnoldgallagher.com]

**Sent:** Monday, February 24, 2014 3:28 PM  
**To:** Laura Terway  
**Cc:** JBragar@gsblaw.com; rickgivens@gmail.com; hodgesc@comcast.net; Dave Oliver [dave.oliver@teenchallengepnw.com]; Rodger.Snodgrass@teenchallengepnw.com; garry.wallace@teenchallengepnw.com  
**Attachments:** Reeder to PC 022414.pdf (628 KB)

---

Laura:

Please include the following letter into the record for CU 13-1. I will have hard copies for each PC'er at the hearing tonight, but please feel free to forward this letter to the PC prior to the hearing tonight. Many thanks!

--Mike

MICHEAL M. REEDER



T: (541) 484-0188 / F: (541) 484-0536  
800 Willamette Street, Suite 800, Eugene, OR 97401  
[www.arnoldgallagher.com](http://www.arnoldgallagher.com)

CONFIDENTIAL: The information contained in this electronic communication is privileged and/or confidential. The information is for the sole use of the intended addressee. If the reader of this communication is not the intended addressee, you are hereby notified that any dissemination, distribution and/or copying of this communication or the information contained in this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at 541/484-0188 and thereafter, immediately destroy this electronic communication. Thank you.

TAX ADVICE DISCLAIMER: Pursuant to federal law, you are advised that any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.



Micheal M. Reeder  
mreeder@arnoldgallagher.com  
541-484-0188

February 24, 2014

***Via Email and Hand Delivery***

Oregon City Planning Commission  
c/o Laura Terway, AICP, Planner  
Planning Division  
PO Box 3040  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045

**Re: Teen Challenge Portland Metro Men's Center Legal Memorandum  
Responding to Issues Raised at February 10, 2014 Public Hearing  
City File Nos. CU 13-01, SP 13-11 and LL 13-04**

Dear Planning Commissioners:

As you may recall from the initial evidentiary hearing on February 10, 2013 for the referenced matter, I represent Teen Challenge International Pacific Northwest Centers ("Teen Challenge") in relation to the Portland Metro Men's Center ("PMMC") Conditional Use Permit, Site Plan and Design Review and Lot Line Abandonment application, City file numbers CU 13-01, SP 13-11 and LL 13-04 (together, the "Application").

The purpose of this letter is to support the Application and explain, the opposition's testimony notwithstanding, that the Application meets all the criteria for approval and should therefore be approved. Additionally, I will respond to some of the comments made regarding the current use of the property and the relationship between the proposal and federal law. Please accept this letter into the record on this matter.

This letter and its attachments are supplemental to the letter from Teen Challenge's land use planning consultant Rick Givens, sent to you in care of Ms. Terway via email on February 21, 2014.

I will first address the status of the current use of the property; second, I will address the relevance of federal law in this matter; and, lastly, I will address the issues raised relating to the criteria for the Application's approval from oral and written testimony received by the City as of February 18, 2014.

### **Part 1 - Current Use of the Property**

There has been some confusion regarding the current use of the property and whether the current use of the property is permitted without a conditional use permit. The current use of the property is for a “religious institution” as defined by the Oregon City Municipal Code (“OCMC”) Chapter 17.04.1015. The OCMC specifically permits “religious institutions” subject to conditional use permit (“CUP”) approval. OCMC 17.08.030(T).

The OCMC defines “religious institution” as follows:

“A church *or* place of worship *or* religious assembly with related facilities such as the following in any combination: rectory or co[n]vent, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground or cemetery.” (Emphasis added).

The current use of the property clearly meets the OCMC’s broad definition of “religious institution.” The OCMC does not just permit the “traditional church” as claimed by some opponents; the definition is expansive and reflects the more modern approach to religious assembly and religious institutions. It includes: (1) churches, (2) places of worship, and (3) religious assemblies.

The Teen Challenge PMMC fits each of these definitions. Teen Challenge Pacific Northwest is incorporated within the State of Oregon as a religious organization and functions as a church in the traditional nature: regularly-scheduled chapel services, religious instruction and corporate worship.<sup>1</sup> Pastor Garry Wallace and his wife Rachel Wallace are both ordained ministers with the Assemblies of God.

Based on the February 3, 2014 staff report (the “Staff Report”), it is my understanding that property currently being used by Teen Challenge was used as a church (i.e. a “religious institution”) since approximately 1963. Apparently, in 1963, no land use approval (such as a CUP) for the development and use of the property as a church or religious institution was required. It is also my understanding that the property does not in fact have a CUP. However, it is also my understanding that the property has always been used as a religious institution (perhaps owned by different churches, but churches nonetheless). When Teen Challenge purchased the property in November 2012, it continued using the property as a religious institution and continues to use it as such to this day.

---

<sup>1</sup> Please see the previously submitted: (1) “Teen Challenge International USA 2012 Accreditation Standards,” and (2) the letter from Chris Hodges, President of Teen Challenge Pacific Northwest (June 19, 2012) to the Oregon City Planning Division.



The current OCMC permits “religious institutions” to use the property (which is zoned R-10) in two situations: (1) pursuant to OCMC 17.08.030(I) subject to a conditional use permit approval, and (2) as a lawful nonconforming use and structure pursuant to OCMC 17.58.030 *et seq.*

On July 12, 2012, Teen Challenge representatives met with Laura Terway, Oregon City planner, and discussed the use of the property with the City Attorney’s office prior to purchasing the property from the prior owner, the Oregon District Council of the Assemblies of God (dba Oregon Ministry Network). Teen Challenge followed up this initial meeting with a letter on June 19, 2012, wherein Teen Challenge provided the City notice of its intended “day-use” of the property and its intended future use of the property to add the residential component. The City did not require Teen Challenge to obtain a CUP in order to use the property as it is currently used (i.e. “day-use”) either prior to acquiring the property or thereafter.<sup>2</sup> The Staff Report states: “If this application is denied, the applicant will be required to stop using the site until the necessary approvals are obtained. The current day-use of the site requires Conditional Use approval by the Planning Commission.” Page 11.

Should the Planning Commission approve the Application, this issue becomes moot.

However, I must respond to this statement because if un rebutted it may be used as justification to look unfavorably towards Teen Challenge as an organization generally, and the Application specifically. To be clear, there is no evidence that the use of the property as a religious institution since 1963 has ever been discontinued for a year or more or that there have been any circumstances or events that have caused the lawful nonconformities to be discontinued.<sup>3</sup>

Next, as far as I can tell, staff have not taken the position that the “day-use” of the property by Teen Challenge is not use as a “religious institution” as defined by the OCMC. More to the point, the City has taken no enforcement action against Teen Challenge for any supposed violation of the OCMC. It is unfair to paint Teen Challenge as an organization that ignores the law, when in fact the law does not currently require a land use permit to use the property for day use.

---

<sup>2</sup> At least one opponent (Courtney Selby, February 12, 2014 email to Laura Terway) has speculated that the property might be currently used to house people overnight. That is pure speculation and it is not true. No person is, or has stayed, overnight on the property since Teen Challenge acquired the property in November 2012. The vehicles are used as transportation for the students from their sleeping quarters located approximately 35 minutes away on Sandy Boulevard in Portland to the PMMC (the “Program”) located on the property. The Program does not have a “fleet of buses.” The Program uses one (1) 20 passenger bus, four (4) 12-15 passenger vans, one (1) mini-van and one (1) car. Occasionally, someone will leave a vehicle overnight for various reasons, such as taking a trip or interns leaving vehicles overnight when they ride back and forth with the vans.

<sup>3</sup> See OCMC 17.58.030 and .040 for the specific standards that trigger discontinuance of a lawful nonconformity.



## **Part 2 - Regulation of the Use of the Property Subject to Federal Law**

Not only is it not necessary for Teen Challenge to obtain a CUP in order to operate the current day-use of the property, it is also Teen Challenge's position that Federal law prohibits the City from requiring Teen Challenge to obtain a CUP to use the property for residential purposes as part of its religious use of the property as described in the Application. This issue is discussed in more detail in letters between me, staff and the City Attorney's office and these letters have recently been submitted into the record.

While Teen Challenge reserves all state and federal constitutional and statutory rights, including those granted by the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA") and the Fair Housing Act ("FHA") amended in 1988, Teen Challenge has chosen to subject itself to the land use approval process and submitted the Application for review and approval by the City. The motivation to do so was to avoid costly and protracted litigation over the issue. However, regardless of the fact that Teen Challenge has availed itself of the OCMC processes, it is not bound by them and it hereby reserves the right, should the Application be denied (or conditioned with unreasonable and/or unlawful conditions), to seek any and all relief provided to it by state and federal law.

As with the issue of the current day use of the property, should the Application be approved (or approved with reasonable and lawful conditions of approval), the issue of federal law becomes moot.

## **Part 3 – The Application Meets All Criteria for Approval**

### **Good Neighbor Agreement**

Teen Challenge is committed to being a good neighbor. However, being a "good neighbor" does not include agreeing to unreasonable and unfair conditions of approval such as staff's proposed Condition of Approval #1. The staff-proposed Condition of Approval #1 is unreasonable, unfair and if required by the City as a condition of approval, unlawful for the following reasons:

1. As discussed in the City Attorney memorandum dated February 3, 2014, the fact that the proposed residents are recovering from substance abuse is not a reason to deny or limit the Application. The City Attorney states: "The characteristics of or circumstances affecting residents who may choose to reside in the proposed dormitory are not relevant to the approval criteria nor are perceived changes to property value resulting from such facility. The individuals who may seek residence are free to seek housing, either together or separately, anywhere within the City of Oregon City," Page 4. Teen Challenge agrees with the City Attorney on this matter; the characteristics and the circumstances affecting the residents are not relevant to the approval of the Application.

2. It is not responsive to any criteria of approval. See note #1 above. It should be understood that it is the *use* and *development* of the property that is a conditional use, not the *residents* of the property. Therefore, staff's proposed Condition of Approval #1 (i.e. the "Good Neighbor Agreement") is not lawful since it does not relate to any criterion of approval. To the extent that one may argue that such a proposed condition of approval relates to "compatibility of the surrounding neighborhood," such a link is not well founded. The "compatibility" criterion relates to the use and the structures proposed, not to the types of individuals who will reside there. Should the residents violate any law or noise ordinance, there are less invasive and discriminatory methods for achieving compliance with such laws. A good neighbor agreement as proposed by staff is simply not acceptable nor is it lawful.

3. It assumes, without any evidence, that the residents have not acted as good neighbors. This is not true. The PMMC has been operating on this site (without the residential component) since November 2012. Of all of the testimony from those in opposition, no one suggested that there has been any criminal activity associated with the PMMC. There have been no reports of any police calls to the site. There have been no reports of any activity that would constitute unreasonable behavior or behavior that is out of line with a typical residential neighborhood. All of the complaints were typical of residential behavior (alleged smoking, exercising, cursing, etc.). Other complaints are even more benign and based more on stereotypes and fears (such as being uncomfortable, etc.). The Application proposes to include fencing and landscaping to provide buffering that currently does not exist on the site. In fact, approval of the Application will not only enhance the attractiveness of the site and the neighborhood as a whole, it will provide a certain level of privacy not currently enjoyed regardless of the current use. Adding a residential component to the site is not likely to increase the risk of illegal or unreasonable behavior.

4. Teen Challenge is willing to stipulate to reasonable conditions of approval that provide a direct avenue for lodging complaints of unruly or illegal behavior, should any incidents occur. Teen Challenge is committed to such communication at this location, as it has been at other Teen Challenge locations throughout the Pacific Northwest. By committing itself to providing the neighbors with contact information and providing an annual meeting in which the neighbors could formally discuss any complaints (should such complaint arise), Teen Challenge is going above and beyond what is required for approval of the Application. One opponent to the Application testified that no one from the PMMC responded to her phone message. That is simply false. Mr. Wallace was contacted by Ms. Clevenger in October 2013 and promptly returned her call. In fact, he attempted to contact her by phone two times shortly after receiving her message. He is still willing to discuss any questions or complaints that she may have should she be willing to return his calls.

5. To the extent that the reason staff-proposed Condition of Approval #1 was as a response to the complaints from neighbors opposed to the Application, it should be remembered that Garry Wallace, the Executive Director for PMMC provided the City with a responsive letter dated February 3, 2014. This letter is found as Exhibit 8 of your February 10, 2014 hearing packet.

6. The staff-proposed Condition of Approval #1 is unreasonable because it necessarily requires Teen Challenge to obtain an agreement from a party that has already stated at the February 10<sup>th</sup> hearing that it is opposed to the Application. An agreement, in order to be binding, must be based on a mutual "meeting of the minds." It does not necessarily follow that merely by requiring two parties to negotiate in "good faith," those two parties will be able to come to an agreement. In other words, both parties could negotiate in "good faith" but never come to an agreement because their interests and opinions are too far apart. Therefore, if the staff proposed Condition of Approval #1, as currently written, were to be approved by the Planning Commission, the entire Application could fail even if both parties negotiate in good faith. Staff's proposed Condition of Approval #1 is unreasonable and has the potential to fail from the start.

7. The staff-proposed Condition of Approval #1 is unreasonable and unfair because it contemplates that there will be other terms in the agreement and those terms are not identified. Since staff suggests that the agreement include some terms that are not identified or defined, Teen Challenge cannot be held to staff's proposal. Teen Challenge cannot reasonably be expected to agree to a blank check.

8. Staff's proposed Condition of Approval #1(c) is an unreasonable term that stigmatizes the residents. It also suggests that the neighborhood will be "monitoring" the site. Such a provision is highly discriminatory against a group of residents who are protected by federal law (FHA and RLUIPA). Such a provision signals to the residents that they are second class citizens and that they are not welcome in the neighborhood.

While Teen Challenge rejects staff's proposed Condition of Approval #1, Teen Challenge offered at the February 10, 2014 hearing, its own proposed Condition of Approval #1. Teen Challenge continues to desire to be a good neighbor to the adjacent and nearby neighbors, as well as to the community at large.

### The Current and Proposed Uses are Allowed by the OCMC

As described above, the PMMC is both a “church” as defined by the state and a “religious institution” as defined by the OCMC. Some opponents have posited that the proposed dormitory is not permitted as part of a religious institution. First, even if that theory were true, the R-10 zone permits group homes of more than 15 people. OCMC 17.08.030(J). Second, the OCMC definition for “religious institution” is broad enough to include a dormitory for the residents in the PMMC Program. While cited above, it is necessary to cite again with deferent emphasis:

“A church or place of worship or religious assembly with related facilities *such as the following in any combination: rectory or co[n]vent*, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground or cemetery.” (Emphasis added).

The definition includes the term “such as” preceding the list of uses, including rectories and convents. The *Webster’s Third New International Dictionary*, page 498, defines “convent” as: “an association or community of recluses devoted to a religious life under a superior.” While the common understanding of a convent may be limited to a residence for nuns, the dictionary definition, by which we are bound, is more expansive. In fact, the proposed dormitory is more like the definition of a convent than it is a “dormitory.” *Webster’s* defines “dormitory” as “[a] residence hall providing separate rooms or suites for individuals or groups of two, three, or four with common toilet and bathroom facilities but usu. without housekeeping facilities.” Page 675. The PMMC proposed “dormitory” is more like a “convent” in that the residents are there as an association and community of students devoted to a religious life and recovery under superiors. It is pure nonsense to argue that the proposed use is not permitted by the OCMC.

### The Proposed Use is Not a Residential Treatment Facility

#### *Requirements for Residential Treatment Facilities*

“Residential treatment facilities” are required to be license by the Oregon Health Authority in order to be operated or maintained. ORS 443.410(2). A residential facility includes a “residential treatment facility.” ORS 443.400 (A “residential treatment facility” is a facility that provides six or more individuals with “residential care and treatment” for alcohol and drug dependence among other things. ORS 443.400(9). “Residential care” means “services such as supervision; protection; assistance while bathing, dressing, grooming or eating; management of money; transportation; recreation; and the providing of room and board.” ORS 443.400(4). “Treatment” means “a **planned, individualized** program of medical, psychological or rehabilitative procedures, experiences and activities designed to relieve or minimize mental, emotional, physical or other symptoms or social,



educational or vocational disabilities resulting from or related to the mental or emotional disturbance, physical disability or alcohol or drug problem." ORS 443.400(12) (Emphasis added).

*Application to Teen Challenge*

To require a license, a residential treatment facility must provide both i) care and ii) treatment on iii) a 24 hour basis. Residential facilities providing care and treatment on a less than 24 hour basis are exempted under ORS 443.405. Teen Challenge is not a "residential treatment facility" because it does not provide "treatment". Teen Challenge does not provide planned, individualized programs to any of its residents. Teen Challenge provides religious counselling and consultation to all of its participants that is not planned nor individualized towards any particular participant. Teen Challenge arguably provides "residential care." Teen Challenge does not provide supervision, protection, assistance bathing, dressing, grooming or eating or management of money. Teen Challenge provides limited transportation and recreation on a less than 24 hour basis. Teen Challenge provides room and board. However, the provisions of room and board with limited transportation and recreational facilities cannot be said to alone constitute "residential care" subjecting a facility to licensing requirements. If that were the case, then hotels, private residences, dorms, sorority, fraternities, summer camps and many other activities would fall within the ambit of "residential care." The critical factor is that "residential care" must be in conjunction with "treatment." Here there is no treatment and therefore, the presence of some residential care services alone does not then equate into a residential treatment facility.

Conclusion

Teen Challenge respectfully requests that the Planning Commission approve the Application for the reasons stated herein.

Respectfully submitted,



Micheal M. Reeder  
Attorney for Teen Challenge

cc: Jennifer M. Bragar, City Attorney  
Rick Givens  
Chris Hodges



**FW: Code Enforcement Complaint Notice - Alleged Unpermitted Uses - 405 Warner Parrot Road**

Micheal Reeder [mreeder@arnoldgallagher.com]

**Sent:** Monday, February 24, 2014 3:03 PM

**To:** Laura Terway

**Attachments:** Oregon City Enforcement Le~1.pdf (60 KB)

Laura: If not included already, please include this email into the record for CU 13-1. Many thanks!

MICHEAL M. REEDER



T: (541) 484-0188 / F: (541) 484-0536

800 Willamette Street, Suite 800, Eugene, OR 97401

[www.arnoldgallagher.com](http://www.arnoldgallagher.com)

CONFIDENTIAL: The information contained in this electronic communication is privileged and/or confidential. The information is for the sole use of the intended addressee. If the reader of this communication is not the intended addressee, you are hereby notified that any dissemination, distribution and/or copying of this communication or the information contained in this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at 541/484-0188 and thereafter, immediately destroy this electronic communication. Thank you.

TAX ADVICE DISCLAIMER: Pursuant to federal law, you are advised that any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

**From:** Micheal Reeder

**Sent:** Monday, February 24, 2014 11:42 AM

**To:** 'awilson@orccity.org'

**Cc:** Laura Terway (lterway@ci.oregon-city.or.us); Jennifer Bragar (JBragar@gsblaw.com); Chris Hodges (hodgesc@comcast.net); Rodger Snodgrass@teenchallengepnw.com; 'Dave Oliver'; garry.wallace@teenchallengepnw.com

**Subject:** Code Enforcement Complaint Notice - Alleged Unpermitted Uses - 405 Warner Parrot Road

Dear Ms. Wilson:

As you know, I represent Teen Challenge International Pacific Northwest Centers ("Teen Challenge"), the owner of 405 Warner Parrot Road, Oregon City, Oregon 97045 (the "subject property") and the organization that operates the Portland Metro Men's Center ("PMMC") day-use program on the subject property. Thank you for speaking with me on the phone this morning regarding the attached code enforcement letter dated February 20, 2014, that I received in the mail this morning.

I understand from our telephone conversation that this is a typical letter that goes out to property owners any time there is a code enforcement complaint, regardless of the merit of the complaint. I also understand that you have not received any evidence of any code violation and that this letter was sent solely on the basis of an anonymous complaint.

**Please be assured that there is no one sleeping on the subject property overnight, either temporarily or permanently. There are no temporary or permanent residents. Nor have there been any overnight stays at the subject property since Teen Challenge acquired the subject property in November 2012.**

Teen Challenge is currently in the process of seeking a Conditional Use Permit (CUP) to construct a 2-story, 62-person dormitory on the north portion of the subject property, behind the current church building. In fact, I will be at the continued public hearing before the Planning Commission this evening to request the approval of the CUP application. For your information, an opponent of the CUP sent Oregon City planner, Laura Terway, an email on February 12<sup>th</sup>, wherein the opponent questioned whether someone was sleeping overnight based on the opponent's observations of seeing "cars and their Teen Challenge [v]ans still parked in their lot at all hours of the night." In that email, it is apparent that the opponent has no evidence of overnight sleeping but is merely suspicious based on the fact that there are vehicles stored on the subject property overnight.

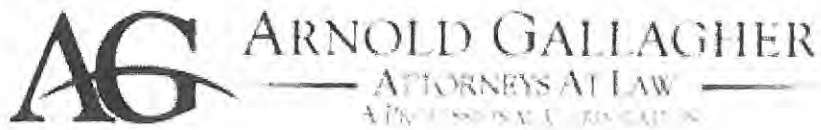
As I explained to you in our telephone conversation, there are several vehicles that are used by the PMMC for day-use purposes that are always left at the subject property overnight. In addition there is one 20-passenger bus that remains on-site permanently except for when it is used (infrequently) for special trips off-site. In addition, there are occasions when there are vehicles that typically are not left overnight but, based on individual circumstances, may remain on the subject property overnight on occasion. To be perfectly clear, all participants (students), interns and employees of PMMC reside off-site.

**Teen Challenge specifically assures the City that it will continue to not permit any overnight stays on the subject property unless and until authorized by law.**

Should you have any questions or any further complaints, please feel free to contact me directly.

Regards,

MICHEAL M. REEDER



T: (541) 484-0188 / F: (541) 484-0536

800 Willamette Street, Suite 800, Eugene, OR 97401

[www.arnoldgallagher.com](http://www.arnoldgallagher.com)

CONFIDENTIAL: The information contained in this electronic communication is privileged and/or confidential. The information is for the sole use of the intended addressee. If the reader of this communication is not the intended addressee, you are hereby notified that any dissemination, distribution and/or copying of this communication or the information contained in this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at 541/484-0188 and thereafter, immediately destroy this electronic communication. Thank you.

TAX ADVICE DISCLAIMER: Pursuant to federal law, you are advised that any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.



# OREGON CITY

## POLICE DEPARTMENT CODE ENFORCEMENT

320 Warner Milne Rd. | Oregon City OR 97045  
Ph (503) 496-1559 | Fax (503) 657-6629

February 20, 2014

Teen Challenge International Pacific Northwest Centers  
Christopher S. Hodges  
1124 Lakewood Dr. SW  
Albany, OR 97321

Michael M. Reeder  
Arnold Gallagher PC  
800 Willamette St. Ste 800  
PO Box 1758  
Eugene, OR 97440

RE: Unpermitted uses

A complaint has been filed with the Oregon City Code Enforcement Division regarding the property at 405 Warner Parrott Rd., Oregon City, OR 97045, and its possible use as a dormitory.

The City would like to give you the opportunity to correct this possible violation, avoiding formal enforcement action. Please carefully note the following:

Please note that in order to utilize the property as a dormitory, Portland Metro Men's Center is required to obtain land use approval and have its building plans approved by the Oregon City Building Division as well as the Clackamas County Fire Department to assure safety of the facility. The City is unaware of a previous approval that allows the property to be used as a dormitory, thus any overnight sleeping onsite is not allowed.

If the property is currently being used as a dormitory, this use must cease immediately. The City may initiate code enforcement proceedings for such violations, which may result in a maximum penalty of \$300.00 per day, per violation.

Please contact Laura Terway at 221 Molalla Avenue, Suite 200 in Oregon City or by telephone at 503-496-1553, or the Code Enforcement Division at the number listed below. The Planning Division is available from 8:00am - 5pm Monday-Thursday.

Thank you for your cooperation in improving neighborhood livability,

Code Enforcement Division  
City of Oregon City  
503-496-1559

(cc: Portland Metro Men's Center at 405 Warner Parrott Road, Oregon City, OR 97045)

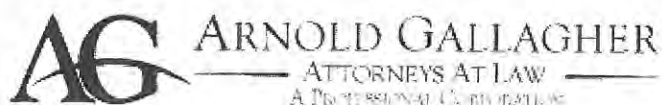
**Teen Challenge PMMC CUP**

Micheal Reeder [mreeder@arnoldgallagher.com]

**Sent:** Monday, February 24, 2014 2:42 PM**To:** Laura Terway**Attachments:** Krause Architect Ltr 022414.pdf (813 KB) ; Terway to Hodges Email (Ju~1.pdf (182 KB) ; Hodges to Terway 061912.pdf (104 KB)

Dear Laura: Please include the attached into the record on this matter, CU 13-1. Many thanks! --Mike

MICHEAL M. REEDER



T: (541) 484-0188 / F: (541) 484-0536

800 Willamette Street, Suite 800, Eugene, OR 97401

[www.arnoldgallagher.com](http://www.arnoldgallagher.com)

CONFIDENTIAL: The information contained in this electronic communication is privileged and/or confidential. The information is for the sole use of the intended addressee. If the reader of this communication is not the intended addressee, you are hereby notified that any dissemination, distribution and/or copying of this communication or the information contained in this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at 541/484-0188 and thereafter, immediately destroy this electronic communication. Thank you.

TAX ADVICE DISCLAIMER: Pursuant to federal law, you are advised that any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.



**J.E. KRAUSE**  
**ARCHITECT, P.C.**

---

February 24, 2014

Re: PC 14-011 Portland Metro Men's Center (CU 13-01) (SP 13-11) (LL 13-04)

To Whom It May Concern:

As the Architect of record for this project, I would like to take this opportunity to respond to some of the public testimony that I heard at the 2/10/2014 Planning Commission Meeting. While the bulk of the testimony focused on social concerns, there were a couple comments regarding the height, size, and scale of the dorm building.

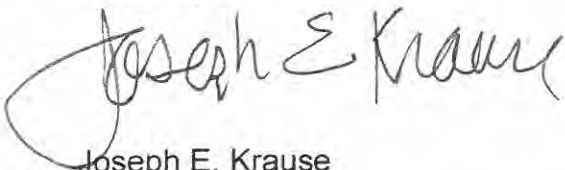
First the dorm building varies in height from 24' to 28' with a variety of elements that breaks up the structure into several smaller elements reducing the scale viewed from the adjacent properties. The heights are well under the maximum allowance by code and very compatible with the height of the homes on Shore Pine Place.

Second, there were concerns expressed regarding the scale of the dorm which has a footprint of 123' X 58'. The scale of this building is very comparable with the 4 homes on the North side of Shore Pine Place which combined have a footprint of approximately 130' x 50'.

Third, the proposed dorm is approximately 40' from the nearest home and will also be buffered with significant landscaping and a new fence. We intentionally kept the narrow side of the dorm facing the nearest properties and have minimum windows facing east and west.

Thank you for taking my professional perspective into consideration.

Sincerely,



Joseph E. Krause  
Architect

## Micheal Reeder

---

**From:** Laura Terway <lterway@ci.oregon-city.or.us>  
**Sent:** Monday, July 16, 2012 10:21 AM  
**To:** Chris Hodges  
**Cc:** Micheal Reeder; Jennifer Bragar  
**Subject:** RE: Teen Challenge Follow-up

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Chris,

I just wanted to follow up on the email sent to you on Thursday, July 12, 2012. We inadvertently referenced the R-2 zoning designation instead of the correct "R-10" Single-Family Dwelling District. Our apologies.

-Laura Terway

---

**From:** Laura Terway  
**Sent:** Thursday, July 12, 2012 2:54 PM  
**To:** 'Chris Hodges'  
**Cc:** 'mreeder@agsprp.com'; 'Jennifer Bragar'  
**Subject:** FW: Teen Challenge Follow-up

Chris,

The attached email summarizes the City's understanding of your request for the property located at 405 Warner Parrott Road. As indicated by Jennifer Bragar, please provide additional understanding regarding:

- 1) In what way is the avoidance of to the conditional use process related to the nature of the disability of Teen Challenge's students?
- 2) In what way is Teen Challenge's request for a conditional use in the R-2 zone different from the treatment of any other applicant for a similar use in the R-2 zone?

Thank you and please feel free to contact me with any additional questions or concerns.



Laura Terway, AICP  
Planner  
Planning Division  
PO Box 3040  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045  
7:30am-6pm Monday-Thursday and  
by appointment on Friday  
Phone: 503.496.1553  
Fax: 503.722.3880  
lterway@orcify.org

**Need an answer?** Did you know that our website can help you 24-hours a day, 7-days a week? Online, you have access to permit forms, applications, handouts, inspection results, codebooks, info on permits applied for since 2002, inspection information, application checklists, and much more at [www.orcity.org](http://www.orcity.org). Quickly and easily print a report of your property with a [Property Zoning Report](#) or view our interactive mapping at [OCWebMaps](#). Let's work together to improve our transportation system. Provide your input at [www.OCTransportationPlan.org](http://www.OCTransportationPlan.org).



Please consider the environment before printing

**PUBLIC RECORDS LAW DISCLOSURE:** This e-mail is subject to the State Retention Schedule and may be made available to the public.

**From:** Jennifer Bragar [mailto:JBragar@gsblaw.com]

**Sent:** Thursday, July 12, 2012 2:34 PM

**To:** Laura Terway

**Cc:** Ed Sullivan; Bill Kabeiseman

**Subject:** Teen Challenge Follow-up

Laura,

I am following-up on the conference call I had with Chris Hodges of Teen Challenge, and Mike Reeder, Teen Challenge's attorney regarding reasonable accommodation for housing 30-35 residents, referred to by Teen Challenge as students, in a church located at 405 Warner Parrott Road.

Based on that call and the letter that Chris Hodges submitted to the Planning Department on June 9, 2012, my understanding of the proposal is to house 30-35 students, all male at this facility, to receive pastoral counseling to aid in recovery from addiction. Each student attends the program for one year. No smoking, drugs, or alcohol are allowed onsite. In most cases, prescription drugs made with a narcotic are also prohibited. Teen Challenge is not a licensed treatment facility through the state under the definitions in ORS 443.400.

The short term plan for Teen Challenge is to convert the existing church classrooms into dormitories, upgrade the existing commercial kitchen, and convert one of the existing bathrooms into a shower facility. In the long-term, Teen Challenge would likely change the configuration of the dormitories and add enough space to house 50 students.

At the conclusion of the call I asked what reasonable accommodation Teen Challenge requested. Chris Hodges explained that the organization owned a property on Sandy Blvd., but after outgrowing the space, sold it to a new owner with the intent of relocating. Teen Challenge is still located on Sandy Blvd., but needs a new space very soon. Therefore, Teen Challenge would like to immediately move into the church, make the necessary building upgrades, and to that end requests reasonable accommodation in the form of avoiding the conditional use process. The primary explanation Teen Challenge gave me for the request is that time is of the essence because of the sale of the Sandy Blvd. property.

While the Fair Housing Act requires accommodations necessary to ensure the disabled receive the same housing opportunities as everybody else, it does not require more or better opportunities. The law requires accommodations overcoming barriers imposed by the disability that prevent the disabled from obtaining a housing opportunity others can access. Under OCMC 17.18.030.I, Teen Challenge, like any other applicant for a similar use at the 405 Warner Parrott Road property, would be subject to the conditional use process for a group home for over 15 people. Teen Challenge has requested a reasonable accommodation to not be subjected to the conditional use process. However, at this time, Teen Challenge has not provided enough information to determine whether the City can grant a reasonable accommodation because Teen Challenge has the burden of explaining how its request for reasonable accommodation is related to the disability of its students.

Therefore, I suggest that the City respond to Teen Challenge, setting forth the City's understanding of the proposal and asking for a written submittal that explains the following:

- 1) In what way is the avoidance of to the conditional use process related to the nature of the disability of Teen Challenge's students?
- 2) In what way is Teen Challenge's request for a conditional use in the R-2 zone different from the treatment of any other applicant for a similar use in the R-2 zone?

Chris Hodges requested that correspondence to Teen Challenge regarding this matter include Mike Reeder. Mike's contact information is:

Micheal M. Reeder  
Arnold Gallagher P.C.  
800 Willamette Street, Suite 800, Eugene, OR 97401  
OFFICE: (541) 484-0188 / FAX: (541) 484-0536  
Email: mreeder@agsprp.com  
www.agsprp.com

Please let me know if you would like to discuss any of this information in more detail.

Unless expressly stated otherwise, any federal tax advice contained in this communication (including attachments) is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties.

This e-mail is for the sole use of the intended recipient(s). It contains information that is confidential and/or legally privileged. If you believe that it has been sent to you in error, please notify the sender by reply e-mail and delete the message. Any disclosure, copying, distribution or use of this information by someone other than the intended recipient is prohibited.

**JENNIFER M. BRAGAR**

Associate | 503.228.3939 x 3208 Tel | 503.226.0259 Fax | [jbragar@gsblaw.com](mailto:jbragar@gsblaw.com)

GARVEY SCHUBERT BARER | 11th Floor | 121 SW Morrison Street | Portland, OR 97204 | ► [GSBLaw.com](http://GSBLaw.com)

► land use | condemnation | real estate e-forum: [www.northwestlandlawforum.com](http://www.northwestlandlawforum.com)



Oregon City Planning Department  
221 Molalla Ave Ste 200  
Oregon City, Oregon 97045

Thank you for taking the time last week to meet with us at your office regarding the property at 405 Warner Parrott Road in Oregon City.

Teen Challenge is both a residence (as defined in the FHA) and a religious church organization (as defined in the RLUIPA).

Currently the subject property is zoned residential with a conditional use permit in place for a church. Teen Challenge Pacific Northwest is incorporated within the State of Oregon as religious organization and functions as a church in nature which includes: regularly scheduled chapel services, religious instruction and corporate worship.

Further, our students have been categorized as disabled individuals within the FHA and must be granted reasonable accommodation by the granting jurisdiction, in this case Oregon City for their residency without walking through restrictive zoning laws and procedures that may lead to unlawful discrimination..

It is the desire of Teen Challenge Pacific Northwest to purchase the subject property at 405 Warner Parrot Road in Oregon City from the Oregon Ministry Network of the Assemblies of God. Once purchased we will submit the required building permit applications along with the necessary design, architect and engineering plans to remodel the existing facilities into a dual purpose facility, a residential discipleship training program. This dual purpose facility will provide Christ-centered discipleship training for those in residence.

It is our desire to meet all building, fire and safety requirements of any church or residential facility prior to occupancy.

Please respond to this letter in writing within 10 business days of June 19, 2012 with your written response to our request to utilize the current conditional use permit to operate as a religious church organization and to remodel the current facilities to accommodate residential opportunities for our students.

Very Truly Yours

Chris Hodges, President Teen Challenge Pacific Northwest

Corporate Executive Officer  
Chris Hodges

**Administration Office**  
75 Tangent  
P.O. Box 809  
Lebanon, OR 97355  
Ph. (541) 259-3380  
Fax (541) 259-6709

Please visit our website:  
[www.teenchallengepnw.com](http://www.teenchallengepnw.com)

**Boise Christian Academy**  
1846 Dawn Place  
Boise, ID 83713  
Ph. (208) 375-4636  
FAX (206) 375-0587

**Central Oregon Men's Outreach**  
435 NE Burnside  
P.O. Box 5223  
Bend, OR 97708  
Ph. (541) 678-5272  
FAX (541) 678-5300

**Eugene Women's Outreach**  
Hannah's House  
85989 Bailey Hill Rd  
Eugene, OR 97405  
Ph. (541) 344-4328  
FAX (541) 344-4351

**Graham Women's Center**  
Bernice Flaherty Home  
21115 E. 92nd Ave  
P.O. Box 344  
Graham, WA 98338  
Ph. (253) 846-0888  
FAX (253) 847-4140

**Montana Women's Outreach**  
3815 South 7th St. W.  
Missoula, MT. 59804  
Ph. (406) 543-1912  
FAX (406) 327-7441

**Portland Metro Men's Center**  
3121 NE Sandy Blvd., 97232  
P.O. Box 14886  
Portland, OR 97293-0886  
Ph. (503) 230-1910  
FAX (503) 239-0340

**Seattle Metro Men's Center**  
18611 148th Ave. SE  
14201 SE Petrovitsky Rd.  
Ste A3-400  
Renton, WA 98058  
Ph. (425) 226-2608  
FAX (425) 226-2504

**Spokane Men's Center**  
2400 N Craig Road  
Spokane, WA 99224-9568  
Ph. (509) 244-5610  
FAX (509) 244-0171

**Teen Challenge Ministry Institute**  
75 Tangent St.  
P.O. Box 2146  
Lebanon, OR 97355  
Ph. (541) 259-3401  
FAX (541) 451-3606

**Tri-Cities Women's Jail Outreach**  
P.O. Box 1218  
Richland, WA 99352  
Ph. (509) 946-5395  
FAX (509) 946-3553

**Tri-Cities Men's Outreach**  
2524 W. Pearl St.  
P.O. Box 5246  
Pasco, WA 99302  
Ph. (509) 547-2389  
FAX (509) 542-1187

**Willamette Valley Men's Center**  
31700 Fayetteville Rd.  
P.O. Box 108  
Shedd, OR 97377  
Ph. (541) 491-1002  
FAX (541) 491-1005



## Comment # 3

(Limited to 3 Minutes)

### PUBLIC COMMENT

Portland Metro Men's Center

File CU 13-01, SP 13-11 and LL 13-04

Planning Commission Hearing February 14, 2014

Name: BILL RAMSOUR

Address: 946 WOODLAWN AV.

City, State, Zip: OREGON CITY, OR 97045

Representing: OUR NEIGHBORHOOD

#### COMMENTS:

MOSTLY ABOUT THE LOCATIONS  
OF THE OTHER MEN'S CENTERS  
IN THE U.S., AND WHY THIS IS NOT  
A GOOD CHOICE.

## Comment # 5

(Limited to 3 Minutes)

### PUBLIC COMMENT

Portland Metro Men's Center

File CU 13-01, SP 13-11 and LL 13-04

Planning Commission Hearing February 24, 2014

Name: Bruce Danielson

Address: 430 Cherry Ave.

City, State, Zip: Oregon City, OR 97045

Representing: \_\_\_\_\_

#### COMMENTS:

- 1) How many residence are from O.C. or Clackamas County
- 2) What's the Call Rate for Police + Fire where they currently live.
- 3) Will the people living there be sign up on the Affordable Care Act or use county service

February 24, 2014

City of Oregon Planning  
Attn: Laura Terway  
221 Molalla Avenue, Ste 200  
Oregon City, OR 97045

ENTERED INTO THE RECORD  
DATE RECEIVED: 2/24/14  
SUBMITTED BY: George & Teresa  
SUBJECT: Kuchler  
3a. PC 14-017

Reference: File CU 13-01

We are writing in response to the Portland Metro Men's Center request for a conditional use permit for the Assembly of God church property located on Warner Parrot in Oregon City.

The idea of transferring this property into an unlicensed and unregulated drug / alcohol / jobless rehab center and residence for up to sixty adult men is simply – preposterous.

We are surprised that the planning commission is giving serious consideration to this proposal. While on the surface the idea of helping up to 60 adults at a time kick the drug/alcohol habit and become working / responsible citizens in a program that has an 80 – 85% success rate with no medication sounds wonderful, it also sounds too good to be true!

80 – 85%? Since that is the best “information” we have, what does that mean? Is it 80 – 85% of those who enroll or of those who graduate? And are those numbers accurate? What is the dropout rate? And where do the dropouts go? They are away from public transportation, in a neighborhood and close to a city park! Some numbers say 40-45% drop out rate!

What about safety for existing children and residents? The proximity to an active city park is seriously problematic. How many people at the neighborhood association meeting other than planning personnel and the Portland Metro Men's Center Project Team? Answer: 8. Hardly representative of the neighborhood!

The name “Portland Metro Men's Center” would suggest that most of the young addicts will come from the greater Portland metropolitan area. How does this benefit Oregon City?

Up to 60 troubled addicted young men will be living on the property. Many with a criminal history (non-violent, non-sexual crimes). How many with felonies? What crimes? (i.e. burglary, car breakins) – not disclosed. Only two non-professional staff with them at night – That is not proper supervision! They are not professionally trained staff.

There are 20 households (including individual duplex units) surrounding the site. What measures are there to protect these residents investment in their own home values? Other letters in opposition already complain about these very things, and there are currently less than 30 students “enrolled”, and none of them live on the property. You are being asked not only to double that number but also to allow them to live on the property!

Because of its nature, in our opinion, the residential area of the center is located too close to existing residences. Allowing the residential portion of the center to be built will also degrade the value of those properties.

What is going to ensure that this will not disproportionately increase demand on law enforcement? If it does increase demand on law enforcement, who is going to pay for it?

The property was already approved to function as a church. This new use is not just a church – it is obviously much more than that – this group is already using the property for much more than it was intended. As a rehab center. There should be no question whether this proposed use should even qualify for a conditional use permit.

No professional staff, no certification, no valid statistics, no real oversight, insufficient supervision of the addicts, no assurance to the public. How can we say “Yes”? We can't. Neither should you!

It's a big “No” for us.

Sincerely,



George and Teresa Kuchler  
928 Clearbrook Drive, Oregon City, OR 97045

To whom it may concern,

I would like to address the criteria for the conditional use application (which is found on page 7), it says that the proposed use will **not alter the character** of the surrounding area, and will **not impair** the surrounding properties:

When asked, the applicant's response to these specific criteria's was; a transportation assessment was prepared and deemed adequate, and landscaping will also be completed. This is only a minute aspect of what the criteria asks for. Portland Metro Men's Center does not address how the proposed facility would **impair** our neighborhood, and diminish the **character** and value that it currently holds.

Character is defined in a couple of ways that apply to this situation:

1) A set of qualities that are shared by many people in a group, country, etc.

After speaking with many of my Oregon City neighbors, and listening to many more who have spoken at these public hearings, it is impossible to deny the affect that this has already had on this quiet residential neighborhood. Many of the families, young and old share a similar stance, and you have heard it here. We do not want a 10,590 square foot facility, housing 62 men, built in our backyards. The South End Neighborhood Association has heard the neighbor's voices, and has stated (for the record) that they do not agree with this facility being built in this location. As the definition of character describes, this is a quality that we as a group obviously share.

The second definition of character that applies to this situation:

2) A set of qualities that make a place or thing different from other places or things.

The qualities that Portland Metro Men's Center wants to bring into this area are completely different than what the existing area holds. We can simply look at the map, the proposed building would absolutely change the look of the area (nothing about the proposed building is residential), by far it would be the largest housing facility in this area, it would dramatically change the noise level in this quiet residential area, and it creates safety concerns for young families, having 62+ men this close to our school bus stops and pick-ups, public parks, and homes.

There are plenty of areas where this proposed facility goes against the cities criteria, but I also feel like we must use some common sense and do our best to apply it. Simply using common sense in this situation tells us that it is absolutely the wrong area to build a facility of this magnitude. I have personally seen how the character in this area has already been impaired due to the proposed 62 bed dormitory. People are uncomfortable, worried, scared, and upset. I truly hope that our voices are heard, and the character in this neighborhood is examined closely.

I respectfully request that the Portland Metro Men's Center application be denied.

Thank you.

Sincerely,



Luke Lopez

We have never had seagulls in this area, until now. This past week I have seen dozens of seagulls flying over head (not knowing why, but just dismissed it). I finally went to their facility and found their industrial size garbage bin uncovered. This is where the seagulls have been getting their food and why they are growing in numbers. This is just another concern among many. I don't consider this a, "good neighbor" act as they continue to tell the committee they are being, and I would hate to see what they would be like with an approval of 62 live in residents, what kind of neighbor would they be then? Little to no regulation at all.



ENTERED INTO THE R.  
DATE RECEIVED: 2/24/14  
SUBMITTED BY: Amy Mueller  
SUBJECT: 3a. PC. 14-07

Hello, my name is Amy Mueller and I live in the Rivercrest neighborhood next to South End. I am opposed to Portland Metro Men's Center putting in a dormitory for 62 beds in addition to the other employees that will work in the other buildings. The size of the property being 2.13 acres for well over 60 people is just too many people for the R-10 district. The breakdown of 6.88 people per acre in the average household in the neighborhood vs. just over 29 people per acre for Portland Metro Men's Center clearly shows that this facility is much too dense to be consistent with the existing neighborhood as it is currently zoned into which is R-10. The facility being over 10,000 square feet in a neighborhood of 2,000 square foot homes is dramatically too large for the area. I understand there are no official caps of people for a conditional use, but this center certainly does not fit into the discretionary description of 'the site is suitable considering the size shape, and location' listed in the ordinance code. (OCMC1/56.020.A.2) . I am going to deviate from the Conditional Use requirements to add that I called the Linn county sherriff's office as well as the Spokane police to inquire about the emergency calls made to the facilities in Shedd, Oregon and Spokane, Washington. Those facilities required use of emergency services for domestic disturbances, probation issues, suicide and, as the records employee put it: "the usual things that go along with a facility like this". Our already taxed emergency funds will be put to use for a facility that I do not agree should comply with the density of the property. Please deny the Conditional Use Application and let the Portland Men's Metro Center find a more suitable place for their facility that better accommodates the number of people they want to have on their property.

ENTERED INTO THE RECORD

DATE RECEIVED: 2/24/14

SUBMITTED BY: Rick Givens

SUBJECT: 3a. PC 14-017

182 WARNER  
PARROTT RD,  
OREGON CITY, OR,  
97045

Clackamas County

T3S R2E S06

Latitude: 45.33701, Longitude: -122.619679

Approximate Elevation: 477 ft.

#### TAXLOT INFORMATION

Tax Lot ID:	32E06CB01502
R Number:	1408293
Tax Lot Size:	.55 acres
Building Area	6003
Market Total Value	657094
Land Use	SFR
Year Built	2005
Sale Date	200612
Sale Price	Unavailable
Market Land Value	94344
Market Building Value	562750
State General Property Class	101
County Tax Code	062002
Site Address	182 WARNER PARROTT RD



South End

300 m  
1000 ft

Leaflet (<http://leafletjs.com>) | Tiles: © Metro RLIS

#### POLITICAL BOUNDARIES

Jurisdiction	Oregon City
Neighborhood	South End
Voting Precinct	1
Metro Council District	2
Metro Councilor	Carlotta Collette
Metro Councilor Email	<a href="mailto:carlotta.collette@oregonmetro.gov">carlotta.collette@oregonmetro.gov</a>
US Congressional District	5
Oregon House District	40
Oregon Senate District	20
LAND USE AND PLANNING	

records are a multi-county integration of Clackamas, Multnomah and Washington County records. MetroMap blends each county's records into a common database on a quarterly basis. Therefore, to view each county's official records, go to their respective web sites or offices. The other MetroMap data are derived from city, county, state, federal and Metro sources. The metadata (data about the data) are included on this site, including the sources to be consulted for verification of the information contained herein. It describes some cases where Metro blends city and county records by generalizing the disparities. Metro assumes no legal responsibility for the compilation of multi-source government information displayed by Metro Map. Users of this information are cautioned to verify all information.



## Hilltop Community Church

Church of God • Anderson

**Kent Walton**  
Pastor

**Pastor Emeritus**

**Jim MacCormack**  
PASTOR

**John Hilger**  
ASSOCIATE PASTOR

Church:  
(503) 655-5517

592 Molalla Avenue  
Oregon City, OR 97045

February 10, 2014

Oregon City Planning Commission,

Thank you for your commitment to the safety and we'll-being of the inhabitants of Oregon City. It is unfortunate that Teen Challenge has become an issue of debate. There is far more accountability with Teen Challenge than most recovery programs, not to mention the government funded programs of recovery, that exist in our city.

First, there is accountability to Teen Challenge Pacific Northwest Centers/Portland Metro Men's Centers, a ministry of the Assembly of God Church nationally. Second, this is a Christian Ministry ultimately accountable to God for the fulfillment of the ministry of Jesus, "TO SET AT LIBERTY THE CAPTIVES" (Luke 4:18).

TC does not allow their participants to come and go as they please. They strictly disciple them. Those that commit to TC, commit to a one year, 24 hour a day, seven days a week, discipleship program. These young men are less of a risk to the folks in the City than the students at Oregon City High School (where drug use goes on unabated, far more than any of us want to admit). There is an abundance of people on our streets (with drug, alcohol, gambling, porn and sexual addictions) that are a far greater risk than these young people. The drug problem is epidemic here, and even the police can do very little to stop it.

It is my prayer that the city will be behind TC 100%. They represent the best hope for young men with drugs and alcohol in their past. These young people are turning their lives around with the help of God and the assistance and expertise of Teen Challenge. If the planning commission does not allow TC to build this dormitory, it will either be the biggest misunderstanding ever, or a blatant example of injustice.

We pray that you will do everything you can to help TC get the permit to build this dormitory. The pastors in the city will join with you in this quest.

We are praying for you and the planning commission (the city commissioners, the mayor, the city manager and his staff, the police and the fire department) by name on a weekly basis.

Bless you brothers and sisters.

A CO-Laborer in His Harvest,

Kent Walton, Pastor  
Hilltop Community Church of God  
592 Molalla Avenue  
Oregon City, OR 97045  
503 655-5517  
([kentlwalton@aol.com](mailto:kentlwalton@aol.com))

ENTERED INTO THE RECORD

DATE RECEIVED: 2/24/14

SUBMITTED BY: Kent Walton

SUBJECT: 3a. PC 14-017

Individual Comment in Support of the  
Portland Metro Men's Center Application

### Comment # 1

(Limited to 3 Minutes)

ENTERED INTO THE R  
DATE RECEIVED: 2/24/14  
SUBMITTED BY: Amy Mueller  
SUBJECT: 3a. PC. 14-07

Hello, my name is Amy Mueller and I live in the Rivercrest neighborhood next to South End. I am opposed to Portland Metro Men's Center putting in a dormitory for 62 beds in addition to the other employees that will work in the other buildings. The size of the property being 2.13 acres for well over 60 people is just too many people for the R-10 district. The breakdown of 6.88 people per acre in the average household in the neighborhood vs. just over 29 people per acre for Portland Metro Men's Center clearly shows that this facility is much too dense to be consistent with the existing neighborhood as it is currently zoned into-which is R-10. The facility being over 10,000 square feet in a neighborhood of 2,000 square foot homes is dramatically too large for the area. I understand there are no official caps of people for a conditional use, but this center certainly does not fit into the discretionary description of 'the site is suitable considering the size shape, and location' listed in the ordinance code. (OCMC1/56.020.A.2) . I am going to deviate from the Conditional Use requirements to add that I called the Linn county sherriff's office as well as the Spokane police to inquire about the emergency calls made to the facilities in Shedd, Oregon and Spokane, Washington. Those facilities required use of emergency services for domestic disturbances, probation issues, suicide and, as the records employee put it: "the usual things that go along with a facility like this". Our already taxed emergency funds will be put to use for a facility that I do not agree should comply with the density of the property. Please deny the Conditional Use Application and let the Portland Men's Metro Center find a more suitable place for their facility that better accommodates the number of people they want to have on their property.



To whom it may concern,

I would like to address the criteria for the conditional use application (which is found on page 7), it says that the proposed use will **not alter the character** of the surrounding area, and will **not impair** the surrounding properties:

When asked, the applicant's response to these specific criteria's was; a transportation assessment was prepared and deemed adequate, and landscaping will also be completed. This is only a minute aspect of what the criteria asks for. Portland Metro Men's Center does not address how the proposed facility would **impair** our neighborhood, and diminish the **character** and value that it currently holds.

Character is defined in a couple of ways that apply to this situation:

1) A set of qualities that are shared by many people in a group, country, etc.

After speaking with many of my Oregon City neighbors, and listening to many more who have spoken at these public hearings, it is impossible to deny the affect that this has already had on this quiet residential neighborhood. Many of the families, young and old share a similar stance, and you have heard it here. We do not want a 10,590 square foot facility, housing 62 men, built in our backyards. The South End Neighborhood Association has heard the neighbor's voices, and has stated (for the record) that they do not agree with this facility being built in this location. As the definition of character describes, this is a quality that we as a group obviously share.

The second definition of character that applies to this situation:

2) A set of qualities that make a place or thing different from other places or things.

The qualities that Portland Metro Men's Center wants to bring into this area are completely different than what the existing area holds. We can simply look at the map, the proposed building would absolutely change the look of the area (nothing about the proposed building is residential), by far it would be the largest housing facility in this area, it would dramatically change the noise level in this quiet residential area, and it creates safety concerns for young families, having 62+ men this close to our school bus stops and pick-ups, public parks, and homes.

There are plenty of areas where this proposed facility goes against the cities criteria, but I also feel like we must use some common sense and do our best to apply it. Simply using common sense in this situation tells us that it is absolutely the wrong area to build a facility of this magnitude. I have personally seen how the character in this area has already been impaired due to the proposed 62 bed dormitory. People are uncomfortable, worried, scared, and upset. I truly hope that our voices are heard, and the character in this neighborhood is examined closely.

I respectfully request that the Portland Metro Men's Center application be denied.

Thank you.

Sincerely,



Luke Lopez

We have never had seagulls in this area, until now. This past week I have seen dozens of seagulls flying over head (not knowing why, but just dismissed it). I finally went to their facility and found their industrial size garbage bin uncovered. This is where the seagulls have been getting their food and why they are growing in numbers. This is just another concern among many. I don't consider this a, "good neighbor" act as they continue to tell the committee they are being, and I would hate to see what they would be like with an approval of 62 live in residents, what kind of neighbor would they be then? Little to no regulation at all.

February 24, 2014

City of Oregon Planning  
Attn: Laura Terway  
221 Molalla Avenue, Ste 200  
Oregon City, OR 97045

Reference: File CU 13-01

We are writing in response to the Portland Metro Men's Center request for a conditional use permit for the Assembly of God church property located on Warner Parrot in Oregon City.

The idea of transferring this property into an unlicensed and unregulated drug / alcohol / jobless rehab center and residence for up to sixty adult men is simply – preposterous.

We are surprised that the planning commission is giving serious consideration to this proposal. While on the surface the idea of helping up to 60 adults at a time kick the drug/alcohol habit and become working / responsible citizens in a program that has an 80 – 85% success rate with no medication sounds wonderful, it also sounds too good to be true!

80 – 85%? Since that is the best "information" we have, what does that mean? Is it 80 – 85% of those who enroll or of those who graduate? And are those numbers accurate? What is the dropout rate? And where do the dropouts go? They are away from public transportation, in a neighborhood and close to a city park! Some numbers say 40-45% drop out rate!

What about safety for existing children and residents? The proximity to an active city park is seriously problematic. How many people at the neighborhood association meeting other than planning personnel and the Portland Metro Men's Center Project Team? Answer: 8. Hardly representative of the neighborhood!

The name "Portland Metro Men's Center" would suggest that most of the young addicts will come from the greater Portland metropolitan area. How does this benefit Oregon City?

Up to 60 troubled addicted young men will be living on the property. Many with a criminal history (non-violent, non-sexual crimes). How many with felonies? What crimes? (i.e. burglary, car breakins) – not disclosed. Only two non-professional staff with them at night – That is not proper supervision! They are not professionally trained staff.

There are 20 households (including individual duplex units) surrounding the site. What measures are there to protect these residents investment in their own home values? Other letters in opposition already complain about these very things, and there are currently less than 30 students "enrolled", and none of them live on the property. You are being asked not only to double that number but also to allow them to live on the property!

Because of its nature, in our opinion, the residential area of the center is located too close to existing residences. Allowing the residential portion of the center to be built will also degrade the value of those properties.

What is going to ensure that this will not disproportionately increase demand on law enforcement? If it does increase demand on law enforcement, who is going to pay for it?

The property was already approved to function as a church. This new use is not just a church – it is obviously much more than that – this group is already using the property for much more than it was intended. As a rehab center. There should be no question whether this proposed use should even qualify for a conditional use permit.

No professional staff, no certification, no valid statistics, no real oversight, insufficient supervision of the addicts, no assurance to the public. How can we say "Yes"? We can't. Neither should you!

It's a big "No" for us.

Sincerely,



George and Teresa Kuchler  
928 Clearbrook Drive; Oregon City, OR 97045

**From:** Laura Terway  
**To:** "Micheal Reeder"  
**Cc:** [rickgivens@gmail.com](mailto:rickgivens@gmail.com); [garry.wallace@teenchallengepnw.com](mailto:garry.wallace@teenchallengepnw.com); [hodgesc@comcast.net](mailto:hodgesc@comcast.net); Dave Oliver;  
[Rodger.Snodgrass@teenchallengepnw.com](mailto:Rodger.Snodgrass@teenchallengepnw.com)  
**Subject:** RE: Response to oppositional letters regarding crime  
**Date:** Monday, March 03, 2014 4:43:00 PM

---

Thank you for your comments, I will enter them into the record.



**Laura Terway, AICP**  
**Planner**  
Planning Division  
PO Box 3040  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045  
Phone: 503.496.1553  
Fax: 503.722.3880  
[Iterway@orccity.org](mailto:Iterway@orccity.org)

Please note the Planning Division is available from 8am - 5pm Monday - Thursday and by appointment on Friday.



Please consider the environment before printing

*PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.*

---

**From:** Micheal Reeder [<mailto:mreeder@arnoldgallagher.com>]  
**Sent:** Friday, February 28, 2014 1:49 PM  
**To:** Laura Terway  
**Cc:** [rickgivens@gmail.com](mailto:rickgivens@gmail.com); [garry.wallace@teenchallengepnw.com](mailto:garry.wallace@teenchallengepnw.com); [hodgesc@comcast.net](mailto:hodgesc@comcast.net); Dave Oliver;  
[Rodger.Snodgrass@teenchallengepnw.com](mailto:Rodger.Snodgrass@teenchallengepnw.com)  
**Subject:** FW: Response to oppositional letters regarding crime

Laura:

Please submit the following email exchange into the record for the Planning Commission's consideration re: Teen Challenge PMMC's CUP application. Many thanks!

MICHEAL M. REEDER



T: (541) 484-0188 / F: (541) 484-0536  
800 Willamette Street, Suite 800, Eugene, OR 97401  
[www.arnoldgallagher.com](http://www.arnoldgallagher.com)

CONFIDENTIAL: The information contained in this electronic communication is privileged and/or confidential. The information is for the sole use of the intended addressee. If the reader of this communication is not the intended addressee, you are hereby notified that any dissemination, distribution and/or copying of this communication or the information contained in this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at 541/484-0188 and thereafter, immediately destroy this electronic communication. Thank

you.

**TAX ADVICE DISCLAIMER:** Pursuant to federal law, you are advised that any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

**From:** Garry Wallace [<mailto:garry.wallace@teenchallengepnw.com>]

**Sent:** Friday, February 28, 2014 1:41 PM

**To:** Micheal Reeder

**Subject:** Re: Response to oppositional letters regarding crime

Mr. Michael Reeder,

In response to our telephone conversation on 2/27/2014 concerning calls to emergency services at our facilities, I can give the following response.

I have been the Executive Director of Portland Metro Men's Center for just over 3 ½ years. To my knowledge, we have never had to call for police help at our facility, either on Sandy Blvd. in Portland or in Oregon City. We did have a very minor fire on Sandy with faulty elevator equipment. There were no injuries and no significant damage. No insurance claims were filed. We also called EMS for a student with chest pains. In Oregon City, there have been no calls to the city police, county sheriff or emergency services. Neither have the police been called to our facility because of complaints from neighbors.

Respectfully,  
Garry Wallace

On Thu, Feb 27, 2014 at 5:07 PM, Micheal Reeder <[mreeder@arnoldgallagher.com](mailto:mreeder@arnoldgallagher.com)> wrote:  
Pastor Wallace:

Please see the attached written testimony, both dated February 24, 2014, from two individuals opposed to the PMMC CUP based on fears about crime. These two letters seem to capture the overall fears that characterize much of the opposition; it is fear based on stereotypes of disabled people recovering from drugs or alcohol. While I wholeheartedly agree with the City Attorneys, Carrie Richter and Jennifer Bragar, that the Fair Housing Act prohibits the City from discriminating against individuals who are handicapped, it may be helpful to address the concerns that folks have about whether the CUP will result in a net increase in crime in the neighborhood. Specifically, Ms. Mueller claimed to have called law enforcement officials in jurisdictions where two other Teen Challenge centers are located (Spokane and Linn County). First, it is important to note that Ms. Mueller was a bit vague on the specific data she received. She provided no data, little detail, and no timeframes. Notably, she did not mention whether she contacted the Oregon City police to find out the history on the current PMMC (day use) program that has been in operation since November 2012.

It is my understanding that you have been the director for the PMMC program for 3 ½



years (both at the Sandy Blvd location in Portland and the current day-use program on Warner Parrot Road). It is my understanding in speaking with you today that to your knowledge, as Executive Director of PMMC for 3 ½ years that there have been **no** calls to the police either at the Sandy Blvd location or the Warner Parrot Road location. Would you please confirm this fact for me so that I may enter such fact into the record for the Planning Commission's consideration? Many thanks!

Best,

MICHEAL M. REEDER



T: [\(541\) 484-0188](tel:5414840188) / F: [\(541\) 484-0536](tel:5414840536)

800 Willamette Street, Suite 800, Eugene, OR 97401

[www.arnoldgallagher.com](http://www.arnoldgallagher.com)

CONFIDENTIAL: The information contained in this electronic communication is privileged and/or confidential. The information is for the sole use of the intended addressee. If the reader of this communication is not the intended addressee, you are hereby notified that any dissemination, distribution and/or copying of this communication or the information contained in this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at [541/484-0188](tel:5414840188) and thereafter, immediately destroy this electronic communication. Thank you.

TAX ADVICE DISCLAIMER: Pursuant to federal law, you are advised that any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

--

***Garry Wallace***

***Executive Director***

***Portland Metro Men's Center***

***503-230-1910***

**From:** Laura Terway  
**To:** ["Danielle Aust"](#)  
**Subject:** RE: Objection to request by Portland Metro Men's Center□  
**Date:** Monday, March 03, 2014 4:31:00 PM

---

Thank you for your comments, I will enter them into the record.



**Laura Terway, AICP**  
**Planner**  
Planning Division  
PO Box 3040  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045  
Phone: 503.496.1553  
Fax: 503.722.3880  
[lterway@orccity.org](mailto:lterway@orccity.org)

Please note the Planning Division is available from 8am - 5pm Monday - Thursday and by appointment on Friday.



Please consider the environment before printing

*PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.*

---

**From:** Danielle Aust [<mailto:firefly0005@hotmail.com>]  
**Sent:** Monday, March 03, 2014 2:15 PM  
**To:** Laura Terway  
**Subject:** Objection to request by Portland Metro Men's Center□

We are homeowners at 931 Woodlawn Ave, Oregon City, which is less than a mile from the Warner Parrot location of Portland Metro Men's Center. We vehemently object to the granting of a conditional use or variance for the construction of a dormitory on the property.

First of all, this is a residential neighborhood and a facility with 24/7 drug addicts and alcoholics residing there does not blend in with the character of the neighborhood. It is also a concern of the proximity of this dormitory to both Chapin Park and King School which currently is home to two High School Charter Schools.

Drug addicts are known to be very unpredictable. How can anyone say that there would be no problems with these residents, many of whom may be there against their own will? Are the local police ready to respond to problems? How can residents in the neighborhood feel safe knowing that this residence facility is close by?

Though we appreciate the goal of the Portland Men's Center to help drug addicts and alcoholics, the location is most undesirable. It seems it would be more suited close to where the addicts live and in an industrial location. Please do not bring drug addicts, potential felons and alcoholics into our neighborhoods.

We appreciate your consideration, and hope you will listen to common sense regarding this request.

Sincerely,

*Danielle Aust*

931 Woodlawn Ave

Oregon City, OR 97045

**From:** Laura Terway  
**To:** ["Benjamin, Keith S."](#)  
**Subject:** RE: CU 13-01  
**Date:** Tuesday, February 25, 2014 1:09:00 PM

---

Keith,

The Planning Commission continued the hearing for the Portland Metro Men's Center to March 10, 2014. The record remains open for all comments.



**Laura Terway, AICP**  
**Planner**  
Planning Division  
PO Box 3040  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045  
Phone: 503.496.1553  
Fax: 503.722.3880  
[lterway@orc.org](mailto:lterway@orc.org)

Please note the Planning Division is available from 8am - 5pm Monday - Thursday and by appointment on Friday.



Please consider the environment before printing

*PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.*

---

**From:** Benjamin, Keith S. [mailto:KBenjamin@SCHWABE.com]  
**Sent:** Tuesday, February 25, 2014 10:59 AM  
**To:** Laura Terway  
**Subject:** CU 13-01

Laura,

Has the public hearing and public record closed on CU 13-01 following last night's Planning Commission meeting? Did the Commission make any decisions last night?

Thank you.

KEITH S. BENJAMIN | Land Use Planner  
SCHWABE, WILLIAMSON & WYATT  
1211 SW 5th Ave., Ste. 1900 Portland, OR 97204  
Direct: 503-796-2848 | Fax: 503-796-2900 | Cell: 503-442-6928 | Email:  
[kbenjamin@schwabe.com](mailto:kbenjamin@schwabe.com) <<mailto:youremail@schwabe.com>>  
Assistant: Felicia Hubbard | Direct: 503-796-2432 | [fhubbard@schwabe.com](mailto:fhubbard@schwabe.com)

Legal advisors for the future of your business(r)  
[www.schwabe.com](http://www.schwabe.com)

---

To comply with IRS regulations, we are required to inform you that this message, if it contains advice relating to federal taxes, cannot be used for the purpose of avoiding penalties that may be imposed under federal tax law. Any tax advice that is expressed in this message is limited to the tax issues addressed in this message. If advice is required that satisfies applicable IRS regulations, for a tax opinion appropriate for avoidance of federal tax law penalties, please contact a Schwabe attorney to arrange a suitable engagement for that purpose.

---

NOTICE: This communication (including any attachments) may contain privileged or confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this communication and/or shred the materials and any attachments and are hereby notified that any disclosure, copying or distribution of this communication, or the taking of any action based on it, is strictly prohibited. Thank you.



①

CU-13-01

Paul Bell

3-10-14

My name is Paul Bell. I own the property at 427 Warner Rd. near Teen Challenge. Since the last meeting I have had time to reflect on the past proceedings and would like to make a couple of observations:

Observation (1) — I felt Frustrated by the procedural format of the meeting per say. The 'applicant' was allowed to make, in effect, a 'Final Closing Statement' leaving a strong and overwhelming impression in the minds of the commissioners for their case. No cross-questioning from the community was allowed for. Objections previously stated at the microphone, were simply dismissed out of hand by asserting that citizens were simply misinformed, irrelevant, or based on unwarranted fears. This hardly seems anything like 'due process' to me.

Is the procedural format actually demanded by specific statute law, or is it merely convention? This might warrant legal review by the city. Personally, I would like to be able to respond to accusations that my objections and those of others are completely without merit.

Observation (2) — I think it was clear and obvious to all who attended the last meeting, that citizens and commissioners were being "outmaneuvered" by a very skilled lawyer. I appeal to common sense and urge you to do the same. Let me give you a specific example; It was brought up in the discussion that

②

'density' is not spelled out in the zoning ordinance, and that 'density' was not a condition of the permit being applied for, therefore, 'density' cannot be a consideration. In other words — since you didn't legally make it an issue before, you can't legally make it an issue now. Hence, 'density' issues do not exist. But, they do exist. Common sense and right reason inform our mind and conscience that 'density' issues are of genuine concern. A 'dormitory' for 62 persons in the middle of a designated single family home residential neighborhood is in fact a very real issue. The law is being used to outmaneuver common sense. Everyone knows that 'density' is an issue, even if lawyers say otherwise.

Observation (3) — Much of the discussion was tangled up in semantics. Words and definitions were sliding back and forth. Recovering drug addicts, many with felony records — are relabeled "disabled" persons. Who, of course, would discriminate against a poor disabled person? A "dormitory" becomes a "group home," as if we're just talking about a mere house. Since "treatment centers" need licensing and regulation we shifted to talking about a "recovery center". Etc.

Observation (4) — It is confusing to know whether or not Teen Challenge is applying for a C.U.P. as a 'regular' applicant straight up,



③

or as a 'religious institution'? Their answers indicate that they are playing both sides of the street, depending on which one seems most advantageous.

During the last meeting we were reminded by the City that the only criterion in which to judge the C.U.P. issue was strictly related to the approved data listed on the screen. Yet, when the issue of 'density' was raised — the lawyer for Teen Challenge made a big point of them being a religious 5013C tax exempt status. As a 'religious organization' they don't have to "request" residency, since the law already allows for "group homes" in a religious context. This is far afield of what our Founding Fathers originally intended. It can be seen as a classic example of the "letter of the law" versus the "spirit of the law" by way of intent.

For example — Catholic nuns and women of church service could reside in convent. Priests and men of church service could live in monasteries. These were considered "group homes." Protestant churches often were accompanied by a parsonage or manse for a pastor and/or family. "Group homes" were intended to accommodate nuns, priests, and pastors. Now the definition of "group home" is being stretched to include 60 drug addicts, many with felony records, under the "voluntary compliance" of two counselors on site.



(4).

On a personal level, I believe that churches, religious organizations, non-profits and the like, must abide by the same set of rules that all must follow. A 'dormitory' for 62 persons in the middle of a single family residential neighborhood is out of keeping with the surrounding area. Listen to your 'common sense' and conscience. Say no to this request.

Sincerely,

Paul Bell

(C) 503 - 313 - 0144

(H) 503 - 656 - 8644

**From:** [Tom Pirkel](#)  
**To:** [Laura Terway](#)  
**Subject:** Objection to request by Portland Metro Men's Center  
**Date:** Monday, February 24, 2014 5:03:47 PM

---

We are homeowners at 930 Woodlawn Ave, Oregon City, which is less than a mile from the Warner Parrot location of Portland Metro Mens Center. We vehemently object to the granting of a conditional use or variance for the construction of a dormitory on the property.

First of all, this is a residential neighborhood and a facility with 24/7 drug addicts and alcoholics residing there does not blend in with the character of the neighborhood. It is also a concern of the proximity of this dormitory to both Chapin Park and King School which currently is home to two High School Charter Schools.

Drug addicts are known to be very unpredictable. How can anyone say that there would be no problems with these residents, many of whom may be there against their own will? Are the local police ready to respond to problems? How can residents in the neighborhood feel safe knowing that this residence facility is close by?

Though we appreciate the goal of the Portland Men's Center to help drug addicts and alcoholics, the location is most undesirable. It seems it would be more suited close to where the addicts live and in an industrial location. Please do not bring drug addicts, potential felons and alcoholics into our neighborhoods.

We appreciate your consideration, and hope you will listen to common sense regarding this request.

Sincerely,

Thomas and Elizabeth Pirkel  
930 Woodlawn Ave  
Oregon City OR 97045