

PLANNING COMMISSION AGENDA
City Commission Chambers - City Hall
625 Center Street, Oregon City, Oregon 97045
July 11, 2011 at 7:00 p.m.

The Planning Commission agendas, including staff reports, memorandums, and minutes are available from the Oregon City Web site home page under meetings. (www.orcity.org)

1. CALL TO ORDER
2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA
3. ADOPTION OF PLANNING COMMISSION MINUTES
 - a. February 28, 2011 Draft Minutes
4. PLANNING COMMISSION HEARING
 - a. SP 11-05- 801 Main Street- Courthouse Addition
 - b. AN 11-01: Park Place Annexation 6.5 acres
5. WORK SESSION
 - a. Membrane Structures
6. ADJOURN

Video Streaming & Broadcasts: The meeting is streamed live on Internet on the Oregon City's Web site at www.orcity.org and available on demand following the meeting. The meeting can be viewed live on Willamette Falls Television on Channels 23 and 28 for Oregon City and Gladstone residents; Channel 18 for Redland residents; and Channel 30 for West Linn residents. The meetings are also rebroadcast on WFTV. Please contact WFTV at 503-650-0275 for a programming schedule.

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 Recorder prior to the Commission meeting. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the Planning Dept. at 503-722-3789.

**CITY OF OREGON CITY
PLANNING COMMISSION HEARING**

February 28, 2011, 7:00 P.M.
City Commission Chambers - City Hall

1. CALL TO ORDER

Roll Call:

Chair Carter Stein
Commissioner
Groener
Commissioner
Mabee
Commissioner
Kidwell
Commissioner Paul Espe
Commissioner
McGriff
Commissioner
Henkin

Staff Present:

Tony Konkol, Senior Planner
Chris Laura Butler, Assistant Planner

Damon

Charles

Denyse

Zachary

Chair Stein called the meeting to order at 7 p.m.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

There was no public comment on items not listed on the agenda.

3. ADOPTION OF PLANNING COMMISSION MINUTES

November 8, 2010 Draft Minutes

Nov 8, 2010 Draft PC Minutes

Motion by Commissioner Damon Mabee, second by Commissioner Charles Kidwell to to approve the November 8, 2010 minutes as written.

A roll call was taken and the motion passed with Chair Carter Stein, Commissioner Damon Mabee, Commissioner Charles Kidwell voting aye and Commissioner Chris Groener, Commissioner Paul Espe, Commissioner Denyse McGriff, Commissioner Zachary Henkin abstained. [3:0:4]

Only Commissioners Stein and Kidwell were in attendance at the November 2010 meeting. Commissioner Mabee watched the video and read the minutes and felt comfortable voting on the minutes as well.

4. PLANNING COMMISSION HEARING

CU 07-05 and SP 07-13 (Quasi-Judicial Hearing)

Commission Report

Applicant's Submittal

Supplemental Findings from the Applicant

Comments from Park Place Neighborhood Association

Comments from John Lewis

Comments from John Replinger

Chair Stein read the hearing statement describing the hearing format and correct process for participation. He asked if there were any declarations of ex parte contact, conflict of interest, bias, or statements.

Commissioner Mabee said as a former City Commissioner he was a member of the South Fork Water Board and was currently a member of Mr. Collins' citizens advisory committee.

Chair Stein was present at the public meeting that Mr. Collins called for the neighborhood. He agreed with the

summary of that meeting. He also attended the bus tour of the water shed.

Laura Terway, Planner, stated the applicant was requesting two land use applications for the property at 15962 Hunter Ave. The property had been developed as a water facility in the 1950s. The applicant included 16 structures in the development application totaling 58,000 square feet. Full development of the site would process 40 million gallons of water per day. The staff report would be available in one week and she requested the Commission continue the hearing to March 14.

Ben Schonberger of Winterbrook Planning introduced the project. John Collins, General Manager of South Fork Water Board, gave a history of South Fork Water Board. Pete Creff, Engineer with MWH, gave a presentation on the proposed expansion of the plant in three phases.

The Commission asked for clarification of the slides in the presentation and security of the tanks.

Mr. Schonberger discussed the process for the land use application and a series of adjustments to the development standards that would be requested. This would generate nine extra trips a month and was an insignificant impact to the transportation system and they proposed full improvements and partial improvements on some of the frontages.

There were further questions from the Commission regarding timeframes for the phases, stormwater, where the sidewalks would be placed, and what was included in the submittal documents for the general concept.

Motion by Commissioner Denyse McGriff, second by Commissioner Charles Kidwell to to continue the public hearing for CU 10-03 and CP 10-03 Conditional Use and Concept (General) Plan to upgrade the water treatment facility on Hunter Avenue to March 14, 2011.

A roll call was taken and the motion passed with Chair Carter Stein, Commissioner Chris Groener, Commissioner Damon Mabee, Commissioner Charles Kidwell, Commissioner Paul Espe, Commissioner Denyse McGriff, Commissioner Zachary Henkin voting aye. [7:0:0]

5. UPDATE FROM THE COMMUNITY DEVELOPMENT DIRECTOR

Mr. Konkol gave an update on the historic inventory project, Jughandle project, and Transportation System Plan update. The City Commission would be discussing their goals at the Commission meeting on March 2.

6. ADJOURN

Chair Stein adjourned the meeting at 7:54 p.m.



Agenda Item No. 4a
Meeting Date: 11 Jul 2011

COMMISSION REPORT: CITY OF OREGON CITY

| | |
|--|--|
| TO: | Planning Commission |
| FROM: | Christina Robertson-Gardiner, Planner |
| PRESENTER: | Christina Robertson-Gardiner, Planner |
| SUBJECT: | SP 11-05- 801 Main Street- Courthouse Addition |
| Agenda Heading: Public Hearing | |
| Approved by: Tony Konkol, Community Development Director | |

RECOMMENDED ACTION (Motion):

Staff recommends that the Planning Commission approve Planning files SP 11-05: Site Plan and Design Review as submitted by the applicant with the recommended conditions of approval.

BACKGROUND:

Clackamas County proposes to add a 5,250 square foot, 3-story addition to the northeast side of the existing County courthouse. The addition will provide safe and secure prisoner transfer to and from the courthouse in the ground level sally port, new, updated holding cells on the second floor, and a new secure courtroom for high risk defendants on the third floor. Vehicle access to the sally port bay will be from the existing north parking lot, with parking modifications to allow for the new addition and vehicle traffic.

A modification is being sought for the transparency (17.62.055) requirement associated with the Sally Port / Clock Tower addition. Staff has chosen to forward this application to the Planning Commission primarily to render the decision on the Modification request. The purpose of the newly adopted modification section of 17.52.015 is to allow the applicant greater flexibility in designing development. However, the burden of proof to show that the modification better meets the standard still lies with the applicant. If, the modification cannot be shown to either meet or exceed the purpose of the regulation being modified, the applicant will be required to either withdraw the application, or proposed a design that meets the regulation. If neither of those options occurs, the decision body should deny the application.

With this application, the applicant has proposed an addition to the Clackamas County Courthouse that does not meet the transparency requirements of Section 17.62.055(I) that require 60% transparency on front and corner elevations and 30% on side elevations. The applicant believes that placing real windows on these elevations creates a security issue and does not want to pursue the installation of false windows which are allowed by code. They believe that the development, as proposed, meets the larger intent of the code, specifically as the building is setback behind Liberty Plaza and will not directly interact with on-street pedestrians.

While Planning staff believes that this approach seems reasonable, they wanted to have this conversation in a more public manner through the Type III hearings process. The applicant has agreed to this normally Type II application being heard through the Type III process

BUDGET IMPACT:

FY(s):
Funding Source:

ATTACHMENTS:



QUASI-JUDICIAL LAND USE DECISION (TYPE III)

STAFF REPORT AND RECOMMENDATION TO THE PLANNING COMMISSION

HEARING DATE: JULY 11, 2011

STAFF REPORT: JULY 5, 2011

FILE NO.: SP 11-05: Site Plan and Design Review

APPLICATION TYPE: Type III – Planning Commission Public Hearing

APPLICANT: Paul Boundy- LRS Architects
720 NW Davis St 300
Portland, OR 97209

Application Submitted: 5/4/2011
Application Complete: 5/19/2011
120-Day Deadline: 09/16/2011

REPRESENTATIVE: David Berniker
2508 NE 25th Avenue
Portland, OR 97212

OWNER: Clackamas County
c/o Jeff Jorgenson
2051 Kaen Road
Oregon City, OR 97045

REQUEST: The applicant is requesting approval of a sally port addition to the Clackamas County Courthouse. The applicant is requesting Planning Commission approval of an alternative design under 17.62.015 Modifications That Will Better Meet Design Review Requirements.

LOCATION: 801 Main Street
Clackamas County Map 2-2E-31AB-04400, 4300, 4200

REVIEWERS: Christina Robertson Gardiner, AICP, Associate Planner
Bob Cullison, EIT, Development Services Manager
Nancy Kraushaar, Public Works Director

RECOMMENDATION: Approval with Conditions.

***PROCESS:** Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the City Commission, except upon appeal. Applications evaluated through this process include conditional use permits, preliminary planned unit development plans, variances, code interpretations, similar use determinations and those rezonings upon annexation under Section 17.06.050 for which discretion is provided. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS*

197.763. Notice of the application and the planning commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to 17.50.290(c) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the historic review board or the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to 17.50.290(C) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.

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

I. BACKGROUND

PROPOSED DEVELOPMENT

Clackamas County proposes to add a 5,250 square foot, 3-story addition to the northeast side of the existing County courthouse. The addition will provide safe and secure prisoner transfer to and from the courthouse in the ground level sally port, new, updated holding cells on the second floor, and a new secure courtroom for high risk defendants on the third floor. Vehicle access to the sally port bay will be from the existing north parking lot, with parking modifications to allow for the new addition and vehicle traffic.

Applicant's Project Summary / Description:

The Clackamas County Courthouse addition is a 3-story, 5,250 s.f. addition to the North side of the existing courthouse. The addition's purpose is to improve the safety of prisoner transfers to and from the courthouse, prisoner holding and an additional courtroom for high risk people.

Each floor of the addition is 1,750 SF. The ground level will house an enclosed sallyport accommodating two prisoner transport vans. Prisoners will be safely and securely transferred from the vans, through a secure vestibule to a dedicated prisoner transfer elevator or stairway. The second floor contains a new prisoner holding facility with separate Men's and Women's cells as well as isolation cells and deputy work areas and toilets. The top floor houses a new secure courtroom.

The addition will be clad in brick and stone to match the existing building, minimizing the visual impact on the historic courthouse. Corner and parapet treatment is intended to be sympathetic with the existing detailing, while being somewhat simplified to differentiate the addition from the original building. Combined with the addition's set-back and the separation provided by the existing chimney, it should be clear that the proposed structure is a later addition to the historic, original. New punched windows will be 1/1, matching the style and proportion of the existing building's windows.

The face of the addition fronting Liberty Plaza acts as a backdrop to the plaza and provides definition to a side of the plaza that is poorly defined at present. Simplified detailing, borrowed from the existing courthouse, helps to break the addition down to a more human scale, and a clock, added to the new elevator tower, provides a focal point for the plaza.

Parking

Seven additional parking spaces are required as a result of this request. Three are a result of the proposed courtroom to be located on the third floor. Four additional spaces are required because the proposed sally port removes existing on-site parking and causes the Courthouse to go further out of compliance with the City's parking and loading standards.

The applicant has chosen to accommodate the loss of parking through the continued use of a shared parking lot that distinguishes between daytime and nighttime uses or a lot with excess capacity. The applicant plans on entering into a long-term lease between the County and the property owner which will require the County to notify the City in the event that the lease is vacated. The applicant has indicated in their narrative that the request is for a Type II Variance. A variance is not required to accommodate this request, as shared parking is a permitted option in achieving the parking requirements found in 17.52. Off-street Parking and Loading.

Design Modification

A modification is also being sought for the transparency (17.62.055) requirement associated with the Sally Port / Clock Tower addition. Staff has chosen to forward this application to the Planning Commission primarily to render the decision on the Modification request. The purpose of the newly adopted modification section of 17.52.015 is to allow the applicant greater flexibility in designing development. However, the burden of proof to show that the modification better meets the standard still lies with the applicant. If, the modification cannot be shown to either meet or exceed the purpose of the regulation being modified, the applicant will be required to either withdraw the application, or proposed a design that meets the regulation. If neither of those options occurs, the decision body should deny the application.

With this application, the applicant has proposed an addition to the Clackamas County Courthouse that does not meet the transparency requirements of Section 17.62.055(1) that require 60% transparency on front and corner elevations and 30% on side elevations. Staff indicated that if the applicant had proposed a sally port design that mimicked the fenestration rhythm of the courthouse on all floors, which would have resulted in a transparency level of 30-35% percent, staff would have processed the request on a Type II level as it could be easily shown that the addition was designed to integrate into the architecture of the Courthouse. In this instance, the applicant is requesting approval of an alternative design based on the unique purpose of the sally port which will transfer and house inmates into a secure courtroom. The applicant believes that placing real windows on these elevations creates a security issue and does not want to pursue the installation of false windows which are allowed by code. They believe that the development, as proposed, meets the larger intent of the code, specifically as the building is setback behind Liberty Plaza and will not directly interact with on-street pedestrians.

While Planning staff believes that this approach seems reasonable, they wanted to have this conversation in a more public manner through the Type III hearings process. The applicant has agreed to this normally Type II application being heard through the Type III process.

II. BASIC FACTS

EXISTING CONDITIONS

The Clackamas County Court House is located in the heart of Oregon City's downtown. In 2000, the property was found to be individually eligible for listing on the National Register. As of today, the property has not been designated a local Landmark and is not listed on the National Register. Therefore, OCMC 17.40 Historic Overlay is not applicable to this project. However, the county did undertake a Section 106 Compliance review with the Oregon State Historic Preservation office (SHPO) as Federal funding was involved with the project. The project was found to have no adverse affect on the courthouse. In 2006, the Courthouse applied for and received approval for the revision to the ADA ramp and reconfiguration to some of the existing louvers on upper story windows (SP 06-14)

The survey form provides the following description and history:

This is a three-story building with a full basement, much of which is fully exposed as a ground floor on the south and west elevations due to the slope of the landscape. It exemplifies the Art Deco style with its chevrons and stylistic sculptures, which include eagles surmounted on attached columns flanking the doors, scales symbolizing justice, and figures hold an "all-seeing eye" atop the corner piers.

The exterior walls are sheathed with brick above the basement; the basement is sheathed with stone in a smooth ashlar rusticated finish. A beltcourse of stone with chevron detailing rings the building above the second floor windows. The east entrance is set off by stone surrounds. The north and south "wings" are set back slightly from the front and rear elevations. The interior includes oak trim, terrazzo floors and Tennessee marble wainscot. Alterations include the raising of the roof over the former jail area and the addition of a third floor to provide additional courtroom space (1959), awnings over the entrances, and filling-in of some windows. Clackamas County was formed in 1843 by the Provisional Government. The first courthouse, built in 1850, burned in 1862. For the next 20 years, county business was conducted in various rented spaces downtown. An imposing, 2nd Empire style courthouse, designed by Neer and LaRomer, was constructed in 1884-1885 on the site of the present courthouse. By 1930, the building had become overcrowded and badly deteriorated and county officials began seeking funding for a new building. It was not until a PWA grant for \$90,000 was received in 1935, however, that a new courthouse became a possibility. The new courthouse, an excellent example of the popular Art Deco style used for many public works projects during the Great Depression, was designed by architect F. Marion Stokes. Construction, which began in September 1936 and was completed in May 1937, was supervised by Glen L. Ford, a contractor from Portland. The building was constructed with 20,000 sacks of cement, 350,000 board feet of Clackamas County grown and manufactured lumber, and 90,000 bricks from Yamhill County. In keeping with the purpose of the federal relief-funded projects in the 1930s, the project created employment for dozens of people and resulted in 83,121 hours of labor. The total cost of the project was \$273,000. This building should be considered eligible not only as a contributing resource in a historic district, but also as an individually eligible resource. Although there have been some alterations to the building, they have been mostly sensitive to the historic appearance and have not seriously affected the integrity of the building. As an individually eligible resource, the courthouse would be eligible as the only example of an Art Deco building in downtown Oregon City and as a nearly intact example of a public works project funded in part by a federal relief program (PWA) which provided assistance to communities throughout the country.

Existing Public Improvements

All public utility services are already servicing the Courthouse and are also available in Main St, 8th St, and 9th St.

SURROUNDING ZONING AND LAND USES

Surrounding zoning and land uses are as follows:

West "Willamette River/99E
North "MUD"- 9th Street/McMenamins Parking Lot,
East "MUD Main -Street
South "MUD" 8th- Street

NOTICE AND PUBLIC COMMENT

Notice of the public hearing for this application was provided pursuant to this section. Mailed notice within 300' of the project area was sent out on May 19, 2011. Copies of the application were transmitted to the Citizen Involvement Committee, Main Street Oregon City and affected agencies on May 19, 2011. The notice was published in the Clackamas Review/Oregon City News 20 days prior to the July 11, 2011 public hearing date. The property was posted with a Land Use Notice sign on May 25, 2011

No comments have been submitted to the Planning Division. Any public comment submitted after the release of the staff report will be entered in the record at the July 11, 2011 Planning Commission Hearing.

II. DECISION MAKING CRITERIA AND FINDINGS

DECISION CRITERIA

The development proposal will be analyzed for compliance with the following Chapters of the Oregon City Municipal Code:

- 12.04 - Streets, Sidewalks and Public Places*
- 12.08 - Public and Street Trees*
- 17.34 - "MUD" Mixed Use Downtown District*
- 17.44 - "US" - Geologic Hazard Overlay District*
- 17.49 - "NROD" - Natural Resource Overlay District*
- 17.50 - Administration and Procedures*
- 17.52 - Off-Street Parking and Loading*
- 17.62 - Site Plan and Design Review*

12.04.015 Street design—Purpose and general provisions.

All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the city's public facility master plan and city design standards and specifications. In reviewing applications for development, the city engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Finding: Not applicable. No new streets are proposed.

12.04.020 Street Design—Generally.

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

streets that abut the development site. Where location is not shown in the development plan, the arrangement of streets shall either:

- A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;
- B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Access control in accordance with Section 12.04.200 shall be required to preserve the objectives of street extensions.

Finding: Not applicable. No new streets are proposed.

12.04.050 - Intersection level of service standards.

When reviewing new developments, the City of Oregon City requires all relevant intersections to be maintained at the minimum acceptable Level of Service (LOS) upon full build out of the proposed development. The minimum acceptable LOS standards are as follows:

- A. For signalized intersection areas of the city that are located outside the Regional Center boundaries a LOS of "D" or better for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of critical movements.
- B. For signalized intersections within the regional center boundaries a LOS "D" can be exceeded during the peak hour; however, during the second peak hour, LOS "D" or better will be required as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0.
- C. For unsignalized intersection throughout the city a LOS "E" or better for the poorest approach and with no movement serving more than twenty peak hour vehicles operating at worse than LOS "F" will be tolerated for minor movements during a peak hour.

Finding: Complies. Based on the Applicant's Traffic Analysis Letter (TAL) (Exhibit 2), the proposed addition would generate less than 250 trips a day for a typical event. The TAL was reviewed by the city's transportation consultant, John Replinger, P.E. (Exhibit3). Mr. Replinger found that the TAL provides an adequate basis on which to evaluate the impact of the development of the proposed addition. Sight distance is acceptable and no changes to the parking lot entrances are proposed. The applicant's engineer does not recommend mitigation for traffic impacts and Mr. Replinger concurs.

12.04.090 Street design—Pedestrian and bicycle safety.

Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision maker may require that local streets be so designed as to discourage their use by nonlocal automobile traffic.

All crosswalks shall include a large vegetative or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The decision maker may approve an alternative design that achieves the same standard for constrained sites or where deemed unnecessary by the city engineer.

Finding: Not applicable. No new streets or crosswalks are being proposed.

12.04.095 Street design—Curb cuts.

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

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

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

Finding: Complies. Per the TAL, no new curb cuts are being proposed. Access to the site will be from the existing curb cuts on 9th Street.

12.04.100 Street design—Alleys.

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

Finding: Not applicable. The proposed development is zoned MUD – Mixed Use Downtown.

12.04.105 Street design—Transit.

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with Tri Met where the application impacts transit streets as identified on Figure 5.7: Public Transit System Plan of the Oregon City Transportation System Plan. Pedestrian/bicycle accessways shall be provided as necessary in conformance with the requirements in Section 17.90.220 of this Code and Chapter 12.24 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.

Finding: Complies. Existing Tri-Met bus routes 32 and 34 as well as the Oregon City Trolley utilize Main Street. This development will not affect any of the existing bus or trolley stops on Main Street.

12.04.110 Street design—Planter strips.

All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the decision maker finds it is not practicable. The decision maker may permit constrained sites to place street trees on the abutting private property within ten feet of the public right-of-way if a covenant is recorded on the title of the property identifying the tree as a city street tree which is maintained by the

property owner. Development proposed along a collector, minor arterial, or major arterial street may use tree wells with root barriers located near the curb within a wider sidewalk in lieu of a planter strip, in which case each tree shall have a protected area to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.

To promote and maintain the community tree canopy adjacent to public streets, trees shall be selected and planted in planter strips in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining healthy and attractive trees and vegetation in the planter strip. If a homeowners' association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this Code and enforceable as a civil infraction.

Finding: Complies as proposed. Main St ROW has street trees in tree wells which appear to be in good condition. There are no street trees on 8th (except at the corner of Main St), 9th St, or McLoughlin Blvd. No upgrade is required as part of this application. The McLoughlin Boulevard Viaduct does not support tree wells on 99E. 8th Street is currently configured for angled county parking and no changes to this configuration is being proposed as part of this application. The long rectangular Tax lot 4400 abuts 9th Street for 33 feet, a portion of which is part of the drive isle apron. Large parking lot trees already abut the 8-foot 9th Street sidewalk. Staff has determined that tree wells are not appropriate on 9th Street at this time.

12.04.120 Obstructions—Permit required.

Finding: Not applicable. No obstructions are proposed that will impact the right-of-way.

12.08. PUBLIC AND STREET TREES

12.08.010 - Purpose.

The purpose of this chapter is to:

- A. Develop tree lined streets to protect the living quality and beautify the city;*
- B. Establish physical separation between pedestrians and vehicular traffic;*
- C. Create opportunities for solar shading;*
- D. Improve air quality; and*
- E. Increase the community tree canopy and resource.*

12.08.015 - Street tree planting and maintenance requirements.

All new construction or major redevelopment shall provide street trees adjacent to all street frontages. Species of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List or be approved by a certified arborist. If a setback sidewalk has already been constructed or the Development Services determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed within the front yard setback, exclusive of any utility easement.

- A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The community development director may approve an alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.*
- B. The following clearance distances shall be maintained when planting trees:*
 - 1. Fifteen feet from streetlights;*

2. Five feet from fire hydrants;

3. Twenty feet from intersections;

4. A minimum of five feet (at mature height) below power lines.

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

D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.

Finding: Complies. See section 12.04.110 above.

17.34. "MUD" – MIXED USE DOWNTOWN DISTRICT

17.34.010 Designated.

The mixed-use downtown (MUD) district is designed to apply 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.

Finding: Complies. The uses proposed are consistent with the designation of the Mixed Use Downtown district.

17.34.020 Permitted uses.

Permitted uses in the MUD district are defined as:

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

B. Hotel and motel, commercial lodging;

C. Marinas;

D. Religious institutions;

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

F. Live/work units.

Finding: Complies. The applicant has proposed a new courtroom, holding cells and secured parking facility for the courthouse. Offices, including finance, insurance, real estate and government are a permitted use in the MUC district.

17.34.030 - Conditional uses.

Finding: Not applicable. Applicant has not proposed a Conditional Use under Section 17.34.030.

17.34.040 Prohibited uses.

Finding: Not applicable. Applicant has not proposed a Prohibited Use under Section 17.34.040.

17.34.060 - Dimensional standards.

Finding: Complies with Conditions. Currently the site is composed of Tax Lots 4400, 4300 and 4200. The proposed addition is slated to cross over the property lines of 4400 and 4300. Therefore, prior to obtaining a Certificate of Occupancy, the applicant shall combine and/or reconfigure through the Lot Line Adjustment/Replat process Tax Lots 4400, 4300, 4200 and demonstrate that all of the underlying setbacks can be met.

A. Minimum lot area: None.

Finding: Complies.

B. Minimum floor area ratio: 0.30.

Finding: Not applicable. This standard applies to residential and mixed-use buildings (residential and commercial). Site already meets the FAR of .30

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

Finding: Complies. Both the existing courthouse and the proposed addition are three stories.

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

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

Finding: Complies. The approximate height of the courthouse is 39 feet and the top of the addition is 38 feet.

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

Finding: Not applicable. The property does not abut a residential zone.

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

Finding: Not applicable The property does not abut a residential zone.

G. Maximum Allowed Setbacks.

1. Front yard: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.

Finding: Complies. While the proposed addition is setback 75 feet from the property line, the main volume of the building is 20 feet from the property line.

2. Interior side yard: No maximum.

Finding: Complies. The interior side setbacks are 42.5' and 44' 1".

3. Corner side yard abutting street: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.

Finding: Complies. The addition is not on a corner side yard.

4. Rear yard: No maximum.

Finding: Complies. The rear setback is 87 feet.

5. Rear yard abutting street: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.

Finding: Not applicable. While the proposed addition is setback 87 feet from the property line, the main volume of the building is 20 feet from the rear property line.

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

Finding: Complies. The site coverage of all buildings, the parking lot, paths, walkways and the plaza is approximately 33,000 square feet of the total 39,000 square feet site, or eighty-four percent (84%).

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

Finding: Complies. The proposed landscaping exceeds ten percent. Detailed findings are provided in Section 17.62.050.

17.44. GEOLOGIC HAZARDS

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.

Finding: The site is mostly flat except for a small portion of the site near the 99E frontage adjacent to the McMennamin's beer garden where the lot meets the basalt cliffs of downtown Oregon City. 99E at this section is suspended by a viaduct. Nancy Kraushaar, City Engineer, has determined that the proposed work, as conditioned, is appropriately placed onsite and will not affect the stability of the basalt cliff. The applicant has proposed to place the sally port on the flat portion of the site. Staff concurs that the placement of the project minimizes the site disturbances. A memo from Ms. Kraushaar that addresses the applicable code sections of this chapter will be entered into the record at the hearing on July 11, 2011.

17.47. EROSION AND SEDIMENT CONTROL

17.47.060 - Permit required.

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

Finding: Complies with Conditions. In accordance with this section, the applicant provided a preliminary erosion/sedimentation control plan and is responsible for maintaining all erosion and sediment control measures required by this section. Further compliance with this section is reviewed at the time of Construction Plan review and permit issuance by the Building Division.

17.49. NATURAL RESOURCE OVERLAY DISTRICT

Finding: Not applicable. The applicant is proposing to construct the sally port addition on an existing impervious surface. Section 17.49.080(J) of the Oregon City Zoning Code states, "replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased" are exempt from a NROD permit and regulations.

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES

This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS Chapters 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City comprehensive plan and Titles 16 and 17 of this Code.

Finding: Complies. This application was reviewed pursuant to the relevant procedures for a Type III Planning Commission review as required by Chapter 17.50, including review of the zoning standards, overlay district requirements, public notice and comment, and recommended conditions of approval. Any appeal, request for reconsideration, or modification of this application shall be processed in accordance with the applicable procedures required by Chapter 17.50.

17.50.030 - Summary of the city's decision-making processes.

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

C. Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record. The city commission decision on appeal from the historic review board or the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final.

Finding: Complies. The applicant has requested a Type III Planning Commission Review of this application for the purposes of determining if they have proposed an application that can meet the requirements of OCMC 17.62.015 Modifications that Better Meet this standard. Planning staff did not believe that the modification to the transparency standard should be processed as a Type II review. Staff felt that the proposal varied too much from the standard to be processed under the Type II process.

17.50.050 - Preapplication conference and neighborhood meeting.

Finding: Complies. The applicant attended a formal pre-application conference PA 10-38 with the Planning Division staff on January 11, 2011. The applicant presented the project formally to the Citizen Involvement Committee (CIC) on March 7, 2011. At the meeting, the CIC voted to support the application.

17.50.090 - Public notices.

All public notices issued by the city with regard to a land use matter, announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.

Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the city shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The city shall also publish the notice in a newspaper of general circulation within the city at least twenty days prior to the hearing.

Finding: Complies. Notice of the public hearing for this application was provided pursuant to this section. Mailed notice within 300' of the project area was sent out on May 19, 2011. Copies of the application were transmitted to the CIC and affected agencies on May 19, 2011. The notice was published in the Clackamas Review/Oregon City News 20 days prior to the July 11, 2011 public hearing date. The property was posted with a Land Use Notice sign on October May 24, 2011.

17.52. OFF STREET PARKING AND LOADING

17.52.010 Number of spaces required.

The construction of a new structure or at the time of enlargement or change in use of an existing structure within any district in the city, off street parking spaces shall be provided in accordance with this section. In the event several uses occupy a single structure or parcel of land, the total requirements for off street parking shall be the sum of the requirements of the several uses computed separately. Requirements for types of buildings and uses not specifically listed herein shall be determined by the community development director, based upon the requirements of comparable uses listed. Where calculation in accordance

with the following list results in a fractional space, any fraction less than one half shall be disregarded and any fraction of one half or more shall require one space. The required number of parking stalls may be reduced if one or more of the following is met:

A. *Transit Oriented Development.* The community development director may reduce the required number of parking stalls up to ten percent when it is determined that a commercial business center or multi family project is adjacent to or within one thousand feet of an existing or planned public transit. Also, if a commercial center is within one thousand feet of a multi family project, with over eighty units and pedestrian access, the parking requirements may be reduced by ten percent.

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

1. *Alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and minimum city parking requirements.*
2. *A Transportation Demand Management (TDM) Program has been developed for approval by the city engineer. The plan will contain strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the city determines the plan is not successful, the plan may be revised. If the city determines that no good faith effort has been made to implement the plan, the city may take enforcement actions.*

C. *Shared Parking.* The community development director may reduce the required number of parking stalls up to fifty percent for:

1. *Mixed uses.* If more than one type of land use occupies a single structure or parcel of land, the total requirements for off street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of fifty percent, as determined by the community development director.
2. *Shared parking.* Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within one thousand feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.

Finding: Conditionally Complies.

The existing Courthouse is not in compliance with the require parking section development code. However, per OCMC 17.52, only new additions and new construction are required to be in compliance with the adopted parking standards. Therefore, this application will be looking solely at the new addition and number of parking spaces created/removed as part of this application. Three of the required seven additional parking spaces are a result of the proposed courtroom on the third floor. The remaining four additional spaces are a result of the proposed sally port, which removes existing on-site parking and causes the Courthouse to go further out of compliance with the City's parking and loading standards. Therefore, the applicant shall provide for 7 additional parking spaces either onsite or through a shared parking agreement.

The applicant has presented a satisfactory analysis of the proposed shared parking situation that assures that all off-street parking requirements can be met. The applicant has provided a site plan sheet indicating the available off-site parking areas. Staff concurs with the proposed shared parking analysis. The spaces that are required are proposed to be located off-site, with the County leasing spaces in either a lot with excess capacity or a lot with off-peak parking requirements. Two lots are currently under consideration and discussions with property owners are in progress. The applicant understands that the County will need to enter into a long-term agreement with the existing parking lot property owner as a condition of approval.

Therefore, prior to obtaining a Certificate of Occupancy, the applicant shall show that the 7 new spaces are accommodated with a long-term shared parking lease with a property owner located with 1,000 square feet of the courthouse. The shared parking lease shall show that there is either an excess of required parking onsite or that the parking does not materially overlap each other. The long term lease shall require formal notification to the city of Oregon City if and when the lease is broken. The lease will also indicate that noncompliance with the parking requirements of this approval are subject to the enforcement section of this chapter, which can result in the applicant being sent to Municipal Court to ensure compliance.

3. *Reduction in parking for tree preservation.* The community development director may grant an adjustment to any standard of this provided that the adjustment preserves a regulated tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition. The amount of reduction can be determined only after taking into consideration any unique site conditions and the impact of

the reduction on parking needs for the use, and must be approved by the community development director. This reduction is discretionary and subject to the approval of the community development director.

Finding: Not applicable. The applicant has not requested a reduction in the required amount of parking pursuant to this section.

D. On Street Parking.

On street parking for commercial uses shall conform to the following standards:

1. Dimensions. The following constitutes one on street parking space:

- a. Parallel parking, each twenty two feet of uninterrupted and available curb;*
- b. Forty/sixty degree diagonal, each with twelve feet of curb;*
- c. Ninety degree (perpendicular) parking, each with twelve feet of curb.*

2. Location. Parking may be counted toward the minimum standards in the Parking Requirement Table below when it is on the block face abutting the subject land use. An on street parking space must not obstruct a required clear vision area and its must not violate any law or street standard.

3. Public Use Required for Credit. On street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on street spaces are prohibited.

Finding: Complies. There is currently no parking available on the Main Street and 99E frontages. The 8th Street frontage (angled parking) cannot be counted for on- street credit as it is used exclusively for the courthouse and not the general public.

17.52.020 - Administrative provisions.

A. The provision and maintenance of off street parking and loading spaces are continuing obligations of the property owner.

Finding: Complies. The applicant acknowledges that the provision and maintenance of off street parking and loading are the obligations of the owner.

B. Off street parking for dwellings shall be located on the same lot with the dwelling.

Finding: Not applicable. There are no dwellings associated with the proposed development.

C. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

Finding: Complies. The applicant has not indicated that off street parking spaces would be used for anything other than for operable passenger automobiles of residents, customers, patrons, and employees. Compliance with this standard is the ongoing responsibility of the property owner.

17.52.030 - Design review.

A. Development of or alterations to existing parking lots shall require site plan review.

Finding: Complies. The application includes site plan review for the parking lot.

B. Access. Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety. Groups of more than four parking spaces shall be so located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.

Finding: Complies. The application is not altering the existing ingress and egress points on 9th Street

C. Surfacing. Required off street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that reduce storm water runoff and improve water quality pursuant to the city's storm water and low impact development design standards are encouraged.

Finding: Complies. All off street parking spaces and drive aisles will be paved and adequately maintained.

D. Drainage. Drainage shall be designed in accordance with the requirements of Chapter 13.12 and the city public works storm water and grading design standards.

Finding: Complies with Conditions. All drainage will be designed in accordance with City Public Work storm water and grading design standards. **Applicant can assure this standard is met through Condition of Approval 1.**

E. Dimensional Requirements.

1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all weather surface to a street or alley. Parking stalls in compliance with the American[s] with Disabilities Act may vary in size in order to comply with the building division requirements. Up to thirty five percent of the minimum required parking may be compact, while the remaining required parking stalls are designed to standard dimensions. The community development director may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.

2. Alternative parking/landscaping plan. The city understands the physical constraints imposed upon small parking lots and encourages alternative designs for parking lots of less than ten parking stalls. The community development director may approve an alternative parking lot/landscaping plan with variations to the parking angle or space dimensions and landscaping standards for off street parking. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while retaining landscaping to the quantity and quality found within parking lot landscaping requirements.

PARKING STANDARD
PARKING ANGLE SPACE DIMENSIONS

| A Parking Angle | | B Stall Width | C Stall to Curb | D Aisle Width | E Curb Length | F Overhang |
|-----------------|---------------------|---------------|-----------------|---------------|----------------|------------|
| 0 degrees | | 8.5 | 9.0 | 12 | 20 | 0 |
| 30 degrees | Standard Compact | 9' 8' | 17.3' 14.9' | 11' 11' | 18' 16' | |
| 45 degrees | Standard Compact | 8.5 8.5 | 19.8' 17.0' | 13' 13' | 12.7' 11.3' | 1.4 |
| 60 degrees | Standard Compact | 9' 8' | 21' 17.9' | 18' 16' | 10.4' 9.2' | 1.7 |
| 90 degrees | Standard Compact | 9' 8' | 19.0' 16.0' | 24' 22' | 9' 8' | 1.5 |

All dimensions are to the nearest tenth of a foot

Finding: Complies as proposed

17.52.040 Carpool and vanpool parking.

A. New retail, office and industrial developments with seventy five or more parking spaces, and new hospitals, government offices, nursing and retirement homes, schools and transit park and ride facilities with fifty or more parking spaces, shall identify the spaces available for employee, student and commuter parking and designate at least five percent, but not fewer than two, of those spaces for exclusive carpool and vanpool parking. Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of handicapped parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved Carpool/Vanpool Only."

B. As used in this section, "carpool" means a group of two or more commuters, including the driver, who share the ride to and from work, school and other destination. "Vanpool" means a group of five or more commuters, including the driver, who share the ride to and from work, school or other destination on a regularly scheduled basis.

Finding: Not applicable. This is not a new development. The addition has triggered the addition of 7 new spaces.

17.52.050 Bicycle parking purpose applicability.

The development will incorporate bicycle parking into the design as conditioned in detail below.

17.52.060 - Bicycle parking standards.

A. Bicycle parking spaces shall be provided for the uses described in Section 17.52.050, in the amounts specified in Table A. For any use not specifically mentioned in Table A, the bicycle parking requirements shall be the same as the use which, as determined by the community development director is most similar to the use not specifically mentioned. Calculation of the number of bicycle parking spaces required shall be determined in the manner established in Section 17.52.010 for determining automobile parking space requirements.

1. Bicycle parking shall be located on site, in one or more convenient, secure and accessible outdoor and indoor locations close to a main building entrance. The city engineer and the community development director may permit the bicycle parking to be provided within the public right-of-way. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings. If a building has two or more main building entrances, the review authority may require bicycle parking to be distributed to serve all main building entrances, as it deems appropriate.

2. Bicycle parking areas shall be clearly marked. Outdoor bicycle parking areas shall be visible from on site buildings or the street. Indoor bicycle parking areas shall not require stairs to access the space, except that bicycle parking may be allowed on upper stories within multi story residential structures.

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

1. Bicycle parking areas shall be separated from motor vehicle parking and maneuvering areas and from arterial streets by a barrier or a minimum of five feet. Areas set aside for required bicycle parking shall be clearly marked and reserved for bicycle parking only. If a bicycle parking area is not plainly visible from the street or main building entrance, then a sign must be posted indicating the location of the bicycle parking area.

2. Bicycle parking areas shall not obstruct pedestrian walkways; provided, however, that the review authority may allow bicycle parking in the public sidewalk where this does not conflict with pedestrian accessibility.

C. Outdoor bicycle areas shall be connected to main building entrances by pedestrian accessible walks. Outdoor bicycle parking areas also shall have direct access to public right-of-way and to existing and proposed pedestrian/bicycle accessways and pedestrian walkways.

D. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary rack to which the bicycle can be locked. All bicycle racks and lockers shall be securely anchored to the ground or to a structure. Bicycle racks shall be designed so that bicycles may be securely locked to them without undue convenience.

Finding: Complies with Conditions. The applicant has not indicated if there is any bike parking onsite. The addition of 3 new parking spaces does require the applicant to proportionally upgrade the required bike parking onsite. At a minimum, the applicant shall provide 2 additional bike parking spaces onsite. the bike parking shall be located on site in such a manner that the applicant can show compliance with the above section. The applicant can meet this standard through Condition of Approval 4.

17.52.070 Pedestrian access in off street automobile parking areas.

Sidewalks and curbs shall be provided in accordance with the city's transportation master plan and development standards within Section 17.62.050.A.7. of the Oregon City Municipal Code.

Finding: See Section 17.62.050(A)(9).

17.52.090 Parking lot landscaping.

A. Purpose. The purpose of this Code section includes the following:

1. To enhance and soften the appearance of parking lots;
2. To limit the visual impact of parking lots from sidewalks, streets and particularly from residential areas;
3. To shade and cool parking areas;
4. To reduce air and water pollution;
5. To reduce storm water impacts and improve water quality; and
6. To establish parking lots that are more inviting to pedestrians and bicyclists.

B. Development Standards. Parking lot landscaping is required for all uses, except for single and two family residential dwellings.

In order to provide connectivity between non single family sites, the community development director may approve an interruption in the perimeter parking lot landscaping for a single driveway where the parking lot abuts property designated as multi family, commercial or industrial. Shared driveways and parking aisles that straddle a lot line do not need to meet perimeter landscaping requirements.

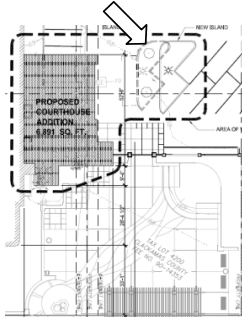
Finding: Compliance with the parking lot landscaping standards is detailed below.

1. Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-way Screening.

Parking lots shall include a five foot wide landscaped buffer where the parking lot abuts the right-of-way and/or adjoining properties. The perimeter parking lot area shall include:

- a. Trees spaced a maximum of thirty five feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;
- b. Ground cover, such as wild flowers, spaced a maximum of sixteen inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and
- c. An evergreen hedge screen of thirty to forty two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.

Finding: Complies



The addition will require the existing landscape island to be shifted east, which will result in the removal of two parking spaces. The landscape island will be replanted with plants that meet the requirements of this section and OCMC 17362.050A1- Landscaping.

2. Parking Area/Building Buffer.

Parking areas shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:

- a. Minimum five foot wide landscaped planter strip (excluding areas for pedestrian connection) abutting either side of a parking lot sidewalk with:
 - i. Trees spaced a maximum of thirty five feet apart;
 - ii. Ground cover such as wild flowers, spaced a maximum of sixteen inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and
 - iii. An evergreen hedge of thirty to forty two inches or shrubs placed no more than four feet apart on average; or
- b. Seven foot sidewalks with shade trees spaced a maximum of thirty five feet apart in three foot by five foot tree wells.

Finding: Complies. The applicant has proposed a parking area/building buffer that meets this section.

3. Interior Parking Lot Landscaping.

Surface parking lots shall have a minimum ten percent of the interior of the gross area of the parking lot devoted to landscaping to improve the water quality, reduce stormwater runoff, and provide pavement shade. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum total site landscaping required by Section 17.62.050A.1. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Interior parking lot landscaping shall include:

- a. A minimum of one tree per six parking spaces.
- b. Ground cover, such as wild flowers, spaced a maximum of sixteen inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.
- c. Shrubs spaced no more than four feet apart on average.
- d. No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips provided between rows of parking shall be a minimum of six feet in width to accommodate:
 - i. Pedestrian walkways shall have shade trees spaced a maximum of every thirty five feet in a minimum three foot by five foot tree wells; or
 - ii. Trees spaced every thirty five feet, shrubs spaced no more than four feet apart on average, and ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.

Finding: Complies. Finding: Complies

The addition will require the existing landscape island to be shifted east, which will remove two parking spaces. The landscape island will be replanted with shrubs and trees that meet the requirements this section. A landscape plan was submitted by the applicant that appears to meet the standard.

4. Alternative parking/landscaping plan.

The city understands the physical constraints imposed upon small parking lots and encourages alternative designs for parking lots of less than ten parking stalls. The community development director may approve an alternative parking lot/landscaping plan with variations to the parking dimensions and landscaping standards for off street parking. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while retaining landscaping to the quantity and quality found within parking lot landscaping requirements. The landscaping plan shall be prepared by a licensed landscape architect.

Finding: Not applicable. The applicant has not requested approval of an alternative parking/landscaping plan.

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

Finding: Complies. Landscaping proposed is uniformly distributed throughout the parking lot.

6. Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping to provide shade.

Finding: Complies. The applicant has proposed a landscaping plan with deciduous trees and coniferous trees that are evenly distributed throughout the parking lot and plaza as both perimeter and interior landscaping to provide shade.

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

Finding: Complies. Landscaping is provided for all areas not used for parking, maneuvering or circulation..

8. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of Chapter 10.32, Traffic Sight Obstructions.

Finding: Complies. The applicant Traffic Analysis Letter indicates that the sight distance on 9th street is not obstructed

9. Landscaped areas shall include irrigation systems.

Finding: Complies. All landscaped areas will include irrigation systems.

10. All plant materials, including trees, shrubbery and ground cover should be selected for their appropriateness to the site, drought tolerance, year round greenery and coverage and staggered flowering periods. Species found on the Oregon City Native Plant List are strongly encouraged and species found on the Oregon City Nuisance Plant List are prohibited.

Finding: Complies. The landscaping plan includes mostly native species and ornamental landscape materials that are appropriate for the site.

11. Landscaping shall incorporate design standards in accordance with Chapter 13.12, Stormwater Management.

Finding: Complies. To the extent required the proposed landscaping complies with this section.

12. Required landscaping trees shall be of a minimum two inch minimum caliper size, planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List;

Finding: Complies. All trees proposed on the landscaping plan shall be at least 2" in caliper size and selected from the Oregon City Street Tree

C. Installation.

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

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

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

Finding: Complies. The applicant shall install all landscaping as proposed prior to issuance of a certificate of occupancy.

D. Maintenance.

1. The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

2. All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise so that:

- a. It will not interfere with the maintenance or repair of any public utility;
- b. It will not restrict pedestrian or vehicular access; and
- c. It will not constitute a traffic hazard due to reduced visibility.

Finding: Complies. The applicant understands the installation and ongoing maintenance obligations of this section. Any violations may be remedied through the city's code compliance process.

17.62. SITE PLAN AND DESIGN REVIEW

17.62.010 Purpose.

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

Finding: Complies. The applicant acknowledges the purpose of the site plan and design review process. The proposed development plan will comply with established procedures and standards of this section.

17.62.015 Modifications that will better meet design review requirements.

The review body may consider modification of site related development standards. These modifications are done as part of design review and are not required to go through the variance process pursuant to Section 17.62.020. Adjustments to use related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the variance process pursuant to Section 17.62.020. Modifications that are denied through design review may be requested as variance through the variance process pursuant to Section 17.62.020. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

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

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

Finding: A modification is being sought for the transparency (17.62.055) requirement associated with the Sally Port / Clock Tower addition. Staff has chosen to forward this application to the Planning Commission primarily to render the decision on the Modification request. The purpose of the newly adopted modification section of 17.52.015 is to allow the applicant greater flexibility in designing development. However, the burden of proof is on the applicant to show that the modification better meets the standard. If, the modification cannot be shown to either meet or exceed the purpose of the regulation being modified, the applicant will be required to either withdraw the application, or propose a design that meets the regulation. If neither of those options occurs, the decision body should deny the application.

While Planning staff believes that this approach seems reasonable, they wanted to have this conversation in a more public manner through the Type III hearings process. The applicant has agreed to this normally Type II application being heard through the Type III process.

With this application, the applicant has proposed an addition to the Clackamas County Courthouse that does not meet the transparency requirements of Section 17.62.055(I) that require 60% transparency on front (Main Street) and corner elevations (99E) and 30% on side elevations (9th Street). The current proposal has the following transparency:

| | | Required (1 st floor only) | Proposed |
|--|--|--|----------|
| | | | |

| | | | |
|-------------|------------------------|-----|----|
| Front | Main Street | 60% | 8% |
| Corner Side | 99E | 60% | 0% |
| Side | 9 th Street | 30% | 0% |

Staff indicated that if the applicant has proposed a sally port design that mimicked the fenestration rhythm of the courthouse on all floors which would have resulted in a transparency level of 30-35 percent, staff would have processed the request on a Type II level as it could be easily shown that the addition was designed to integrate into the architecture of the Courthouse. In this instance, the applicant is requesting approval of an alternative design based on the unique purpose of the sally port which will transfer and house inmates into a secure courtroom. The applicant believes that placing real windows on these elevations creates a security issue and does not want to pursue the installation of false windows, which are allowed by code.

They believe that the development, as proposed, meets the larger intent of the code, specifically as the building is setback behind Liberty Plaza and will not directly interact with on-street pedestrians. However, the proposed design allows for very little interaction when those same pedestrian are in Liberty Plaza. To help mitigate this, the applicant has proposed to include a trellis along the front elevation of the new addition to further break up the massing and provide more pedestrian interest. Staff understands that this proposal is heavily constrained by the purpose of the building, and the addition a few false windows or a garage door with windows will not materially change the massing and impact of the building. Furthermore, this addition does not detract from the character defining features of the building? The State Historic Preservation Office (SHPO) has indicated that they believe that the addition is in compliance with Section 106 and does not adversely affect the courthouse and maintains its eligibility for listing on the National Register.

Therefore, staff recommends that the applicant work with the Planning Commission to identify other ways that the addition's impact can be further mitigated through programming improvements to Liberty Plaza. A further activated/enhanced space will help decreasing the impact the addition will have on the historic courthouse.

The applicant has provided the following findings for compliance with this section :

Proposal:

Providing transparency into the proposed sally port is not appropriate given the public safety functions of the space. However, creating an urban environment that is built to human scale provides a sense of enclosure and encourages activity and interest is important. In response to this design intent, the building facade that faces Main Street includes the following elements:

- *An articulated wall treatment, especially at eye level*
- *A wooden (attached) pergola trellis with plantings, and*

Given that the side elevation that fronts 9th Street is set back 133 feet from the street and that this side of the building is oriented to services, no additional elements are proposed on this facade with the exception of a change in the brick pattern that creates a more human scale and reduces the visual impact of the primary brick pattern.

Purpose of the Transparency Requirement:

The transparency requirement supports the stated goal of encouraging development that is compatible with surrounding areas. Buildings approved through this process are generally intended to serve multiple tenants over the life of the building, and are generally not intended for a single, more civic use, such as a courthouse.

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

The proposed Main Street elevation serves to help define the western edge of Liberty Plaza, which currently is not conducive to outdoor events. In its current configuration, the space acts as a pass-through space between the parking area adjacent to McMennamins and the shops along Main Street, rather than a community-oriented gathering space. The sally port addition, as proposed, will define the northern edge of the plaza, enabling it to more easily accommodate events for employees of the Courthouse and the larger City of Oregon City community. It will encourage people to spend time in the area thereby providing safety through informal surveillance and it will encourage more civic oriented events.

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

The proposed sally port that extends north towards 9th Street and the Holman Building serves to define the western Edge of Liberty Plaza. The wall consists of horizontal and vertical datums including a change in material at the 4-foot mark, which begins to break down the scale of the building and create a more human scale. Other horizontal features include a pergola / trellis like structure that is attached to the wall and planted with climbing foliage, serving to soften the wall. Vertical datums that help to break up the wall and provide visual interest include the clock tower and vertically oriented window and the metal louver panels, which serve as a joint between the new sally port and the old building. Taken in aggregate, these improvements to the facade and the plaza shall improve look, function, and activity of the courthouse, while improving surveillance of the plaza.

17.62.020 – Pre application conference.

Prior to filing for site plan and design review approval, the applicant shall confer with the community development director pursuant to Section 17.50.030.

The community development director shall identify and explain the relevant review procedures and standards.

Finding: Complies. See findings under section 17.50.050.

17.62.050 - Standards.

A. All development shall comply with the following standards:

1. Landscaping. A minimum of fifteen percent of the lot area being developed shall be landscaped. Natural landscaping comprised of native species shall be retained to meet the landscaping requirement. All invasive species, such as Himalayan Blackberry and English Ivy shall be removed on site prior to building final. Except as allowed elsewhere in the zoning and land division chapters of this Code, all areas to be credited towards landscaping must be installed with growing plant materials. Pursuant to Chapter 17.49, landscaping requirements within the natural resource overlay district, other than landscaping required for parking lots, may be met by preserving, restoring and permanently protecting native vegetation and habitat on development sites. The landscaping plan shall be prepared by a registered landscape architect and include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the landscape area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. The community development department shall maintain a list of trees, shrubs and vegetation acceptable for landscaping. For properties within the downtown design district, and for major remodeling in all zones subject to this chapter, landscaping shall be required to the extent practicable up to the fifteen percent requirement. Landscaping also shall be visible from public thoroughfares to the extent practicable. Interior shall not be counted toward the fifteen percent minimum.

Finding: Complies. The applicant has proposed a landscape plan that appears to meet the standards. The landscaping proposed in conjunction with the courthouse addition moves the Courthouse closer to compliance with Section 17.62.050 A1. No existing landscaped area is being lost. New planted trellises, trees, and additions to the existing landscape are being added.

2. Vehicular Access and Connectivity.

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

Finding: Complies. The Sally Port addition is being added to the north/east elevation of the building which will remove approximately 4 parking spaces. Additional parking requirements will be met through a shared parking agreement with a nearby property owner (tax lot). No new parking spaces are being proposed as part of this application.

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

c. Alleys or vehicular access easements shall be provided in the following Districts: R 2, MUC 1, MUC 2, MUD and NC zones unless other permanent provisions for access to off street parking and loading facilities are approved by the decision maker. The corners of alley intersections shall have a radius of not less than ten feet.

Finding: Complies. The existing driveways will be utilized and is located in the interest of public safety. The off-street parking and loading area access proposed is adequate.

d. On corner lots, the driveway(s) shall be located off of the side street (unless the side street is an arterial) and away from the street intersection.

Finding: Not applicable. The two existing driveways are not proposed to be moved as part of this application. The TAL report indicates that they are operating in a safe manner.

e. Sites abutting an alley shall be required to gain vehicular access from the alley.

Finding: Not applicable. No new alleys are proposed.

f. Where no alley access is available, the development shall be configured to allow only one driveway per frontage. Shared driveways shall be required as needed to accomplish the requirements of this section. The driveway shall be located to one side of the lot and away from the center of the site. The location and design of pedestrian access from the public sidewalk shall be emphasized so as to be clearly visible and distinguishable from the vehicular access to the site. Special landscaping, paving, lighting, and architectural treatments may be required to accomplish this requirement.

Finding: Complies. The two existing driveways are not proposed to be moved as part of this application. The TAL report indicates that they are operating in a safe manner.

g. Development of large sites (more than two acres) shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable.

Finding: Not applicable. The combined site area is 72,745 square feet or 1.67 acres, less than two acres.

h. Parking garage entries (individual, private and shared parking garages) shall not dominate the streetscape. They shall be designed and situated to be ancillary to the use and architecture of the ground floor. This standard applies to both public garages and any individual private garages, whether they front on a street or private interior access road.

i. Buildings containing above grade structured parking shall screen such parking areas with landscaping or landscaped berms, or incorporate contextual architectural elements that complement adjacent buildings or buildings in the area. Upper level parking garages shall use articulation or fenestration treatments that break up the massing of the garage and/or add visual interest.

Finding: Not applicable. No parking garages or structures are proposed.

3. Building structures shall be complimentary to the surrounding area. All exterior surfaces shall present a finished appearance. All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear façades or decking shall be prohibited.

Finding: Complies. The Courthouse building consists of the brick and cast concrete which supports its function as a civic building and relates it to the existing Courthouse material. The materials are appropriate for downtown Oregon City.

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

Finding: Complies. In accordance with this section, a preliminary erosion/sedimentation control plan illustrating location of drainage patterns and drainage courses on and within one hundred feet of the project boundary will be required as part of the building permit process.

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

Finding: The site is within the Geologic Hazard overlay district. Compliance with the standards of the overlay district is provided under section 17.44 of this report.

6. Drainage shall be provided in accordance with city's drainage master plan, Chapter 13.12, and the public works stormwater and grading design standards.

Finding: Complies. The Applicant has provided drainage plans for the building and parking areas that appears to meet the standard.

7. Parking, including carpool, vanpool and bicycle parking, shall comply with city off street parking standards, Chapter 17.52.

Finding: Compliance with Chapter 17.52 is reviewed earlier in this report.

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

Finding: Complies with Conditions. The street frontage of the property along Main Street, McLoughlin Blvd, 8th St, and 9th St is fully improved and generally meets city standards including sidewalks, planter strips with street trees (or street trees in tree wells), curbs and gutters, and street lighting. There is at least one sidewalk area at the SE corner of the courthouse in 8th St that requires replacing to comply with ADA criteria. There is also a cracked driveway throat and wing on 9th St that should be replaced. **Applicant can meet this standard through Condition of Approval 6.**

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

- a. Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct. Exceptions may be allowed by the director where steep slopes or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.
- b. The pedestrian circulation system shall connect all main entrances on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard. Pedestrian connections to other areas of the site, such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities shall be required.
- c. Elevated external stairways or walkways that provide pedestrian access to multiple dwelling units located above the ground floor of any building are prohibited. The community development director may allow exceptions for external stairways or walkways located in, or facing interior courtyard areas provided they do not compromise visual access from dwelling units into the courtyard.
- d. The pedestrian circulation system shall connect the main entrances of adjacent buildings on the same site.
- e. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent commercial and residential sites where practicable. Walkway linkages to adjacent developments shall not be required within industrial developments or to industrial developments or to vacant industrially zoned land.
- f. On site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel

lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel. Pedestrian walkways that cross drive isles or other vehicular circulation areas shall utilize a change in textual material or height to alert the driver of the pedestrian crossing area.

Finding: Complies. The pedestrian circulation system complies with this section. A pedestrian connection from the public sidewalk though Liberty Plaza is proposed. In addition, the Courthouse entrance is directly accessed off of the Main Street sidewalk. Very little pedestrian traffic is expected from the egress stairs on the addition. Most of the access to the new addition will be through the internal courthouse circulation or within the sally port garage.

10. There shall be provided adequate means to ensure continued maintenance and necessary normal replacement of private common facilities and areas, drainage ditches, streets and other ways, structures, recreational facilities, landscaping, fill and excavation areas, screening and fencing, groundcover, garbage storage areas and other facilities not subject to periodic maintenance by the city or other public agency.

Finding: Complies. On site common facilities, including landscape areas, site pathways, garbage/recycling area and parking are readily accessible and shall be maintained by the Owner.

11. Site planning shall conform to the requirements of Oregon City Municipal Code Chapter 17.41—Tree Protection.

Finding: Compliance with Chapter 17.41 is detailed earlier in this staff report.

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

Finding: See Section 17.49.

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

Finding: Complies. The proposed development will comply with all applicable laws and standards. No hazardous emissions will result from the proposed use.

14. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to city standards as set out in the city's facility master plans and public works design standards. A development may be required to modify or replace existing off site systems if necessary to provide adequate public facilities. The city may require over sizing of facilities where necessary to meet standards in the city's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the developer may request reimbursement from the city for over sizing based on the city's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.

Finding: Complies. There is adequate public water and sanitary sewer facilities sufficient to serve the proposed development either as internal extensions from the existing courthouse or from the surrounding streets. No proposed external connections are shown for water or sanitary sewer.

15. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the city's transportation master plan and design standards and this title. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation.

Finding: Complies with Conditions. See findings under 17.62.050.A.8 above.

16. If Tri Met, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, bus landing pad or transit stop connection be constructed at the time of development, the review authority shall require such improvement, using designs supportive of transit use.

Finding: Complies. The addition is not proposed to add any additional trips to the site. A Tri-met stop is available on Main Street within 200 feet of the site.

17. All utility lines shall be placed underground.

Finding: Complies. All utility lines will be placed underground within the proposed development.

18. Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable federal and state requirements, with particular attention to providing continuous, uninterrupted access routes.

Finding: Complies. The addition will be fully accessible as required by applicable codes and regulations. The existing ADA spaces are not proposed to be relocated. Compliance with the Americans with Disabilities Act (ADA) is regulated by the Oregon Structural Specialty Code and is further reviewed by the Oregon City Building Division at the time a building permit is applied for.

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

Finding: Not applicable. The proposed development does not include any residential dwellings.

20. Screening of Mechanical Equipment:

This standard requires screening of all visible roof, wall and ground mounted mechanical equipment.

Finding: Complies. Drawings will be submitted to the city for approval at a later date. No Ground mounted HVAC units will be utilized. It is anticipated that any roof mounted HVAC will be screened by the parapet of the new addition.

21. Building Materials.

a. Preferred building materials. Building exteriors shall be constructed from high quality, durable materials. Preferred exterior building materials that reflect the city's desired traditional character are as follows:

[1.] Brick.

[2.] Basalt stone or basalt veneer

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

[4.] Board and baton siding.

[5.] Other materials subject to approval by the community development director.

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

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

Finding: Complies. The Courthouse building consists of the brick and cast concrete which supports its function as a civic building and relates it to the existing Courthouse material. The materials are appropriate for downtown Oregon City.

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

1. Vinyl or plywood siding (including T 111 or similar plywood).

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

3. Corrugated fiberglass.

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

5. Crushed colored rock/crushed tumbled glass.

6. Non corrugated and highly reflective sheet metal.

Finding: Complies. The design does not propose any of the above materials.

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

1. *Concrete block. When used for the front façade of any building, concrete blocks shall be split, rock or ground faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.*
2. *Metal siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level).*
3. *Exterior Insulation and Finish System (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.*

Finding: Complies. No exposed concrete block, metal siding or EIFS is proposed.

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

Finding: Complies. The building surfaces will be maintained in a clean condition and painted surfaces will be maintained to prevent or repair peeling, blistered or cracking paint.

22. Conditions of Approval. The review authority may impose such conditions as it deems necessary to ensure compliance with these standards and other applicable review criteria, including standards set out in city overlay districts, the city's master plans, and city public works design standards. Such conditions shall apply as described in Sections 17.50.[2]10, 17.50.[2]20 and 17.50.[2]30. The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with this chapter, the review authority may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the city attorney.

Finding: The Planning Commission is the review authority. Staff has prepared recommended Conditions of Approval that the Commission may apply, modify or add additional conditions to in order to ensure that the application satisfies the applicable criteria.

17.62.055 INSTITUTIONAL AND COMMERCIAL BUILDING STANDARDS.

A. Purpose. The primary objective of the regulations contained in this section is to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with surrounding areas. Buildings approved through this process are intended to serve multiple tenants over the life of the building, and are not intended for a one time occupant. The standards encourage people to spend time in the area, which also provides safety through informal surveillance. Finally, this section is intended to promote the design of an urban environment that is built to human scale by creating buildings and streets that are attractive to pedestrians, create a sense of enclosure, provide activity and interest at the intersection of the public and private spaces, while also accommodating vehicular movement.

B. Applicability. In addition to Section 17.62.050 requirements, institutional and commercial buildings shall comply with design standards contained in this section.

Finding: In addition to the requirements of Section 17.62.050, commercial buildings are to comply with the standards of this section.

C. Relationship between zoning district design standards and requirements of this section.

1. *Building design shall contribute to the uniqueness of the underlying zoning district by applying appropriate materials, elements, features, color range and activity areas tailored specifically to the site and its context.*

Finding: Complies. The proposed building design will be compatible with the current diversity of uses in the the MUD zone. The proposed brick addition to the courthouse use is particularly compatible with the Main Street buildings.

2. *A standardized prototype or franchise design shall be modified if necessary to meet the provisions of this section.*

Finding: Not applicable.

3. In the case of a multiple building development, each individual building shall include predominant characteristics, architectural vocabulary and massing shared by all buildings in the development so that the development forms a cohesive place within the underlying zoning district or community.

Finding: Not applicable.

4. With the exception of standards for building orientation and building front setbacks, in the event of a conflict between a design standard in this section and a standard or requirement contained in the underlying zoning district, the standard in the zoning district shall prevail.

Finding: Not applicable.

5. On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line, unless a greater setback is accepted under the provisions of 17.62.055D. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line unless a greater setback is accepted under the provisions of 17.62.055D.

Finding: Complies. The Main Street frontage is 200 feet. The existing courthouse is located within 20 feet of the Frontage. The Sally Port addition is located directly behind Liberty Plaza. The applicant is contending that the plaza acts as an enhanced pedestrian space which can be section OCMC 17.62.055D below.

D. Relationship of Buildings to Streets and Parking.

1. Buildings shall be placed no farther than five feet from the front property line. A larger front yard setback may be approved through site plan and design review if the setback area incorporates at least one element from the following list for every five feet of increased setback requested:

- a. Tables, benches or other approved seating area.*
- b. Cobbled, patterned or paved stone or enhanced concrete.*
- c. Pedestrian scale lighting.*
- d. Sculpture/public art.*
- e. Fountains/Water feature.*
- f. At least twenty square feet of landscaping or planter boxes for each tenant façade fronting on the activity area.*
- g. Outdoor café.*
- h. Enhanced landscaping additional landscaping.*
- i. Other elements, as approved by the community development director, that can meet the intent of this section.*

Finding: Complies. The Sally Port addition is located directly behind Liberty Plaza. The applicant is contending that the plaza acts as an enhanced pedestrian space which can be section OCMC 17.62.055D below. Staff agrees with the applicant's contention. The existing plaza incorporates 7 amenities. However, the plaza is 75 feet deep. The Community Development Director finds that many of the elements listed above are applied in multiple location onsite. and should be counted towards the listed amenities. Liberty Plaza meets the intent of the code above and acts as an active public space. The purpose of this section is to allow further setbacks to buildings only when the pedestrian is enhanced to a level that continues active pedestrian interaction. The existing Liberty Plaza achieves this purpose. No additional amenities are needed.

2. The front façade shall be oriented toward the street and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.

Finding: Complies. The main façade of the courthouse already faces Mains Street and is not proposed to be changes. . This addition is not a primary entrance.

3. Entryways. The primary entranceway for each commercial or retail establishment shall face the major street. The entrance may be recessed behind the property line a maximum of five feet unless a larger setback is approved pursuant to Section 17.62.055.D.1 and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined, highly visible and recessed or framed by a sheltering element including at least four of the following elements, listed below:

- a. Canopies or porticos;
- b. Overhangs;
- c. Recesses/projections;
- d. Arcades;
- e. Raised corniced parapets over the door;
- f. Peaked roof forms;
- g. Arches;
- h. Outdoor patios;
- i. Display windows;
- j. Architectural details such as tile work and moldings which are integrated into the building structure and design;
- k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- l. Planter boxes and street furniture placed in the right-of-way shall be approved for use according to materials, scale and type.

Finding: Complies. The addition is not a primary entrance way. The doors on the addition are for emergency/employee egress only.

4. Where additional stores will be located in the large retail establishment, each such store shall have at least one exterior customer entrance, which shall conform to the same requirements.

Finding: Not applicable.

5. Trellises, canopies and fabric awnings may project up to five feet into front setbacks and public rights of way, provided that the base is not less than eight feet at the lowest point and no higher than ten feet above the sidewalk. Awnings shall be no longer than a single storefront.

Finding: Not applicable.

E. Corner Lots. For buildings located at the corner of intersections, the primary entrance of the building shall be located at the corner of the building or within twenty five feet of the corner of the building. Additionally, one of the following treatments shall be required:

1. Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within twenty five feet of the corner of the building.
2. Chamfer the corner of the building (i.e. cut the corner at a forty five degree angle and a minimum of ten feet from the corner) and incorporate extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the chamfered area.

Finding: Not applicable. The addition is not on a corner elevation.

F. Commercial First Floor Frontage. In order to ensure that the ground floor of structures have adequate height to function efficiently for retail uses, the first floor height to finished ceiling of new infill buildings in the mixed use and neighborhood commercial districts shall be no lower than fourteen feet floor to floor. Where appropriate, the exterior façade at the ceiling level of new structures shall include banding, a change of materials or relief which responds to the cornice lines and window location of existing buildings that abut new structures.

Finding: Complies. The ground floor height of the addition appears to be 14 feet tall.

G. Variation in Massing.

1. A single, large, dominant building mass shall be avoided in new buildings and, to the extent reasonably feasible, in development projects involving changes to the mass of existing buildings.

Finding: Complies. The proposed sally port and courtroom addition includes variation in massing as follows:

- Vertical Divisions
 - Vertical louvers between the existing building and the proposed addition
 - Elevator / Clock Tower
 - Stair enclosure
 - Three vertically oriented windows
- Horizontal Divisions
 - An articulated brick wall that screens the Intake functions of the Sally Port
 - Pergola or trellis that is attached to the wall
 - A base-middle-top design, matching the existing courthouse

2. Horizontal masses shall not exceed a height: width ratio of 1:3 without substantial variation in massing that includes a change in height and projecting or recessed elements.

Finding: Complies. The height to width ratio of the proposed addition is 1:1.6.

3. Changes in mass shall be related to entrances, the integral structure and/or the organization of interior spaces and activities and not merely for cosmetic effect.

Finding: Complies. Changes in massing are related to the sally port and elevator

H. Minimum Wall Articulation.

1. Façades shall add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty feet without including, but not be limited to, at least two of the following:

- i. Change in plane,
- ii. Change in texture or masonry pattern or color,
- iii. Windows, treillage with landscaping appropriate for establishment on a trellis.
- iv. An equivalent element that subdivides the wall into human scale proportions.

Finding: Complies. The total length of the longest side of the building is 62 feet. The plane of the façade is articulated with the front with the elevator/tower setback, stairwell and garage doors.

2. Façades greater than one hundred feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the façade and extending at least twenty percent of the length of the façade. No uninterrupted length of any façade shall exceed one hundred horizontal feet.

Finding: Not applicable. No façade is over 100 feet on the addition.

3. Ground floor façades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty percent of their horizontal length.

Finding: Complies if the Modification that Better Meets this Standard OCMC 17.62.015 can be approved. The applicant has indicated that creating an architecturally integrated brick wall with horizontal and vertical datums is a more appropriate solution for the high security use of this addition. The applicant believes that the proposed wall treatments break up the scale of wall at the pedestrian level and help to frame the plaza

4. Building façades must include a repeating pattern that includes any one or more of the following elements:

- a. Color change;
- b. Texture change;
- c. Material module change.

5. Façades shall have an expression of architectural or structural bays through a change in plane no less than twelve inches in width, such as an offset, reveal or projecting rib.

6. Façades shall have at least one of elements subsections H.4. or 5. of this section repeat horizontally. All elements shall repeat at intervals of no more than thirty feet, either horizontally or vertically.

Finding: Complies. The addition utilizes a highly articulated design with no part of the facade larger than 25 feet.

I. Façade Transparency.

1. Transparent windows or doors facing the street are required. The main front elevation shall provide at least sixty percent windows or transparency at the pedestrian level. Façades on corner lots shall provide at least sixty percent windows or transparency on all corner side façades. All other side elevations shall provide at least thirty percent transparency. The transparency is measured in lineal fashion. For example, a one hundred foot long building elevation shall have at least sixty feet (sixty percent of one hundred feet) of transparency in length. Reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing façade. Highly reflective or glare producing glass with a reflective factor of one quarter or greater is prohibited on all building façades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.

Finding: Complies if the Modification that Better Meets this Standard OCMC 17.62.015 can be approved. The applicant has indicated that creating an architecturally integrated brick wall with horizontal and vertical datums is a more appropriate solution for the high security use of this addition. The applicant believes that the proposed wall treatments break up the scale of wall at the pedestrian level and help to frame the plaza. The 99E/McLoughlin frontage is considered a corner side elevation and requires 60% transparency, while the 9th Street elevation is considered side elevation and require 30% transparency. Based on the applicant's submittal none of the required transparency is being met by this application. Transparency is measure on the ground floor only. The applicant asets that the 9th Street and 99E elevations would require the installation of false windows into the secured parking garage. The applicant believes that the proposed plan meet the intent of the code as this is not designed to be a commercial space rather it is design for secure intake and transfers of inmates.

2. Side or rear walls that face walkways may include false windows and door openings only when actual doors and windows are not feasible because of the nature of the use of the interior use of the building. False windows located within twenty feet of a right-of-way shall be utilized as display windows with a minimum display depth of thirty six inches.

Finding: No false winnows are being proposes at this time, however, false windows may be used to meet the requirements of the code though a type II staff review of this application. The applicant, has chosen Planning Commission approval of this alternate design through the modification process.

J. Roof Treatments.

1. All façades shall have a recognizable "top" consisting of, but not limited to:

a. Cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials; or

b. Sloping roof with overhangs and brackets; or

c. Stepped parapets;

d. Special architectural features, such as bay windows, decorative roofs and entry features may project up to three feet into street rights of way, provided that they are not less than nine feet above the sidewalk.

Finding: Complies. The parapet of the proposed Courthouse addition is treated with a simple cast concrete cap that fits harmoniously with the more ornate courthouse. The addition can be clearly seen as new.

2. Mixed use buildings: for flat roofs or façades with a horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of two feet or 0.1 multiplied by the wall height (finish grade to top of wall). The maximum length of any continuous roofline shall be seventy five feet.

Finding: Not applicable. The building is not a mixed use building. The roof of the addition has a maximum uninterrupted run of 41 feet.

3. Other roof forms consistent with the design standards herein may satisfy this standard if the individual segments of the roof with no change in slope or discontinuity are less than forty feet in width (measured horizontally).

Finding: Not applicable.

K. Drive through facilities shall:

1. Be located at the side or rear of the building.

2. Be designed to maximize queue storage on site.

Finding: Not applicable. No new drive-through facilities are proposed as part of this application.

17.62.065 Outdoor lighting.

A. Purpose. The general purpose of this section is to require outdoor lighting that is adequate for safety and convenience; in scale with the activity to be illuminated and its surroundings; directed to the surface or activity to be illuminated; and designed to clearly render people and objects and contribute to a pleasant nighttime environment. Additional specific purposes are to:

- 1. Provide safety and personal security as well as convenience and utility in areas of public use or traverse, for uses where there is outdoor public activity during hours of darkness;*
- 2. Control glare and excessive brightness to improve visual performance, allow better visibility with relatively less light, and protect residents from nuisance and discomfort;*
- 3. Control trespass light onto neighboring properties to protect inhabitants from the consequences of stray light shining in inhabitants' eyes or onto neighboring properties;*
- 4. Result in cost and energy savings to establishments by carefully directing light at the surface area or activity to be illuminated, using only the amount of light necessary; and*
- 5. Control light pollution to minimize the negative effects of misdirected light and recapture views to the night sky.*

Finding: Complies. The applicant provided a lighting plan that appears to conform to this section. Exterior wall fixtures on the buildings will be downcast lights to control excessive glare and light pollution. Given the fact that there are no adjacent residential uses, no impacts associated with trespass lighting are anticipated.

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

Finding: Complies. The applicant acknowledges that all exterior lighting will meet the functional security needs of the proposed land use without adversely affecting adjacent properties or the community.

D. Design and Illumination Standards. General Outdoor Lighting Standard and Glare Prohibition.

- 1. Outdoor lighting, if provided, shall be provided in a manner that enhances security, is appropriate for the use, avoids adverse impacts on surrounding properties, and the night sky through appropriate shielding as defined in this section. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 footcandles of light as measured at the property line. In no case shall exterior lighting add more than 0.5 foot candle to illumination levels at any point off site. Exterior lighting is not required except for purposes of public safety. However, if installed, all exterior lighting shall meet the following design standards:*
- 2. Any light source or lamp that emits more than nine hundred lumens (thirteen watt compact fluorescent or sixty watt incandescent) shall be concealed or shielded with a full cut off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property. All fixtures shall utilize one of the following bulb types: metal halide, induction lamp, compact fluorescent, incandescent (including tungsten halogen), or high pressure sodium with a color rendering index above seventy.*
- 3. The maximum height of any lighting pole serving a multi family residential use shall be twenty feet. The maximum height serving any other type of use shall be twenty five feet, except in parking lots larger than five acres, the maximum height shall be thirty five feet if the pole is located at least one hundred feet from any residential use.*
- 4. Lighting levels:*

Table 1-17.62.065. Foot-candle Levels

| Location | Min | Max | Avg |
|-------------------------------------|-----|--------------------|-----|
| Pedestrian Walkways | 0.5 | 7:1 max/min ratio | 1.5 |
| Pedestrian Walkways in Parking Lots | | 10:1 max/min ratio | 0.5 |
| Pedestrian Accessways | 0.5 | 7:1 max/min ratio | 1.5 |
| Building Entrances | 3 | | |
| Bicycle Parking Areas | 3 | | |

5. Parking lots and other background spaces shall be illuminated as unobtrusively as possible while meeting the functional needs of safe circulation and protection of people and property. Foregoing spaces, such as building entrances and outside seating areas, shall utilize pedestrian scale lighting that defines the space without glare.

6. Any on site pedestrian circulation system shall be lighted to enhance pedestrian safety and allow employees, residents, customers or the public to use the walkways at night. Pedestrian walkway lighting through parking lots shall be lighted to light the walkway and enhance pedestrian safety pursuant to Table 1.

7. Pedestrian Accessways. To enhance pedestrian and bicycle safety, pedestrian accessways required pursuant to Oregon City Municipal Code 12.28 shall be lighted with pedestrian scale lighting. Accessway lighting shall be to a minimum level of one half footcandles, a one and one half footcandle average, and a maximum to minimum ratio of seven to one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances. Lamps shall include a high pressure sodium bulb with an unbreakable lens.

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

9. Lighting on automobile service station, convenience store, and other outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.
10. The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site.
11. In no case shall exterior lighting add more than one footcandle to illumination levels at any point off site.
12. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non operating hours.
13. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
14. For upward directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.
15. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.
16. Wireless Sites. Unless required by the Federal Aviation Administration or the Oregon Aeronautics Division, artificial lighting of wireless communication towers and antennas shall be prohibited. Strobe lighting of wireless communication facilities is prohibited unless required by the Federal Aviation Administration. Security lighting for equipment shelters or cabinets and other on the ground auxiliary equipment on wireless communication facilities shall be initiated by motion detecting lighting.
17. Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards:
- a. Maximum permitted light post height: Eighty feet.
 - b. Maximum permitted illumination at the property line: 0.5 footcandles.

Finding: Complies with Conditions. The applicant did not respond to this section. The applicant's submitted lighting plan and photometric details indicate compliance with all of the applicable standards for outdoor lighting, with the exception of standard (6) which requires lighting of pedestrian walkways, and (8) which prohibits the use of floodlights to light any portion of a building between ten p.m. and six a.m. The applicant shall provide pedestrian lighting of sufficient brightness to enhance pedestrian safety and allow employees, residents, customers or the public to use the walkways at night. The applicant shall not light any portion of a building with floodlights between ten p.m. and six a.m.

17.62.085 REFUSE AND RECYCLING STANDARDS

The purpose and intent of these provisions is to provide an efficient, safe and convenient refuse and recycling enclosure for the public as well as the local collection firm. All new development, change in property use, expansions or exterior alterations to uses other than single family or duplex residences shall include a refuse and recycling enclosure. The area(s) shall be:

- A. Sized appropriately to meet the needs of current and expected tenants, including an expansion area if necessary;
- B. Designed with sturdy materials, which are compatible to the primary structure(s);
- C. Fully enclosed and visually screened;
- D. Located in a manner easily and safely accessible by collection vehicles;
- E. Located in a manner so as not to hinder travel lanes, walkways, streets or adjacent properties;
- F. On a level, hard surface designed to discharge surface water runoff and avoid ponding;
- G. Maintained by the property owner;
- H. Used only for purposes of storing solid waste and recyclable materials;
- I. Designed in accordance with applicable sections of the Oregon City Municipal Code (including Chapter 8.20 Solid Waste Collection and Disposal) and city adopted policies.

Finding: Not applicable. No new refuse or recycling area is being proposed as part of this application.

III. CONCLUSION AND RECOMMENDATION

The Planning Commission may make one of the following decisions regarding the application:

1. If the Planning Commission determines that the application has met all of the applicable approval criteria and has shown that the request for a Modification that Better Meets the Standard can be met, and no additional conditions are needed, they should approve the application as conditioned in the staff report.
2. If the Planning Commission determines that the application cannot meet all of the applicable approval criteria or believes that request for a Modification that Better Meets the Standard cannot be met, they shall provide direction to the Applicant on conditions that they believe will better meet the standard (transparency).
3. If the Planning Commission determines that the application has not met the applicable approval criteria or the, believe that a request for a Modification that Better Meets the Standard cannot be met and cannot be conditioned to meet the applicable approval criteria, they should deny the application, or remand the application to a Type II staff review with a design that can meet the transparency standards of OCMC17.62.055.

EXHIBITS

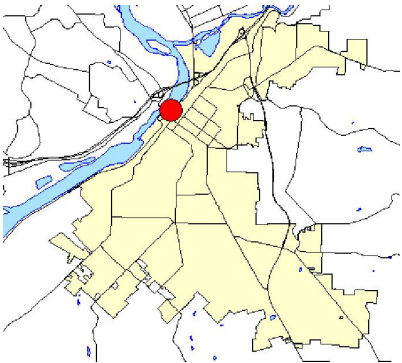
1. Vicinity Map
2. Applicant's Submittal
3. Replinger and Assoc. Review of Traffic Analysis Letter
4. December 28, 2010 Section 106 Clearance Form

RECOMMENDED CONDITIONS OF APPROVAL
SP 11-05 Clackamas Courthouse

1. The applicant is responsible for this project's compliance with The City's Engineering Policy 00-01. The policies pertain to any land use decision requiring the applicant to provide any public improvements.
2. Bike Rack Detail. The applicant shall provide a detail of the rack for staff review at the time of building plan review to assure that the bicycle parking is securely anchored to the ground.
3. Outdoor Lighting. The applicant shall provide pedestrian lighting of sufficient brightness to enhance pedestrian safety and allow employees, residents, customers or the public to use the walkways at night. The applicant shall not light any portion of a building with floodlights between ten p.m. and six a.m.
4. Prior to obtaining a Certificate of Occupancy, the applicant shall show that the 7 newly required parking spaces are accommodated with a long-term shared parking lease with a property owner located with 1,000 feet of the courthouse. The shared parking lease shall show that there is either an excess of required parking onsite or that the parking does not materially overlap each other. The long term lease shall require formal notification to the City of Oregon City if and when the lease is broken. The lease will also indicate that noncompliance with the parking requirements of this approval are subject to the enforcement section of this chapter, which can result in the applicant being sent to Municipal Court to ensure compliance.
5. Prior to obtaining a Certificate of Occupancy, the applicant shall combine and/or reconfigure through the Lot Line Adjustment/Replat process Tax Lots 4400, 4300, 4200 and demonstrate that all of the underlying zone's setbacks can be met.
6. The applicant is required to repair all appropriate sidewalk and driveway areas on Tax Lots 4200, 4300, and 4400 frontage that requires replacing to comply with City Standards and to meet ADA criteria



SP 11-05



4



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

This map is not suitable for survey, engineering, legal, or navigation purposes. Errors and omissions may exist.

Map created with OCMap 2011

05/19/2011



CITY OF OREGON CITY LAND USE APPLICATION



City of Oregon City, Community Development Department, 221 Molalla Ave., Ste. 200, P.O. Box 3040, Oregon City, OR 97045, (503) 722-3789

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Nonconforming Use review
- ☐ Water Resources Exemption

Type II (OCMC 17.50.030.B)

- ☐ Extension
- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☐ Minor Partition
- ☐ Minor Site Plan & Design Review
- ☐ Nonconforming Use Review
- ☒ Site Plan and Design Review
- ☐ Subdivision
- ☐ Minor Variance
- ☐ Water Resource Review

Type III / IV (OCMC 17.50.030.C)

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

Application Number: SP 11-05

Proposed Land Use or Activity: SITE PLAN AND DESIGN REVIEW.

Project Name: COURTHOUSE SALVAGE ADDITION **Number of Lots Proposed (If Applicable):** —

Physical Address of Site: 807 MAIN ST. OREGON CI, OR 97045

Clackamas County Map and Tax Lot Number(s): MAP 22E31 AB, TL 4400

Applicant(s):

Applicant(s) Signature: [Signature]

Applicant(s) Name Printed: PAUL BOUNDY, URS ARCHITECTS INC **Date:** 5/4/2011

Mailing Address: 720 NW DAMS ST. STE 300, PORTLAND, OR 97209

Phone: 503.221.1121 **Fax:** 503.221.2077 **Email:** pboundy@ursarchitects.com

Property Owner(s):

Property Owner(s) Signature: [Signature]

Property Owner(s) Name Printed: JEFF JORGENSEN, **Date:** 5/4/2011

Mailing Address: 2051 KACH RD, OREGON CITY, OR 97045

Phone: 503-734-6248 **Fax:** 503-655-8658 **Email:** jeffj@co.clackamas.or.us

Representative(s):

Representative(s) Signature: _____

Representative (s) Name Printed: DAVID BERNIKER **Date:** 5/4/2011

Mailing Address: 2508 NE 25TH AVE, PORTLAND, OR 97212

Phone: 503.863.8499 **Fax:** _____ **Email:** D.BERNIKER@COMCAST.NET

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

www.oregocity.org

Project Overview / Table of Contents

Project Description:

Clackamas County proposes to add a 5250 square foot, 3-story addition to the northeast side of the existing County courthouse. The addition will provide safe and secure prisoner transfer to and from the courthouse in the ground level sally port, new, updated holding cells on the second floor, and a new secure courtroom for high risk defendants on the third floor. Vehicle access to the sally port bay will be from the existing north parking lot, with parking modifications to allow for the new addition and vehicle traffic.

Part Two: Compliance (Criteria for Approval)

- 17.62 - Site Plan and Design Review
- 17.62.055 Institutional and Commercial Building Standards
- Variances
 - Type Two-Parking and Loading 17.50.020
 - Type Three-Transparency 17.62.055
 - Lease Agreement: It is understood that the lease agreement, in this case for 7 spaces, will be treated as a condition of approval per the criteria as determined by the City Attorney.

Appendix:

- Traffic Analysis Letter
- Pre-Application Conference summary
- Attendance of Neighborhood Meeting
- Title Report
- Property Report
- Natural Resource Locations
- Slope Category Map
- State Archaeologist Letter
- Oregon SHPO Clearance Form
- Compliance with 17.62.040 (8-1/2 x 11")
 - Site Survey
 - Grading and Erosion Plan and supporting details
 - Utility Plan
 - Landscape Plan
 - Site Plan
 - Floor Plans
 - Elevations
 - Renderings



Part One: Summary

Project Summary / Description:

The Clackamas County Courthouse addition is a 3-story, 5,250 s.f. addition to the North side of the existing courthouse. The addition's purpose is to improve the safety of prisoner transfers to and from the courthouse, prisoner holding and an additional courtroom for high risk people.

Program:

Each floor of the addition is 1,750 SF. The ground level will house an enclosed sallyport accommodating two prisoner transport vans. Prisoners will be safely and securely transferred from the vans, through a secure vestibule to a dedicated prisoner transfer elevator or stairway. The second floor contains a new prisoner holding facility with separate Men's and Women's cells as well as isolation cells and deputy work areas and toilets. The top floor houses a new secure courtroom.

Building Design:

The addition will be clad in brick and stone to match the existing building, minimizing the visual impact on the historic courthouse. Corner and parapet treatment is intended to be sympathetic with the existing detailing, while being somewhat simplified to differentiate the addition from the original building. Combined with the addition's set-back and the separation provided by the existing chimney, it should be clear that the proposed structure is a later addition to the historic, original. New punched windows will be 1/1, matching the style and proportion of the existing building's windows.

The face of the addition fronting Liberty Plaza acts as a backdrop to the plaza and provides definition to a side of the plaza that is poorly defined at present. Simplified detailing, borrowed from the existing courthouse, helps to break the addition down to a more human scale, and a clock, added to the new elevator tower, provides a focal point for the plaza.

Type II -Variance for Parking

The courthouse addition requires seven spaces. The spaces that are required are proposed to be located off-site, with the County leasing spaces in either a lot with excess capacity or a lot with off-peak parking requirements. Two lots are currently under consideration and discussions with property owners are in progress. Use of a neighboring property within a 1000-foot radius of the courthouse, excess parking beyond what the code requires or using an existing lot's off-peak supply triggers a variance and a Type Two land use review. It is understood that the County will need to enter into a long-term agreement with the existing parking lot property owner as a condition of approval.

Three of the required seven additional parking spaces are a result of the proposed courtroom on the third floor. The remaining four additional spaces are a result of the proposed sally port, which removes existing on-site parking and causes the Courthouse to go further out of compliance with the City's parking and loading standards.

As previously mentioned, the proposed Type Two Variance included in this submittal accommodates the loss of parking via the use of a shared parking lot that distinguishes between daytime and nighttime uses or a lot with excess capacity. The long-term lease exists between the County and the property owner requires the County to notify the City in the event that the parking lot is vacated.

Design Modification

A modification is being sought for the transparency (17.62.055) requirement associated with the Sally Port / Clock Tower addition. As shown on the attached drawings and as described (following the Type Two Variance to Parking) below, the proposed solution better meets the intent of the code in that it "encourages people to spend time in the area and provides safety through informal surveillance." The key features of the proposed modification are:

- The attachment of a decorative pergola / trellis at eye-level to the Sallyport wall
- Changes in brick pattern and materials

These improvements are intended to create visual interest and break up the scale of the otherwise uninterrupted wall.

17.62.050: Compliance (Site Design Guidelines)

Applicable Standards

Introduction:

Section 17.62.050 - Site Design Standards define the level of site planning which the City of Oregon City requires in advance of new construction. Municipal code standards applicable to the site are shown in italics, followed by an explanation of how the proposed elements comply with the applicable code.

17.62.050 A.1. Landscaping

Standard: A minimum of fifteen percent of the lot shall be landscaped. Existing native vegetation shall be retained to the maximum extent practicable. All plants listed on the Oregon City Nuisance Plant List shall be removed from the site prior to issuance of a final occupancy permit for the building.

The landscaping plan shall be prepared by a registered landscape architect and include a mix of vertical (trees and shrubs) and horizontal elements (grass, ground-cover, etc.) that within three years will cover one hundred percent of the Landscape area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees.

Interior parking lot landscaping shall not be counted toward the fifteen percent minimum, unless otherwise permitted by the dimensional standards of the underlying zone district.

Compliance Statement: The landscaping proposed in conjunction with the courthouse addition moves the Courthouse closer to compliance with Section 17.62.050 A1. No existing landscaped area is being lost. New planted trellises, trees, and additions to the existing landscape are being added.

- *Plantings shall not obscure night lighting, signage, or create hiding places.*
- *Plant selection shall emphasize hardy, drought resistant, native plants.*
- *An irrigation system, where necessary, shall be designed to conserve water and provide only what is needed to sustain landscape plantings for the required plant establishment period.*

Criteria are met.

17.62.050A.2 - Vehicular Access and Connectivity

Standard: Parking areas shall be located behind buildings, below buildings, or on one or both sides of buildings. Ingress and egress locations on public thoroughfares shall be located in the interest of public safety.

Compliance Statement: Not Applicable

17.62.050A.3 - Context

Standard: Building structures shall be complimentary to the surrounding area. All exterior surfaces shall present a finished appearance. All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear facades or decking shall be prohibited.

Alterations, additions and new construction located within the McLoughlin Conservation District, Canemah National Register District, and the Downtown Design District and when abutting a designated Historic Landmark shall utilize materials and a

design that incorporates the architecture of the subject building as well as the surrounding district or abutting Historic Landmark. Historic materials such as doors, windows and siding shall be retained or replaced with in kind materials unless the community development director determines that the materials cannot be retained and the new design and materials are compatible with the subject building, and District or Landmark.

Compliance Statement: The proposed courthouse addition incorporates the same high quality materials found on the original building - brick, cast concrete, metal fascia at the parapet, and high-quality windows.

17.62.050A.4 - Grading

Standard: Grading shall be in accordance with the requirements of Chapter 15.48 and the public works storm-water and grading design standards.

Compliance Statement: See attached Grading Plan. No modifications are proposed to the existing parking lot grading.

17.62.050A.5 - Geologic Hazards

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

Compliance Statement: While the Northwest edge of the site is in the 35% slope category, the proposed addition is well within the 0-10% slope area; therefore the requirements are not applicable. See attached Slopes map.

17.62.050A.6 - Drainage

Standard: Drainage shall be provided in accordance with city's drainage master plan, Chapter 13.12, and the public works storm-water and grading design standards.

Compliance Statement: See attached Utility Plan. Parking lot drainage is being reduced by building footprint and new roof drainage will be routed through new storm filter catch basin.

17.62.050A.7 - Parking

Standard: Parking, including carpool, vanpool and bicycle parking, shall comply with city off-street parking standards, Chapter 17.52.

Compliance Statement: The seven parking spaces required as part of the proposed addition are met as previously noted in either a lot with excess capacity or a lot with off-peak hours. See Variance for Parking.

17.62.050A.8- Sidewalks

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

Compliance Statement: Not Applicable

17.62.050A.9- Pedestrian Circulation

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

Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct. Exceptions may be allowed by the director where steep slopes or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.

The pedestrian circulation system shall connect all main entrances on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard. Pedestrian connections to other areas of the site, such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities shall be required.

Compliance Statement: The entry to the existing Courthouse blends seamlessly with the plaza that fronts the Sally Port addition to the Courthouse. This space is intended to serve employees of Clackamas County and also the larger City of Oregon City community.

Criteria are met.

17.62.050A.10- Maintenance

Standard: There shall be provided adequate means to ensure continued maintenance and necessary normal replacement of private common facilities and areas, drainage ditches, streets and other ways, structures, recreational facilities, landscaping, fill and excavation areas, screening and fencing, ground-cover, garbage storage areas and other facilities not subject to periodic maintenance by the city or other public agency.

Compliance Statement: Not Applicable

17.62.050A.11- Site Planning

Standard: Site planning shall conform to the requirements of OCMC Chapter 17.41 Tree Protection.

Compliance Statement: Not Applicable

17.62.050A.12- Natural Resources

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

Compliance Statement: Not Applicable

17.62.050A.13- Air and Water

Standard: All development shall maintain continuous compliance with applicable federal, state, and city standards pertaining to air and water quality, odor, heat, glare, noise and vibrations, outdoor storage, radioactive materials, toxic or noxious matter, and electromagnetic interference.

Compliance Statement: The proposed development shall comply with federal, state, and city standards pertaining to air and water quality.

Criteria are met.

17.62.050A.14- Public Water and Sanitary Sewer

Standard: Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to city standards as set out in the city's facility master plans and public works design standards.

Compliance Statement: The proposed addition utilizes existing water and sewer systems, adding a small proportional increase in use. As the addition is only supporting minor operational increase and no staffing or visitor increases, the impact to existing systems is minimal.

17.62.050A.15- Right of Way

Standard: Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the city's transportation master plan and design standards and this title.

When approving land use actions, Oregon City requires all relevant intersections to be maintained at the minimum acceptable level of service (LOS) upon full build-out of the proposed land use action.

Compliance Statement: See attached Traffic Analysis Letter that addresses capacity of adjacent Intersections. No Impact is anticipated.

17.62.050A.16- Tri-Met

Standard: If Tri-Met, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, bus landing pad or transit stop connection be constructed at the time of development, the review authority shall require such improvement, using designs supportive of transit use.

Compliance Statement: Bus Service currently exits to the Courthouse along Main Street. The proposed project is not adding any additional trips. Consequently, the existing level of service is not subject to change.

17.62.050A.17 - Utility

Standard: All utility lines shall be placed underground.

Compliance Statement: The existing building is currently served by all underground utilities. This is not anticipated to change for the addition.

17.62.050A.18 - ADA

Standard: Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable federal and state requirements, with particular attention to providing continuous, uninterrupted access routes.

Compliance Statement: The proposed addition complies with all ADA criteria.

17.62.050A.19 - Residential Development

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

Compliance Statement: Not Applicable

17.62.050A.20 - Screening of Mechanical Equipment

Standard: Roof top equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened. In the event such

parapet wall does not fully screen all rooftop equipment, then the rooftop equipment shall be enclosed by a screen constructed of one of the primary materials used on the primary facade of the building so as to achieve complete screening.

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

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

Compliance Statement: Roof top mechanical equipment is totally screened from the street via a roof top parapet. There is no grade-mounted mechanical equipment.

17.62.050A.21 - Building Materials

Standard: Preferred building materials. Building exteriors shall be constructed from high quality, durable materials. Preferred exterior building materials that reflect the city's desired traditional character are as follows:

- *Brick.*
- *Basalt stone or basalt veneer.*
- *Narrow horizontal wood or composite siding (generally five inches wide or less); wider siding will be considered where there is a historic precedent.*
- *Board and baton siding.*

Other materials subject to approval by the community development director.

- *Plywood with battens or fiber/composite panels with concealed fasteners and contiguous aluminum sections at each joint that are either horizontally or vertically aligned.*
- *Stucco shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.*

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

- *Vinyl or plywood siding (including T-111 or similar plywood).*
- *Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.*
- *Corrugated fiberglass.*
- *Chain link fencing (except for temporary purposes such as a construction site or as a gate for a refuse enclosure).*
- *Crushed colored rock/crushed tumbled glass.*
- *Non-corrugated and highly reflective sheet metal.*

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

- *Concrete block. When used for the front facade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation.*
- *Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.*
- *Metal siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level).*
- *Exterior Insulation and Finish System (EIFS) and similar toweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.*
- *Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or*

repair peeling, blistered or cracking paint

Compliance Statement: The Courthouse building consists of the brick and cast concrete which supports its function as a civic building and relates it to the existing Courthouse material configuration.

Criteria are met

17.62.050A.22 - Conditions of Approval

The review authority may impose such conditions as it deems necessary to ensure compliance with these standards and other applicable review criteria, including standards set out in city overlay districts, the city's master plans, and city public works design standards. Such conditions shall apply as described in Sections 17.50.310, 17.50.320 and 17.50.330. The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with this chapter, the review authority may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the city attorney

Compliance Statement: Not Applicable

17.62.055 Institutional and Commercial Building Standards

17.62.055 C - Relationship between Zoning District Design Standards and the requirement of Section 17.62.055.

- *Building design shall contribute to the uniqueness of the underlying zoning district by applying appropriate materials, elements, features, color range and activity areas tailored specifically to the site and its context.*
- *With the exception of standards for building orientation and building front setbacks, in the event of a conflict between a design standard in this section and a standard or requirement contained in the underlying zoning district, the standard in the zoning district shall prevail.*
- *On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line, unless a greater setback is accepted under the provisions of Section 17.62.055D. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line unless a greater setback is accepted under the provisions of Section 17.62.055D.*

Compliance Statement: The proposed addition is in compliance with the character and the scale - including the setback of the existing courthouse. Compatibility is further enhanced by the proposed palette of materials, including brick and cast concrete. Moreover, the proposed addition helps to frame the western-most edge of the plaza.

Criteria are met

17.62.055 D – Relationship of Building to Streets and Parking

Buildings shall be placed no farther than five feet from the front property line. A larger front yard setback may be approved through site plan and design review if the setback area incorporates at least one element from the following list for every five feet of increased setback requested:

- *Tables, benches or other approved seating area. Cobbled, patterned or paved stone or enhanced concrete.*
- *Pedestrian scale lighting.*
- *Sculpture/public art.*
- *Fountains/Water feature.*
- *At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.*
- *Outdoor café.*

- *Enhanced landscaping or additional landscaping.*
- *Other elements, as approved by the community development director that can meet the intent of this section.*

The front most architecturally significant facade shall be oriented toward the street and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.

Entryways. The primary entranceway for each commercial or retail establishment shall face the major street. The entrance may be recessed behind the property line a maximum of five feet unless a larger setback is approved pursuant to Section 17.62.055.D.1 and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined, highly visible and recessed or framed by a sheltering element including at least four of the following elements, listed below.

- *Canopies or porticos;*
- *Overhangs;*
- *Recesses/projections;*
- *Arcades;*
- *Raised corniced parapets over the door;*
- *Peaked roof forms;*
- *Arches;*
- *Outdoor patios;*
- *Display windows;*
- *Architectural details such as tile work and moldings which are integrated into the building structure and design;*
- *Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.*
- *Planter boxes and street furniture placed in the right-of-way shall be approved for use according to materials, scale and type.*

Compliance Statement: As previously described, the proposed addition fronts Liberty Plaza, which is characterized by a hardscape, places to sit, and vegetated planters. This is the most civic of the proposed building facades, highlighted by the proposed clock tower which supports wayfinding in the downtown area and highlights the connection between the new sally port and the old Courthouse.

Given the security function of the proposed In-Take Facility, there are minimal windows on the proposed addition. Human scale is achieved through changes in the materials 4-5 feet above grade and the incorporation of a wooden pergola with shade plants that take their design cue from the existing Main Street trellis (see attached drawings).

Compliance Statement: The entry requirements associated with 17.62.055 D3 are not applicable to the Courthouse addition, which is programmed for transferring prisoners to and from the courts

Criteria are met.

17.62.055 E – Corner Lots

For buildings located at the corner of intersections, the primary entrance of the building shall be located at the corner of the building or within twenty-five feet of the corner of the building. Additionally, one of the following treatments shall be required:

- *Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within twenty-five feet of the corner of the building.*
- *Chamfer the corner of the building (i.e. cut the corner at a forty-five-degree angle and a minimum of ten feet from the corner and incorporate extended weather protection (arcade or awning)).*
- *Special paving materials, street furnishings, or plantings in the chamfered area.*

Compliance Statement: The corner lot requirements are not applicable to the proposed addition.

Criteria are met.

17.62.055 F – Commercial First Floor Frontage

In order to ensure that the ground floor of structures have adequate height to function efficiently for retail uses, the first floor height to finished ceiling of new infill buildings in the mixed use and neighborhood commercial districts shall be no lower than fourteen feet floor to floor.

Compliance Statement: The Commercial First Floor Frontage requirements, which are designed for ground floor commercial uses, are not applicable to the Courthouse.

17.62.055 G– Variation in Massing

A single, large, dominant building mass shall be avoided in new buildings and, to the extent reasonably feasible, in development projects involving changes to the mass of existing buildings. Horizontal masses shall not exceed a height: width ratio of one-to-three without substantial variation in massing that includes a change in height and projecting or recessed elements. Changes in mass shall be related to entrances, the integral structure and/or the organization of interior spaces and activities and not merely for cosmetic effect

Compliance Statement: The proposed sally port and courtroom addition includes variation in massing as follows:

- Vertical Divisions
 - Vertical louvers between the existing building and the proposed addition
 - Elevator / Clock Tower
 - Stair enclosure
 - Three vertically oriented windows
- Horizontal Divisions
 - An articulated brick wall that screens the Intake functions of the Sally Port
 - Pergola or trellis that is attached to the wall
 - A base-middle-top design, matching the existing courthouse

Criteria are met.

17.62.055 H – Minimum Wall Articulation

Minimum Wall Articulation.

Facades shall add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty feet without including, but not be limited to, at least two of the following:

- Change in plane,
- Change in texture or masonry pattern or color,
- Windows,
- Trellis with landscaping
- An equivalent element that subdivides the wall into human scale proportions.
- Facades greater than one hundred feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least twenty percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred horizontal feet.
- Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty percent of their horizontal length.
- Building facades must include a repeating pattern that includes any one or more of the following elements:
 - Color change.
 - Texture change.
 - Material module change.

- Facades shall have an expression of architectural or structural bays through a change in plane no less than twelve inches in width, such as an offset, reveal or projecting rib.
- Facades shall have at least one of elements subsections H.4. or H.5. of this section repeat horizontally. All elements shall repeat at intervals of no more than thirty feet, either horizontally or vertically.

Compliance Statement: Main Street is the most public of the proposed facades. This is supported by the aforementioned Clock Tower and the careful articulation of horizontal material changes as described in 17.62.055 G.

Criteria are met.

17.62.055 I – Facade Transparency

Transparent windows or doors facing the street are required. The main front elevation shall provide at least sixty percent windows or transparency at the pedestrian level. Facades on corner lots shall provide at least sixty percent windows or transparency on all corner-side facades. All other side elevations shall provide at least thirty percent transparency. The transparency is measured in lineal fashion. For example, a one hundred-foot long building elevation shall have at least sixty feet (sixty percent of one hundred feet) of transparency in length. Reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street-facing facade. Highly reflective or glare-producing glass with a reflective factor of one-quarter or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.

Compliance Statement: A variance (modification) is being pursued for transparency. Creating an architecturally integrated brick wall with horizontal and vertical datums is a more appropriate solution for the high security use of this addition. The proposed wall treatments break up the scale of wall at the pedestrian level and help to frame the plaza.

Criteria are met.

17.62.055 J – Roof Treatments

Roof Treatments.

All facades shall have a recognizable "top" consisting of, but not limited to:

- Cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials; or
- Sloping roof with overhangs and brackets; or
- Stepped parapets;
- Special architectural features, such as bay windows, decorative roofs and entry features may project up to three feet into street rights-of-way, provided that they are not less than nine feet above the sidewalk.

Compliance Statement: The parapet of the proposed Courthouse addition is treated with a simple cast concrete cap that fits harmoniously with the more ornate courthouse.

17.62.055 K – Drive through facilities

Not Applicable

Variance

Parking Requirement - 17.50.020

Section 17.50.020 specifies the number of required parking spaces per use. The number of parking spaces shall comply with the minimum and maximum standards listed in Table 17.52.020. The parking requirements are based on spaces per one thousand square feet gross leasable area unless otherwise stated.

Proposal:

The proposal accommodates 7 required parking spaces associated with the new third floor courtroom (3 at a rate of 2.7 spaces per 1000 SF) and the loss of surface parking (4 spaces) as a result of the of new sally port . The County is proposing to lease spaces in either a lot with excess capacity or a lot with off-peak parking requirements. Two lots are currently under consideration and discussions with property owners are in progress. To ensure that the parking serves courthouse functions, a lease agreement shall be established between the property owner and Clackamas County that requires the lessor to contact the City in the event that there is a change in the lease agreement. In addition, ensuring that there is an adequate amount of parking, the County shall adopt a shared parking strategy that distinguishes between daytime (courtroom) functions and nighttime functions.

Background:

As previously described, the proposed 5,250 square-foot sally port will result in the loss of 4 existing parking spaces. The proposed Sally Port internalizes the current function of two of these spaces, helping to alleviate actual, practical loss of parking, however these two internal spaces are not included in the parking count and there is a decrease in the total amount of parking resulting in the Courthouse site's parking moving further out of compliance for the proposed use. This loss of parking is exacerbated by the addition of a new courtroom space on the third floor. This space is intended to improve efficiency of the existing courtroom functions by providing a space for high risk defendants that is currently lacking. Although, there is no change, in the expected number of people coming to the courthouse, the size of the new courtroom space and its associated parking requirement of 2.7 spaces per 1000 square feet, as previously described, moves the project further out of compliance with the minimum parking requirement.

Variance may be granted only in the event that all of the following conditions exist:

A. *That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;*

As described in the introduction, the addition of the sally port and third floor courtroom are intended to improve efficiency of the existing courthouse, not increase trips. Besides improving how the courtroom functions, the sally port and third floor courtroom comply with the criteria established by this chapter.

- The proposed Sally Port does not detract from the existing light or air in the plaza or the surrounding environs.
- From an urban design and place-making perspective, the proposed addition of the sally port to the existing building helps to better frame the existing plaza and its functions
- The movement of prisoners is internalized, thereby reducing the visibility of the intake process and helping to create a pedestrian-friendly environment
- The enclosed sally port improves public safety

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

- The proposed impact on existing parking as a result of the sally port and the third floor courtroom is necessary to improve the overall function of the courthouse. The lost parking spaces will be accommodated in the aforementioned as yet undetermined lot that will be within 1000-feet and walking distance to the courthouse and served by transit. The requested number of off-site spaces is the minimum necessary to alleviate this hardship

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

- As described above, the loss of four spaces and the requirement for three additional parking spaces is to be mitigated through the use of an off site surface parking lot. This lot shall enable the proposed sally port addition to comply with the existing parking standard and result in no net loss of parking city wide.

D. Any impacts resulting from the adjustment are mitigated;

- The proposed off-site parking strategy does not result in a loss of parking.

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

- The proposed sally port offers the most efficient and safe transfer of prisoners to courtroom spaces. There are no alternatives that accomplish the same purpose.

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

- Not applicable

Modification for Transparency

A modification is being sought for the transparency (17.62.055) requirement associated with the Sally Port / Clock Tower addition. Per 17.62.055, the front facade is required to have at least sixty percent windows and/or transparency at the pedestrian level. Given the fact that the front facade is set back 62 feet from the property line, the safety-related functions of the proposed sally port, and the desire to protect the historic integrity of the Courthouse building, the amount of transparency proposed is less than that required by code. However, as shown on the attached drawings and as described in the variance below, the proposed solution better meets the intent of the code in that it "encourages people to spend time in the area, which provides safety through informal surveillance."

In addition, the proposed building creates a sense of enclosure that better supports community events and activities. The proposed facade is designed to human scale as realized by the proposed changes in brick pattern and the pergola with native plantings that serves to break up the scale of the facade at the level of the pedestrian.

Proposal:

Providing transparency into the proposed sally port is not appropriate given the public safety functions of the space. However, creating an urban environment that is built to human scale provides a sense of enclosure and encourages activity and interest is important. In response to this design intent, the building facade that faces Main Street includes the following elements:

- An articulated wall treatment, especially at eye level
- A wooden (attached) pergola trellis with plantings, and

Given that the side elevation that fronts 9th Street is set back 133 feet from the street and that this side of the building is oriented to services, no additional elements are proposed on this facade with the exception of a change in the brick pattern that creates a more human scale and reduces the visual impact of the primary brick pattern.

Purpose of the Transparency Requirement:

The transparency requirement supports the stated goal of encouraging development that is compatible with surrounding areas. Buildings approved through this process are generally intended to serve multiple tenants over the life of the building, and are generally not intended for a single, more civic use, such as a courthouse.

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

The proposed Main Street elevation serves to help define the western edge of Liberty Plaza, which currently is not conducive to outdoor events. In its current configuration, the space acts as a pass-through space between the parking area adjacent to McMenamins and the shops along Main Street, rather than a community-oriented gathering space. The sally port addition, as proposed, will define the northern edge of the plaza, enabling it to more easily accommodate events for employees of the Courthouse and the larger City of Oregon City community. It will encourage people to spend time in the area thereby providing safety through informal surveillance and it will encourage more civic oriented events.

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

The proposed sally port that extends north towards 9th Street and the Holman Building serves to define the western Edge of Liberty Plaza. The wall consists of horizontal and vertical datums including a change in material at the 4-foot mark, which begins to break down the scale of the building and create a more human scale. Other horizontal features include a pergola / trellis like structure that is attached to the wall and planted with climbing foliage, serving to soften the wall. Vertical datums that help to break up the wall and provide visual interest include the clock tower and vertically oriented window and the metal louver panels, which serve as a joint between the new sally port and the old building. Taken in aggregate, these improvements to the facade and the plaza shall improve look, function, and activity of the courthouse, while improving surveillance of the plaza.



KITTELSON & ASSOCIATES, INC.

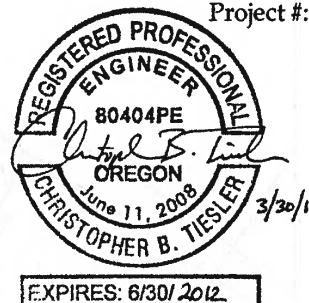
TRANSPORTATION ENGINEERING / PLANNING

610 SW Alder Street, Suite 700, Portland, OR 97205 503.228.5230 503.273.8169

MEMORANDUM

Date: March 30, 2011
To: Paul Boundy
LRS Architects
720 NW Davis Street, Suite 300
Portland, OR 97209
From: Jessica Horning and Chris Tiesler, P.E.
Project: Clackamas County Courthouse Expansion
Subject: Traffic Analysis Letter

Project #: 11551.0



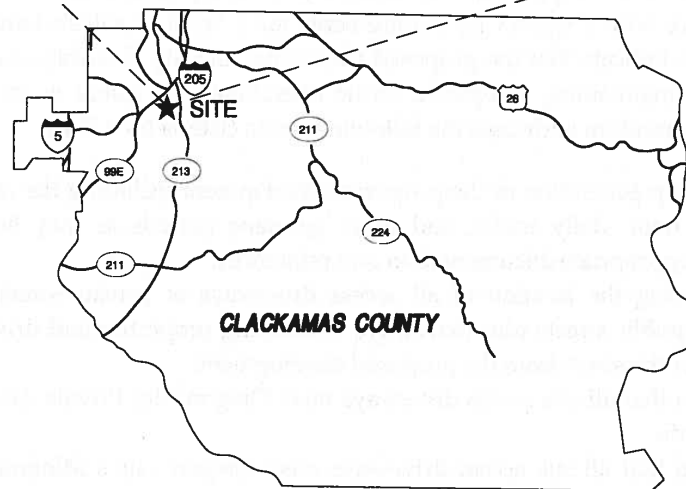
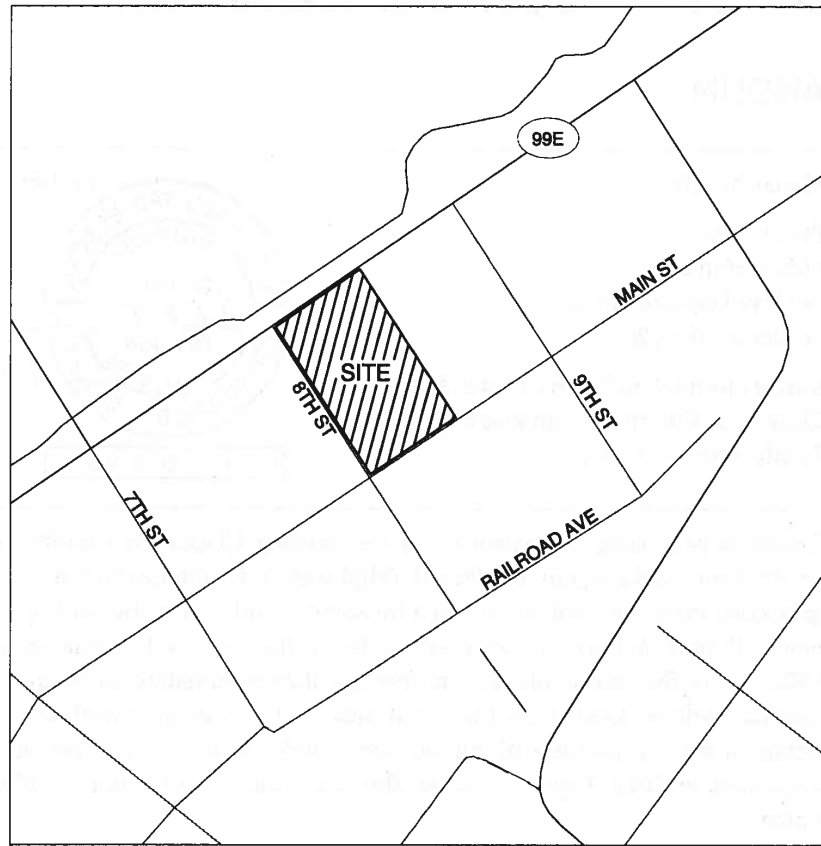
Clackamas County is proposing an expansion of the existing Clackamas County Courthouse, located at the 9th Street/McLoughlin Boulevard (Highway 99E) intersection in Oregon City, Oregon. The proposed expansion will consist of a three-story addition to the existing courthouse, including a new sallyport and secure courtroom gallery. The proposed expansion will have a footprint of 1,922 square feet and a total square footage of approximately 5,766 square feet. The proposed expansion will be located on the north side of the existing courthouse in what is currently a portion of the courthouse parking lot. Construction of the site is expected to begin in 2011 with completion in 2012. Figure 1 shows the site vicinity and Figure 2 illustrates the proposed site plan.

The purpose of this memorandum is to identify the transportation-related impacts associated with the proposed courthouse expansion. The transportation analysis described in this report was prepared in accordance with Oregon City requirements for a Traffic Analysis Letter (TAL). The results of this analysis indicate that the proposed Clackamas County Courthouse expansion can be constructed while maintaining acceptable traffic operations and safety in the site vicinity. Specifically, this memorandum addresses the following seven criteria for a TAL:

1. The expected trip generation of the proposed development including the AM peak hour, the PM peak hour, daily traffic, and other germane periods as may be appropriate, together with appropriate documentation and references.
2. Site plan showing the location of all access driveways or private streets where they intersect with public streets plus driveways of abutting properties and driveways on the opposite side of the street from the proposed development.
3. Documentation that all site access driveways meet Oregon City Private Access Driveway Width Standards.
4. Documentation that all site access driveways meet Oregon City's Minimum City Street Intersection Spacing Standards.
5. Documentation that all new site accesses and/or public street intersections meet AASHTO intersection sight distance guidelines.

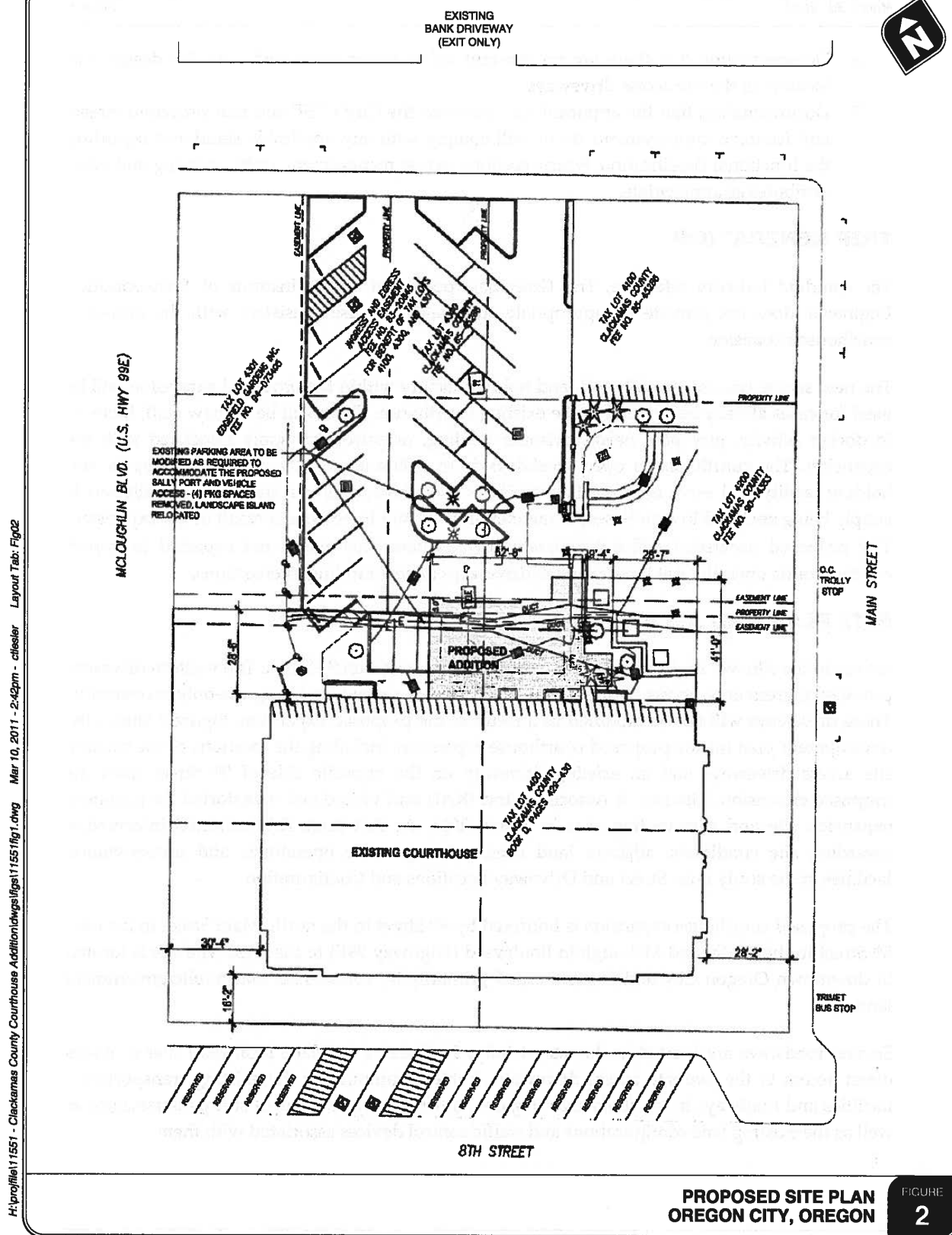
FILENAME: H:\11551\11551_CLACKAMAS_COURTHOUSE_TAL_FINAL.DOCX

H:\projects\11551 - Clackamas County Courthouse Addition\dwgs\figs\11551fig1.dwg Mar 10, 2011 - 2:13pm - jfanning Layout Tab: Fig01



**SITE VICINTY MAP
OREGON CITY, OREGON**

FIGURE
1



6. Documentation that there are no inherent safety issues associated with the design and location of the site access driveways.
7. Documentation that the applicant has reviewed the City's TSP and that proposed streets and frontage improvements do or will comply with any applicable standards regarding the functional classification, typical sections, access management, traffic calming and other attributes as appropriate.

TRIP GENERATION

The standard industry reference, *Trip Generation*, published by the Institute of Transportation Engineers, does not provide an appropriate surrogate land use consistent with the proposed courthouse expansion.

The new secure courtroom, sallyport, and holding facility within the proposed expansion will be used for cases already being tried in the existing courthouse. There will be no new staff, increase in docket activity, jury pool needs, prisoner holding, or prison transport associated with the expansion. The courthouse is open weekdays from 8:00 a.m. to 5:00 p.m. The sallyport and holding facility will serve existing daily traffic at the courthouse; van traffic to the sallyport is simply being enclosed in a more secure manner and will not increase as a result of the expansion. The proposed expansion will not generate any net new trips and is not expected to impact existing traffic operations at the site access driveways or surrounding intersections.

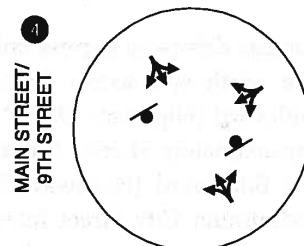
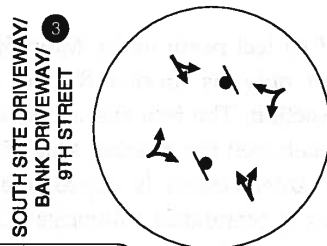
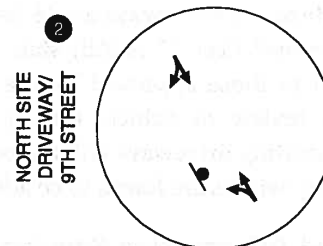
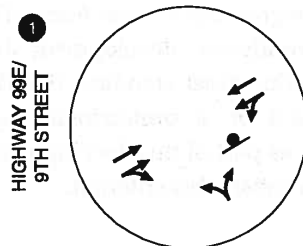
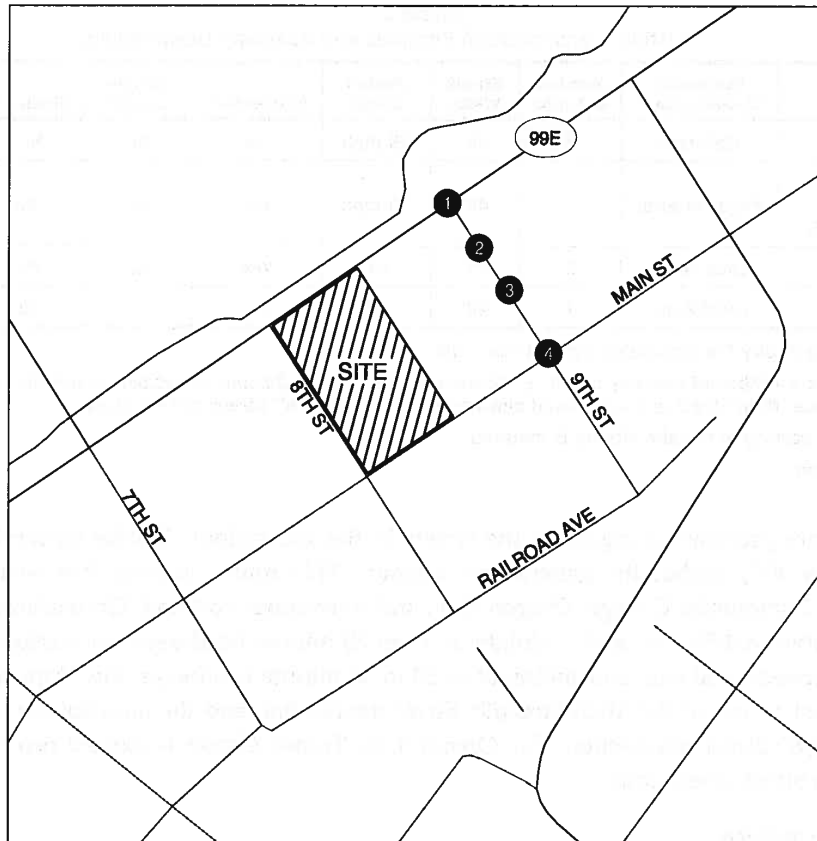
SITE PLAN AND ACCESS

Access to the site will be provided via two existing driveways on 9th Street. The western driveway provides ingress-only access, while the eastern driveway provides for egress-only movements. These driveways will not be modified as a result of the proposed expansion. Figure 2 shows the development plan for the proposed courthouse expansion, including the locations of the existing site access driveways and an existing driveway on the opposite side of 9th Street from the proposed expansion. Kittelson & Associates, Inc. (KAI) staff visited and inventoried the proposed expansion site and surrounding area in March 2011. At that time, KAI collected information regarding site conditions, adjacent land uses, existing traffic operations, and transportation facilities in the study area. Street and Driveway Locations and Configuration

The proposed courthouse expansion is bordered by 9th Street to the north, Main Street to the east, 8th Street to the south, and McLoughlin Boulevard (Highway 99E) to the west. The site is located in downtown Oregon City and is surrounded primarily by commercial and public/government land uses.

Several roadways are located in the site vicinity. 9th Street, a two-lane local road that provides direct access to the two site access driveways. Table 1 summarizes the existing transportation facilities and roadways in the study area. Figure 3 illustrates the location of study intersections as well as the existing lane configurations and traffic control devices associated with them.

H:\profile\11551 - Clackamas County Courthouse Addition\dwgs\figs\11551fig1.dwg Mar 10, 2011 - 2:25pm - jhoming Layout Tab: Fig03



LEGEND

- STOP SIGN
- TRAFFIC SIGNAL

**LANE CONFIGURATION & TRAFFIC CONTROLS
OREGON CITY, OREGON**

FIGURE
3

Table 1
Existing Transportation Facilities and Roadway Designations

| Roadway | Functional Classification ¹ | Number of Lanes | Street Width | Posted Speed | Sidewalks? | Bicycle Lanes? | Median? | On-Street Parking? ² |
|-------------------------------------|--|-----------------|--------------|--------------|------------|----------------|---------|---------------------------------|
| Main Street ² | Collector | 2 | 40' | 25 mph | Yes | No | No | Yes |
| McLoughlin Boulevard (Highway 99E) | Major Arterial | 4 | 46' | 30 mph | Yes | Yes | No | No |
| 9 th Street ² | Local Road | 2 | 44' | NP | Yes | No | No | Yes |
| 8 th Street ² | Local Road | 1 | 44' | NP | Yes | Yes | No | Yes |

¹ Source: Oregon City Transportation System Plan, 2001

² 8th Street is a southbound one-way street. 9th Street is a one-way northbound street between Main Street and Railroad Avenue. Main Street is a westbound one-way street between 6th Street and 9th Street.

³ All on-street parking in the site vicinity is metered.

NP = Not posted

Sidewalks are provided along all of the streets in the site vicinity. TriMet currently offers one route, Route #33, within the general site vicinity. This route provides bus service between Clackamas Community College, Oregon City, and downtown Portland. On weekdays this route operates between 4:30 a.m. and midnight at 15 to 20 minute headways; on weekends the route operates between 6:00 a.m. and midnight at 20 to 30 minute headways. Bus stops are located at the southeast corner of the Main Street/9th Street intersection and the northeastern corner of the Main Street/8th Street intersection. The Oregon City Transit Center is located nearby at the 11th Street/Main Street intersection.

Driveway Width

Both existing site access driveways are 16 feet wide. Oregon City Private Access Driveway Width Standards (*Municipal Code 12.04.025*) state that non-residential development driveway widths shall be limited to those approved by the public works street standard drawings or the city engineer upon review of vehicle turning radii based on a professional engineer's design submittal. The existing driveways will not be modified as part of this development; therefore, the existing driveway widths are found to be adequate and satisfy this criterion.

Driveway and Intersection Spacing

The south site access driveway (egress only) is located 90 feet north of the Main Street/9th Street intersection. The north site access driveway (ingress only) is located 80 feet south of the McLoughlin Boulevard (Highway 99E)/9th Street intersection. The two site access driveways are separated by approximately 51 feet. The total distance between the existing Main Street/9th Street and McLoughlin Boulevard (Highway 99E)/9th Street intersections is approximately 253 feet. Oregon City's Minimum City Street Intersection Spacing Standards (*Municipal Code 12.04.195*) state that arterial and collector intersections should be spaced 600 feet apart as measured along a local street. Minimum spacing standards are not specified for site access driveways.

While the existing intersections in the site vicinity do not meet Oregon City's Minimum City Street Intersection Spacing Standards, the site is located in the urban downtown core of the City

where spacing standards are not generally adhered to. None of the site access driveways or adjacent public intersections will be altered as part of the proposed expansion; therefore the existing intersection spacing is found to be adequate and satisfy this criterion.

Intersection Sight Distance

Intersection sight distance was measured at the site access driveways in accordance with AASHTO guidelines. Both driveways provide adequate sight distance and meet AASHTO intersection sight distance guidelines. Exhibit 1 illustrates existing sight distances at the site access driveways.



Exhibit 1: Driveway Sight Distance

TRAFFIC SAFETY

The site access driveways and adjacent public intersections will not be altered as part of the proposed development and no net new trips will be generated by the proposed expansion. No inherent safety issues were identified with the design or location of the existing site access driveways based on observations made during a site visit. This criterion is satisfied.

CONSISTENCY WITH OREGON CITY TSP

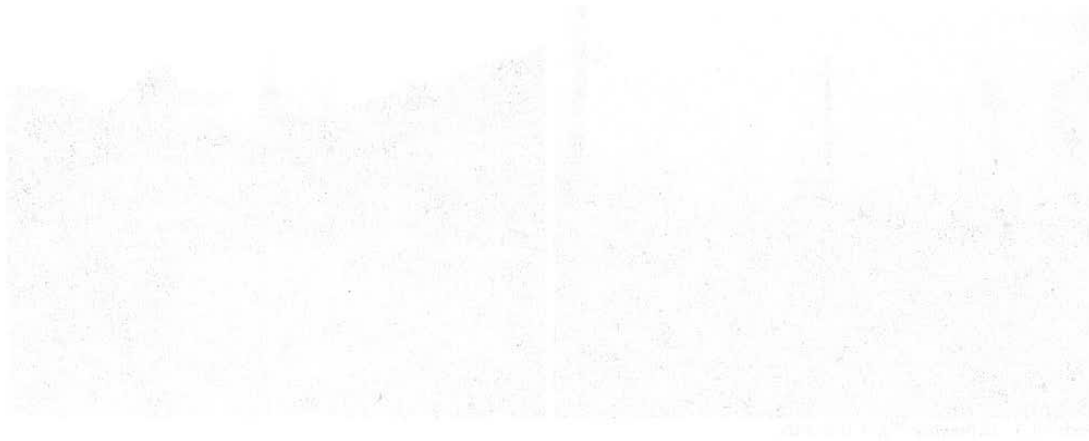
The site frontage, site access driveways, and adjacent public intersections will not be altered and no net new trips will be generated by the proposed expansion. Therefore, the proposed expansion will not impact the functional classification, section, access, or other attributes of adjacent streets. The proposed expansion is found to comply with the Oregon City TSP and satisfies this criterion.

CONCLUSION

As documented herein, the proposed courthouse expansion meets the TAL criteria as defined in Oregon City's *Guidelines for Transportation Impact Analyses*. The results of this analysis indicate that the proposed Clackamas County Courthouse expansion can be constructed while

maintaining acceptable traffic operations and safety in the site vicinity, and will not generate any net new trips on the surrounding transportation network.

We trust this memorandum adequately documents the impacts of the proposed courthouse expansion. Please contact us with any questions.



The proposed expansion of the Clackamas County Courthouse is located on the east side of the courthouse grounds, adjacent to the existing parking lot. The expansion will consist of a new two-story building, approximately 100,000 square feet in size, which will be used for judicial chambers and courtrooms. The expansion will be constructed on a site that is currently undeveloped and is adjacent to the existing parking lot. The expansion will be constructed on a site that is currently undeveloped and is adjacent to the existing parking lot.

The proposed expansion of the Clackamas County Courthouse is located on the east side of the courthouse grounds, adjacent to the existing parking lot. The expansion will consist of a new two-story building, approximately 100,000 square feet in size, which will be used for judicial chambers and courtrooms. The expansion will be constructed on a site that is currently undeveloped and is adjacent to the existing parking lot. The expansion will be constructed on a site that is currently undeveloped and is adjacent to the existing parking lot.

The proposed expansion of the Clackamas County Courthouse is located on the east side of the courthouse grounds, adjacent to the existing parking lot. The expansion will consist of a new two-story building, approximately 100,000 square feet in size, which will be used for judicial chambers and courtrooms. The expansion will be constructed on a site that is currently undeveloped and is adjacent to the existing parking lot. The expansion will be constructed on a site that is currently undeveloped and is adjacent to the existing parking lot.

PRELIMINARY
NOT FOR
CONSTRUCTION

CONSULTANT:

PROJECT NUMBER: 210277

**CLACKAMAS
COUNTY
COURTHOUSE
ADDITION**

OREGON CITY, OR

SHEET TITLE:

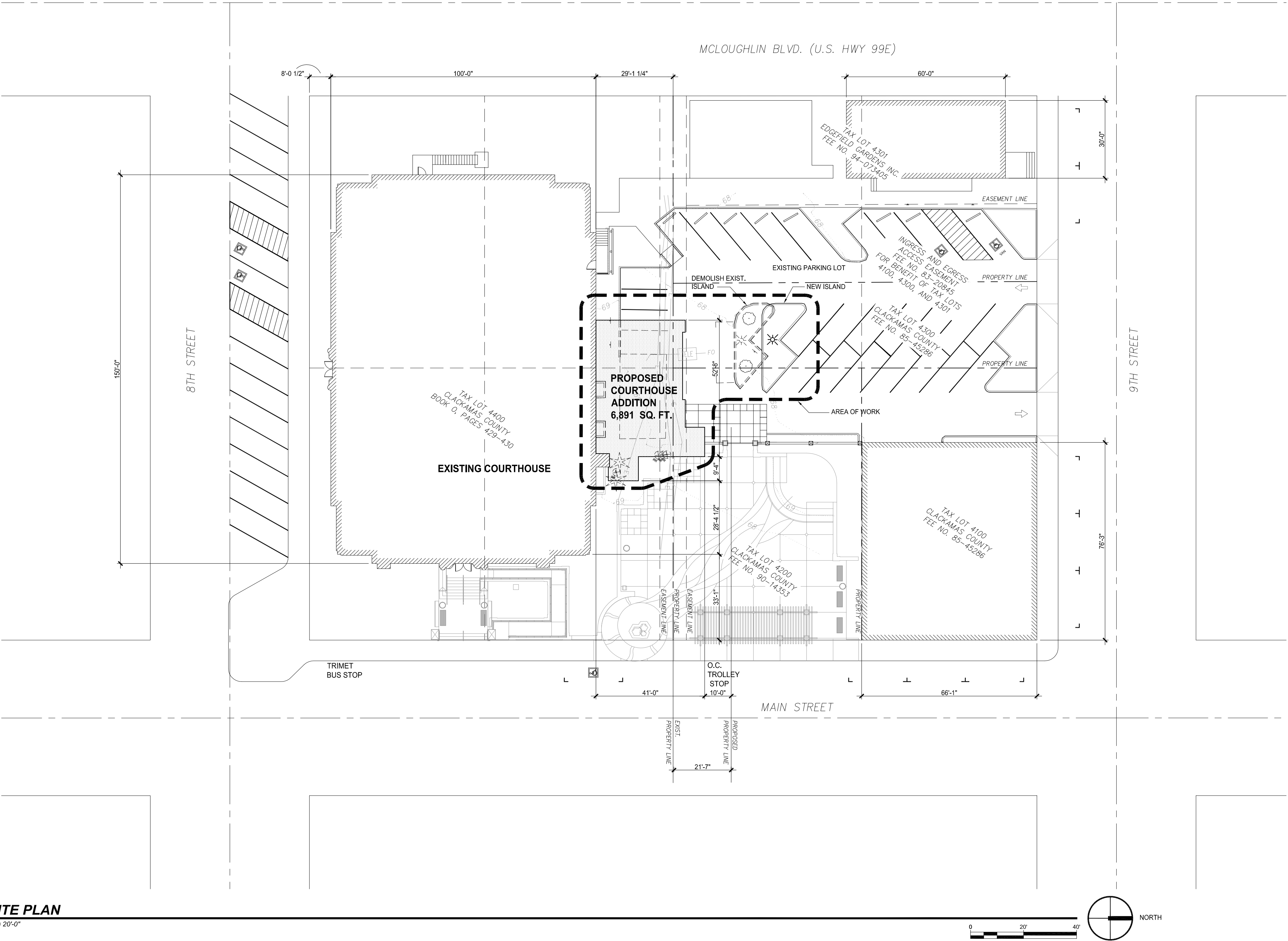
SITE PLAN

DRAWN BY: LRS
DATE ISSUED: 04.04.11

SHEET:

A101
LRS Architects, Inc. © 2010

1. SITE PLAN
SCALE: 1" = 20'-0"



4a, SP 1-05, 801 Main Street- Courthouse Addition
10/20/2012 10:27:07 AM
C:\Users\lrs\Documents\4a, SP 1-05, 801 Main Street- Courthouse Addition\4a, SP 1-05, 801 Main Street- Courthouse Addition.dwg
LRS Architects, Inc.
04/04/11



PRELIMINARY
NOT FOR
CONSTRUCTION

CONSULTANT:

PROJECT NUMBER: 210277

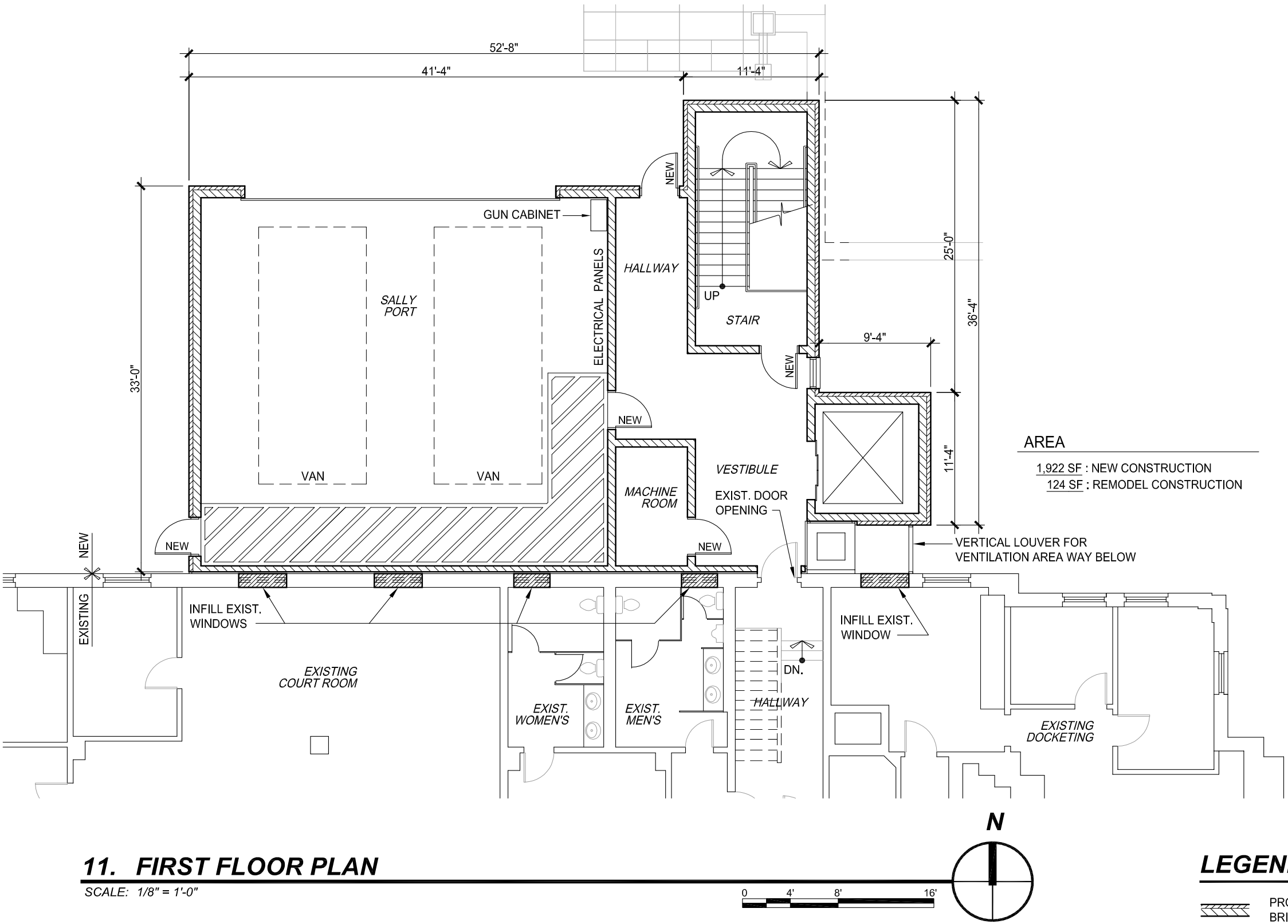
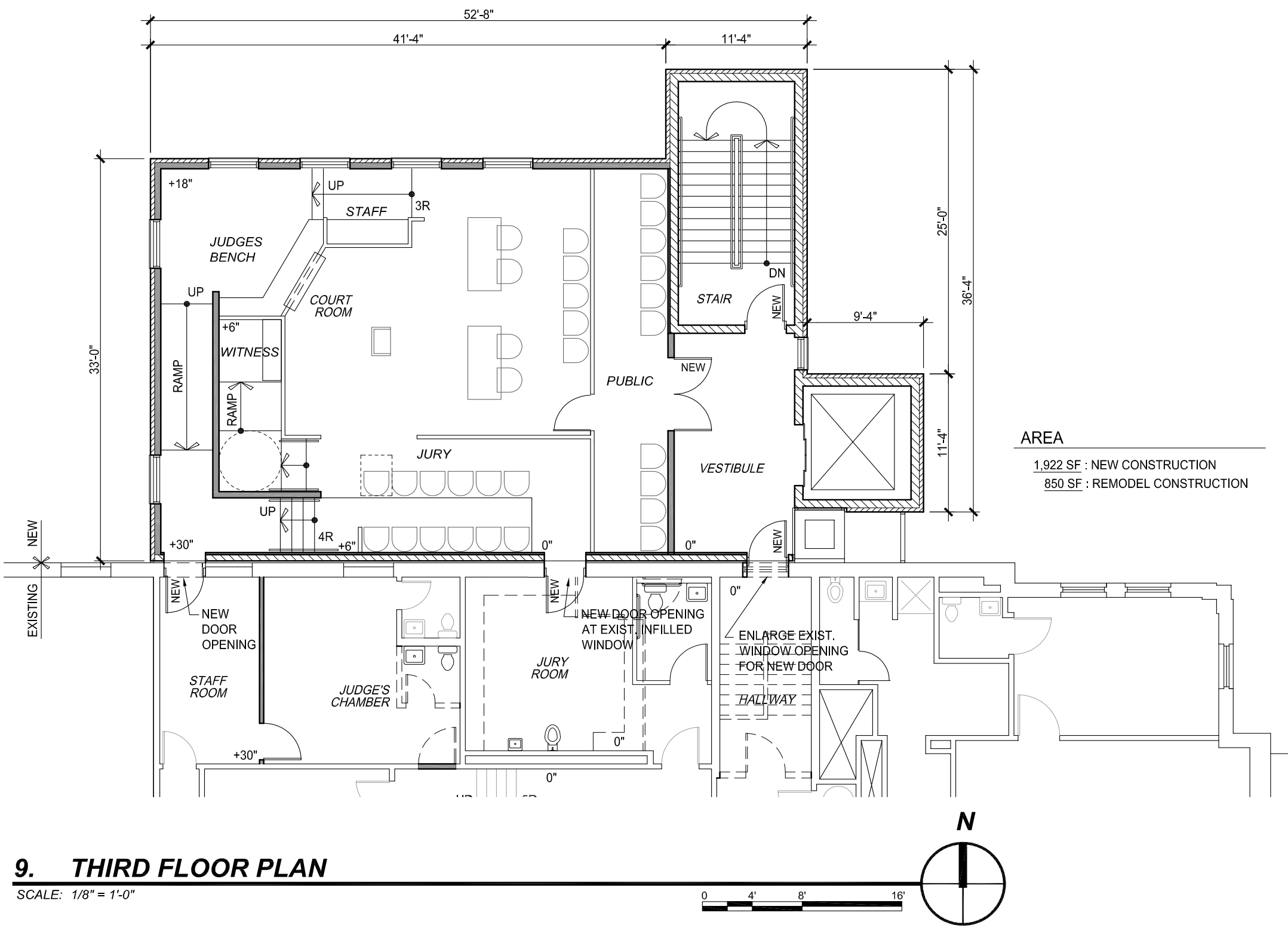
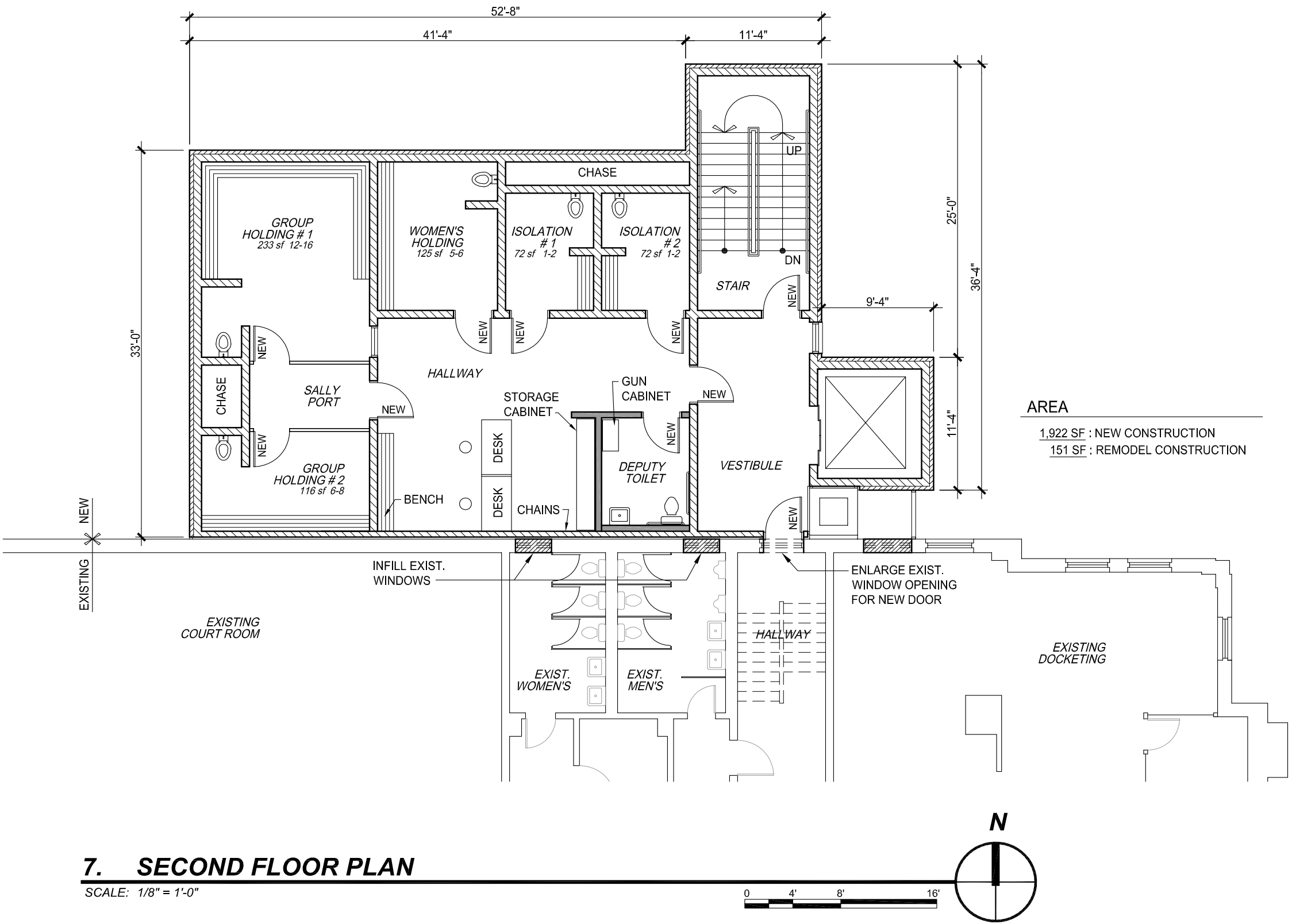
CLACKAMAS
COUNTY
COURTHOUSE
ADDITION

OREGON CITY, OR

SHEET TITLE:
FLOOR PLANS

DRAWN BY: LRS
DATE ISSUED: 04.04.11

SHEET: **A201**
LRS Architects, Inc. © 2010



- LEGEND**
- PROPOSED CMU WALL WITH BRICK VENEER
 - PROPOSED CMU WALL
 - PROPOSED FRAMED WALL
 - PROPOSED CMU WALL w/ FURRING



6. EAST ELEVATION

SCALE: 1/8" = 1'-0"



9. NORTH ELEVATION

SCALE: 1/8" = 1'-0"

PRELIMINARY
NOT FOR
CONSTRUCTION

CONSULTANT:

PROJECT NUMBER: 210277

**CLACKAMAS
COUNTY
COURTHOUSE
ADDITION**

OREGON CITY, OR

SHEET TITLE:

ELEVATIONS

DRAWN BY:

LRS

DATE ISSUED:

04.04.11

SHEET:

A401

LRS Architects, Inc. © 2010

PRELIMINARY
NOT FOR
CONSTRUCTION

CONSULTANT:



7. VIEW LOOKING SOUTHWEST

SCALE: NTS

PROJECT NUMBER: 210277

CLACKAMAS
COUNTY
COURTHOUSE
ADDITION

OREGON CITY, OR

SHEET TITLE:

BUILDING
PERSPECTIVES

DRAWN BY:

LRS

DATE ISSUED:

04.04.11



9. VIEW LOOKING NORTH WEST

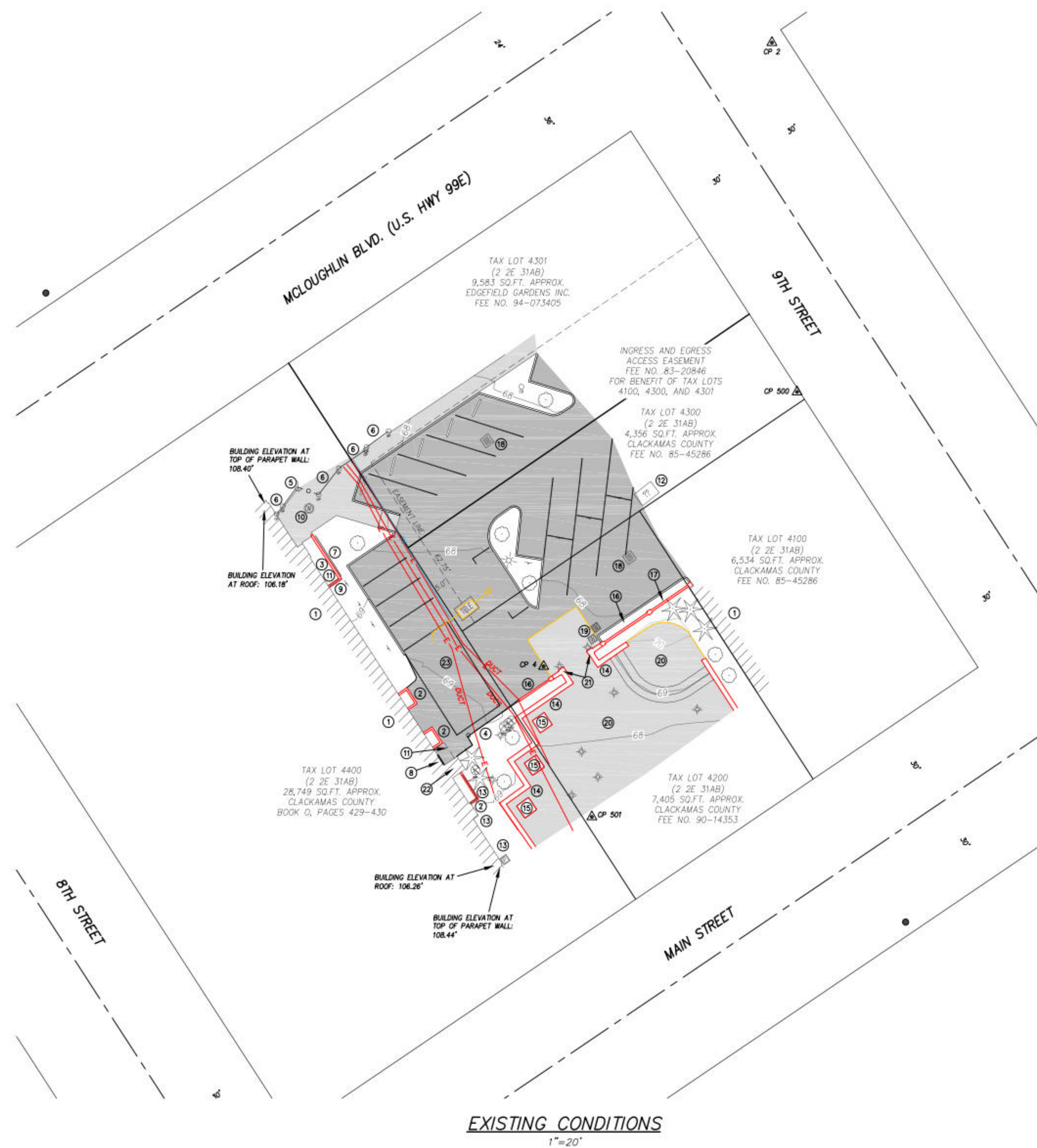
SCALE: NTS



11. VIEW LOOKING SOUTH EAST

SCALE: NTS

SHEET: **A402**
LRS Architects, Inc. © 2010



CONSULTANT;

PROJECT NUMBER: 210277

**CLACKAMAS
COUNTY
COURTHOUSE
ADDITION**

OREGON CITY, OR

EXISTING CONDITIONS

SHEET TITLE:

DRAWN BY: TAK
DATE ISSUED: 3.21.2011

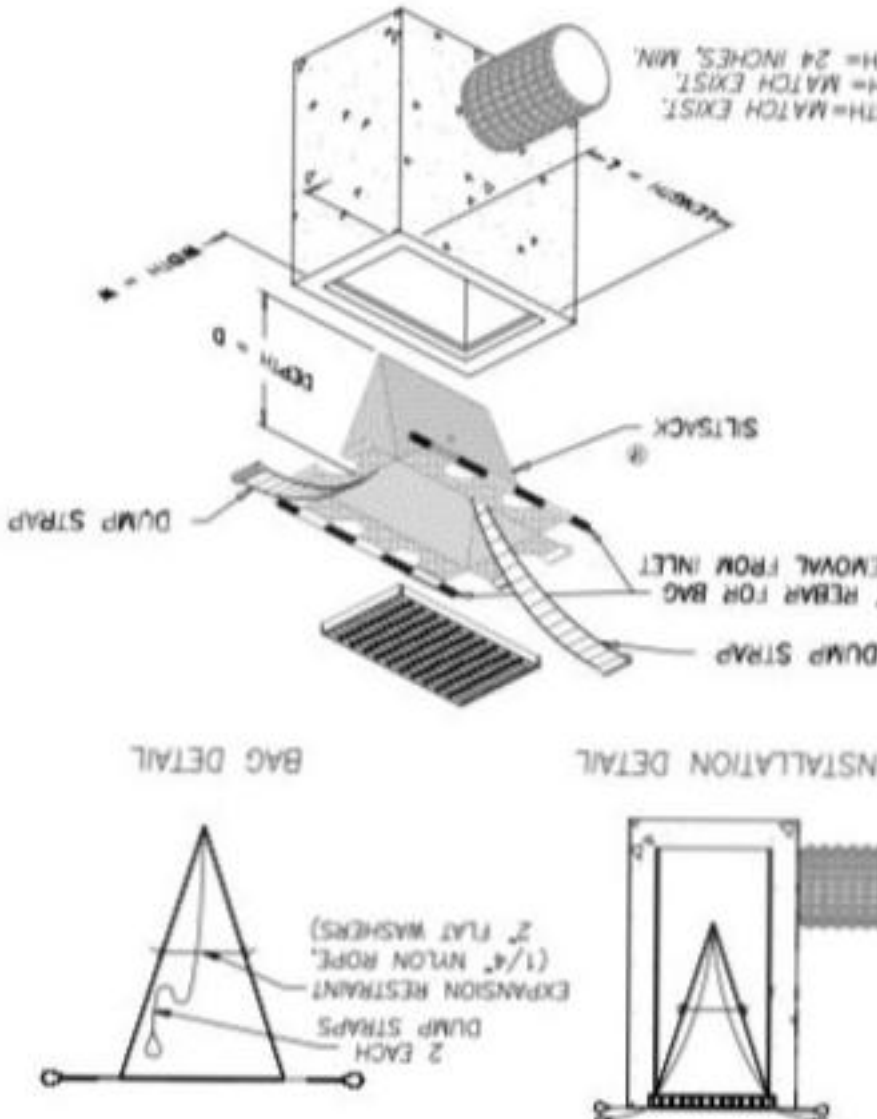
C1.0

SHEET:

LHS Architects, Inc. © 2010

"SILT SOCK" INLET PROTECTION

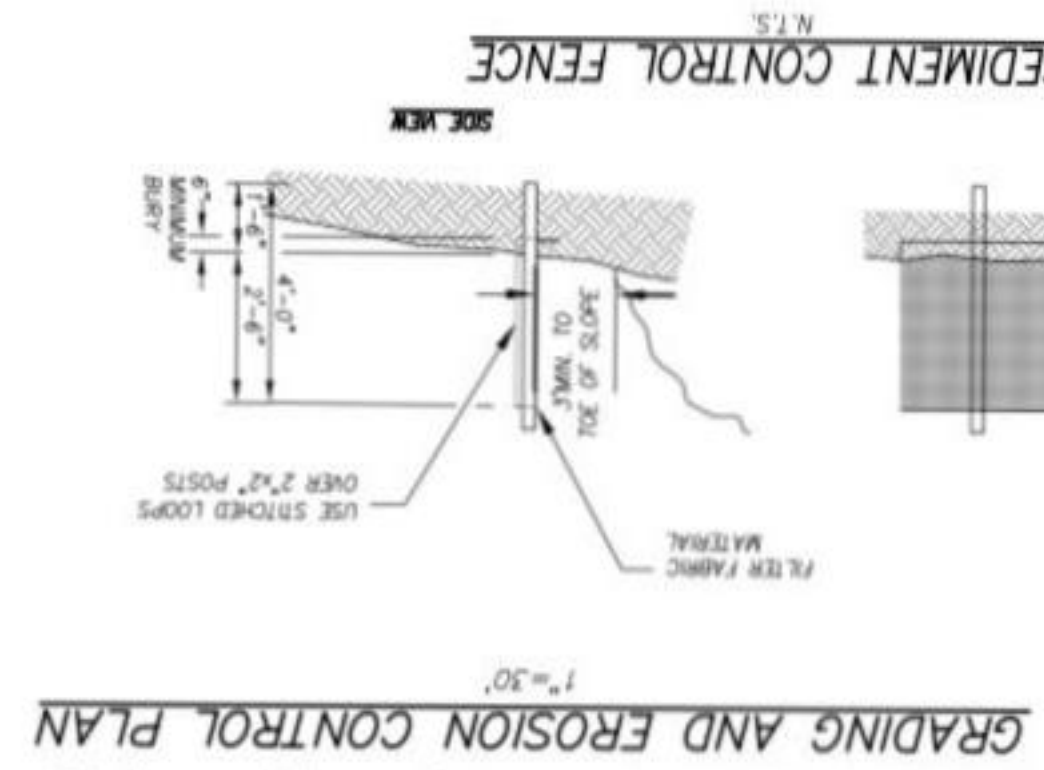
NOTE:
INSTALL SILT SOCK AND ACCESSORIES AS SUPPLIED BY
ACF WEST, INC., P.O. BOX 771-5115, OR APPROVED EQUAL.



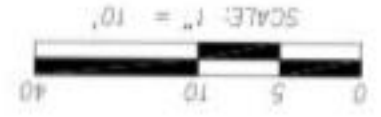
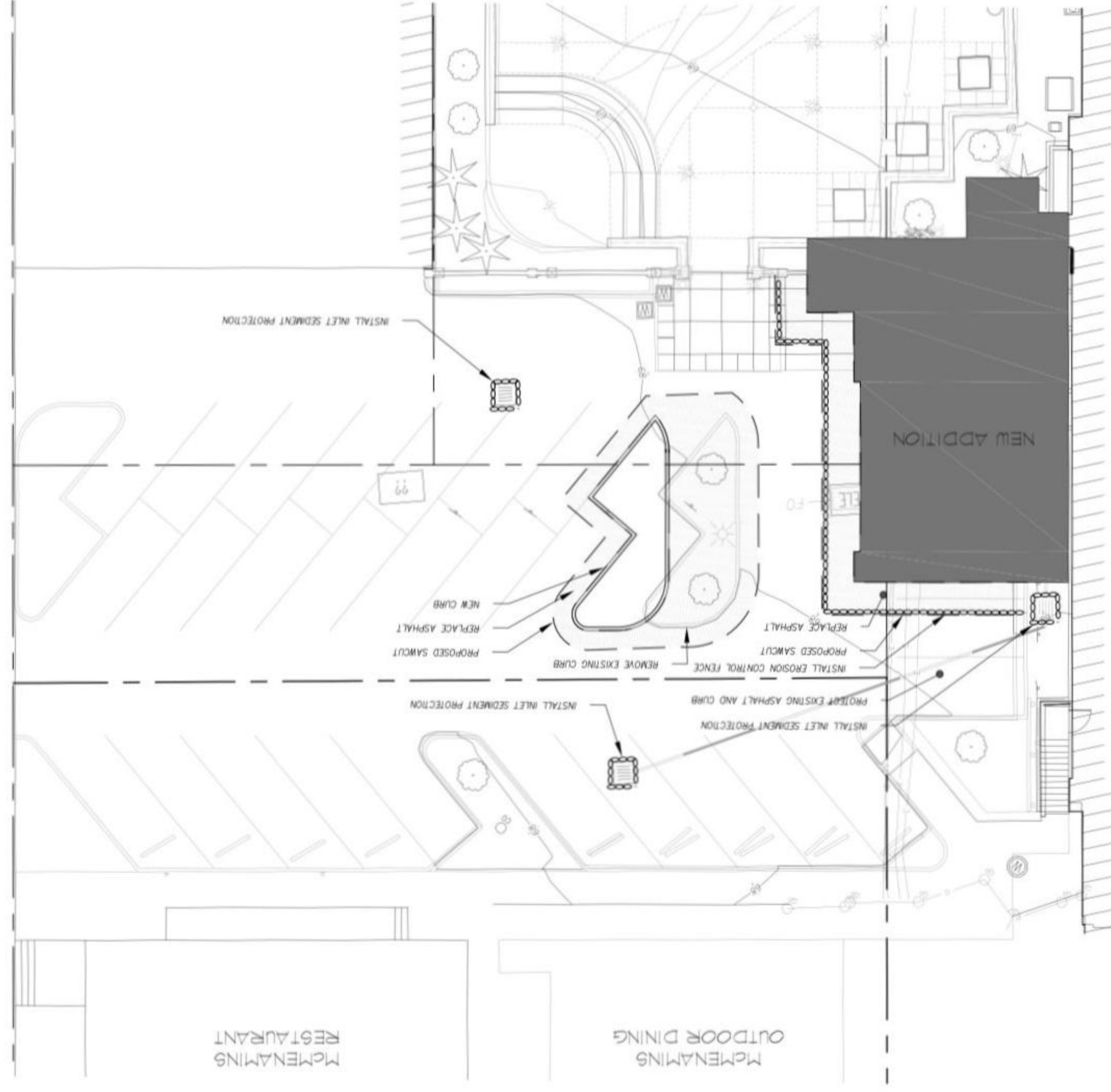
CLACKAMAS COUNTY COURTHOUSE

TEMPORARY EROSION CONTROL:
THE CONSTRUCTION NOTES AND DETAILS SHOWN ON THIS PLAN SET
REFLECT RECOMMENDED PROCEDURES AS PER THE CITY OF PORTLAND
EROSION CONTROL MANUAL, LATEST VERSION.
IT IS THE INTENT OF THESE PLANS TO SHOW POSSIBLE APPLICATIONS
OF RECOMMENDED PROCEDURES IN THE EVENT THAT EROSION CONTROL
IS NEEDED. ALL RECOMMENDED PROCEDURES ARE DEPENDENT ON
SCHEDULING, THE PROCEDURES SHOWN ON THE PLANS ARE NOT
INTENDED TO BE INCLUSIVE OF ALL THE PROTECTION REQUIRED IN AN
AREA AT A PARTICULAR INSTANT. THEY SHOULD BE USED AS A
GUIDELINE ONLY.
ALTERNATIVE METHODS OF EROSION CONTROL MAY BE USED IF THEY
ARE APPROVED BY THE ENGINEER AND MEET THE S.C.S. UNIVERSAL SOIL
LOSS EQUATION CRITERIA.
THE CONTRACTOR IS RESPONSIBLE FOR CONTROL OF SEAMANT
TRANSPORT WITHIN PROJECT LIMITS DURING CONSTRUCTION. IF AN
INSTALLED EROSION CONTROL SYSTEM DOES NOT ADEQUATELY CONTAIN
SEDIMENT ON SITE, THEN THE EROSION CONTROL MEASURES MUST BE
FIELD ADJUSTED BY THE CONTRACTOR AS NECESSARY.
PERMANENT EROSION CONTROL:
TEMPORARY EROSION CONTROL METHODS MUST REMAIN AND BE
MAINTAINED UNTIL PERMANENT EROSION CONTROL METHODS ARE IN
PLACE AND OPERATIONAL. VEGETATION ON ALL EMBANKMENTS AND
DISTURBED AREAS SHOULD BE REESTABLISHED AS SOON AS
CONSTRUCTION IS COMPLETE.
ADDITIONAL INTERIM MEASURES WILL INCLUDE, AT A MINIMUM,
INSTALLATION OF HAY BALE SEDIMENT BARRIERS OR SILT FENCES AS
PER DETAIL SHOWN ON THIS SHEET. THESE MEASURES WILL BE
INSTALLED ALONG ALL EXPOSED EROSION CONTROL DEVICES
EFFECTIVE EROSION CONTROL IS REQUIRED. EROSION CONTROL DEVICES
MUST BE INSTALLED AND MAINTAINED. THE COUNTY MAY AT ANY TIME
ORDER CORRECTIVE ACTION AND STOPPAGE OF WORK TO ACCOMPLISH
EFFECTIVE EROSION CONTROL.
ALL PROVISIONS FOR EROSION CONTROL SHALL BE INSTALLED, INSPECTED,
AND APPROVED PRIOR TO PRIMARY EXCAVATION OCCURRING.

EROSION CONTROL NOTES



GRADING AND EROSION CONTROL PLAN



HPR
Harper
Righellis Inc.
ENGINEERS ARCHITECTS + SURVEYORS
LANDSCAPE ARCHITECTS + SURVEYORS

SHEET:
C2.0
DATE ISSUED: 02/21/2011
DRAWN BY: TAC
TAC

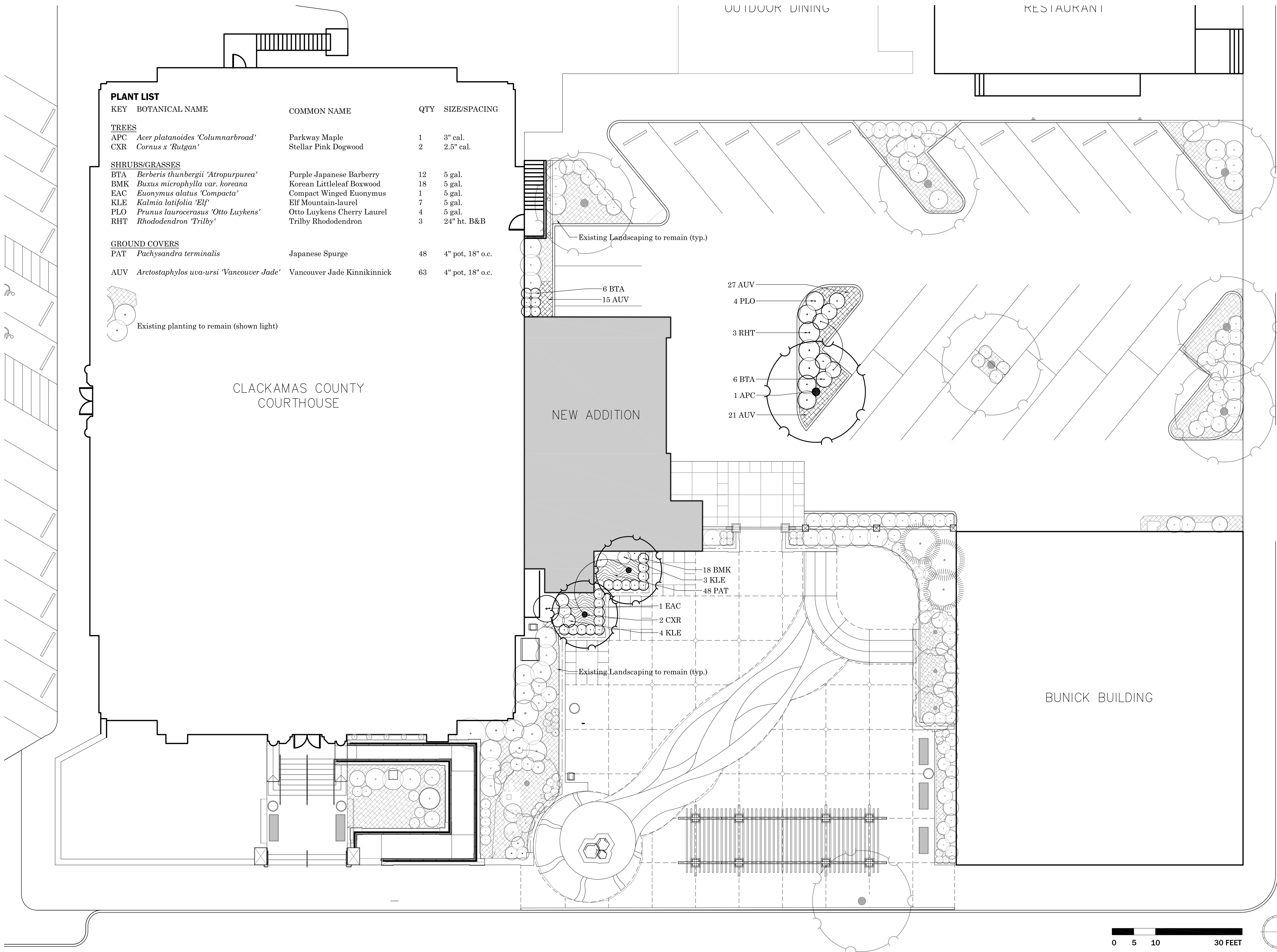
SHEET TITLE:

PROJECT NUMBER: 210277
CLACKAMAS COUNTY
COURTHOUSE
ADDITION
OREGON CITY, OR
GRADING AND
EROSION
CONTROL PLAN

CONSULTANT:



LRS ARCHITECTS
720 NW Davis 903 521-1151
Suite 200 903 521-1151
Portland OR 97208 www.lrsarchitects.com



Citizen Involvement Council Minutes for 07 March 2011

Call to Order by Chair Geil: 19:00

Chair Geil began the meeting with a brief description of the CIC and encouraged viewers unfamiliar with its history and purpose to refer to the City website. He also acknowledged the appointment of CIC Secretary Gifford, HNA, as a trustee of the Civic Improvement Trust as well as the City Budget Committee. Chair Geil also referenced some organizational issues relating to the Park Place NA; he has also duly assumed the duties of Chair of that NA.

Roll call by Chris Taylor – City Liaison:

Tom O'Brien – Hazel Grove - Westling Farms
Larry Hanlon – CIC Vice Chair, Caufield
Vern Buttolph – Rivercrest
William Gifford – CIC Secretary, Hillendale
Stephen VanHaverbeke – Park Place
David Rickenbach – South End
Ingra Rickenbach – South End
Alice Watts – McLoughlin
Paul Edgar – Canemah
Rae Gordon – Hillendale
Rachel Gunderson – Chamber of Commerce
*Howard Post – Canemah
*Bill Daniels – McLoughlin
*Tom Geil – CIC Chair, Park Place
*Patty Brown – Rivercrest

* = not on sign-in sheet

Excused:

Kathy Hogan – Hazel Grove - Westling Farms

Non-Excused:

?Lynda Orzen – MSOC
?Amanda Lemarr – Barclay Hills

Guests:

Paul Bounty – LRS Architects
Jeff Jorganson – Facilities Manager, Clackamas Co.
Byron Boyce – Clackamas River Basin Council
Dave Prideaux – Canemah
Alice Prideaux – Canemah
Doug Neeley – OC Mayor & GOCWC
Jim Nicita – OC City Commissioner
Linda VanHaverbeke – Park Place
Dan Fowler – Rivercrest
Dan Holladay – Barclay Hills
Christine Barkley? – Canemah

Staff:

Scott Archer – City Community Services Director
Larry Potter – City Parks Maintenance Manager
Nancy Kraushaar – City Engineer, OCPW Director

Recording staffed by Scott Bouck

Guest Speakers:

- Paul Bounty and Jeff Jorganson gave a presentation of the proposed 5,450 sq ft expansion project of Courthouse at 807 Main Street. Estimated at \$1.6-\$1.7 with funds accumulated by the State for security improvements. **Edgar moved, Gordon seconded, that CIC support this activity. Motion passed unanimously, save Brown abstaining.**
- Scott Archer and Larry Potter addressed the issue of cottonwood and other potentially hazardous trees in public places in Oregon City. Much discussion ensued. (Total 35 minutes.)
- City Commissioner Nicita, prior to his scheduled presentation, addressed the issue of the CIC providing multiple viewpoints of issues. Subsequent to that comment, he spoke regarding the City Charter review & amendment process. Discussion ensued. Mayor Neeley addressed the same issue. Additional discussion ensued regarding several issues pertaining to Charter items. (Total 45 minutes.)

Citizen Involvement Council Minutes for 07 March 2011

- Nancy Kraushaar addressed the following Public Works (PW) issues:
 - Geo Hazard Workshop planning is moving forward
 - Slope failures at Forest Edge Apartments are being addressed as well as apartments above them.
 - Jug Handle project bids are in. PW recommending Mowat Construction. Construction expected to begin this spring. She also addressed how the City's engineering costs were funded. Holladay made the point that CenterCal had provided possibly a half million dollars of private funding regarding that intersection. Secretary Gifford raised the question of a second roundabout.
 - Verizon Tower at Boynton site was not recommended.
 - Requested time on next agenda to update the CIC on various projects planned for Main Street.
 - Edgar raised the question of speed limits in the Canemah neighborhood.
 - O'Brien raised the question of South End Road slippage. Kraushaar pointed out that that road is still under the jurisdiction of the County.
 - Daniels raised the question of slippage at the proposed new PW facility on Center Street. Kraushaar reported that a) the siting of a new PW facility is on the City Council's goals for 2011, and b) PW has been directed to study potential geologic hazards at the current site.

Approval of Minutes:

Daniels observed that his comments referenced in the February minutes under New Business were noted as "inaudible"; he requested the minutes to reflect his comment as "Bill Daniels requested that John Lewis of Public Works address the CIC regarding the process of installation of solar powered speed indicators." Ingra Rickenbach observed that the comment "Forest Edge (formerly Mill Village) apartments", under Kraushaar's report, should read "Forest Edge (formerly Mill Creek Village) apartments". Secretary Gifford referred to the difficulty of identifying visitors with incomplete information on the sign in sheet and inaudible on the recording. Mayor Neeley clarified the affiliation of both Anne Rooney and Rebecca Miller with the Greater Oregon City Watershed Council. O'Brien moved, Chair Geil seconded, that the minutes be approved as corrected.

Old Business:

- **Geological Symposium Committee**
Chair Geil and Secretary Gifford reiterated Kraushaar's comment that planning for the meeting is underway.
- **Bylaws Review Committee**
Chair Geil reported no progress on this project, but considers there to be more work than had been anticipated. Chair Geil reiterated the membership of the committee to be himself as chair, Secretary Gifford, O'Brien, Past Chair Damon Mabee. Howard and Brown also offered to serve on that committee.
- **CIC use of Willamette Falls Media Center**
Chair Geil and Secretary Gifford reported no progress on these projects.

Citizen Involvement Council Minutes for 07 March 2011

New Business:

- **Solar Powered Speed Indicators**
Watts reported that John Lewis of Public Works addressed the MNA at their last general meeting regarding solar powered speed indicators. There are four such devices available through the Transportation Advisory Committee (TAC).
- **NA Mailings Authorization Forms**
City Liaison Taylor spoke of a proposed form to reduce confusion regarding the authorization of any NA mailings. She indicated that she would email a copy to the CIC representatives for their comments at the next CIC meeting.
- Edgar indicated that Oregon Fish and Game would like to present at the next CIC meeting their activities regarding hazing of sea lions at the falls.

Roundtable

- Vice Chair Hanlon reported on the City's removal of blackberry bushes and the status of the new speed limit in front of the high school.
- Secretary Gifford commended Hanlon on promoting the will of his NA even though it was not in accord with Hanlon's opinion. Gifford also reported on the groundbreaking of the new Safeway in the HNA which may be opened as early as Thanksgiving of this year. Gifford later suggested that the CIC should consider a review of its boundaries as they are not in synch with the boundaries used by the Police Department; if they were, he contended there could be more relevant reporting to the NA's regarding Police activity.
- Rachel Gunderson announced that April 1st, the Chamber of Commerce is hosting the Community Service Awards luncheon. Also March 1st will be the 8th annual Chamber Irish Stew cook-off.
- Patty Brown again reported on Rivercrest's planning of the 15th (or 16th) City-wide Egg Hunt and requested donations. She also noted the City-wide Clean-up, scheduled for April 16th. Further, the Stevens-Crawford House is being designated as a Child Safe place.
- Vern Buttolph reported on the RNA's regular general meeting on March 17th; guest speaker is scheduled to be Dan Drentlaw of the City Economic Development regarding urban renewal procedures. The City-wide food drive kicks off on March 25th.
- Bill Daniels inquired of the planned "Urban Renewal 101" and was informed it was scheduled for March 15th, 5PM at City Hall. He also referenced the City's Adopt-a-Street program and encouraged other NA's to consider participating in that program.
- Rae Gordon reported the next HNA meeting is scheduled for April 5th; expected is a presentation from the OCHS teens regarding their latest construction project of a concession stand at Wesley Linn Park.
- Howard Post reported on the status of the new Canemah Park construction.
- VanHaverbeke reported on the re-energizing of the PPNA.
- Ingra Rickenbach reported that the SENA has cancelled their March meeting, due to a perceived lack of funding to mail out an announcement. The scheduled speaker at their May meeting will be a representative from the Police department speaking of the Neighborhood Watch program.
- Paul Edgar expressed his honor at being appointed Member-at-Large for the Urban Renewal Commission.
- Tom O'Brien noted that, as HGWFNA holds their meetings jointly with SENA, their March meeting is also cancelled. He also referenced a musicians' performance March 17th at the

Citizen Involvement Council Minutes for 07 March 2011

Carnegie Center. He additionally referenced the CIC Bylaws in regard to the non-attendance of the representative of Oregon City's Main Street Program.

Secretary Gifford raised the issue of any NA not having funding to send out meeting notices. Mayor Neeley indicated that the issue should be raised at the Budget Committee meetings. There was additional discussion of CIC funding in general. Daniels reminded the CIC that MNA solicits advertising in their newsletter. Considerable discussion ensued.

Chair Geil exhibited documents submitted to the CIC regarding the Oregon City Shopping Center planning and deferred processing of them to Secretary Gifford.

Meeting Adjourned by Chair Geil: 21:58

Abbreviations used in these minutes:

CIC – Citizen Involvement Council
GOCWC – Greater Oregon City Watershed Council
HGWF – Hazel Grove - Westling Farms
HNA – Hillendale Neighborhood Association
HRB – Historic Review Board
MNA – McLoughlin Neighborhood Association
MSOC – Main Street Oregon City

NA – Neighborhood Association
OC – Oregon City
OCPW – Oregon City Public Works
PPNA – Park Place Neighborhood Association
SENA – South End Neighborhood Association
WFMC – Willamette Falls Media Center

Job No.: LRS-07
Date: March 21, 2011
To: Travis Kruger, P.E.
From: Keith Jones, AICP



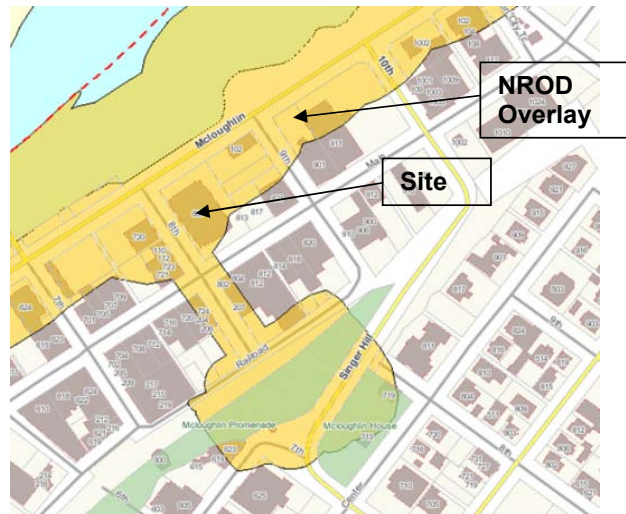
Project/Subject: Clackamas County Courthouse Addition and Remodel - Sensitive Area Locations – 807 Main Street, Oregon City

| | | | |
|---|-------------------------------|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> Fax - Number: _____ | : Number of pages _____ | | |
| <i>(If you did not receive the correct number of pages, please call 503-221-1131)</i> | | | |
| <input type="checkbox"/> E-mail | <input type="checkbox"/> Mail | <input type="checkbox"/> Hand Deliver | <input type="checkbox"/> Interoffice |

The County is proposing to add on to and remodel the inmate loading area at the Clackamas County Courthouse in downtown Oregon City. This memo addresses the City of Oregon City's Site Plan & Design Review Checklist which requires that the location of sensitive areas be identified that are contained within or are within 100 feet of the site.

The Courthouse parcel is bounded by McLoughlin Boulevard (HWY 99E) to the north, Main Street to the south, 8th Street to the west and 9th Street to the east. The building and grounds are located in the central area of downtown Oregon City and consist of mostly imperious paving and buildings with some small amounts of landscaped areas and street trees. The Willamette River is located 60 to 80 feet north of the site across McLoughlin Boulevard and seawall.

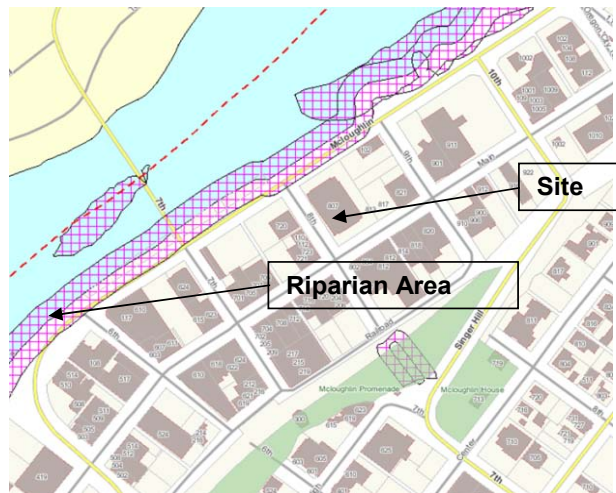
The site is located in the Natural Resource Overlay District (NROD) as identified within the City's on-line mapping system and on the illustration below.



205 SE Spokane Street
Suite 200
Portland, OR 97202
PHONE 503.221.1131
FAX 503.221.1171
www.hhpr.com

However, the project does not involve any removal of trees or significant vegetation within the NROD district. This is because the proposal will only have impacts to existing impervious areas. Section 17.49.080(J) of the Oregon City Zoning Code states, “replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased” are exempt from a NROD permit and regulations.

The site is within 100 feet of the Willamette River but the project is not within the riparian area as identified on the on-line mapping system as shown below.



OREGON SHPO CLEARANCE FORM

Do not use this form for ODOT or Federal Highway projects or to record archaeological sites

This form is for: federal cultural resource reviews (Section 106); state cultural resource reviews (ORS 358.653)

SECTION 1: PROPERTY INFORMATION

SHPO Case Number: 10-2762

Street Address: 807 Main Street

City: Oregon City, Oregon

County: Clackamas

Agency Project #

Project Name: Clackamas County Courthouse Addition

If there is not a street address, include the Township, Range, and Section, cross streets, or other address description

Owner: ☐ Private ☒ Local Gov ☐ State Gov ☐ Federal Gov ☐ Other

Are there one or more buildings or structures? ☒ YES ☐ NO - If no, skip to Section 2 and append photo(s)

Is the property listed in the National Register of Historic Places? ☐ YES - Individually ☐ YES - In a district ☒ NO

Construction date: 1937 ☐ Check box if date is estimated

Siding Type(s) and Material(s): Brick, Stone

Window Type(s) and Material(s): 1/1 DH wood

Has the property been physically altered? ☐ No Alterations ☒ Few Alterations ☐ Major / Many Alterations

SECTION 2: APPLICANT DETERMINATION OF ELIGIBILITY - Check the appropriate box

The purpose of this review is to avoid impacts to properties that are "eligible" (historic) or already listed in the National Register of Historic Places. Fully establishing historic significance can be very costly and time consuming. Therefore initial evaluations are based on age (50 years or greater) and integrity (historic appearance), which are the minimum qualifications for listing in the National Register. Additional documentation may be needed further in the process, but typically initial evaluations allow the review process to proceed expeditiously.

☒ The property is considered Eligible at this time because it is already listed in the National Register or

- is at least 50 years old and retains its historic integrity (minimal alterations to key features)
- has potential significance (architectural or historical)

☐ The property is considered Not Eligible at this time because it:

- is less than 50 years old or is 50 years or older but there have been major alterations to key features
- is known to have no significance, based on National Register-level documentation and evaluation

SECTION 3: APPLICANT DETERMINATION OF EFFECT - Check the appropriate box

☐ The project has NO EFFECT on a property that is eligible or already listed in the National Register, either because there is no eligible property involved or the eligible property will not be impacted physically or visually.

☒ The project will have a minor impact on a property that is eligible or already listed in the National Register, and therefore there is NO ADVERSE EFFECT. Minor impacts include replacement of some, but not all, siding, doors, or windows, etc.

☐ The project will have a major impact on a property that is eligible or already listed in the National Register, therefore there is an ADVERSE EFFECT. Major impacts include full or partial demolition, complete residing, full window replacement, etc.

STATE HISTORIC PRESERVATION OFFICE COMMENTS - Official use only

Eligibility: ☒ Concur with the eligibility determination above.
☐ Do not concur with the eligibility determination above.

Effect: ☒ Concur with the effect determination above.
☐ Do not concur with the effect determination above.

RECEIVED STAMP

Signed: Julie Osborne
JULIE OSBORNE
503-986-0661
Julie.Osborne@state.or.us

Date: 12-28-2010

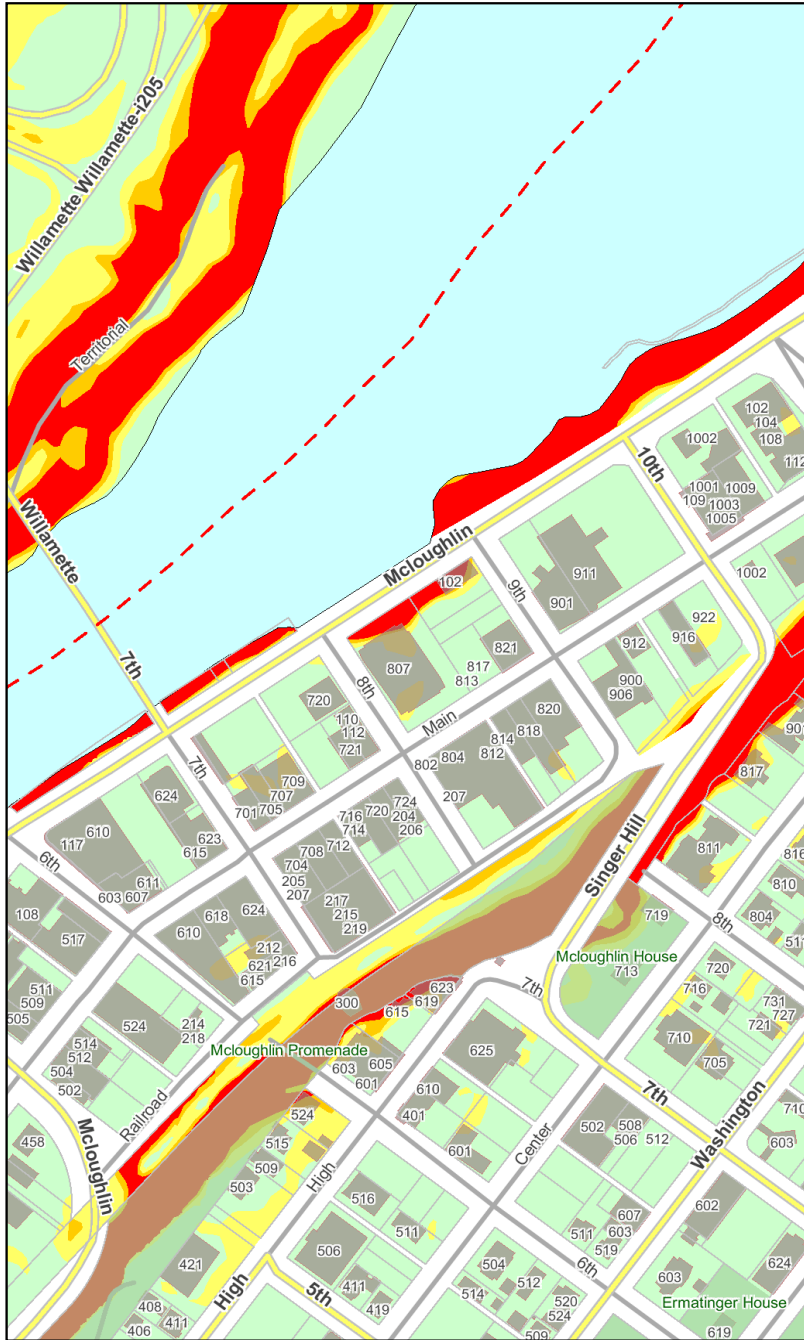
DEC 22 2010

JULIE OSBORNE
503-986-0661
Julie.Osborne@state.or.us

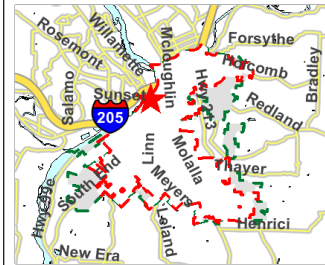
OR SHPO

Comments:

Slopes



0 275 550 825 ft.



Legend

- City Limits
- UGB
- Parcels
- Parks
- Buildings
- Highways
- Major Streets
- Other Streets
- Rivers
- Slope Categories**
 - > 35%
 - 0 - 10%
 - 10 - 25%
 - 25 - 35%



Scale: 1:3,668

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



Oregon

Theodore R. Kulongoski, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St NE, Ste C

Salem, OR 97301-1266

(503) 986-0671

Fax (503) 986-0793

www.oregonheritage.org



12/29/2010

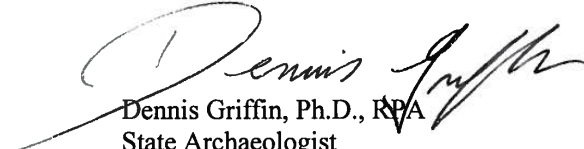
Mr. Paul Boundy
LRS Architects Inc
720 NW David STE 300
Portland, OR 97209

RE: SHPO Case No. 10-2762
Clackamas County Courthouse Addition Proj
807 Main (2S 2E 31), Oregon City, Clackamas County

Dear Paul:

Our office recently received your application about the project referenced above. I have reviewed your application and agree that the project will have no affect on any known archaeological resources. No further archaeological research is needed with this project.

Please be aware, however, that if during development activities you or your staff encounters any cultural material (i.e., historic or prehistoric), all activities should cease immediately and an archaeologist should be contacted to evaluate the discovery. Under state law (ORS 358.905-955) it is a Class B misdemeanor to impact an archaeological site on public or private land in Oregon. Impacts to Native American graves and cultural items are considered a Class C felony (ORS 97.740-760). If you have any questions regarding any future discovery or my letter, feel free to contact our office at your convenience.


Dennis Griffin, Ph.D., RPA
State Archaeologist
(503) 986-0674
dennis.griffin@state.or.us



REPLINGER & ASSOCIATES LLC
TRANSPORTATION ENGINEERING

June 27, 2011

Ms. Christina Robertson-Gardiner
City of Oregon City
PO Box 3040
Oregon City, OR 97045

**SUBJECT: REVIEW OF TRANSPORTATION ANALYSIS LETTER – CLACKAMAS
COUNTY COURTHOUSE EXPANSION – SP11-05**

Dear Ms. Robertson-Gardiner:

In response to your request, I have reviewed the Transportation Analysis Letter (TAL) submitted in support of the proposed expansion of the Clackamas County Courthouse. The facility is located between 8th and 9th Streets and between Main Street and McLoughlin Boulevard. The TAL was prepared by Chris Tiesler, PE of Kittelson & Associates, Inc. The TAL is dated March 30, 2011.

The proposal is to add 5766 square feet of building space with a building footprint of 1922 square feet. The three-story addition adds an enclosed sally port and modest expansions on two upper floors with a secure courtroom and holding facility.

Overall

I find the TALs address the city's requirements and provide an adequate basis to evaluate impacts of the proposed expansion.

Comments

- 1. Trip Generation.** The engineer explains that "there will be no new staff, increase in docket activity, jury pool needs, prisoner holding, prisoner transport associated with the expansion." According to the TAL, the expansion will not generate any new trips and will not impact traffic operations.
- 2. Access Locations.** The TALs indicate the site's parking lot is served by two existing driveways on 9th Street. The western driveway is for ingress; the eastern driveway is for egress. Both will be used and no modifications are proposed for site access.
- 3. Driveway Width.** The TAL indicates the width of each is 16 feet and indicates no modifications are proposed for the site driveways in connection with the proposed expansion.
- 4. Intersection Spacing.** The proposal will not create any new intersections.
- 5. Sight Distance.** The engineer measured sight distance at the driveways and found it to be adequate. He did not recommend mitigation and I concur.

May 3, 2011
Page 2

- 6. Safety Issues.** The engineer did not identify any safety issues. There is no reason to expect the proposed expansion would have any significant safety issues.
- 7. Consistency with the Transportation System Plan (TSP).** The engineer noted that site frontage, site access and the adjacent intersections will not be altered and concluded that the expansion does not require changes or improvements to comply with the TSP.

Conclusion and Recommendations

I find that the TAL meet city requirements and provide an adequate basis upon which impacts can be assessed. The engineer concludes no mitigation is necessary. I concur.

If you have any questions or need any further information concerning this review, please contact me at replinger-associates@comcast.net.

Sincerely,

A handwritten signature in black ink that reads "John Replinger". The signature is written in a cursive, flowing style.

John Replinger, PE
Principal

Oregon City\2011\SP11-05.docx

OREGON SHPO CLEARANCE FORM

Do not use this form for ODOT or Federal Highway projects or to record archaeological sites

This form is for: federal cultural resource reviews (Section 106); state cultural resource reviews (ORS 358.653)

SECTION 1: PROPERTY INFORMATION

SHPO Case Number: 10-2762

Street Address: 807 Main Street

City: Oregon City, Oregon

County: Clackamas

Agency Project #

Project Name: Clackamas County Courthouse Addition

If there is not a street address, include the Township, Range, and Section, cross streets, or other address description

Owner: ☐ Private ☒ Local Gov ☐ State Gov ☐ Federal Gov ☐ Other

Are there one or more buildings or structures? ☒ YES ☐ NO - If no, skip to Section 2 and append photo(s)

Is the property listed in the National Register of Historic Places? ☐ YES - Individually ☐ YES - In a district ☒ NO

Construction date: 1937 ☐ Check box if date is estimated

Siding Type(s) and Material(s): Brick, Stone

Window Type(s) and Material(s): 1/1 DH wood

Has the property been physically altered? ☐ No Alterations ☒ Few Alterations ☐ Major / Many Alterations

SECTION 2: APPLICANT DETERMINATION OF ELIGIBILITY - Check the appropriate box

The purpose of this review is to avoid impacts to properties that are "eligible" (historic) or already listed in the National Register of Historic Places. Fully establishing historic significance can be very costly and time consuming. Therefore initial evaluations are based on age (50 years or greater) and integrity (historic appearance), which are the minimum qualifications for listing in the National Register. Additional documentation may be needed further in the process, but typically initial evaluations allow the review process to proceed expeditiously.

☒ The property is considered Eligible at this time because it is already listed in the National Register or

- is at least 50 years old and retains its historic integrity (minimal alterations to key features)
- has potential significance (architectural or historical)

☐ The property is considered Not Eligible at this time because it:

- is less than 50 years old or is 50 years or older but there have been major alterations to key features
- is known to have no significance, based on National Register-level documentation and evaluation

SECTION 3: APPLICANT DETERMINATION OF EFFECT - Check the appropriate box

☐ The project has NO EFFECT on a property that is eligible or already listed in the National Register, either because there is no eligible property involved or the eligible property will not be impacted physically or visually.

☒ The project will have a minor impact on a property that is eligible or already listed in the National Register, and therefore there is NO ADVERSE EFFECT. Minor impacts include replacement of some, but not all, siding, doors, or windows, etc.

☐ The project will have a major impact on a property that is eligible or already listed in the National Register, therefore there is an ADVERSE EFFECT. Major impacts include full or partial demolition, complete residing, full window replacement, etc.

STATE HISTORIC PRESERVATION OFFICE COMMENTS - Official use only

Eligibility: ☒ Concur with the eligibility determination above.
☐ Do not concur with the eligibility determination above.

Effect: ☒ Concur with the effect determination above.
☐ Do not concur with the effect determination above.

RECEIVED STAMP

Signed: Julie Osborne
JULIE OSBORNE
503-986-2661
Julie.Osborne@state.or.us

Date: 12-28-2010
JULIE OSBORNE
503-986-0661
Julie.Osborne@state.or.us

DEC 22 2010

OR SHPO

Comments:



Agenda Item No. 4b
Meeting Date: 11 Jul 2011

COMMISSION REPORT: CITY OF OREGON CITY

| | |
|--|---|
| TO: | Planning Commission |
| FROM: | Pete Walter, Planner |
| PRESENTER: | Pete Walter, Planner |
| SUBJECT: | AN 11-01: Park Place Annexation 6.5 acres |
| Agenda Heading: Public Hearing | |
| Approved by: Tony Konkol, Community Development Director | |

RECOMMENDED ACTION (Motion):

Staff recommends that the Planning Commission recommend approval of AN 11-01 and to set the election for voter approval for November 8th, 2011, for City Commission consideration at the August 3, 2011 Public Hearing.

BACKGROUND:

The application is a petition for annexation of 6.5 acres in the Park Place Concept Plan Area. The property was previously proposed for annexation in 2007 and 2009.

Please review the attached Staff Report and Exhibits for further information and recommendations.

BUDGET IMPACT:

FY(s):
Funding Source:

ATTACHMENTS:

See Staff Report and attached Exhibits 1-14.



FILE NO.: AN 11-01

APPLICATION TYPE: Annexation

HEARING DATE: July 11th, 2011 - 7:00 p.m., Oregon City City Hall
625 Center Street
Oregon City, OR 97045

APPLICANT: Ronald H. Ziegler
20000 Mt. Rose Highway
Reno, NV 89511

REPRESENTATIVE: Ryan O'Brien
Planning and Land Design, LLC
11862 NE Estate Drive
Hillsboro, OR 97124

REQUEST: The applicant is requesting approval of an annexation of 6.5 acres.

LOCATION: (Park Place Concept Plan Area) The subject property is located south of Holcomb Boulevard and northeast of Livesay Road, abutting the Tracey Heights, Trailview and Wasko Acres subdivisions. The property is identified as a portion of Clackamas County Map 2-2E-28D, Tax Lot 180.

REVIEWER: Tony Konkol, Community Development Director
Pete Walter, AICP, Associate Planner

**COMPREHENSIVE
PLAN DESIGNATION:** MR – Medium Density Residential

ACRES: 6.5 acres (approximately)

RECOMMENDATION: Recommend approval of the proposed annexation and to set the election for November 8th, 2011 to the City Commission for their consideration at the August 3, 2011 public hearing.

PROPOSAL NO. AN 11-01 - CITY OF OREGON CITY - Annexation

Property Owners:

| Property Owner | Address | Tax Lot | Acres (approx.) |
|-------------------|--------------------|-----------------|-----------------|
| Ronald H. Ziegler | 16472 S LIVESAY RD | 2-2E-28D -00180 | 6.5 |

Applicant: Ronald H. Ziegler

Proposal No AN 11-01 was initiated by the consent petition of the owner of 100% of the acreage, 100% of the property owners, and 100% of the total assessed value of the property. The petition meets the requirement for initiation set forth in ORS 222.170 (2) (triple majority annexation law) and Metro Code 3.09.040 (a) (Metro's minimum requirements for a petition).

Under the City's Annexation Code Chapter 14.04, the Planning Commission reviews annexation proposals and makes a recommendation to the City Commission. If the City Commission decides the proposed annexation should be approved, the City Commission is required by the Charter to submit the annexation to the electors of the City.

The subject property is located south of Holcomb Boulevard and northeast of Livesay Road, abutting the Tracey Heights, Trailview and Wasko Acres subdivisions, as depicted in Exhibit 1. The property constitutes the northern portion of Tax Lot 180, contains approximately 6.5 acres, is vacant, and is valued at \$327, 389.

REASON FOR ANNEXATION

The applicant wishes to annex the property to Oregon City. The applicant's goal is to eventually develop the site for residential use, however, no zoning or development of the site is proposed at this time. Zoning and development of the site will require separate applications be submitted to the city for later approval.

LAND USE PLANNING

PARK PLACE CONCEPT PLAN

The proposed annexation is within the Park Place Concept Plan area, adjacent to Oregon City's Park Place neighborhood on the eastern edge of the City. The total land area within the Concept Plan is approximately 480 acres, of which 180 acres are located immediately adjacent to Oregon City limits in the vicinity of Livesay Road. These 180 acres were brought into the UGB in the 1980s, but were not annexed into the City of Oregon City. The remaining 300 acres were brought into the UGB in 2002. The whole area within the UGB was comprised of 138 individual property owners as of 2008, consisting mainly of single-family homes on large parcels. To date, the largest amount of acreage in the concept plan area under single ownership is approximately 48 acres. Thirty-eight acres are in public ownership, the majority of which comprise Ogden Middle School (Oregon City School District). Nearly half of the parcels in the study area are one acre or less. The 6.5 acres proposed to be annexed into the city are located within the area included within the UGB in the 1980s. This is northeast of the area identified as "north village" in the Park Place Concept Plan (Exhibit 3).

The Park Place Concept Plan "PPCP" (Adopted March 12, 2008) will integrate a multi-modal transportation system with a mixed-use development pattern to achieve a highly efficient and sustainable design. The PPCP identifies a

network of internal and external pedestrian, bicycle, transit and street connections that serve the study area and connect it to the surrounding community and the broader region. The Concept Plan was developed through an extensive interactive public process, guided by a Project Advisory Committee comprised of neighbors, stakeholders, business owners and City residents. An extensive public hearing process before the Oregon City Planning Commission and City Commission occurred prior to final adoption of the Park Place Concept Plan.

SITE CHARACTERISTICS

The property is currently vacant. The site slopes gently to the southwest with a grade of approximately 3%. Three local city streets, with city water, sewer and storm sewer facilities are stubbed adjoining the property on the north and east property lines. The property does not have any drainage ways, inventoried natural resources or slopes greater than 10%. There are some scattered trees >6" in diameter on the site. The Oregon City Comprehensive Plan designation is MR - Medium Density Residential.

REGIONAL PLANNING

General Information

This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB). The urban growth boundary expansion that brought in the subject property was approved by Metro in the 1980's. A further expansion of the UGB occurred in 2002. Metro requires concept plans be adopted for new urban areas within the UGB pursuant to Metro Title 11. The Concept Plan for this area was completed in 2008.

Metro Boundary Change Criteria

The Legislature has directed Metro to establish criteria that must be used by all cities within the Metro boundary. The Metro Code states that the City's annexation decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. Metro Chapter 3.09 contains the standards for annexations that cities must follow. The Code requires these findings and conclusions to address the following minimum criteria:

Metro Title 3.09.045(d)(1)(A) and (B)

Consistency with expressly applicable provisions in ORS 195 agreements or ORS 195 annexation plans.

Finding: This criterion requires that annexations be consistent with applicable provisions of annexation plans and/or agreements that have been adopted pursuant to ORS 195. ORS 195 requires agreements among providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit, and have been addressed in criterion (d)(1)(C) below. There are no adopted annexation plans applicable to this property. **This criterion is met.**

Metro Title 3.09.045(d)(1)(C)

Consistency with expressly applicable provisions of cooperative planning agreements between the annexing entity and a necessary party.

Finding: Sanitary Sewers. The City of Oregon City provides sanitary sewer service. The applicant reports that there is a 10-inch sewer line in Redland Road west of the Holly Lane intersection and an 8-inch sewer line in Holcomb Boulevard. Existing 8-inch sewer lines can be connected to the property from the adjacent subdivisions to the north and east. Any future development or individual home connection in the area will require the lines be extended to serve the requested area.

The Tri-City Service District provides sewage transmission and treatment services to the cities of Oregon City, West Linn and Gladstone. Each city owns and maintains its own local sewage collection system. The District owns and maintains the sewage treatment plant and interceptor system. The three cities are in the District and as provided in the intergovernmental agreement between the District and the City, the District does not serve territories outside Oregon City, with one exception.

Before January 1, 1999, state statute (ORS 199) provided that when territory was annexed to a city that was wholly within a district, the territory was automatically annexed to the district as well. That statute no longer applies in this area. Therefore, each annexation to Oregon City needs to be followed by a separate annexation of the territory to the Tri-City Service District. The City Commission must concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.

The Tri-City Service District plant is along Interstate 205 in Oregon City just east of the junction of the Willamette and the Clackamas Rivers. The plant has an average flow capacity of 11 million gallons per day (mgd) and a design peak flow capacity of 50 mgd. The available average capacity is 4.4 mgd. The Tri-City Water Pollution Control Plant uses physical, biological and chemical treatment to clean approximately 8.4 million gallons of wastewater per day, created by the cities of Gladstone, Oregon City and West Linn. The facility is currently undergoing expansion to increase the available average dry weather capacity to 11.9 mgd under the Tri-City Master Plan approved by the City (CP 08-01). Additional solid and liquid handling capacity expansion phases are proposed through the year 2030. Therefore, Tri-City Service District has capacity to serve this parcel should development of the annexation area occur.

Water. According to Clackamas River Water (CRW), this territory is outside the CRW service boundary (Exhibit 9). 16472 Livesay Road is served by wells and a water system not subject to the City's Holcomb-Outlook-Park Place (HOPP) agreement with CRW. Water service will be provided by Oregon City upon development of the property.

Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from the District upon approval of the annexation. The City and CRW jointly own a 16-inch city ductile iron waterline and CRW has a 12-inch CRW water line in Holcomb Boulevard, and a 4-inch City water line in Livesay Road.

Oregon City, with West Linn, owns the water intake and treatment plant, which the two cities operate through a joint intergovernmental entity known as the South Fork Water Board (SFWB).

The water supply is obtained from the Clackamas River through an intake directly north of Park Place. Raw water is pumped from the intake up to a water treatment plant located within the Park Place neighborhood. The treated water then flows south through a pipeline and is pumped to a reservoir in Oregon City for distribution to both Oregon City and West Linn. The SFWB also supplies surplus water to the Clairmont Water District portion of the Clackamas River Water District.

Both the river intake facility and the treatment plant have a capacity of twenty million gallons per day (MGD). There is an intertie with Lake Oswego's water system that allows up to five MGD to be transferred between Lake Oswego and SFWB (from either system to the other). Therefore, SFWB has capacity to serve this parcel should the annexation occur.

Stormwater. On-site or sub-regional stormwater drainage, water quality, and detention facilities will be required at the time of development. The Park Place Concept Plan includes extensive language on the viability and

recommended methodology to capture and treat stormwater. Additionally, the City is currently updating its Stormwater and Low Impact Development Standards. When development is proposed for the subject site, the owner will be required to design and construct an appropriate storm water collection and a detention system to compensate for the increase in impervious area of the property.

Fire Protection. This territory is currently within Clackamas Fire District # 1 (CCFD#1). Based on the November 2007 fire district annexation approval, staff recommends that the property remain within CCFD#1.

Police Protection. The Clackamas County Sheriff's Department currently serves the territory. Subtracting out the sworn officers dedicated to jail and corrections services, the County Sheriff provides approximately 0.5 officers per thousand population for local law enforcement services.

The area to be annexed lies within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The combination of the county-wide service and the service provided through the Enhanced Law Enforcement CSD results in a total level of service of approximately 1 officer per 1000 population. According to ORS 222.120 (5) the City may provide in its approval ordinance for the automatic withdrawal of the territory from the District upon annexation to the City. If the territory were withdrawn from the District, the District's levy would no longer apply to the property.

Upon annexation the Oregon City Police Department will serve the property. Oregon City fields approximately 1.33 officers per 1000 population (Exhibit 13). The Police Department has a goal of four-minute emergency response, 7 to 9 minute actual, and twenty-minute non-emergency response times. Due to a lack of resources, emergency response averages nine minutes. There will be some impact to police services upon annexation, and any future development would negatively impact already strained police services.

The applicant has recognized the current shortcomings of police services to the area and has proposed to pay a fee of \$3,500 per dwelling unit into a fund for the Oregon City Police Department for any new home developed within the annexation area (Exhibit 10). Staff has attached the Schedule A – Police Funding Fees annexation agreement (Exhibit 7).

Parks, Open Space and Recreation. The site's nearest city park is Park Place Park, about 1.1 miles from the proposed annexation area. The Park Place Concept Plan has identified open space and park locations to serve the community, however, no specific park size, location or ownership is required to be identified at the time of annexation. Future home building permits (following approval of zoning and subdivision) are required to pay a dedicated park system development charge at the time of issuance, which may be used to fund park capital infrastructure improvements. The current 2011 park SDC for a single-family residence is \$3,643.

Transportation. Access is provided from Holcomb Boulevard, a minor arterial and three local streets that stub to the edge of the property, Cattle, Shartner and Journey Drive. Holcomb Boulevard is now within Oregon City's jurisdiction, having been transferred over from the County. Most major intersections in the vicinity will be impacted by buildout of the Park Place area: Redland at Hwy 213 (3-leg Traffic Signal-controlled), Washington at Hwy 213 (4-leg Traffic Signal-controlled) and new intersections with Holcomb Boulevard and Redland Road.

If the property were zoned, subdivided and developed within the City of Oregon City today, the default zoning would be R-5, which, after subtracting right-of-way dedication and storm ponds, could be developed with between 33-35 home sites. The applicant is not proposing zoning or development of the property at this time.

The Park Place Concept Plan will integrate a multi-modal transportation system with a mixed-use development pattern to achieve a highly efficient and sustainable design. The concept plan identifies a network of internal and external pedestrian, bicycle, transit, and street connections that serve the area and connect it to the surrounding community and the broader region. The concept plan ensures that the land brought into the City is planned in an efficient and sustainable manner that will identify compatible land uses, including industrial, office, commercial, and residential uses, thereby reducing the need for vehicle trips, improving the efficiency of public transportation, offering multi-modal transportation options, and reducing the need to expand the UGB in the future.

Transportation Planning Rule. When the Park Place Plan was adopted, formal compliance with the Oregon Department of Transportation's Transportation Planning Rule (TPR) (OAR 660-012-0060) was deferred until the time of annexation and zoning of the property (the following excerpt is from the Staff Report finding):

"Rezoning of Property after adoption of the Park Place Concept Plan is subject to Oregon's Transportation Planning Rule (OAR 660-012-0060). In order to meet the requirements of this regulation, needed improvements and funding mechanisms have been identified for properties within the Concept Plan area. The proposed transportation infrastructure improvements, financing and funding estimates, along with future amendments to the Transportation System Plan and Capital Improvement Plan provide adequate basis to show compliance with this rule. Formal compliance with OAR 660-012-0060 will be addressed at the time of annexation and zoning of parcels within the Concept Plan area."

Per OCMC 17.68.025(A), annexed properties receive a default City zoning designation as a single process. This procedure has historically served the city well for annexing county land zoned FU-10 and Low Density Residential, since the default zoning has typically been to the comparably low density residential zoning R-10, with subsequent up-zoning to a higher density following annexation initiated by the developer.

Since the applicant has not completed the required traffic impact analysis (TIA) study for any future project that indicates compliance with the Transportation Planning Rule, the applicant has the option to 1) annex to the City now and maintain the existing County zoning designation, or 2) address the TPR for the default zoning of R-5 for the subject property.

The applicant has chosen Option (1), annexation to the City while maintaining existing Clackamas County FU-10 zoning, which will meet all City requirements for annexation, and allow the applicant to move ahead to a November 8th, 2011 annexation vote deadline, while allowing time to prepare the additional analysis needed to show compliance with the TPR at the time of future re-zoning. No additional development may occur until compliance with the TPR is demonstrated by the applicant.

The Park Place Concept Plan preliminarily addresses the forecasted traffic impacts, and remedies and infrastructure costs that are necessary to accommodate the additional growth in the annexation territory. The improvements have been included in the City's Transportation System Plan as part of the adoption of the Park Place Concept Plan, and the infrastructure costs have been included in the most recent updates to the City's System Development Charges. The adoption of these charges and updates will meet the necessary Level of Service requirements of the City and will meet the intent of ODOT's Transportation Planning Rule. The current 2011 Transportation SDC is \$7,028 (+ \$202 bike/pedestrian) per Single-Family Residence.

Other Services. Planning, building inspection, permits, and other municipal services will be available to the territory from the City upon annexation.

Metro Title 3.09.045(d)(1)(D) and (E)

Consistency with expressly applicable provisions for boundary changes contained in any applicable Comprehensive land use plans and public facility and service plans.

The Oregon City Comprehensive Plan goals and policies are addressed below. The Clackamas County Comprehensive Plan states that annexations which convert Future Urbanizable lands to Immediate Urban lands should ensure the “orderly, economic provision of public facilities and urban services”. As demonstrated below, public facilities and urban services can be orderly and economically provided to the subject site. Nothing in the County Plan speaks directly to criteria for annexation of property from the County to the City.

The Clackamas County Comprehensive Plan implements the Oregon City Comprehensive Plan for lands within the Urban Growth Boundary. The plan designation for this property on the County’s Oregon City Area Land Use Plan (Map IV-5) identifies the Low-Density Residential designation but has not been updated to reflect the UGB expansion and the current designation of the properties as Future Urban. The County will need to update Map IV-5 again now that the Park Place Concept Plan has been adopted, which applies MDR-Medium Density Residential designation to the property. County zoning on the properties is FU-10 Future Urban, 10-acre minimum lot size and RRF5 - Rural Residential. The FU-10 zoning is a holding zone to prevent the creation of small parcels in areas within the UGB to preserve the capacity of land to fully develop once a full range of urban services is available. The RRF-5 designation is a county rural residential zoning designation permitting single family dwellings and associated uses on sites not less than 5 acres. Lands located outside areas having sanitary sewer service available were designated Future Urbanizable.

The *Land Use* section of the Clackamas County Comprehensive Plan, Chapter 4, identifies the territory proposed for annexation as *future urbanizable areas*, which are defined as:

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

Clackamas County Policy 5.0 provides that land is converted from “*Future Urbanizable to Immediate Urban when land is annexed to either a city or special district capable of providing public sewer.*”

Clackamas County Policy 6.0 contains guidelines that apply to annexations, such as this one, that convert Future Urbanizable to Immediate Urban land:

- a. *Capital improvement programs, sewer and water master plans, and regional public facility plans should be reviewed to insure that orderly, economic provision of public facilities and services can be provided.*
- b. *Sufficient vacant Immediate Urban land should be permitted to insure choices in the market place.*
- c. *Sufficient infilling of Immediate Urban areas should be shown to demonstrate the need for conversion of Future Urbanizable areas.*
- d. *Policies adopted in this Plan for Urban Growth Management Areas and provisions in signed Urban Growth Management Agreements should be met (see Planning Process Chapter.)*

The capital improvement programs, sewer and water master plans and regional plan were reviewed. Annexation of this property is appropriate when considering the surrounding land uses, which are all located either within the city limits or within the UGB, and the close proximity to existing city water, storm and sanitary sewer lines, which have been designed to accommodate the proposed density on the subject site. The Park Place Concept Plan assures that the Metro residential density requirements are met for net developable land within the UGB.

Urban Growth Management Agreement

The City and the County have an Urban Growth Management Agreement (UGMA), which is a part of their Comprehensive Plan (Exhibit 12). The territory to be annexed falls within the Urban Growth Management Boundary (UGMB) identified for Oregon City and is subject to the agreement. Unless rezoning is deferred to a separate application as with this application, the default zoning is R-5 single-family dwelling district. The applicant is not proposing zoning or development of the property at this time. The property will remain County Zone FU-10.

The UGMA presumes that all the urban lands within the UGB will ultimately annex to the City. It specifies that the city is responsible for the public facilities plan required by Oregon Administrative Rule Chapter 660, division 11. The Agreement goes on to say:

4. City and County Notice and Coordination

D. The CITY shall provide notification to the COUNTY, and an opportunity to participate, review and comment, at least 20 days prior to the first public hearing on all proposed annexations . . .

5. City Annexations

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

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

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

Finding: The required notice was provided to the County at least 20 days before the Planning Commission hearing. There are existing City water and sanitary sewer on the north side of this annexation. Upon zoning and development approval of the subject site, public sewer and water will be provided through extensions of these public facilities. **This criterion is met.**

Clackamas County Senior Planner Rick McIntire also commented on the proposed application (Exhibit 11). His comments are summarized below.

Tax lots 100, 180 (both parts) and 190 combined comprise one legal Lot of Record per Sec. 202 of the County Zoning and Development Ordinance (ZDO). Both of the non-contiguous parts of tax lot 180 are currently zoned Future Urbanizable (FU-10) with an Urban Comprehensive Plan designation and are within the UGB.

Pursuant to Sec. 902 of the County ZDO, the applicant may partition the northerly 6.5 ac. of tax lot 180 from the remainder of the property along the County Zoning/Comprehensive Plan boundary the boundary separating that portion of tax lot 180 from tax lot 100 to the south. This could be done either pre- or post-annexation, but the latter would require dual applications to the County and to the City.

Alternatively, if the applicant has a specific development plan in mind for the parcel to be annexed, the County could agree to let the City process a post-annexation development application, with the remainder that is not annexed platted as a tract reserved for future development. This would only require county approval block on the final plat.

Staff recommends that the Commission find that the applicant is advised of the situation noted by the County above and that the applicant will need to apply for a zone change and partition or subdivision of the annexed 6.5 acre territory from the remaining tax lots prior to obtaining any development approvals within the City of Oregon City.

Metro Title 3.09.045(d)(2)(A)

Whether the proposed boundary change will promote the timely, orderly and economic provision of public facilities and services.

Finding: The proposed boundary change will promote the timely, orderly or economic provision of public facilities and services in the area. The 6.5 acres of property are directly abutting the Trailview Estates, Wasko Acres and Tracey Heights subdivisions to the north and east that are located in the city, and have been developed with housing units, with street stubs to the property. As demonstrated below, water, sanitary sewer and storm sewer are available in Holcomb Boulevard to north, Cattle Drive and Shartner Drive to the north and Journey Drive to the east. Gravity connection to sewer lines can be connected to the site. **This criterion is met.**

Metro Title 3.09.045(d)(2)(B)

Whether the proposed boundary change will affect the quality and quantity of urban services

Finding: The proposed boundary change will provide adequate levels of city police, fire, water, sanitary sewer and transportation services to serve urbanization of the annexed territories at the time of development as detailed in this report. **This criterion is met.**

Metro Title 3.09.045(d)(2)(C)

Whether the proposed boundary change would eliminate or avoid unnecessary duplication of facilities or services.

Finding: The proposed boundary change was forwarded to all applicable service providers for review and comment with the intent to avoid unnecessary duplication of facilities and services for the annexed territories. Annexation to or withdrawal from the applicable fire, road, water, sewer and sanitary sewer provider district has been addressed in this report and recommendations. **This criterion is met.**

The Metro Code also contains a second set of 10 factors that are to be considered where: 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. At this time, those 10 factors are not applicable to this annexation because no necessary party has contested the proposed annexation. **This criterion is not applicable.**

Oregon City Municipal Code Section 14 - Annexations

The City's Code contains provisions on annexation processing. Section 14.04.060 requires the City Commission "to consider the following factors, as relevant":

1. Adequacy of access to the site;

The site access is discussed above in the Facilities and Services section. The area has Holcomb Boulevard to the north and Redland Road to south, both minor arterials. Any future development of the property will need to include full local street improvements that connect to existing interior streets. Local street stubs are provided from Cattle Drive and Shartner Drive to the north and Journey Drive to the east.

2. Conformity of the proposal with the City's Comprehensive Plan;

Park Place Concept Plan. Compliance with Metro Title 11, "Planning for New Urban Areas" was required as part of the Comprehensive Plan amendment process adopting the Park Place Concept Plan. Metro approved the Concept Plan as in compliance with Title 11. The City's Comprehensive Plan and Municipal Code was amended to implement the Concept Plan. Per Title 11, Concept Plans must address the following elements:

- Annexation
- Housing (density, diversity, and affordability)
- Commercial and industrial land
- Transportation
- Natural resources
- Public facilities
- Public schools
- Funding and Finance Sources

The Park Place Concept Plan (PPCP) includes Core Values, Goals, Policies and Implementation Strategies for each of these elements, as well as Evaluation criteria to be used to ensure that new urban development complies with the Park Place Concept Plan. Development properties will show compliance with the Concept Plan through a Type III Master Plan process in OCMC 17.65, or through the clear and objective design standards in OCMC 17.21 (applicable to new residential development not going through 17.65 process), or through the Type II Site Plan and Design Review process (commercial, multi-family or mixed use development). There are relatively few PPCP goals that deal expressly with annexation, since formal compliance with the Concept Plan can only be shown at the time development is proposed. The PPCP references Chapter 14 of the City code. Regarding annexation, however, it does include the following specific statements:

(Page 60) "Annexation of Park Place should be guided by the ability to serve subareas with public facilities such as roads, water, wastewater, and storm water. For these reasons, subareas of Park Place that are adjacent to existing city boundaries, facilities, and services are likely to be annexed first. The northern portion of Park Place was brought into the City's Urban Growth Boundary (UGB) in the 1980s, long before the rest of Park Place was in 2002, and is particularly primed for annexation, due to existing development and property owners' interest in developing."

PPCP Annexation Goals, Policies, and Implementation Strategies

PPCP Goal

Ensure that annexation of land within the planning area is consistent with other goals, policies and strategies in this Plan and meets overall city and regional requirements for annexation.

PPCP Policies

Ensure that public facilities and services can be provided to serve proposed development prior to annexation of any portion of the Park Place Concept Plan area, consistent with existing City and regional requirements.

Provide residents within and adjacent to areas proposed for annexation with opportunities to review and comment on annexation proposals.

PPCP Implementation Strategies

Adhere to existing city regulations and procedures in accepting, reviewing and approving proposed future annexations of the planning area or portions of it.

Review annexations proposals for adherence to the goals, policies and core values identified in the Park Place Concept Plan.

Provide adequate notice of and opportunities for comment on proposed annexations pursuant to existing City notice requirements.

Finding: This annexation application has been accepted and reviewed pursuant to city regulations and procedures. The applicable goals, policies and strategies of the Park Place Concept Plan have been implemented through comprehensive plan, zoning code and map amendments and will be further reviewed at the time of zoning and the Master Plan development review process of OCMC 17.65. Notice of the annexation was provided pursuant to OCMC 17.50. **This criterion is met.**

Section 14 of the Oregon City Comprehensive Plan is entitled *Urbanization*. Several policies in this section are pertinent to proposed annexations. The following excerpts expand on the City's annexation philosophy and requirements.

The City is required to refer all proposed annexations to the voters. Rather than having voter approval of individual property owners' requests to annex, the City should prepare and implement an annexation plan and program. The City could then annex large blocks of properties (with voter approval) at one time, rather than in a piecemeal fashion. Annexation would be tied more directly to the City's ability to provide services efficiently, maintain regular city boundaries, and help the city meet Metro targets for housing and employment. The zoning of the property should be decided at the time the Planning Commission and City Commission review and approve the annexation request.

Applications for annexation, whether initiated by the City or by individuals, are based on specific criteria contained in the City's municipal code. Metro and state regulations promote the timely and orderly provision of urban services, with which inappropriate annexations can conflict. Therefore, an annexation plan that identifies where

and when areas might be considered for annexation can control the expansion of the city limits and services to help avoid those conflicts and provide predictability for residents and developers. Other considerations are consistency with the provisions of this comprehensive plan and the City's public facility plans, with any plans and agreements of urban service providers, and with regional annexation criteria.

The City has not prepared an annexation plan and program to facilitate wholesale large block area annexations. Until such a methodology and process is in place, annexation will continue in a piecemeal fashion such as this proposal. This annexation is still sufficiently tied directly to the City's ability to provide services efficiently with the logical extension of physical utility lines as it is adjacent to Holcomb Boulevard to the north. This annexation does maintain regular city boundaries since about 1,114 feet of the boundary of the property touches the city limits. This annexation could help the city meet Metro targets for housing.

Staff is recommending that the City Commission find that the property will be annexed with the existing County zoning (FU-10). The property owners will be responsible for submitting a zone change application addressing infrastructure needs and the State's Transportation Planning Rule (TPR).

The following Oregon City Comprehensive Plan annexation goals and policies are approval criteria for annexations under Criteria 3 of the Metro Code. They provide that the Oregon City Comprehensive Plan designations will apply upon annexation, how zoning will be changed (either automatically or after annexation) and that annexations are to be processed according to quasi-judicial procedures.

Goal 14.4: Annexation of Lands to the City

Annex lands to the city through a process that considers the effects on public services and the benefits to the city as a whole and ensures that development within the annexed area is consistent with the Oregon City Comprehensive Plan, City ordinances, and the City Charter.

The city annexation process is set out in Chapter 14 of the Municipal Code. By requiring compliance with that code, the Metro code, and the statewide Planning Rules, the city is identifying the effects the full build-out of this annexed property will have on public services and any benefits to the city as a whole. As part of the Park Place Concept Plan adoption, appropriate City Master Plans, such as the Transportation System Plan, Water and Sewer Master Plans for example, were updated to address the anticipated impacts of development of the property. **This criterion is met.**

Policy 14.4.1 *In order to promote compact urban form to support efficient delivery of public services, lands to be annexed must be within the City's Urban Growth Boundary, and must be contiguous to the existing City limits. Long linear extensions, such as cherry stems and flag lots, shall not be considered contiguous to City limits.*

The proposed annexation is contiguous to the city limits along 1,114 feet of the perimeter by touching the city boundary. There are no flag lots or long linear extensions involved in this proposed annexation in order to demonstrate that the property is contiguous to the city. If the annexation is approved the area would provide a contiguous block of new city land that would implement the Park Place Concept Plan, which upon subsequent zoning and development will promote compact urban form and the efficient delivery of public services. **This criterion is met.**

Policy 14.4.2 *Concept Plans and Sub-area Master Plans for unincorporated areas within the Urban Growth Boundary shall include an assessment of the fiscal impacts of providing public services to the area upon annexation, including the costs and benefits to the city as a whole.*

The city identified the effects the full build-out of the annexed property would have on public services, including the transportation system, and any benefits to the city as a whole through the Park Place Concept Plan. As part of Concept Plan adoption, appropriate City Master Plans, such as the Transportation System Plan, Water and Sewer Master Plans for example, were updated to address the anticipated impacts and benefits to the city.

The Park Place Concept Plan includes an assessment of the fiscal impacts of providing public services to the area upon annexation. The available public infrastructure currently in Park Place is insufficient to serve development proposed in the Park Place Concept Plan. Though Park Place does not have existing infrastructure, it is adjacent to existing service providers and can be extended to serve this annexation area as well as the Plan district as a whole. The key public services that need to be developed are: transportation, water, sanitary sewer, storm water and parks. The infrastructure requirements and cost estimates have been provided in Exhibit 4. These infrastructure requirements and cost estimates were used to update the city's system development charges in 2009 and have been included as part of the city's capital improvement program.

Policy 14.4.3 *When an annexation is requested, the Commission may require that parcels adjacent to the proposed annexation be included to:*

- a) avoid creating unincorporated islands within the city;*
- b) enable public services to be efficiently and cost-effectively extended to the entire area; or*
- c) implement a Concept Plan or Sub-area Master Plan that has been approved by the Commission.*

This proposed annexation does not create unincorporated islands within the city. The proposed annexation enables efficient extension of public services, and implements the approved concept plan. **This criterion is met.**

Policy 14.4.4 *The City may, as provided by state law, provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system; the Commission may expedite the annexation of the subject property into the city, subject to any voter approvals of annexations.*

A sewer public health hazard does not exist for the property at this time. **This criterion is not applicable.**

The *Public Facilities* Section of the Comprehensive Plan contains the following pertinent Goals and Policies.

Goal 11.1: Provision of Public Facilities

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

Policies

Policy 11.1.1 *Ensure adequate public funding for the following urban facilities and services, if feasible:*

- a. Streets and other roads and paths*
- b. Wastewater collection*
- c. Storm water management services*
- d. Police protection*
- e. Fire protection*

- f. *Parks and recreation*
- g. *Water distribution*
- h. *Planning, zoning and subdivision regulation*

This annexation will not immediately add any homes to the city's police and fire protection coverage. Any future development of this property will fall under the city planning, zoning, and land division regulations.

Policy 11.1.1 defines what is encompassed within the term "urban facilities and services" as it pertains to annexation. The City's Plan is more inclusive in its definition of what services are considered an "urban service" than is the Metro Code. The City's Plan adds police services, fire protection and planning, zoning and subdivision regulation to the list of urban services that are to be considered by the Metro Code. The Metro Code also includes mass transit in addition to streets and roads.

The applicant has recognized the service shortcomings of police (Exhibit 10) and has offered that future building permits will be subject to pay \$3,500 per dwelling unit into a fund for the Oregon City Police Department for any new home developed within the annexation area. Staff has attached the Schedule A – Police Funding Fees annexation agreement (Exhibit 7).

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

Policy 11.1.4 Support development on underdeveloped or vacant buildable land within the City where urban facilities and services are available or can be provided and where land use compatibility can be found relative to the environment, zoning, and comprehensive plan goals.

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

Policies 11.1.3 and 11.1.4 encourage development on sites within the City where urban facilities and services are either already available or can be provided. This policy implies that lands that cannot be provided urban services should not be annexed. The proposed land in this annexation can be provided urban services with the possible exception of staff-limited police resources. Future development will definitely require further analysis of this service area. The Park Place Concept Plan identifies the necessary urban facilities and service improvements and costs necessary to implement the future zoning designations for the property.

Policy 11.1.5 requires that the installation of a major urban facility or service should be coordinated with the provision of other urban facilities or services. No major urban facility or service is required here; rather, it requires normal extension of water and sanitary sewer from the existing utility stubs in adjacent local streets.

Read together, these policies suggest that when annexing lands, the City should consider whether a full range of urban facilities or services are available or can be made available to serve the territory to be annexed. Oregon City has implemented these policies with its Code provisions on processing annexations, which requires the City to consider adequacy of access and adequacy and availability of public facilities and services. Overall, it appears that the city can provide urban service capacity to this area and the Park Place Concept Plan will provide the guidance to address the impacts of the full build-out of the area. **This criterion is met.**

Goal 11.2: Wastewater

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's wastewater collection system while protecting the environment and meeting state and federal standards for sanitary sewer systems.

Policy 11.2.2 *Plan, operate and maintain the wastewater collection system for all current and anticipated city residents within the existing urban growth boundary. Strategically plan for future expansion areas.*

Since all new development on annexed lands is required to connect to the sanitary sewer system, this policy suggests that a measure of the adequacy of the sanitary system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The sanitary sewer is available to the property by extending the adjacent sewer line in Cattle Drive.

Policy 11.2.3 *Work with Tri-City Service District to provide enough capacity in its collection system to meet standards established by the Oregon Department of Environmental Quality (DEQ) to avoid discharging inadequately treated sewage to surface waters.*

The Tri-City Service District was provided notice of this annexation. The district did not respond to the notice. Before sanitary sewers can be extended to lands annexed to the City, those lands will need to annex to the Tri-City Service District. The property owner has included a petition to initiate annexation to Tri-City Service District after annexation to the City. The City Commission should concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the annexation.

Goal 11.3: Water Distribution

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's water distribution system while protecting the environment and meeting state and federal standards for potable water systems.

Policy 11.3.1 *Plan, operate and maintain the water distribution system for all current and anticipated city residents within its existing urban growth boundary and strategically plan for future expansion areas.*

Since new development on annexed lands may connect to the city water distribution system, this policy suggests that a measure of the adequacy of the water distribution system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The City has an adequate water supply in the general area of this annexation in Cattle Drive and Shartner Drive.

Goal 11.4: Stormwater Management

Seek the most efficient and economical means available for constructing, operating, and maintaining the City's stormwater management system while protecting the environment and meeting regional, state, and federal standards for protection and restoration of water resources and fish and wildlife habitat.

Policy 11.4.1 *Plan, operate, and maintain the stormwater management system for all current and anticipated city residents within Oregon City's existing urban growth boundary and strategically plan for future expansion areas.*

Policy 11.4.4 *Maintain existing drainageways in a natural state for maximum water quality, water resource preservation, and aesthetic benefits.*

Since new development on annexed lands may connect to the city stormwater management system, this policy suggests that a measure of the adequacy of the stormwater management system should be whether the city (or the county stormwater management system in the event that drainage goes to the county) could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. New development may also have opportunities to provide further protection to preserve water quality under the provisions of the City's Natural Resource Overlay District.

This annexation will not result in any changes to the stormwater drainage. Future development will require extension and connection to the existing stormwater connections leading to downstream Abernethy Creek and Livesay Creek drainages in conformance with city stormwater design standards. The Park Place Concept Plan has identified a three-tiered stormwater treatment approach that will be implemented as the property is developed. The three-tiered stormwater approach will account for the existing and planned residents of Oregon City and will maintain the existing drainage ways in a natural state for maximum water quality, resource preservation, and aesthetic benefits.

Goal 11.9: Fire Protection

Maintain a high level of fire suppression and emergency medical services capacity.

Policy 11.9.1 *Ensure that all areas, including newly annexed areas, receive fire protection and emergency medical services.*

Clackamas Rural Fire Protection District #1 provides all fire protection for the City since the entire City was annexed into their district in 2007. The subject annexation area is also already in the CRFPD#1 district so there is no action required for fire protection.

The final section of this staff report addresses each urban service to determine whether the services are currently available or can be made available at an adequate level to serve the potential development of the property under the current planning designation and zoning that implements it.

The *Land Use* section of the Oregon City Comprehensive Plan identifies land use types.

The City/County urban growth management agreement specifies that the County's acknowledged Comprehensive Plan and implementing regulations shall apply until annexation and the City adopts subsequent plan amendments. The Oregon City Code requires the City Planning Department to review the final zoning designation within sixty days of annexation, utilizing the chart below and some guidelines laid out in Section 17.06.050.

CITY LAND USE CLASSIFICATIONS

Residential Type

Medium-density residential

City Zone

R-5, R-3.5

That section goes on to say:

"In cases where only a single city zoning designation corresponds to the comprehensive plan designation . . . Section 17.68.025 shall control."

Section 17.68.025, Zoning changes for land annexed into the city, says:

"Notwithstanding any other section of this chapter, when property is annexed into the city from the city/county dual interest area with any of the following comprehensive plan designations, the property shall be zoned upon annexation to the corresponding city zoning designations as follows:"

| <u>Plan Designation</u> | <u>Zone</u> |
|----------------------------|-----------------------------|
| Low Density Residential | R-10 Single Family Dwelling |
| Medium Density Residential | R-5 Single Family Dwelling |
| High Density Residential | R-2 Multi-Family Dwelling |

Typically the annexed property would be rezoned to R-5 upon annexation as a single process. Since the applicant has not completed a traffic impact analysis (TIA) study for any future project that indicates compliance with the State's Transportation Planning Rule (TPR), the applicant has the option to 1) annex to the City now and maintain the existing County zoning designation, or 2) address the TPR for the default zoning of R-5 for the subject property. The applicant has chosen Option (1).

Option (1), annexation to the City while maintaining existing Clackamas County zoning, will meet all City requirements for annexation, and allow the applicant to move ahead to meet the November 1 annexation vote deadline, while allowing time to prepare the additional analysis need to show compliance with the TPR at the time of future re-zoning. No development can occur until the subject property is partitioned or subdivided and compliance with the TPR is demonstrated by the applicant.

Compliance with OCMC 14.04.060 - Annexation factors. [Continued]

3. Adequacy and availability of public facilities and services to service potential development;

The adequacy and availability of existing public facilities and services is also addressed in criterion 2 of the Metro Boundary Change section above.

The Facilities and Services discussion of this report demonstrates that public facilities and services for potential development can be accounted for through implementation of the Park Place Concept Plan through the recently adopting zoning and code changes. There are existing city services available in adjacent developments and within Holcomb Boulevard that can be extended to serve the site. The Park Place concept Plan identifies the impacts to the public facilities and services and the remedies necessary to accommodate the potential development on the annexed property. Additionally, the adequacy and availability of facilities and services will be reviewed when the property is proposed for a zone change. **This criterion is met.**

4. Compliance with applicable sections of Oregon Revised Statutes Chapter 222, and Metro Code 3.09;

The only criterion in ORS 222 is that annexed lands be contiguous to the City. The proposed property is contiguous to the city limits along 1,114 feet of the perimeter by touching the city boundary. There are no flag lots or long linear extensions involved in this proposed annexation demonstrating that the property is contiguous to the city. If the annexation is approved the area would provide a contiguous block of new city land that would implement

the Park Place Concept Plan, which promotes compact urban form and the efficient delivery of public services. Compliance with Metro Code 3.09 is addressed above in this report. **This criterion is met.**

5. *Natural hazards identified by the City, such as wetlands, floodplains, and steep slopes;*

The Park Place Concept Plan has identified water resources, steep slope and geologic areas that will require further investigation at time of development to demonstrate compliance with Oregon City Municipal Codes for water resource protection and geologic hazards standards. None of these conditions exists on the subject property.

6. *Any significant adverse effects on specially designated open space, scenic, historic or natural resource areas by urbanization of the subject property at the time of annexation;*

The property is in the Livesay Creek and Abernethy drainage basin according to the Drainage Master Plan. The Park Place Concept Plan has identified natural resource and water resources, geologic and steep slope areas that will require further investigation at time of development to demonstrate compliance with existing Oregon City Municipal Code natural resource, water resource protection and geologic hazards standards. Any other specially designated areas identified, as part of the concept plan will be appropriately regulated pursuant to the Park Place Concept Plan and existing Oregon City Municipal Code.

7. *Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of annexation."*

Annexation of the vacant property will have virtually no affect on the economic, social, or physical environment of the community. The Commission interprets the "community" as including the City of Oregon and the lands within its urban service area. The City will obtain a small increase in property tax revenues from adding additional assessed value to its tax roll as a result of annexing the territory. The City will also obtain land use jurisdiction over the territory.

The City will have service responsibilities including police and general administration. The City delivers police service to the unincorporated area in the course of patrolling to deliver service to the incorporated area. The increases in service responsibilities to the area that result from the annexation are insignificant, though an additional five homes may impact the existing response time of the Police Department. The applicant has recognized the service shortcomings of police service (Exhibit 10) and has proposed to pay \$3,500 per unit into a fund for the Oregon City Police Department for any new home developed within the annexation area. Staff has attached the Schedule A – Police Funding Fees annexation agreement (Exhibit 7).

If approved by City electors for annexation, the property owner will need to apply to the City for rezoning to a higher density along with any land use permits required to allow development as outlined in the Park Place Concept Plan. This property has not been subdivided or partitioned and the zoning must be changed before development at any density other than FU-10 can be approved. Any impacts on the community that result from approval of development permits are a direct consequence of a zone change, subdivision and development permit approval, not of the annexation. Before any urban development can occur, the applicant must show compliance with the State's Transportation Planning Rule for the desired re-zoning, and the territory must also be annexed to the Tri-City Service District. The City Commission must concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.

RECOMMENDATIONS

Oregon City Municipal Code section 17.04.080 states the following:

"The City Commission shall only set for an election annexations consistent with a positive balance of the factors set forth in Section 6 of this ordinance. The City Commission shall make findings in support of its decision to schedule an annexation for an election."

Based on the study and the Proposed Findings and Reasons for Decision for this annexation, the staff recommends that the City Commission:

- Set AN 11-01 for election on the **November 8, 2011** ballot.
- Recommend withdrawing the territory from the County Service District for Enhanced Law Enforcement as allowed by statute.
- Recommend that the City Commission concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.
- Recommend not withdrawing the property from the Clackamas Fire District # 1.
- Recommend that the City Commission should accept the applicant's offer for a solution to the police funding shortcomings as identified on Schedule A – Police Funding Fees AN 11-01 (Exhibit 7).
- Recommend that the annexed property maintain the existing county zoning designations of FU-10 until the applicant requests rezoning to R-5 or to the designation identified in the Park Place Concept Plan.
- Recommend that the applicant demonstrate compliance with Oregon's Transportation Planning Rule (OAR 660-012-0060) at the time a re-zoning application is submitted to the City for approval.

Exhibits

1. Site Map and Comprehensive Plan Designations;
2. County Assessor Tax Map identifying property that signed the petition;
3. Park Place Concept Plan Map;
4. Park Place Concept Plan Cost Estimates;
5. Applicant's Annexation Petition Submittal and Narrative
6. Proposed Findings, Reasons for Decision and Recommendation;
7. Schedule A Agreement: Police Funding Fees;
8. Staff Report findings (Excerpt) for Park Place Concept Plan (L 07-01) regarding OAR 660-012-0060.
(full staff report on file)
9. Email from Bob George, P.E. , CRW District Engineer, regarding water service.
10. Email from Applicant regarding Police Service fee.
11. Email from Rick McIntire, Clackamas County Senior Planner, regarding lot of record.
12. Urban Growth Management Agreement (UGMA) with Clackamas County.
13. Email from Police Chief Mike Conrad.
14. Newspaper Notice Affidavit of Publishing.

**AN 11-01
(EXHIBIT 6)**

PROPOSED FINDINGS, REASONS FOR DECISION, AND RECOMMENDATIONS

Based on the Findings in this Report, the Commission determines:

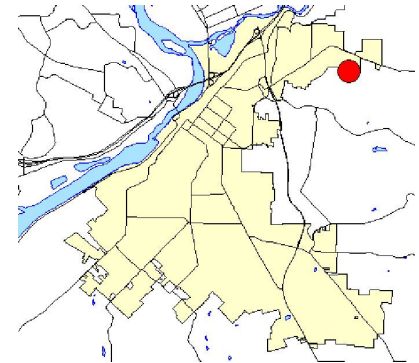
1. The Metro Code calls for consistency of the annexation with the Regional Framework Plan or any functional plan. The Commission concludes the annexation is not inconsistent with this criterion because there were no directly applicable criteria for boundary changes found in the Regional Framework Plan, the Urban Growth Management Function Plan, or the Regional Transportation Plan.
2. Metro Code 3.09.050(d)(1) requires the Commission's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted pursuant to ORS 195. The Commission finds that there are no inconsistencies between these plans/agreements and this annexation.
3. The Metro Code, at 3.09.050(d)(3), requires the City's decision to be consistent with any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The County Plan also says annexation which converts *Future Urbanizable* lands to *Immediate Urban* lands should ensure the "orderly, economic provision of public facilities and services." The property owner has demonstrated that the City can provide all necessary urban services. Nothing in the County Plan speaks directly to criteria for annexation. Therefore the Commission finds this proposal is consistent with the applicable plan as required Metro Code 3.09.050 (d)(3).
4. The Commission concludes that the annexation is consistent with the City Comprehensive Plan that calls for a full range of urban services to be available to accommodate new development as noted in the Findings above. The City operates and provides a full range of urban services. Specifically with regard to water, storm and sewer service, the City has both of these services available to serve the subject site from existing improvements in Holcomb Boulevard, Redland Road, Journey Drive, Shartner Drive and Cattle Drive.
5. The Commission notes that the Metro Code also calls for consistency of the annexation with urban planning area agreements. As stated in the Findings, the Oregon City-Clackamas County Urban Growth Management Agreement specifically provides for annexations by the City.
6. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly, and economic provision of public facilities and services." Based on the evidence in the Findings, the Commission concludes that the annexation will not interfere with the timely, orderly, and economic provision of services.
7. The Oregon City Code contains provisions on annexation processing. Section 6 of the ordinance requires that the City Commission consider seven factors if they are relevant. These factors are covered in the Findings and on balance the Commission believes they are adequately addressed to justify approval of this annexation.
8. The City Commission concurs with Tri-City Service District's annexation of the subject property in the enacting City ordinance upon voter approval of the city annexation. Prior to the City approving a final

zoning designation for the property, the applicant shall provide documentation that the property has been annexed into the Tri-City Service District.

9. The Commission determines that the property should be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement as allowed by statute since the City will provide police services upon annexation.
10. The City Commission recognizes that the applicant has offered a financial solution to the police funding shortcomings for future new homes and businesses.
11. The City Commission recognizes that the applicant is only requesting an annexation at this time. Any zone change request, which will address compliance with the Oregon Statewide Transportation Planning Rule OAR 660-012-0060, will come at a later date if the annexation is successful.
12. The City Commission recognizes that the applicant will need to apply for a land division of the 6.5 acre territory from the remainder of the legal lot of record prior to approval of any zoning application for the property.
13. The applicant shall prepare and provide all necessary legal descriptions of the property to meet the Oregon Department of Revenue's requirements for final processing of the annexation property.



AN 11-01 6.5 ac 2010 Aerial Photo



4

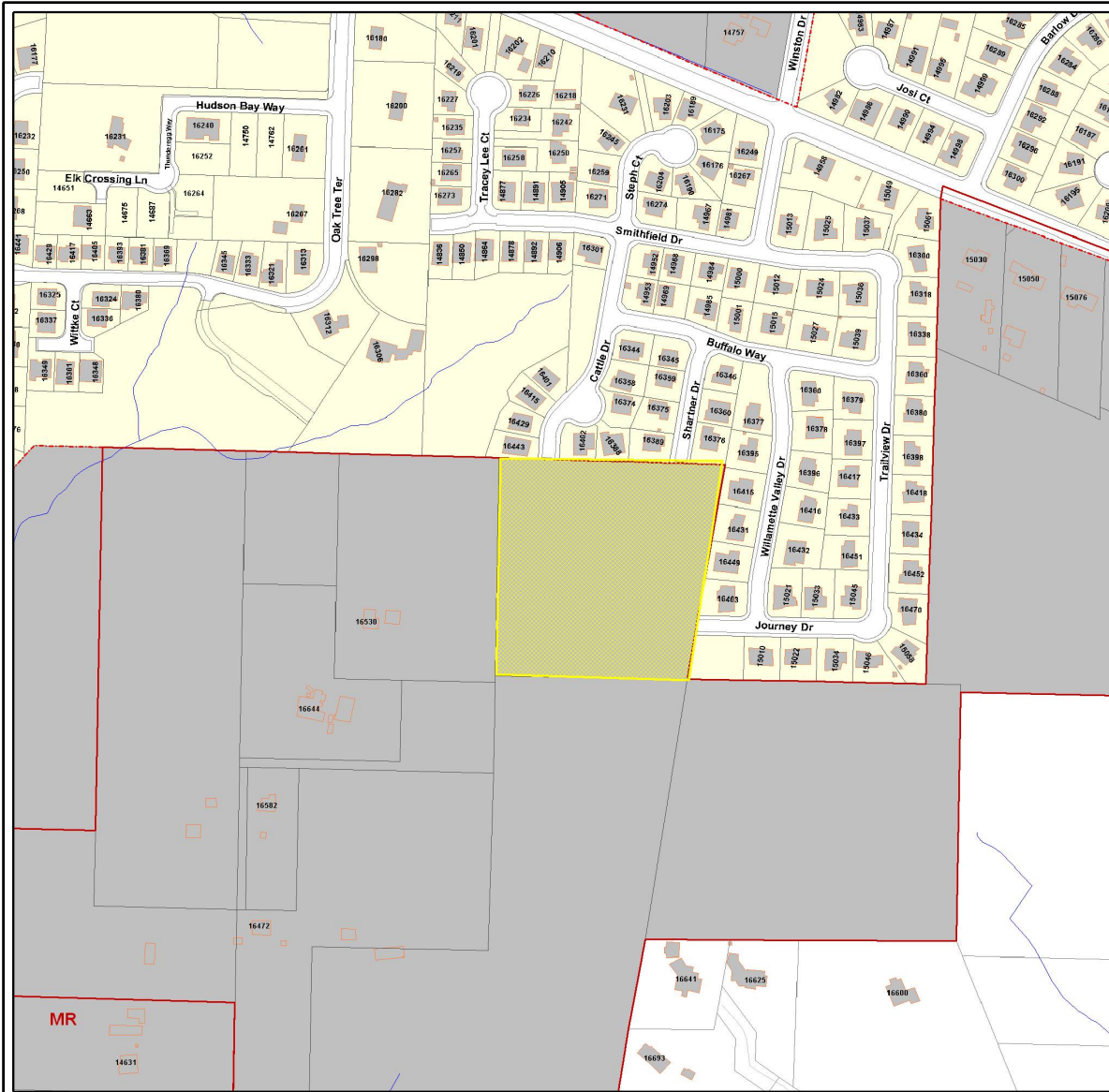


City of Oregon City
P.O. Box 3040
625 Center St
Oregon City, OR 97045
(503) 657-0891
www.oregoncity.org

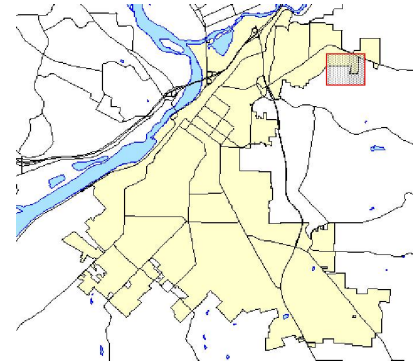
This map is not suitable for survey, engineering, legal, or navigation purposes. Errors and omissions may exist.

Map created with OCMap 2011

05/09/2011



City and County Comp. Plan Designations



4



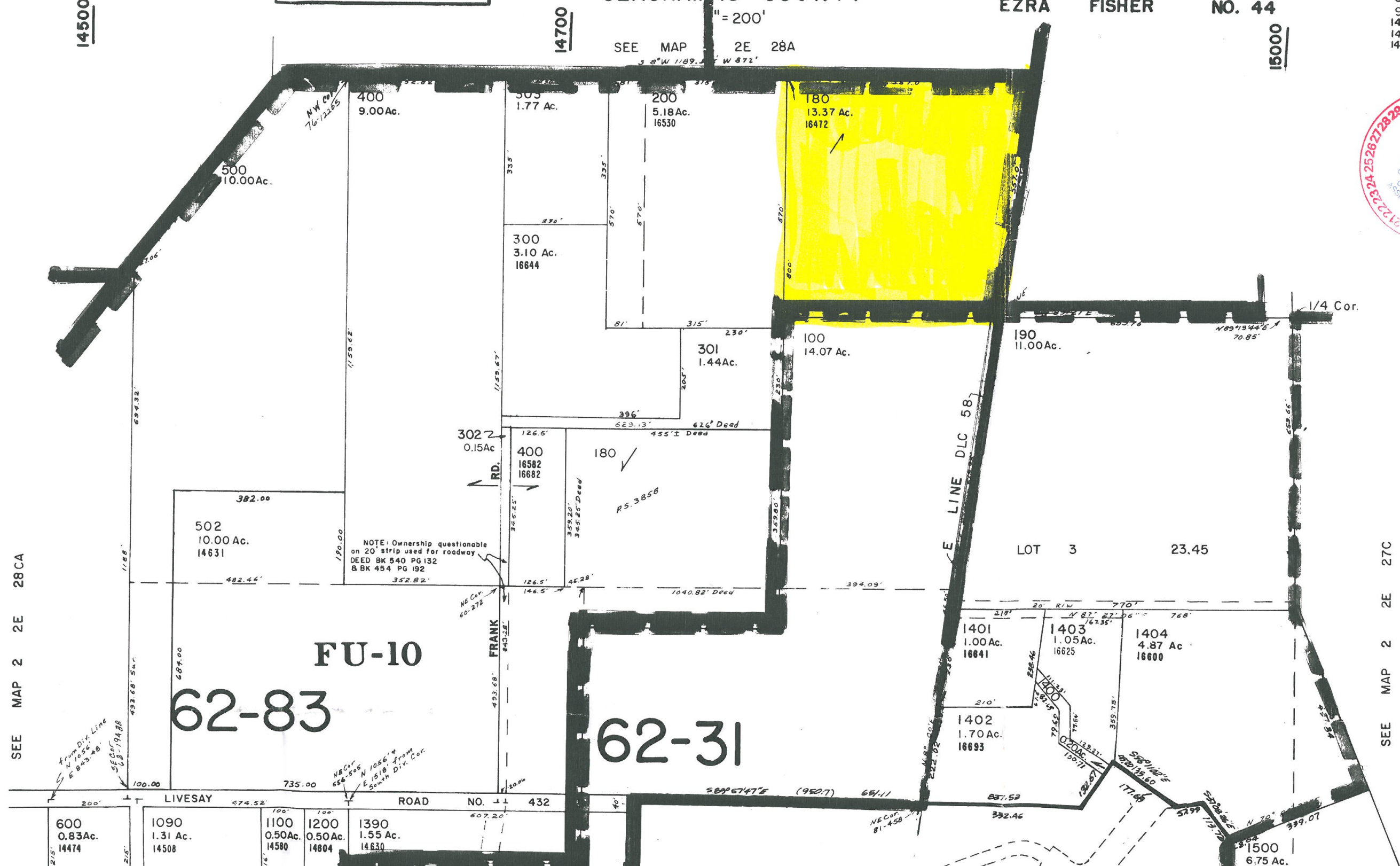
City of Oregon City
P.O. Box 3040
625 Center St
Oregon City, OR 97045
(503) 657-0891
www.oregocity.org

This map is not suitable for survey, engineering, legal, or navigation purposes. Errors and omissions may exist.

Map created with OCMap 2011

06/30/2011

16700



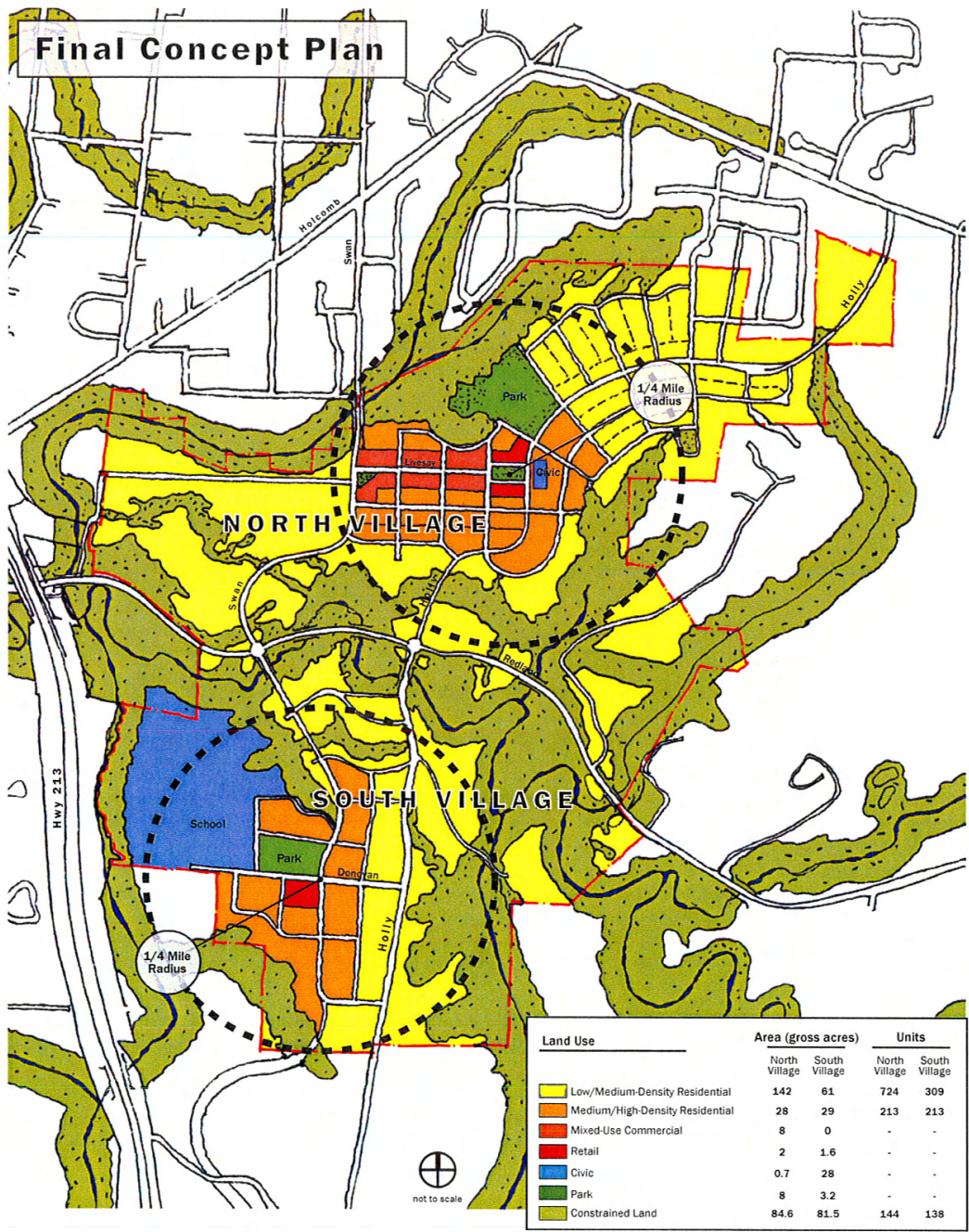


Figure 1-1. Park Place Concept Plan Urban Growth Diagram

5. Funding and Finance

Introduction

The available public infrastructure currently in Park Place is insufficient to serve development proposed in the Park Place Concept Plan. Though Park Place does not have existing infrastructure, it is adjacent to existing service providers. The key public services that need to be developed are: transportation, drinking water, sanitary sewer, storm water, and parks.

Infrastructure Requirements

1. Transportation

To handle the traffic generated by future development in Park Place and in the surrounding urbanizing area, roadways will have to be improved inside and outside of Park Place. The construction costs for transportation improvements needed to indirectly or directly serve the area amounts to approximately \$137-187 million in 2007 dollars. If Park Place develops as proposed in the Concept Plan, then \$51.9 million of roadway and intersection improvements will be needed—the “Build” improvements in Table 5-1. Table 5-1 shows the costs by roadway and intersection.

Table 5-1 also summarizes the cost of improvements by type of roadway: Expressway, Minor Arterial, and Collector. These types of roadways imply different jurisdictional ownership and funding responsibilities.

Table 5-2 shows a preliminary distribution of ownership and funding responsibilities. ODOT owns the express roadways and is primarily responsible for their construction and maintenance. These roadways primarily benefit a larger regional population that will live in Park Place, and pass-by or through traffic. ODOT and the regional, county, and city governments share in the cost of improvements to ODOT’s roadways based on regionally negotiated percentages: ODOT, 60%; Metro 20%; County, 15%; and City, 15%. In Table 5-2, these percentages are applied to the construction costs to allocate the funding responsibilities to each government.

The minor arterials are Clackamas County roadways that will eventually revert to City ownership after annexation and as agreed upon between the City and County. Generally, County roadways are brought up to “standard” before the transfer occurs. For this analysis, the County is assumed to fund 60% of the construction cost, and the City 40%. These roadways - Redland Road and Holly Lane - primarily benefit a larger county-wide population than will live in Park Place.

The new collector roadways to be built in Park Place, and as Park Place develops, are 100% the responsibility of the City. These roadways primarily benefit local traffic.

Those improvements or parts of improvements allocated to Oregon City are identified as No-Build and Build improvements. Regardless of the development of Park Place, the No-Build

improvements will have to be constructed as the City grows outside of Park Place. Metro is listed as a possible funding source but no allocation of project costs is shown for it. Metro may participate in some of the regional roadway projects, but at this time none of the projects is in Metro's Regional Transportation Funding Plan.

Table 5-1: Summary of Estimated Needs for Transportation Improvements (for concept planning purposes only)

| Roadway | No Build | Build | Total |
|---|----------------|------------|-----------------|
| HWY 213 Corridor Improvements (I-205 to Oregon City UGB) | 75-125,000,000 | 0 | 75-125,000,000 |
| Redland Road: Abernethy/Holcomb to Swan Ave. | | 11,500,000 | 11,500,000 |
| Holly Lane: Redland to Maplelane | 3,000,000 | 0 | 3,000,000 |
| Livsey Road: Swan Ext to Holly Ext | | 1,800,000 | 1,800,000 |
| Donovan Road: Holly Lane to Ogden Middle School | | 1,200,000 | 1,200,000 |
| Swan Ave Extension: Existing Swan Ave south to Holcomb Blvd | | 1,100,000 | 1,100,000 |
| Swan Ave Extension: Livesay canyon to Redland Road | | 9,300,000 | 9,300,000 |
| Swan Ave Extension: Redland Rd to Holly Ln | | 9,300,000 | 9,300,000 |
| Holly Lane: Redland to Holcomb Blvd | | 17,400,000 | 17,400,000 |
| Total | 78-128,000,000 | 51,600,000 | 130-180,000,000 |

| Intersections | | | |
|---------------------------------|----------------|------------|-----------------|
| Anchor Way/Redland | 2,900,000 | | 2,900,000 |
| Holly Ln/Redland Rd | 2,000,000 | | 2,000,000 |
| Holly Ln/Maplelane Rd | 1,600,000 | | 1,600,000 |
| Swan Ave/Holcomb Blvd | | 300,000 | 300,000 |
| Total Intersection Improvements | 6,500,000 | 300,000 | 6,800,000 |
| | | | |
| Grand Totals | 85-135,000,000 | 51,900,000 | 137-187,000,000 |

Table 5-2: Facility Ownership and Estimated Construction Costs (for concept planning purposes only)

| Roadway | ODOT | Clackamas | No Build | Build | Totals |
|--|----------------|------------|-----------|------------|-----------------|
| Highway 213 Corridor Improvements (I-205 to Oregon City UGB) | 75-125,000,000 | | | 0 | 75-125,000,000 |
| Redland Road: Abernethy/Holcomb to Swan Ave. | | 6,900,000 | 0 | 4,600,000 | 11,500,000 |
| Holly Lane: Redland to Maplelane | | | 3,000,000 | 0 | 3,000,000 |
| Livsey Road: Swan Ext to Holly Ext | | | 0 | 1,800,000 | 1,800,000 |
| Donovan Road: Holly Lane to Ogden Middle School | | | 0 | 1,200,000 | 1,200,000 |
| Swan Ave Extension: Existing Swan Ave south to Holcomb Blvd | | | 0 | 1,100,000 | 1,100,000 |
| Swan Ave Extension: Livesay canyon to Redland Road | | | 0 | 9,300,000 | 9,300,000 |
| Swan Ave Extension: Redland Rd to Holly Ln | | | 0 | 9,300,000 | 9,300,000 |
| Holly Lane: Redland to Holcomb Blvd | | 10,400,000 | 0 | 7,000,000 | 17,400,000 |
| Total Roadway | 75-125,000,000 | 17,300,000 | 3,000,000 | 34,300,000 | 130-180,000,000 |

| Intersections | | | | | |
|-----------------------|----------------|------------|-----------|------------|-----------------|
| Anchor Way/Redland | | 1,700,000 | | 1,200,000 | 2,900,000 |
| Holly Ln/Redland Rd | | 1,200,000 | | 800,000 | 2,000,000 |
| Holly Ln/Maplelane Rd | | 1,000,000 | | 600,000 | 1,600,000 |
| Swan Ave/Holcomb Blvd | | 200,000 | | 100,000 | 300,000 |
| Total Intersection | | 4,100,000 | 0 | 2,700,000 | 6,800,000 |
| Grand Totals | 75-125,000,000 | 21,400,000 | 3,000,000 | 37,000,000 | 137-187,000,000 |

Source: Kittelson& Associates

To summarize, Oregon City will have to fund approximately \$40 million of the identified \$137-187 million of needs. Approximately \$3 million will be funded city-wide, regardless of the Park Place Concept Plan. The Park Place area will be responsible for approximately \$37 million.

The funding mechanisms for these improvements cannot be predicted with great accuracy, but the mechanisms can be identified and used to plan the improvements. As a part of the process to adopt the Park Place Concept Plan, the City and County will have to amend their Transportation System Plans to include all of the improvements identified above. The updated TSP also addresses funding by source of revenues. Once that is amended, the City and

County would update their transportation System Development Charges (SDCs) to include some portion of each capital improvement for eventual SDC funding. The projects in Park Place will then be ranked and scheduled for construction along with all of the other transportation projects in the City. These updates may or may not increase the amount of the current transportation SDC.

Outside of the federal, state, County, and City funding sources for transportation improvements, the City and County may look to other financing mechanisms. The City may require developers to pay for or construct some of the improvements. The City may also accept applications to fund some projects as local improvement districts (LIDs) or advance financing arrangements with developers.

2. Water

Park Place will be served by the South Fork Water Board, which is a regional water utility owned by the Cities of Oregon City and West Linn. The Park Place area will be served by the SFWB's ample supply of water, treatment, reservoirs, and transmission lines to Park Place. The planned capital improvements build an internal distribution system at an approximate cost of \$3.8 million in 2007 dollars for approximately 26,306 lineal feet of water pipes and associated appurtenances.

Once the Park Place Concept Plan is accepted, the City's water master plan will have to be amended to include these projects. The water SDC will have to be amended to include these projects and perhaps to increase the City-wide water SDC (currently \$4,445 for a $\frac{3}{4}$ x $\frac{5}{8}$ inch water meter, varying by meter size). The update of the City's SDC would include the new projects and account for new users, and may or may not increase the amount of the SDC. It would make some parts of the water improvements in Park Place eligible for SDC funding. These costs will be absorbed by developers either through SDCs or construction of water system improvements as a condition of development approval.

3. Sanitary Sewer

The Tri-City Sewer District (TCSD), which includes Oregon City, West Linn, Gladstone provides the wastewater treatment plant (WWTP) and interceptor sewer lines from Park Place to the WWTP. The planned capital improvements provide the collection system within Park Place. Only the 36-inch sewer lines along Redland Road will provide service to areas outside of Park Place. The total cost of these improvements is approximately \$5.52 million in 2007 dollars. The cost per EDU is approximately \$2,483.

After adopting the Park Place Concept Plan, the City and TCSD will amend their SDCs to include these projects and perhaps increase the sewer SDC, which is currently \$3,716 (sum of City and TCSD) per single-family residence on a $\frac{5}{8}$ x $\frac{3}{4}$ inch water meter.

Table 5-3. Summary of Water System Improvements

| Water System Improvement | Size | Length (ft) | Cost/ft | Total Cost |
|--|------|---------------|---------|--------------------|
| North Village: | | | | |
| Livesay Rd - E of Swan | 12" | 1,500 | \$106 | \$159,000 |
| Swan Ave - Livesay Rd to Redland Rd. | 12" | 1,969 | 106 | 208,714 |
| Livesay Rd W of Swan | 10" | 1,888 | 90 | 169,920 |
| Livesay Rd W. to Holcomb Rd. | 10" | 784 | 90 | 70,560 |
| North Village to Redland Rd. | 16" | 1,981 | 126 | 249,606 |
| North Village to Holcomb Rd. | 10" | 3,576 | 90 | 321,840 |
| Subtotals | | 11,698 | | 1,179,640 |
| Redland Road: | | | | |
| SFWB connection to Swan Ave | 16" | 2,805 | \$126 | \$353,430 |
| Swan Ave to Holly Lane | 16" | 1,245 | 126 | 156,870 |
| Holly Lane to UGB Boundary | 16" | 2,448 | 126 | 308,448 |
| Subtotals | | 6,498 | | \$818,748 |
| South Village: | | | | |
| Swan Ave - Redland Rd to Donovan Lane | 16" | 1,962 | \$126 | \$247,212 |
| Swan Ave - Donovan Lane to UGB Bndry | 10" | 1,353 | 90 | 121,770 |
| Holly Lane - Redland Rd to Donovan Lane | 12" | 1,906 | 106 | 202,036 |
| Holly Lane - Donovan Lane to UGB Bndry | 10" | 1,244 | 90 | 111,960 |
| Donovan Lane - Swan Ave to Holly Lane | 16" | 610 | 126 | 76,860 |
| Donovan Lane - Swan Ave to School | 16" | 1,035 | 126 | 130,410 |
| Subtotals | | 8,110 | | \$759,838 |
| | 10" | 8,845 | | |
| | 12" | 5,375 | | |
| | 16" | 12,086 | | |
| Total Lineal Feet of Water Lines | | 26,306 | | |
| Construction Cost | | | | \$2,758,226 |
| Design Costs (20% of construction cost) | | | | 551,645 |
| Construction + Design Cost | | | | 3,309,871 |
| Contingency (15%) | | | | 496,481 |
| Total Cost | | | | \$3,806,352 |

Source: David Evans & Associates

Funding of these improvements may be borne directly by developers either through payment of SDCs or construction of sewer system improvements as a condition of development approval. The City also may pay for part of these improvements through its own investments by issuing debt and paying debt service from user fees or SDCs. Updating the City's sewer SDC to include the Park Place projects and the numbers of new users may result in both new revenues to the City and qualify some of the Park Place sewer improvements for SDC funding or credits. The updated SDC may or may not be greater than it is currently. Formation of LIDs or advance financing agreements also may be

| Sewer System Improvement | Size | Number | Length (ft) | Cost/ft | Total Cost |
|--|------|-----------|---------------|---------|--------------------|
| North Village: | | | | | |
| Livesay Rd - E of Swan | 12" | | 1,500 | \$100 | \$150,000 |
| Manholes | 4' | 5 | | \$4,000 | \$19,000 |
| Swan Ave - Livesay Rd to Redland Rd. | 12" | | 1,947 | \$100 | \$194,700 |
| Manholes | 4' | 6 | | \$4,000 | \$23,470 |
| Livesay Rd - W of Swan | 10" | | 1,894 | \$95 | \$179,930 |
| Manholes | 4' | 6 | | \$4,000 | \$22,940 |
| Livesay Rd - W to Redland Rd. | 8" | | 839 | \$90 | \$75,510 |
| Manholes | 4' | 3 | | \$4,000 | \$12,390 |
| North Village to Redland Rd | 12" | | 1,964 | \$100 | \$196,400 |
| Manholes | 4' | 6 | | \$4,000 | \$23,640 |
| North Village to Hilltop | 10" | | 3,568 | \$95 | \$338,960 |
| Manholes | 4' | 10 | | \$4,000 | \$39,680 |
| Subtotals | | 25 | 11,712 | | \$1,276,620 |
| Redland Road: * | | | | | |
| 48" connection to Swan Ave | 36" | | 1,891 | \$335 | \$633,485 |
| Manholes | 6' | 6 | | \$7,200 | \$41,238 |
| Swan Ave to Holly Lane | 36" | | 1,245 | \$335 | \$417,075 |
| Manholes | 6' | 4 | | \$7,200 | \$29,610 |
| Holly Lane to UGB Boundary | 36" | | 2,448 | \$335 | \$820,080 |
| Manholes | 6' | 7 | | \$7,200 | \$51,264 |
| Subtotals | | 17 | 5,584 | | \$1,992,752 |
| South Village: | | | | | |
| Swan Ave - Redland Rd to Donovan Lane | 12" | | 1,995 | \$100 | \$199,500 |
| Manholes | 4' | 6 | | \$4,000 | \$23,950 |
| Swan Ave - Donovan Lane to UGB Bndry | 10" | | 1,353 | \$95 | \$128,535 |
| Manholes | 4' | 4 | | \$4,000 | \$17,530 |
| Holly Lane - Redland Rd to Donovan Lane | 12" | | 1,910 | \$100 | \$191,000 |
| Manholes | 4' | 6 | | \$4,000 | \$23,100 |
| Holly Lane - Donovan Lane to UGB Bndry | 10" | | 1,244 | \$95 | \$118,180 |
| Manholes | 4' | 4 | | \$4,000 | \$16,440 |
| Donovan Lane - Swan Ave to Holly Lane | 8" | | 610 | \$90 | Use Extg |
| Manholes | 4' | 3 | | \$4,000 | \$10,100 |
| Subtotals | | 23 | 7,112 | | \$728,335 |
| | | | | | |
| | 8" | | 1,449 | | |
| | 10" | | 8,059 | | |
| | 12" | | 9,316 | | |
| | 36" | | 5,584 | | |
| Total Lineal Feet of Sewer Lines | | | 24,408 | | |
| Construction Cost | | | | | \$3,997,707 |
| Design Costs (20% of construction cost) | | | | | \$799,541 |
| Construction + Design Cost | | | | | \$4,797,248 |
| Contingency (15%) | | | | | \$719,587 |
| Total Cost | | | | | \$5,516,836 |

Table 5-4. Summary of Sewer System Improvements

Source: David Evans & Associates

used to pay for some of the improvements.

4. Storm Water

The storm water system will in part be constructed as an element of the transportation system and in part from those improvements listed in Table 5-4. These improvements would not be constructed as part of a roadway. These non-roadway storm water improvements will cost approximately \$765,845 in 2007 dollars.

Once the Park Place Concept Plan is adopted, the storm water master plan and SDC would be amended to include these improvements. These improvements will likely be constructed by developers as a condition of development approval. Updating the storm water SDC will have the same possible effects as updating the sewer and water SDCs.

5. Parks

The Park Place Concept Plan identifies two parks: an 8- to 10-acre community park and a 3- to 5-acre neighborhood park. The development cost is estimated at \$1.82 million in 2007 dollars. The current price of vacant residentially-zoned land in Park Place ranges from a low of approximately \$30,000 per acre for undeveloped un-served to \$125,000/acre for land adjacent to services. For this analysis, an average price for land with services is used that ranges from \$100,000 per acre to \$125,000 per acre. The community park in the North Village would serve a larger area than Park Place, while the neighborhood park in the South Village would serve only Park Place.

Once the Park Place Concept Plan is adopted, the City will have to update its Parks and Open Space Master Plan to include these projects, and revise its park SDC, currently \$3,056 per residential unit. This amount may or may not

| Storm Water System Improvement | Quantity | Units | Cost/ft | Total Cost |
|---|----------|-------|----------|------------------|
| Livesay Creek Basin | | | | |
| Ponds - Assumes approx 10,000 cu ft | 5 | EACH | \$15,000 | \$75,000 |
| Pipe - Assumes 12" | 1,200 | LF | \$68 | \$81,600 |
| Subtotals | | | | \$156,600 |
| Holcomb Creek Basin | | | | |
| Ponds - Assumes approx 10,000 cu ft | 1 | EACH | \$15,000 | \$15,000 |
| Pipe - Assumes 12" | 260 | LF | \$68 | \$17,680 |
| Subtotals | | | | \$32,680 |
| Abernethy Creek Basin | | | | |
| Ponds - Assumes approx 10,000 cu ft | 13 | EACH | \$15,000 | \$195,000 |
| Pipe - Assumes 12" | 2,510 | LF | \$68 | \$170,680 |
| Subtotals | | | | \$365,680 |
| Total Ponds | 19 | | | |
| Total Pipe | 3,970 | | | |
| Construction Cost | | | | \$554,960 |
| Design Costs (20% of construction cost) | | | | 110,992 |
| Construction + Design Cost | | | | 665,952 |
| Contingency (15%) | | | | 99,893 |
| Total Cost | | | | \$765,845 |

Table 5-5. Summary of Storm Water System Improvements

Source: David Evans & Associates

Table 5-6. Summary of Park Improvements

| Park Type | Acres | | Acquisition | | Development | | Total |
|-------------------|---------|---------|-------------|--------------------|-------------|--------------------|--------------------|
| | Range | Assumed | \$/Acre* | \$'s | \$/Acre | \$'s | |
| Community | 8 to 10 | 9 | \$100,000 | \$900,000 | \$140,000 | \$1,260,000 | \$2,160,000 |
| Neighborhood | 3 to 5 | 4 | 125,000 | 500,000 | 140,000 | 560,000 | 1,060,000 |
| Total Cost | | | | \$1,400,000 | | \$1,820,000 | \$3,220,000 |

*The Clackamas County Office of Assessment and Taxation reports current market values for vacant unimproved land without services ranges as low as \$33,000/acre. We assume a developable acre of land with services will be purchased for parks.

Development and Timing

Park Place is composed of about 109.1 acres of net buildable land and 368.5 acres in un-developable wetlands, steep slopes, or other physically constrained land. It provides upwards of 1,458 housing units and approximately 8 acres of land zoned for a mix of retail and office uses. The land area is divided into 138 parcels of private ownership that range from less than 1 acre in size to more than 30 acres. It also requires the investment of \$50.3 million for public improvements. Assuming the planned housing and commercial development occurs, the development will provide 1,458 dwelling units (single and multiple housing developments) and commercial development that equates to about 162 equivalent dwelling units (EDU). Using the EDUs of 1,620, and assuming the park development costs are only to be paid by residential development, the cost per average EDU is approximately \$31,300.

The public infrastructure improvements illustrated in Table 5-7 will not be built all at one time; however, development of any one parcel will require roadway, sewer, water, and storm water improvements to be installed at the time of development. This proposition creates a need to invent financing arrangements that accommodate both the particular requirements of any one development, and the public's ability to build or cause to have built the necessary public improvements.

Vacant land in an urbanizing area such as Park Place is converted to urban uses on a nearly random basis. Urban vacant land conversion studies show the reason a land owner either develops the land himself or sells to a developer has more to do with the owner's personal circumstances than with the rational expansion of urban development. Lifestyle changes (e.g., change in career, retirement, the onset of disease, bankruptcy, divorce) often trigger the sale of

Table 5-7. Improvements Summary

| Service | Cost | Number of EDUs* | Cost per EDU |
|-------------------|---------------------|-----------------|-----------------|
| Transportation | 36,980,000 | 1,620 | \$22,827 |
| Water | 3,806,352 | 1,620 | 2,350 |
| Sanitary Sewer | 5,516,836 | 1,620 | 2,405 |
| Storm Water | 765,845 | 1,620 | 473 |
| Parks | 3,220,000 | 1,458 | 2,209 |
| Total Cost | \$50,289,032 | | \$31,263 |

* An EDU for retail and office is assumed to equal about 10 percent of total trips, water usage, and sewage production

vacant land at the urban fringe. The likelihood of land adjacent to parcels with a full range of infrastructure is very small. The cost of building public improvements is minimized when they are built only when needed, and only as much as a proposed development would require. These circumstances rarely coalesce. Since the public lacks the authority and so many parcels exist in Park Place, neither the public nor a single private owner can orchestrate its sequential and timely development. Each development proposal will have to be evaluated for private and public feasibility, and any excess capacity in the public improvements likely will have to be financed by the private developer or the public.

Development in Park Place, as in all other similar areas, is more likely to include some vacant parcels. This development process gives rise to the need to extend linear public services like roadways, sewer and water lines, and storm drainage facilities through vacant parcels. Financing of improvements would be easier if the leapfrogged property owners were willing to pay their share of the cost. Typically, the leapfrogged property owner does not want to pay his or her share of improvement costs until development of the property, when service becomes necessary.

Land Owner and Developer Financing Tools

If the developer has only to pay for public improvements directly related to their own property with no excess capacity built into the improvements, then the developer would likely build the improvements and pay systems development charges. This circumstance rarely occurs in fringe urban areas where transportation, water and sewer improvements are needed.

In areas like Park Place, the developer will typically have to build roadways, sewer and water lines, storm drainage and perhaps park improvements that have capacity in excess of the development's own use. Generally, the developer cannot recover the cost of the excess capacity from the final development it sells (finished lots or finished lots and houses or commercial buildings). The developer as a rule has to finance this excess capacity in hopes that other development will occur to use the excess capacity and to purchase the excess capacity from the original developer.

Size also matters. The larger the development, the more property sales the developer needs to spread the cost of the excess capacity. The original developer has two possible tools to finance the excess capacity—a local improvement district (LID) or an advance financing agreement.

Local Improvement District

A developer may organize a LID for those properties that will eventually benefit from the excess capacity. Once formed by concurrence or vote of a majority of the property owners within the specified district, the City assesses each property for its proportionate share of the cost of constructing the public

improvements, including administration and financing costs. For those properties that do not pay their assessments in full and immediately, the City can issue a Bancroft bond to raise the rest of the cash needed to construct the improvements and pay the associated expenses. The City then assesses a tax each year on those properties that owe their assessments, plus interest and expenses, until the assessment is fully repaid. This form of borrowing—instigated by the developer and managed by the city—gives the developer a risk-free method of financing the excess capacity. It does, however, take agreement by a majority of the property owners in the LID to approve of the arrangement, and concurrence by the City to participate in the LID financing. If the property owners fail to make payment, the City has to foreclose on the non-paying properties and resell the property to recover the lost revenues. The City in effect provides the security for the loan and takes the risks of default.

Advance Financing (Reimbursement) Agreement

The other tool is an advance financing agreement (also commonly referred to as a reimbursement agreement). This arrangement works similar to a LID except that the developer takes all of the financial risks of default. Cities in Oregon have adopted several variations on this type of agreement. But generally, the affected property owners do not have a direct vote in the formation of the agreement, and the city computes an assessment for each property or each type of development (e.g., a single family house, per square foot of commercial space). The assessment is not paid until the property owner chooses to develop the land and connect to the public improvements financed by the original developer. At that time, the assessment is due. Some cities insist on full payment at the time of assessment, while others may accept financing of the assessment. The city collects the assessed amount from the next developer, keeps a small amount for administration, and pays the rest to the original developer. The city's financial risk is limited to administrative costs. In the event the developer does not collect all of the assessments within the time frame set in the agreement (typically 10 to 20 years), the agreement is rendered null and void and the developer suffers the financial consequences.

Public Financing Tools

Size makes a difference to a developer's ability to absorb risk. When properties in an area are small and proposed developments are small, such as a series of small sub-divisions for residential development or small commercial centers, the city may be the only financier available to absorb the financial risk of constructing the necessary public improvements. The city's risk is its ability to collect systems development charges, charge user fees and, if authorized by voters, to assess specific property taxes to repay general obligation bonds. Generally the city has three possible sources of capital to build excess capacity into public improvements—cash reserves, revenue bonds or state loans where available, and general obligation bonds.

Cash Reserves

If the City has cash reserves from past collections of systems development charges or from the net operating revenues of user-fee based services (sewer and water), then it can act as the financier in either a LID or advance financing agreement. It can also expect repayment from future payment of systems development charges. But the city must use its own cash to pay for construction of the improvements. No third-party lender would accept a promise of future SDC revenues to repay a debt because this stream of revenue is so unpredictable.

Revenue Bonds or Loans

Where the city charges monthly (or bimonthly) user fees for services, it has the ability to set those charges at a level that will pay all operating costs and pay the principal and interest (debt service) on a bond or loan. User fees provide a reliable stream of income that can be pledged to repay debts. Revenue collected for systems development charges can in part be applied to repay these debts. Specific laws guide the use of SDC revenues for this purpose. The city cannot levy a property tax to repay this debt.

General Obligation Bonds

Cities in Oregon can issue general obligation bonds only with the specific approval of voters at a general election and for a maximum specified amount and purpose. Revenue to repay this debt is primarily derived from a special property tax levy, though net income from user fees and SDC revenues may also be used to repay these debts.

5. Funding and Finance

Introduction

The available public infrastructure currently in Park Place is insufficient to serve development proposed in the Park Place Concept Plan. Though Park Place does not have existing infrastructure, it is adjacent to existing service providers. The key public services that need to be developed are: transportation, drinking water, wastewater, stormwater, and parks.

1. Infrastructure Requirements

Transportation

To handle the traffic generated by future development in Park Place and in the surrounding urbanizing area, roadways will have to be improved inside and outside of Park Place. The construction costs for transportation improvements needed to indirectly or directly serve the area amounts to approximately \$137-187 million in 2007 dollars. Table 5-1 indicates that approximately \$52 million of roadway and intersection improvements are likely needed as a result of the Concept Plan.

Table 5-1 also summarizes the cost of improvements by type of roadway: Expressway, Minor Arterial, and Collector. These types of roadways imply different jurisdictional ownership and funding responsibilities.

Table 5-2 shows a preliminary distribution of ownership and funding responsibilities. ODOT owns the express roadways and is primarily responsible for their construction and maintenance. ODOT and the regional, county, and city governments share in the cost of improvements to ODOT's roadways based on regionally negotiated percentages approximately: ODOT, 60%; Metro 20%; County, 15%; and City, 5%. In Table 5-2, these percentages are applied to the construction costs to allocate the funding responsibilities to each government.

The minor arterials are Clackamas County roadways that will eventually revert to City ownership after annexation and as agreed upon between the City and County. Generally, County roadways are brought up to "standard" before the transfer occurs. For this analysis, the County is assumed to fund 60% of the construction costs, and the City 40%. These roadways - Redland Road and Holly Lane - primarily benefit a larger county-wide population than will live in Park Place.

The new collector roadways to be built in Park Place, and as Park Place develops, are 100% the responsibility of the City. These roadways primarily benefit local traffic.

Those improvements or parts of improvements allocated to Oregon City are identified as No-Build and Build improvements. Regardless of the development of Park Place, the No-Build improvements will have to be constructed as the City grows outside of Park Place. Metro is listed as a possible funding source but no allocation of project costs is shown for it. Metro may participate in some of the regional roadway projects, but at this time none of the projects is in Metro's Regional Transportation Funding Plan.

Funding and Finance

Table 5-1: Summary of Estimated Needs for Transportation Improvements (for concept planning purposes only)

| Roadway | No Build | Build | Total |
|---|----------------|------------|-----------------|
| HWY 213 Corridor Improvements (I-205 to Oregon City UGB) | 75-125,000,000 | 0 | 75-125,000,000 |
| Redland Road: Abernethy/Holcomb to Swan Ave | | 11,500,000 | 11,500,000 |
| Holly Lane: Redland to Maplelane Road | 3,000,000 | 0 | 3,000,000 |
| Livesay Road: Swan Ext to Holly Ext | | 1,800,000 | 1,800,000 |
| Donovan Road: Holly Lane to Ogden Middle School | | 1,200,000 | 1,200,000 |
| Swan Ave Extension: Existing Swan Ave south to Holcomb Blvd | | 1,100,000 | 1,100,000 |
| Swan Ave Extension: Livesay canyon to Redland Road | | 9,300,000 | 9,300,000 |
| Swan Ave Extension: Redland Rd to Holly Ln | | 9,300,000 | 9,300,000 |
| Holly Lane: Redland to Holcomb Blvd | | 17,400,000 | 17,400,000 |
| Total | 78-128,000,000 | 51,600,000 | 130-180,000,000 |

| Intersections | No Build | Build | Total |
|---------------------------------|----------------|------------|-----------------|
| Anchor Way/Redland | 2,900,000 | | 2,900,000 |
| Holly Ln/Redland Rd | 2,000,000 | | 2,000,000 |
| Holly Ln/Maplelane Rd | 1,600,000 | | 1,600,000 |
| Swan Ave/Holcomb Blvd | | 300,000 | 300,000 |
| Total Intersection Improvements | 6,500,000 | 300,000 | 6,800,000 |
| | | | |
| Grand Totals | 85-135,000,000 | 51,900,000 | 137-187,000,000 |

Table 5-2: Facility Ownership and Estimated Construction Costs (for concept planning purposes only)

| Roadway | ODOT | Clackamas | City of Oregon City | | Totals |
|--|----------------|------------|---------------------|------------|-----------------|
| | | | No Build | Build | |
| Highway 213 Corridor Improvements (I-205 to Oregon City UGB) | 75-125,000,000 | | | 0 | 75-125,000,000 |
| Redland Road: Abernethy/Holcomb to Swan Ave. | | 6,900,000 | 0 | 4,600,000 | 11,500,000 |
| Holly Lane: Redland to Mapelane | | | 3,000,000 | 0 | 3,000,000 |
| Livsey Road: Swan Ext to Holly Ext | | | 0 | 1,800,000 | 1,800,000 |
| Donovan Road: Holly Lane to Ogden Middle School | | | 0 | 1,200,000 | 1,200,000 |
| Swan Ave Extension: Existing Swan Ave south to Holcomb Blvd | | | 0 | 1,100,000 | 1,100,000 |
| Swan Ave Extension: Livesay canyon to Redland Road | | | 0 | 9,300,000 | 9,300,000 |
| Swan Ave Extension: Redland Rd to Holly Ln | | | 0 | 9,300,000 | 9,300,000 |
| Holly Lane: Redland to Holcomb Blvd | | 10,400,000 | 0 | 7,000,000 | 17,400,000 |
| Total Roadway | 75-125,000,000 | 17,300,000 | 3,000,000 | 34,300,000 | 130-180,000,000 |

| Intersections | ODOT | Clackamas | No Build | Build | Totals |
|-----------------------|----------------|------------|-----------|------------|-----------------|
| Anchor Way/Redland | | 1,700,000 | | 1,200,000 | 2,900,000 |
| Holly Ln/Redland Rd | | 1,200,000 | | 800,000 | 2,000,000 |
| Holly Ln/Mapelane Rd | | 1,000,000 | | 600,000 | 1,600,000 |
| Swan Ave/Holcomb Blvd | | 200,000 | | 100,000 | 300,000 |
| Total Intersection | | 4,100,000 | 0 | 2,700,000 | 6,800,000 |
| Grand Totals | 75-125,000,000 | 21,400,000 | 3,000,000 | 37,000,000 | 137-187,000,000 |

Source: Kittelson & Associates

To summarize, Oregon City will have to fund approximately \$40 million of the identified \$137-187 million of needs. Approximately \$3 million will be funded city-wide, regardless of the Park Place Concept Plan. The Park Place area will be responsible for approximately \$37 million.

The funding mechanisms for these improvements cannot be predicted with great accuracy, but the mechanisms can be identified and used to plan the improvements. As a part of the process to adopt the Park Place Concept Plan, the City and County will have to amend their Transportation System Plans to include all of the improvements identified above. The updated TSP also addresses funding by source of revenues. Once that is amended, the City and

County would update their transportation System Development Charges (SDCs) to include some portion of each capital improvement for eventual SDC funding. The projects in Park Place will then be ranked and scheduled for construction along with all of the other transportation projects in the City. These updates may or may not increase the amount of the current transportation SDC.

Outside of the Federal, State, County, and City funding sources for transportation improvements, the City and County may look to other financing mechanisms. The City may require developers to pay for or construct some of the improvements. The City may also accept applications to fund some projects as local improvement districts (LIDs) or advance financing arrangements with developers.

Water

Park Place will be served by the South Fork Water Board, which is a regional water utility owned by the Cities of Oregon City and West Linn. The Park Place area will be served by the SFWB's ample supply of water, treatment, reservoirs, and transmission lines to Park Place. The planned capital improvements build an internal distribution system at an approximate cost of \$3.8 million in 2007 dollars for approximately 26,306 lineal feet of water pipes and associated appurtenances.

Once the Park Place Concept Plan is accepted, the City's water master plan will have to be amended to include these projects. The water SDC will have to be amended to include these projects and perhaps to increase the City-wide water SDC (currently \$4,445 for a $\frac{3}{4}$ x $\frac{5}{8}$ inch water meter, varying by meter size). The update of the City's SDC would include the new projects and account for new users, and may or may not increase the amount of the SDC. It would make some parts of the water improvements in Park Place eligible for SDC funding. These costs will be absorbed by developers either through SDCs or construction of water system improvements as a condition of development approval.

Wastewater

The Tri-City Sewer District (TCSD), which includes Oregon City, West Linn, Gladstone provides the wastewater treatment plant (WWTP) and interceptor wastewater lines from Park Place to the WWTP. The planned capital improvements provide the collection system within Park Place. Only the 36-inch wastewater lines along Redland Road will provide service to areas outside of Park Place. The total cost of these improvements is approximately \$5.52 million in 2007 dollars. The cost per EDU is approximately \$2,483.

After adopting the Park Place Concept Plan, the City and TCSD will amend their SDCs to include these projects and perhaps increase the wastewater SDC, which is currently \$3,716 (sum of City and TCSD) per single-family residence on a $\frac{3}{8}$ x $\frac{3}{4}$ inch water meter.

Table 5-3. Summary of Water System Improvements

| Water System Improvement | Size | Length (ft) | Cost/ft | Total Cost |
|--|------|---------------|---------|--------------------|
| North Village: | | | | |
| Livesay Rd - E of Swan | 12" | 1,500 | \$106 | \$159,000 |
| Swan Ave - Livesay Rd to Redland Rd. | 12" | 1,969 | 106 | 208,714 |
| Livesay Rd W of Swan | 10" | 1,888 | 90 | 169,920 |
| Livesay Rd W. to Holcomb Rd. | 10" | 784 | 90 | 70,560 |
| North Village to Redland Rd. | 16" | 1,981 | 126 | 249,606 |
| North Village to Holcomb Rd. | 10" | 3,576 | 90 | 321,840 |
| Subtotals | | 11,698 | | 1,179,640 |
| Redland Road: | | | | |
| SFWB connection to Swan Ave | 16" | 2,805 | \$126 | \$353,430 |
| Swan Ave to Holly Lane | 16" | 1,245 | 126 | 156,870 |
| Holly Lane to UGB Boundary | 16" | 2,448 | 126 | 308,448 |
| Subtotals | | 6,498 | | \$818,748 |
| South Village: | | | | |
| Swan Ave - Redland Rd to Donovan Lane | 16" | 1,962 | \$126 | \$247,212 |
| Swan Ave - Donovan Lane to UGB Bndry | 10" | 1,353 | 90 | 121,770 |
| Holly Lane - Redland Rd to Donovan Lane | 12" | 1,906 | 106 | 202,036 |
| Holly Lane - Donovan Lane to UGB Bndry | 10" | 1,244 | 90 | 111,960 |
| Donovan Lane - Swan Ave to Holly Lane | 16" | 610 | 126 | 76,860 |
| Donovan Lane - Swan Ave to School | 16" | 1,035 | 126 | 130,410 |
| Subtotals | | 8,110 | | \$759,838 |
| | 10" | 8,845 | | |
| | 12" | 5,375 | | |
| | 16" | 12,086 | | |
| Total Lineal Feet of Water Lines | | 26,306 | | |
| Construction Cost | | | | \$2,758,226 |
| Design Costs (20% of construction cost) | | | | 551,645 |
| Construction + Design Cost | | | | 3,309,871 |
| Contingency (15%) | | | | 496,481 |
| Total Cost | | | | \$3,806,352 |

Source: David Evans & Associates

Funding of these improvements may be borne directly by developers either through payment of SDCs or construction of wastewater system improvements as a condition of development approval. The City also may pay for part of these improvements through its own investments by issuing debt and paying debt service from user fees or SDCs. Updating the City's wastewater SDC to include the Park Place projects and the numbers of new users may result in both new revenues to the City and qualify some of the Park Place wastewater improvements for SDC funding or credits. The updated SDC may or may not be greater than it is currently. Formation of LIDs or advance financing agreements also may be used to pay for some of the improvements.

Funding and Finance

| Wastewater System Improvement | Size | Number | Length (ft) | Cost/ft | Total Cost |
|--|------|-----------|---------------|---------|--------------------|
| North Village: | | | | | |
| Livesay Rd - E of Swan | 12" | | 1,500 | \$100 | \$150,000 |
| Manholes | 4' | 5 | | \$4,000 | \$19,000 |
| Swan Ave - Livesay Rd to Redland Rd. | 12" | | 1,947 | \$100 | \$194,700 |
| Manholes | 4' | 6 | | \$4,000 | \$23,470 |
| Livesay Rd - W of Swan | 10" | | 1,894 | \$95 | \$179,930 |
| Manholes | 4' | 6 | | \$4,000 | \$22,940 |
| Livesay Rd - W to Redland Rd. | 8" | | 839 | \$90 | \$75,510 |
| Manholes | 4' | 3 | | \$4,000 | \$12,390 |
| North Village to Redland Rd | 12" | | 1,964 | \$100 | \$196,400 |
| Manholes | 4' | 6 | | \$4,000 | \$23,640 |
| North Village to Hilltop | 10" | | 3,568 | \$95 | \$338,960 |
| Manholes | 4' | 10 | | \$4,000 | \$39,680 |
| Subtotals | | 25 | 11,712 | | \$1,276,620 |
| Redland Road: * | | | | | |
| 48" connection to Swan Ave | 36" | | 1,891 | \$335 | \$633,485 |
| Manholes | 6' | 6 | | \$7,200 | \$41,238 |
| Swan Ave to Holly Lane | 36" | | 1,245 | \$335 | \$417,075 |
| Manholes | 6' | 4 | | \$7,200 | \$29,610 |
| Holly Lane to UGB Boundary | 36" | | 2,448 | \$335 | \$820,080 |
| Manholes | 6' | 7 | | \$7,200 | \$51,264 |
| Subtotals | | 17 | 5,584 | | \$1,992,752 |
| South Village: | | | | | |
| Swan Ave - Redland Rd to Donovan Lane | 12" | | 1,995 | \$100 | \$199,500 |
| Manholes | 4' | 6 | | \$4,000 | \$23,950 |
| Swan Ave - Donovan Lane to UGB Bndry | 10" | | 1,353 | \$95 | \$128,535 |
| Manholes | 4' | 4 | | \$4,000 | \$17,530 |
| Holly Lane - Redland Rd to Donovan Lane | 12" | | 1,910 | \$100 | \$191,000 |
| Manholes | 4' | 6 | | \$4,000 | \$23,100 |
| Holly Lane - Donovan Lane to UGB Bndry | 10" | | 1,244 | \$95 | \$118,180 |
| Manholes | 4' | 4 | | \$4,000 | \$16,440 |
| Donovan Lane - Swan Ave to Holly Lane | 8" | | 610 | \$90 | Use Extg |
| Manholes | 4' | 3 | | \$4,000 | \$10,100 |
| Subtotals | | 23 | 7,112 | | \$728,335 |
| | | | | | |
| | 8" | | 1,449 | | |
| | 10" | | 8,059 | | |
| | 12" | | 9,316 | | |
| | 36" | | 5,584 | | |
| Total Lineal Feet of Wastewater Lines | | | 24,408 | | |
| Construction Cost | | | | | \$3,997,707 |
| Design Costs (20% of construction cost) | | | | | \$799,541 |
| Construction + Design Cost | | | | | \$4,797,248 |
| Contingency (15%) | | | | | \$719,587 |
| Total Cost | | | | | \$5,516,836 |

Table 5-4. Summary of Wastewater System Improvements

Source: David Evans & Associates

Stormwater

The stormwater system will in part be constructed as an element of the transportation system and in part from those improvements listed in Table 5-5. These improvements would not be constructed as part of a roadway. These non-roadway stormwater improvements will cost approximately \$765,845 in 2007 dollars.

Once the Park Place Concept Plan is adopted, the stormwater master plan and SDC would be amended to include these improvements. These improvements will likely be constructed by developers as a condition of development approval. Updating the stormwater SDC will have the same possible effects as updating the wastewater and water SDCs.5.

Parks

The Park Place Concept Plan identifies two parks: an 8- to 10-acre community park and a 3- to 5-acre neighborhood park. The development cost is estimated at \$1.82 million in 2007 dollars. The current price of vacant residentially-zoned land in Park Place ranges from a low of approximately \$30,000 per acre for undeveloped un-served to \$125,000/acre for land adjacent to services. For this analysis, an average price for land with services is used that ranges from \$100,000 per acre to \$125,000 per acre. The community park in the North Village would serve a larger area than Park Place, while the neighborhood park in the South Village would serve only Park Place.

Once the Park Place Concept Plan is adopted, the City will have to update its Parks and Open Space Master Plan to include these projects, and revise its

| Stormwater System Improvement | Quantity | Units | Cost/ft | Total Cost |
|---|----------|-------|----------|------------------|
| Livesay Creek Basin | | | | |
| Ponds - Assumes approx 10,000 cu ft | 5 | EACH | \$15,000 | \$75,000 |
| Pipe - Assumes 12" | 1,200 | LF | \$68 | \$81,600 |
| Subtotals | | | | \$156,600 |
| Holcomb Creek Basin | | | | |
| Ponds - Assumes approx 10,000 cu ft | 1 | EACH | \$15,000 | \$15,000 |
| Pipe - Assumes 12" | 260 | LF | \$68 | \$17,680 |
| Subtotals | | | | \$32,680 |
| Abernethy Creek Basin | | | | |
| Ponds - Assumes approx 10,000 cu ft | 13 | EACH | \$15,000 | \$195,000 |
| Pipe - Assumes 12" | 2,510 | LF | \$68 | \$170,680 |
| Subtotals | | | | \$365,680 |
| Total Ponds | 19 | | | |
| Total Pipe | 3,970 | | | |
| Construction Cost | | | | \$554,960 |
| Design Costs (20% of construction cost) | | | | \$110,992 |
| Construction + Design Cost | | | | \$665,952 |
| Contingency (15%) | | | | \$99,893 |
| Total Cost | | | | \$765,845 |

Table 5-5. Summary of Stormwater System Improvements

Source: David Evans & Associates

Table 5-6. Summary of Park Improvements

| Park Type | Acres | | Acquisition | | Development | | Total |
|-------------------|---------|---------|-------------|--------------------|-------------|--------------------|--------------------|
| | Range | Assumed | \$/Acre* | \$'s | \$/Acre | \$'s | |
| Community | 8 to 10 | 9 | \$100,000 | \$900,000 | \$140,000 | \$1,260,000 | \$2,160,000 |
| Neighborhood | 3 to 5 | 4 | 125,000 | 500,000 | 140,000 | 560,000 | 1,060,000 |
| Total Cost | | | | \$1,400,000 | | \$1,820,000 | \$3,220,000 |

*The Clackamas County Office of Assessment and Taxation reports current market values for vacant unimproved land without services ranges as low as \$33,000/acre. We assume a developable acre of land with services will be purchased for parks.

park SDC, currently \$3,056 per residential unit. This amount may or may not increase with the inclusion of the proposed parks in Park Place.

2. Development and Timing

Park Place is composed of about 109.1 acres of net buildable land and 368.5 acres in un-developable wetlands, steep slopes, or other physically constrained land. It provides upwards of 1,458 housing units and approximately 8 acres of land zoned for a mix of retail and office uses. The land area is divided into 138 parcels of private ownership that range from less than 1 acre in size to more than 30 acres. It also requires the investment of \$50.3 million for public improvements. Assuming that planned housing and commercial development occurs, the development will provide 1,458 dwelling units (single and multiple housing developments) and commercial development that equates to about 162 equivalent dwelling units (EDU). Using the EDUs of 1,620, and assuming the park development costs are only to be paid by residential development, the cost per average EDU is approximately \$31,300.

The public infrastructure improvements illustrated in Table 5-7 will not be built all at one time; however, development of any one parcel will require roadway, wastewater, water, and stormwater improvements to be installed at the time of development. This proposition creates a need to invent financing arrangements that accommodate both the particular requirements of any one development, and the public's ability to build or cause to have built the necessary public improvements.

Vacant land in an urbanizing area such as Park Place is converted to urban uses on a nearly random basis. Urban vacant land conversion studies show the

Table 5-7. Improvements Summary

| Service | Cost | Number of EDUs* | Cost per EDU |
|-------------------|---------------------|-----------------|-----------------|
| Transportation | 36,980,000 | 1,620 | \$22,827 |
| Water | 3,806,352 | 1,620 | 2,350 |
| Wastewater | 5,516,836 | 1,620 | 2,405 |
| Stormwater | 765,845 | 1,620 | 473 |
| Parks | 3,220,000 | 1,458 | 2,209 |
| Total Cost | \$50,289,032 | | \$31,263 |

* An EDU for retail and office is assumed to equal about 10 percent of total trips, water usage, and wastewater production.

reason a land owner either develops the land himself or sells to a developer has more to do with the owner's personal circumstances than with the rational expansion of urban development. Lifestyle changes (e.g., change in career, retirement, the onset of disease, bankruptcy, divorce) often trigger the sale of vacant land at the urban fringe. The likelihood of land adjacent to parcels with a full range of infrastructure is very small. The cost of building public improvements is minimized when they are built only when needed, and only as much as a proposed development would require. These circumstances rarely coalesce. Since the public lacks the authority and so many parcels exist in Park Place, neither the public nor a single private owner can orchestrate its sequential and timely development. Each development proposal will have to be evaluated for private and public feasibility, and any excess capacity in the public improvements likely will have to be financed by the private developer or the public.

Development in Park Place, as in all other similar areas, is more likely to include some vacant parcels. This development process gives rise to the need to extend linear public services like roadways, wastewater and water lines, and storm drainage facilities through vacant parcels. Financing of improvements would be easier if the leapfrogged property owners were willing to pay their share of the cost. Typically, the leapfrogged property owner does not want to pay his or her share of improvement costs until development of the property, when service becomes necessary.

3. Land Owner and Developer Financing Tools

If the developer has only to pay for public improvements directly related to their own property with no excess capacity built into the improvements, then the developer would likely build the improvements and pay systems development charges. This circumstance rarely occurs in fringe urban areas where transportation, water and wastewater improvements are needed.

In areas like Park Place, the developer will typically have to build roadways, wastewater and water lines, storm drainage and perhaps park improvements that have capacity in excess of the development's own use. Generally, the developer cannot recover the cost of the excess capacity from the final development it sells (finished lots or finished lots and houses or commercial buildings). The developer, as a rule, has to finance this excess capacity in hopes that other development will occur to use the excess capacity and to purchase the excess capacity from the original developer.

Size also matters. The larger the development, the more property sales the developer needs to spread the cost of the excess capacity. The original developer has two possible tools to finance the excess capacity—a local improvement district (LID) or an advance financing agreement.

Local Improvement District

A developer may organize a LID for those properties that will eventually benefit from the excess capacity. Once formed by concurrence or vote of a majority of the property owners within the specified district, the City assesses each property for its proportionate share of the cost of constructing the public improvements, including administration and financing costs. For those properties that do not pay their assessments in full and immediately, the City can issue a Bancroft bond to raise the rest of the cash needed to construct the improvements and pay the associated expenses. The City then assesses a tax each year on those properties that owe their assessments, plus interest and expenses, until the assessment is fully repaid. This form of borrowing—instigated by the developer and managed by the city—gives the developer a risk-free method of financing the excess capacity. It does, however, take agreement by a majority of the property owners in the LID to approve of the arrangement, and concurrence by the City to participate in the LID financing. If the property owners fail to make payment, the City has to foreclose on the non-paying properties and resell the property to recover the lost revenues. The City, in effect provides the security for the loan and takes the risks of default.

Advance Financing (Reimbursement) Agreement

The other tool is an advance financing agreement (also commonly referred to as a reimbursement agreement). This arrangement works similar to a LID except that the developer takes all of the financial risks of default. Cities in Oregon have adopted several variations on this type of agreement. But generally, the affected property owners do not have a direct vote in the formation of the agreement, and the city computes an assessment for each property or each type of development (e.g., a single family house, per square foot of commercial space). The assessment is not paid until the property owner chooses to develop the land and connect to the public improvements financed by the original developer. At that time, the assessment is due. Some cities insist on full payment at the time of assessment, while others may accept financing of the assessment. The city collects the assessed amount from the next developer, keeps a small amount for administration, and pays the rest to the original developer. The city's financial risk is limited to administrative costs. In the event the developer does not collect all of the assessments within the time frame set in the agreement (typically 10 to 20 years), the agreement is rendered null and void and the developer suffers the financial consequences.

4. Public Financing Tools

Size makes a difference to a developer's ability to absorb risk. When properties in an area are small and proposed developments are small, such as a series of small subdivisions for residential development or small commercial centers, the city may be the only financier available to absorb the financial risk of constructing the necessary public improvements. The city's risk is its ability

to collect systems development charges, charge user fees and, if authorized by voters, to assess specific property taxes to repay general obligation bonds. Generally the city has three possible sources of capital to build excess capacity into public improvements—cash reserves, revenue bonds or state loans where available, and general obligation bonds.

Cash Reserves

If the City has cash reserves from past collections of systems development charges or from the net operating revenues of user-fee based services (wastewater and water), then it can act as the financier in either a LID or advance financing agreement. It can also expect repayment from future payment of systems development charges. But the City must use its own cash to pay for construction of the improvements. No third-party lender would accept a promise of future SDC revenues to repay a debt because this stream of revenue is so unpredictable.

Revenue Bonds or Loans

Where the City charges monthly (or bimonthly) user fees for services, it has the ability to set those charges at a level that will pay all operating costs and pay the principal and interest (debt service) on a bond or loan. User fees provide a reliable stream of income that can be pledged to repay debts. Revenue collected for systems development charges can in part be applied to repay these debts. Specific laws guide the use of SDC revenues for this purpose. The City cannot levy a property tax to repay this debt.

General Obligation Bonds

Cities in Oregon can issue general obligation bonds only with the specific approval of voters at a general election and for a maximum specified amount and purpose. Revenue to repay this debt is primarily derived from a special property tax levy, though net income from user fees and SDC revenues may also be used to repay these debts.



CITY OF OREGON CITY LAND USE APPLICATION



City of Oregon City, Community Development Department, 221 Molalla Ave., Ste. 200, P.O. Box 3040, Oregon City, OR 97045, (503) 722-3789

- Type I (OCMC 17.50.030.A)**
- ☐ Compatibility Review
 - ☐ Nonconforming Use review
 - ☐ Water Resources Exemption

- Type II (OCMC 17.50.030.B)**
- ☐ Extension
 - ☐ Detailed Development Review
 - ☐ Geotechnical Hazards
 - ☐ Minor Partition
 - ☐ Minor Site Plan & Design Review
 - ☐ Nonconforming Use Review
 - ☐ Site Plan and Design Review
 - ☐ Subdivision
 - ☐ Minor Variance
 - ☐ Water Resource Review

- Type III / IV (OCMC 17.50.030.C)**
- ☒ Annexation
 - ☐ Code Interpretation / Similar Use
 - ☐ Concept Development Plan
 - ☐ Conditional Use
 - ☐ Comprehensive Plan Amendment (Text/Map)
 - ☐ Detailed Development Plan
 - ☐ Historic Review
 - ☐ Oregon City Municipal Code Amendment
 - ☐ Variance
 - ☐ Zone Change

APR 26 AM 4:30
 RECEIVED
 CITY OF OREGON

Application Number: AN-11-01

Proposed Land Use or Activity: ANNEXATION

Project Name: ZIEGLER ANNEXATION Number of Lots Proposed (If Applicable): _____

Physical Address of Site: _____

Clackamas County Map and Tax Lot Number(s): TL 180 (PORTION OF) MAP 2-2E-27D

Applicant(s):

Applicant(s) Signature: Ronald H. Ziegler

Applicant(s) Name Printed: RONALD H. ZIEGLER Date: 4-27-11

Mailing Address: 20000 MT. ROSE HIGHWAY, RENO, NEVADA 89511

Phone: _____ Fax: _____ Email: _____

Property Owner(s):

Property Owner(s) Signature: Ronald H. Ziegler

Property Owner(s) Name Printed: RONALD H. ZIEGLER Date: _____

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

Representative(s):

Representative(s) Signature: Ryan O'Brien

Representative (s) Name Printed: RYAN O'BRIEN Date: 4-27-11

Mailing Address: 1862 NE ESTATE DRIVE, HILLSBORO, OR 97124

Phone: 503-780-4061 Fax: _____ Email: RYANO'BRIEN1@GENTRIER.COM

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

www.oregoncity.org

***PETITION OF OWNERS OF 100 % OF LAND
AND PETITION OF A MAJORITY OF REGISTERED VOTERS***

PETITION FOR ANNEXATION TO THE CITY OF OREGON CITY , OREGON

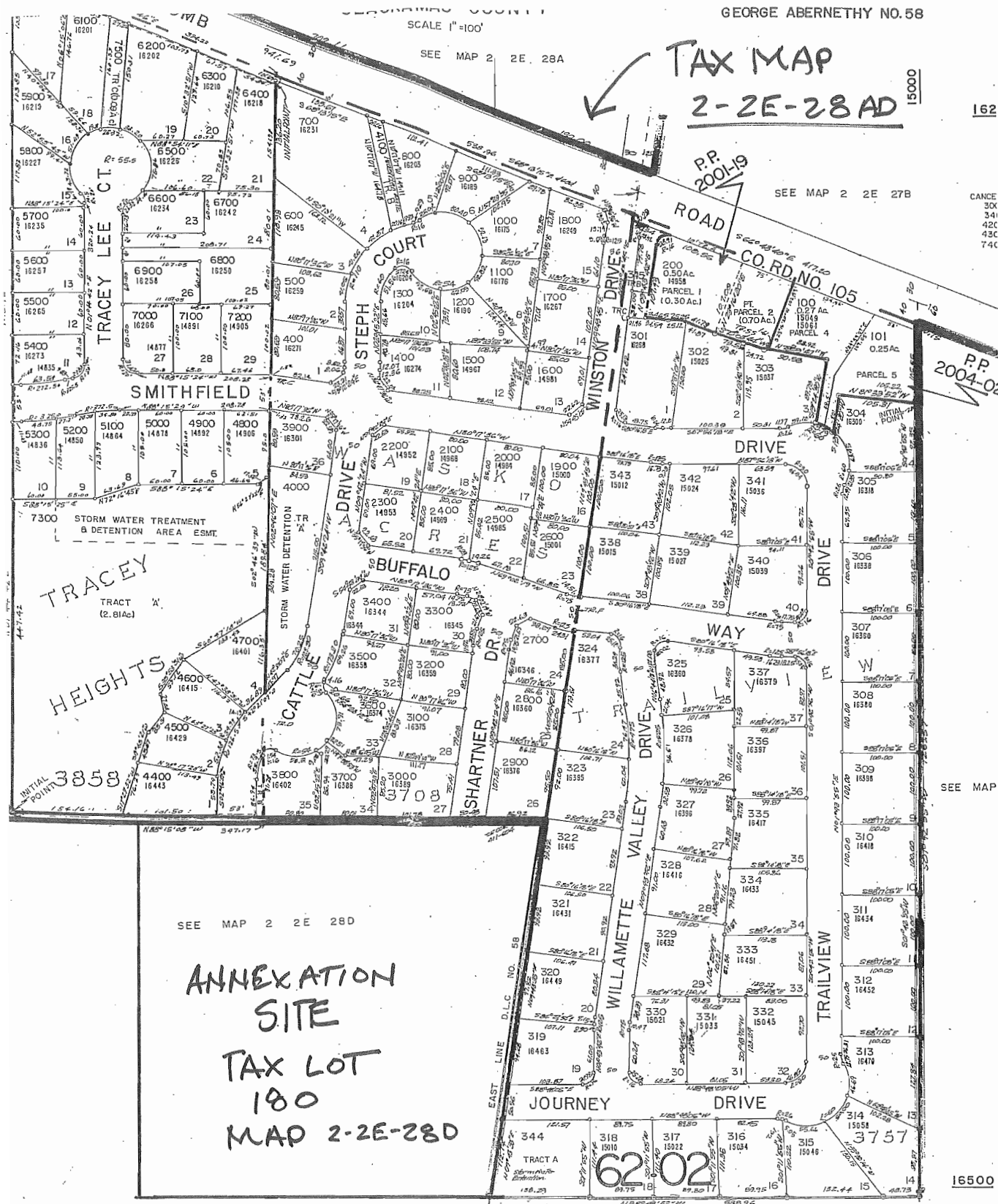
TO: The City Commission of the City of Oregon City, Oregon:

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Oregon City.

The property to be annexed is described as follows:

(Insert Legal Description here OR attach it as Exhibit "A")

Page 6



ANNEXATION PETITION

NOTE: This petition may be signed by qualified persons even though they may not know their property description.

[illegible]

* PO = Property Owner RV = Registered Voter OV = Owner and Registered Voter

PAGE 7.



First American Title Insurance Company of Oregon

Clackamas (OR)

| | | | |
|-----------------------------------|--|---|------------------|
| Prepared For: | | Prepared By: Customer Service Department 1700 SW Fourth Avenue - Portland, Oregon 97201-5512 Phone: (503) 222-3651 Fax: (503) 790-7872 | |
| OWNERSHIP INFORMATION | | | |
| Owner | : Ziegler Ronald H | Ref Parcel Number | : 22E28D 00180 |
| CoOwner | : | T: 02S R: 02E S: 28 Q: 251 | |
| Site Address | : 16472 Livesay Rd Oregon City 97045 | Parcel Number | : 01654436 |
| Mail Address | : 25020 SW Valley View Rd West Linn Or 97068 | County | : Clackamas (OR) |
| Telephone | : Owner: Tenant: | | |
| SALES AND LOAN INFORMATION | | | |
| Transferred | : 02/02/2003 | Loan Amount | : |
| Document # | : 03-015267 | Lender | : |
| Sale Price | : \$722,925 | Loan Type | : |
| Deed Type | : | Interest Rate | : |
| % Owned | : | Vesting Type | : |
| PROPERTY DESCRIPTION | | ASSESSMENT AND TAX INFORMATION | |
| Map Page & Grid | : 687 F6 | MktLand | : \$370,712 |
| Census | : Tract: 223.00 Block: 4 | MktStructure | : \$132,930 |
| Improvement Type | : 144 Sgl Family, R1-4,2-Story (Basement) | MktTotal | : \$503,642 |
| Subdivision/Plat | : Klinger's Sunrise Acres 02 Ad | M50 Assd Total | : \$317,853 |
| Neighborhood Cd | : | % Improved | : 26 |
| Land Use | : 401 Tract, Tract Land, Improved | 09-10 Taxes | : \$4,826.56 |
| Legal | : SEE SPLIT CODE ACCT 00100 | Exempt Amount | : |
| | : | Exempt Type | : |
| | : | Levy Code | : 062083 |
| | : | Millage Rate | : 15.1849 |
| PROPERTY CHARACTERISTICS | | | |
| Bedrooms | : 2 | Building SF | : 1,728 |
| Bathrooms | : 2.00 | 1st Floor SF | : 864 |
| Fireplace | : | Above Ground SF | : 1,728 |
| Heat Type | : Elec Baseboard | Upper Finished SF | : 864 |
| Interior Material | : Drywall | Unfin Upper Story | : |
| Exterior Finish | : Bevel Siding | Upper Total SF | : 864 |
| Floor Cover | : Carpet | Finished SF | : 1,728 |
| Roof Type | : Wd Shingle | Basement Fin SF | : |
| Roof Shape | : Gable | Basement Unfin SF | : |
| Foundation | : Concrete | Basement Total SF | : |
| | | Stories | : 2 Story-Bsmt |
| | | Garage SF | : |
| | | Lot Acres | : 13.37 |
| | | Lot SF | : 582,397 |
| | | Year Built | : 1910 |
| | | Year Appraised | : |
| | | Appraisal Area | : |
| | | School District | : 062 |
| | | Utility District | : |

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

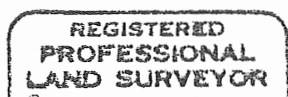
DESCRIPTION OF A PART OF TAX LOT 180 TAX MAP 2 2E 28D

Being a tract of land situated in the northeast quarter of Section 28, Township 2 South, Range 2 East Willamette Meridian, Clackamas County, Oregon. Said Tract being described as follows:

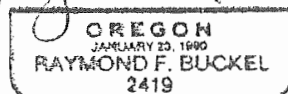
Commencing at the east quarter corner of said Section 28; thence westerly along the east-west center line of said Section 28 to the east line of the George Abernethy Donation Land Claim No. 58, being the southwest corner of that certain Plat entitled "Trailview, recorded as Plat No. 3757, Clackamas County Plat Records and the **Point of Beginning** of the herein described tract; thence continuing westerly along said east-west center line of said Section 28 to the east line that tract of land conveyed to Kirk D & Michelle D Tolstrup recorded on August 31, 1989 in Document No. 89-38723, Clackamas County Deed Records; thence North along said east line of said Tolstrup tract to the northeast corner of said Tolstrup tract and the most northerly northwest corner of that certain land described in deed to Daniel A. Cook and Charlotte Cook, recorded in Fee No. 98-020598, Clackamas County Deed Records, thence east along the most northerly line of said Cook tract to said east line of the George Abernethy Donation Land Claim No. 58, also being in the west line of said "Trailview"; thence southerly along the west line of said "Trailview" a distance of 557.0 feet to the **Point of Beginning** of the herein described Tract;

Containing an area of 6.56 acres of land, more or less.

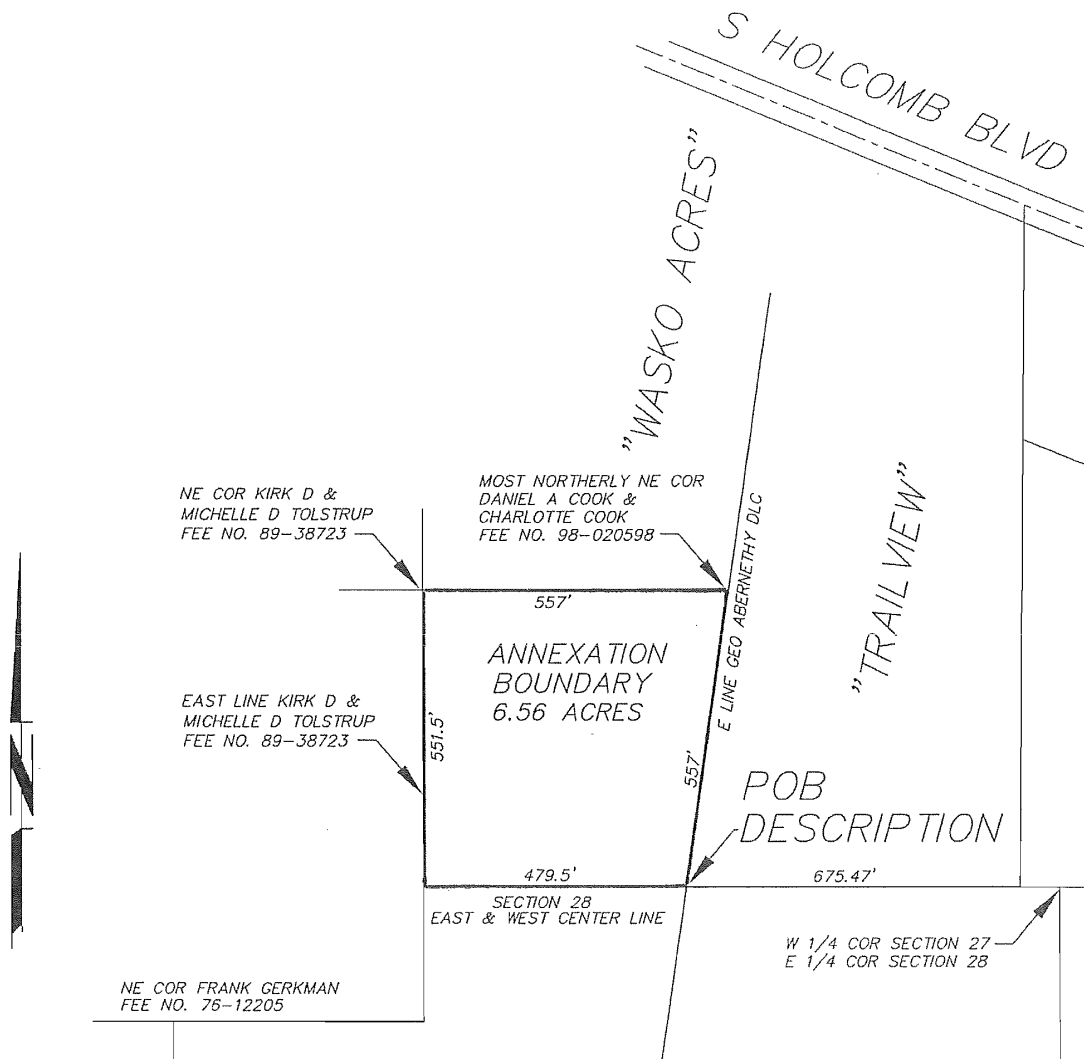
This description was prepared by Buckel Associates, Inc. on March 25, 2011.



Raymond F. Buckel



NORTHEAST QUARTER SECTION
28, TOWNSHIP 2 SOUTH, RANGE
2 EAST, WILLAMETTE MERIDIAN,
CLACKAMAS COUNTY, OREGON



14631 S. Livesay Road
Oregon City, Oregon 97045
(503) 655-4506
FAX (503) 655-4510



BUCKEL ASSOCIATES, INC.
LAND SURVEY & CIVIL ENGINEER CONSULTANTS

ANNEXATION AREA
A PART OF TAX LOT 180
TAX MAP 2 2E 28D

PREPARED FOR:

KENT ZIEGLER
OREGON CITY, OR

| | |
|-----------|---------------|
| Project: | 03003 |
| Designed: | |
| Drawn: | RFB |
| Scale: | NO SCALE |
| Date: | MAR. 30, 2010 |
| Sheet: | 1 of 1 |

CERTIFICATION OF PROPERTY OWNERSHIP OF
AT LEAST ONE-HALF LAND AREA
(City Double Majority Method)



I hereby certify that the attached petition for a proposed boundary change involving the territory described in the petition contains the names of the owners* of at least one-half of the land area within the annexation area described in the petition, as shown on the last available complete assessment roll.

NAME Ben Blessing
TITLE GIS Cartographer II
DEPARTMENT Assessment & TAX
COUNTY OF Clackamas
DATE 4/5/2011

- * "Owner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

CERTIFICATION OF PROPERTY OWNERSHIP OF
100% OF LAND AREA
(City 100% Ownership Method)



I hereby certify that the attached petition for a proposed boundary change involving the territory described in the petition contains the names of the owners* of 100% of the land area within the annexation area described in the petition, as shown on the last available complete assessment roll.

NAME Ben Blessing
TITLE EdS Cartographer II
DEPARTMENT Assessment & TAX
COUNTY OF Clackamas
DATE 9/5/2011

- * "Owner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

CERTIFICATION OF LEGAL DESCRIPTION AND MAP



I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 2-ZE-28D) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME Ben Blessing
TITLE As GIS cartographer II
DEPARTMENT Assessment & TAX
COUNTY OF Clackamas
DATE 4/5/2011

CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition for annexation of territory described herein to the City of Oregon City contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME FLOYD THOMAS

TITLE DEPUTY CLERK

DEPARTMENT ELECTIONS

COUNTY OF CLACKAMAS

DATE 4-5-11



CLACKAMAS COUNTY ELECTIONS
1710 RED SOILS CT, SUITE 100
OREGON CITY, OR 97045

NOTICE LIST

(This form is NOT the petition)

ALL OWNERS OF PROPERTY AND/OR REGISTERED VOTERS INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA. ALL OWNERS OF PROPERTY WITHIN 300 FEET OF THE OUTSIDE BOUNDARY OF THE AREA TO BE ANNEXED.

NAME OF OWNER/VOTER

ADDRESS

PROPERTY DESIGNATION

(Indicate tax lot, section number, Township and Range)

(1) RONALD H. ZIEGLER TL 180 MAP
2-2E-28D

(2)

(3)

(4)

(5)

(6)

Page 12

BOUNDARY CHANGE INFORMATION SHEET

I. EXISTING CONDITIONS IN AREA TO BE ANNEXED

- A. General location OREGON CITY
- B. Land Area: Acres 6.56 AC. or Square Miles _____
- C. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal).
THE PROPERTY HAS AN AVERAGE SLOPE
OF 5% FROM THE HIGHER ELEVATION AT
THE NE CORNER TO THE SW CORNER. ONLY BRUSH IS ON
THE SITE
- D. Describe land uses on surrounding parcels. Use tax lots as reference points.
- North: SUBDIVISION WITH 10,000 SQUARE
FOOT LOTS. TL 2400, 3000, 3700, 3800, 4400 & 7300.
- East: 10,000 SQUARE FOOT LOTS IN A SUBDIVISION.
TAX LOTS 322, 321, 320, 319, 344,
- South: RURAL ACRES TL 100
- West: ONE HOUSE ON 5.18 ACRES. TAX LOT 200
- E. Existing Land Use:
- Number of single-family units 0 Number of multi-family units 0
- Number commercial structures 0 Number industrial structures 0
- Public facilities or other uses NONE
- What is the current use of the land proposed to be annexed: VACANT
- F. Total current year Assessed Valuation \$ \$ 317,853
- G. Total existing population 0

II. REASON FOR BOUNDARY CHANGE

A. The City Code (Section 6) and the Metro Code (3.09.050 (d) & (e)) spell out criteria for consideration (see copies attached). Please provide a narrative which addresses these criteria. With regard to the City criteria, please provide a narrative statement explaining the conditions surrounding the proposal and addressing the factors in Section 6, as relevant, including:

1. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;
2. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
3. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
4. Statement outlining method and source of financing required to provide additional facilities, if any;
5. Statement of overall development concept and methods by which physical and related social environment of the site, surrounding area and community will be enhanced;
6. Statement of potential physical, aesthetic and related social effects of the proposed or potential development on the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;
7. Statement indicating the type and nature of any Comprehensive Plan text or map amendments or Zoning text or map amendments that may be required to complete the proposed development.

B. Please submit 25 copies of a site plan, drawn to scale (not greater than 1" = 50') indicating:

1. The location of existing structures (if any);
2. The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed.
3. The location and direction of all water features on and abutting the subject property. Approximate location of areas subject to inundation, stormwater overflow or standing water. Base flooding data showing elevations of all property subject to inundation in the event of one-hundred year flood shall be shown;
4. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the Division of State Lands) wooded areas, isolated preservable trees (trees with trunks over 6" in diameter - -as measured 4 feet above the ground) and significant areas of vegetation.
5. General land use plan indicating the types and intensities of the proposed or potential development;

III. LAND USE AND PLANNING

A. What is the applicable County Planning Designation? FC-10 (FUTURE URBAN)
What City Planning Designation is being sought? NONE AT THIS TIME

B. What is the zoning on the territory to be served?

FC-10

What zoning designation is being sought? NONE AT THIS TIME

C. Is the subject territory to be developed at this time? NO

D. Generally describe the anticipated development (building types, facilities, number of units).

30 SINGLE FAMILY RESIDENTIAL

LOTS

E. Can the proposed development be accomplished under current county zoning?

☐ Yes

☒ No

If No,---has a zone change been sought from the county either formally or informally.

☐ Yes

☒ No

Please describe outcome of zone change request if answer to previous questions was Yes.

N/A

F. Is the proposed development compatible with the city's comprehensive land use plan for the area?

☒ Yes

☐ No

☐ City has no Plan for the area.

Has the proposed development been discussed either formally or informally with any of the following? (Please indicate)



Please describe the reaction to the proposed development from the persons or agencies indicated above.

THEY RECOMMEND THAT

WE SUBMIT THIS ANNEXATION APPLICATION

G. Please indicate all permits and/or approvals from a City, County, or Regional Government which will be needed for the proposed development. If already granted, please indicate date of approval and identifying number:

| APPROVAL | PROJECT FILE # | DATE OF APPROVAL | FUTURE REQUIREMENT |
|--|-------------------|---------------------|-----------------------|
| Metro UGB Amendment | AREA 24, 25, 26 | APPROVED IN 2002 | |
| City or County Plan Amendment | L-07-01 | 7-9-07 | CITY ZONING DECS |
| Pre-Application Hearing (City or County) | PA-10-37 | 11-30-10 | YES |
| Preliminary Subdivision Approval | | | YES |
| Final Plat Approval | | | YES |
| Land Partition | | | |
| Conditional Use | | | |
| Variance | | | |
| Sub-Surface Sewage Disposal | | | |
| Building Permit | | | |

Please submit copies of proceedings relating to any of the above permits or approvals which are pertinent to the annexation.

- H. Does the proposed development comply with applicable regional, county or city comprehensive plans? Please describe.

YES. THE SITE WILL BE DEVELOPED
IN ACCORDANCE WITH THE PARK PLACE CONCEPT PLANS
AND CITY CODES.

- I. If a city and/or county-sanctioned citizens' group exists in the area of the annexation, please list its name and address of a contact person.

N/A

IV. SERVICES AND UTILITIES

- A. Please indicate the following:

1. Location and size of nearest water line which can serve the subject area.

ADJACENT IN 3 STREET STUBS

2. Location and size of nearest sewer line which can serve the subject area.

8" SEWER LINE IN CATTLE DRIVE.

7/1/2010 to 6/30/2011 REAL PROPERTY TAX STATEMENT
 CLACKAMAS COUNTY, OREGON * 150 BEAVERCREEK RD. * OREGON CITY, OREGON 97045

PROPERTY DESCRIPTION

16472 S LIVESAY RD
 OREGON CITY OR 97045

MAP: 22E28D 00180

ACCOUNT NO: 01654436

Code Area: 062-083 **HOMEcomings FINANCIAL NETWORK**

Acres: 13.37 **2010 - 2011 CURRENT TAX BY DISTRICT:**

ZIEGLER RONALD H
 25020 SW VALLEY VIEW RD
 WEST LINN OR 97068

COM COLL CLACK 178.39
 ESD CLACKAMAS 118.48
 SCH OREGON CITY 1,624.81

EDUCATION TOTAL: 1,921.68

COUNTY CLACKAMAS 935.99
 COUNTY EXTENSION & 4-H 16.14
 COUNTY LAW ENHANCED 216.14
 COUNTY LIBRARY 127.78
 COUNTY PUBLIC SFTY LOC OPT 81.19
 COUNTY SOIL CONS 12.90
 FD 1 CLACK CO 752.05
 PORT OF PTLD 22.56
 SRV 2 METRO - OREGON ZOO 30.91
 URBAN RENEWAL COUNTY 145.37
 VECTOR CONTROL 2.10
 VECTOR CONTROL LOC OPT 8.18

GENERAL GOVERNMENT TOTAL: 2,351.31

COM COLL CLACK BOND 51.07
 FD 1 CLACK CO BOND 20.89
 SCH OREGON CITY BOND 462.85
 SRV 2 METRO BOND 101.03
 TRANS TRIMET BOND 28.06

EXCLUDED FROM LIMIT TOTAL: 663.90

2010-2011 TAX BEFORE DISCOUNT 4,936.89

VALUES: LAST YEAR THIS YEAR

REAL MARKET VALUES (RMV):

| | | |
|-----------|---------|---------|
| RMV LAND | 370,712 | 345,721 |
| RMV BLDG | 132,930 | 121,640 |
| RMV TOTAL | 503,642 | 467,361 |

| | | |
|----------------------|---------|---------|
| ASSESSED VALUE (AV): | 317,853 | 327,389 |
|----------------------|---------|---------|

| | | |
|-----------------|----------|----------|
| PROPERTY TAXES: | 4,826.56 | 4,936.89 |
|-----------------|----------|----------|

THIS IS NOT A TAX BILL IF... your mortgage company is responsible for paying your taxes. Keep this statement for your records.

Please Make Payment To: CLACKAMAS COUNTY TAX COLLECTOR
 (Refer to back of statement and insert enclosed for more information)

Questions about your property value or taxes?
 Please call 503-655-8671

DELINQUENT TAXES: 0.00

TOTAL (after discount): 4,788.78

Delinquent tax amount is included in payment options listed below.

(See back of statement for instructions)

TAX PAYMENT OPTIONS

| Payment Options | Date Due | Discount Allowed | Net Amount Due |
|-----------------|--------------|-------------------------|----------------|
| FULL PAYMENT | Nov 15, 2010 | 148.11 3% Discount..... | 4,788.78 |
| 2/3 PAYMENT | Nov 15, 2010 | 65.83 2% Discount..... | 3,225.43 |
| 1/3 PAYMENT | Nov 15, 2010 | No Discount..... | 1,645.63 |

↑ TEAR
 HERE

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT See back of Statement for Instructions

TEAR ↑
 HERE

2010-2011 Property Tax Payment Clackamas County, Oregon

ACCOUNT NO: 01654436

PROPERTY LOCATION: 16472 S LIVESAY RD

Discount is lost and interest applies after due date.

☐ Mailing address change or
 name change on back

| | | | |
|---------------------|-------------------------------|-------------------------|-----------------|
| FULL PAYMENT | (Includes 3% Discount) | DUE Nov 15, 2010 | 4,788.78 |
| 2/3 PAYMENT | (Includes 2% Discount) | DUE Nov 15, 2010 | 3,225.43 |
| 1/3 PAYMENT | (No Discount offered) | DUE Nov 15, 2010 | 1,645.63 |

ZIEGLER RONALD H
 25020 SW VALLEY VIEW RD
 WEST LINN OR 97068

Please make payment to:

CLACKAMAS COUNTY TAX COLLECTOR
 PO BOX 6100
 PORTLAND, OR 97228-6100

Enter Amount Paid

03000016544360000478878000032254300001645633

3. Proximity of other facilities (storm drains, fire engine companies, etc.) which can serve the subject area _____

OREGON CITY FIRE IF APPROVED BY
THE CITY OR RETAIN IN THE
CLACKAMAS FIRE DISTRICT NO. 1

4. The time at which services can be reasonably provided by the city or district.

AT THE TIME OF DEVELOPMENT

5. The estimated cost of extending such facilities and/or services and what is to be the method of financing. (Attach any supporting documents.)

ALL THE COST WILL BE ON
SITE AND NOT OFF SITE

6. Availability of the desired service from any other unit of local government. (Please indicate the government.)

PUBLIC UTILITIES AND SERVICES

- B. If the territory described in the proposal is presently included within the boundaries of or being served extraterritorially or contractually by, any of the following types of governmental units, please so indicate by stating the name or names of the governmental units involved.

| | |
|--|---|
| City <u>NO</u> | Rural Fire Dist <u>CLACKAMAS NO. 1</u> |
| County Service Dist. <u>CLACKAMAS CO</u> | Sanitary District <u>NO</u> |
| Hwy. Lighting Dist. <u>NO</u> | Water District <u>NO</u> |
| Grade School Dist. <u>OREGON CITY</u> | Drainage District <u>NO</u> |
| High School Dist. <u>OREGON CITY</u> | Diking District <u>NO</u> |
| Library Dist. <u>CLACKAMAS CO</u> | Park & Rec. Dist. <u>NO</u> |
| Special Road Dist. <u>NO</u> | Other Dist. Supplying Water Service <u>NO</u> |

- C. If the territory is proposed to be served by any of the above units or any other units of government please note.

- D. If any of the above units are presently servicing the territory (for instance, are

residents in the territory hooked up to a public sewer or water system), please so describe.

N/A

APPLICANT'S NAME

RYAN O'BRIEN

MAILING ADDRESS

1862 NE ESTATE DR,
HILLSBORO, OR 97124

TELEPHONE NUMBER

503-780-4061 (Work)

503-846-1095 (Res.)

REPRESENTING

RONALD ZIEGLER

DATE:

4-15-11

DOUBLE MAJORITY WORK SHEET

Please list all properties/registered voters included in the proposal. (If needed, use separate sheet for additional listings).

PROPERTY OWNERS

| Property Designation (Tax Lot #s) | Name of Owner | Acres | Assessed Value | Signed Petition (Y/N) |
|--------------------------------------|-------------------|-------|----------------|--------------------------|
| 180 | RONALD H. ZIEGLER | 6.56 | 317,853 | Y |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| TOTALS | | 6.56 | 317,853 | 100% |

REGISTERED VOTERS

[illegible]

SUMMARY

TOTAL NUMBER REGISTERED VOTERS IN THE PROPOSAL 0

NUMBER OF REGISTERED VOTERS WHO SIGNED N.A.

PERCENTAGE OF REGISTERED VOTERS WHO SIGNED N.A.

TOTAL ACREAGE IN PROPOSAL 6.56

ACREAGE SIGNED FOR 6.56

PERCENTAGE OF ACREAGE SIGNED FOR 100%

Oregon City Annexation Application

| | |
|-----------------------------------|--|
| Request: | Proposal to initiate annexation of approximately 6.56 acres into the City of Oregon City. The site is within the Oregon City UGB and the boundaries of the Park Place Concept Plan. Annexation is the next land use step required toward implementing the long-range development plans adopted by the City of Oregon City. |
| Location: | The property is located south of Holcomb Road. Portion of Tax Lot 180, Map 2-2E-27D |
| Applicant's Representative | Ryan O'Brien Planning & land Design, LLC 11862 NE Estate Drive Hillsboro, Oregon 97124 503-780-4061 |
| Property Owner | Ronald H. Ziegler 20000 Mt. Rose Highway Reno, Nevada 89511 |

Proposal

This application is a request to annex approximately 6.56 acres of land to Oregon City. The property is located within the Metropolitan Urban Growth Boundary (UGB) and the Park Place Concept Plan. The land will be zoned R-5 if the voters approve the annexation.

Site Description

Properties to the north and east are developed with single-family homes on 10,000 square lots. Property to the west and south are rural acreages with single family homes. The subject property is currently zoned Future Urbanizable 10 Acre District (FU-10). The FU-10 zone is assigned to properties located within areas that will be developed at urban densities in the Future Urbanizable areas of the County as defined in the Comprehensive Plan. The minimum lot size in this zone is 10 acres. The property has moderate slopes with a 5% grade sloping down from the northeast corner to the southwest corner. Very few trees exist on the property. The site is covered with brush and black berries. Three streets access the subject property, Cattle drive, Shartner drive and Journey Drive. The names of adjacent subdivisions are Tracy heights, Wasco and Trailview.

Compliance with Applicable City of Oregon City Municipal Code Provisions

A pre-application conference with the Oregon city staff occurred on 11-30-10. This application will be considered for the November election if approved by the Oregon City Commission. Each of the applicable Chapters of the City of Oregon City Municipal Code will be addressed in the order they appear.

From OCMC 14.04.050

1. *Written consent form to the annexation signed by the requisite number of affected property owners, electors or both, provided by ORS 222, if applicable;*

Response: The consent form is signed by 100% of the property owners owning 100% of the land.

2. *A legal description of the territory to be annexed, meeting the relevant requirements of the Metro Code and ORS Ch. 308. If such a description is not submitted, a boundary survey may be required. A lot and block description may be substituted for the metes and bounds description if the area is platted. If the legal description contains any deed or book and page references, legible copies of these shall be submitted with the legal description;*

Response: A legal description approved by the Clackamas County Department of Assessment and Taxation and survey map is included in this annexation application.

3. *A list of property owners within three hundred feet of the subject property and if applicable, those property owners that will be "islanded" by the annexation proposal, on mailing labels acceptable to the city manager;*

Response: A list of property owners within 300 feet and a radius map is included.

4. *Two full quarter-section county tax assessor's maps, with the subject property outlined;*

Response: Two copies of the ¼ section maps stamped by Clackamas County with the subject property outlined are included with this application.

5. *Twenty-five copies of a site plan, drawn to scale (not greater than one inch = fifty feet), indicating:*
a. *The location of existing structures (if any),*
b. *The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed,*
c. *The location and direction of all water features on and abutting the subject property. Approximate location of areas subject to inundation, stormwater overflow or standing water. Base flood data showing elevations of all property subject to inundation in the event of one hundred year flood shall be shown,*
d. *Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the Division of State Lands) wooded areas, isolated preservable trees (trees with trunks over six inches in diameter-as measured four feet above ground), and significant areas of vegetation,*

e. General land use plan indicating the types and intensities of the proposed, or potential development;

Response: 25 copies the site plan is included with the application submittal.

6. If applicable, a double-majority worksheet, certification of ownership and voters. Certification of legal description and map, and boundary change data sheet on forms provided by the city.

Response: The site is currently vacant with no voters. Only one owner is included with this application. Therefore, this application includes 100% of the land area and 100% of the owners. Certification of the annexation is provided by the Clackamas County Assessment and Taxation and the Department of Elections.

7. A narrative statement explaining the conditions surrounding the proposal and addressing the factors contained in the ordinance codified in this chapter, as relevant, including:

Response: The narrative statement included with this application addresses existing conditions, service availability, demand for additional land within the city, additional infrastructure demands, financing methodologies, development concept, social benefits to the city, and actions required to mitigate impacts

a. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities,

Response: The attached drawings show the location of existing infrastructure to serve the annexation site. Transportation availability was addressed in the Traffic Impact Analysis submitted with the last annexation application. Park and School facilities are addressed in this report.

b. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time,

Response: The Traffic Impact Analysis addresses the need for future public street improvements. About 30 houses could be developed on the subject property. Therefore, the demand for increased public services will be minimal.

c. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand,

Response: The Traffic Impact Analysis addresses the future need for any public street improvements. No phasing of utilities will be necessary. All of the required utility services will be provided when the subject property develops.

d. Statement outlining method and source of financing required to provide additional facilities, if any,

Response: The Traffic Impact Analysis addresses the future need for any public street improvements and potential sources for funding. The cost of interior streets and public utilities will be paid by the developer of the property.

e. Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced,

Response: Annexation of this property will facilitate implementation of a phase of the adopted Park Place Concept Master Plan. The potential for enhanced physical and social environments are discussed at length in that adopted Plan.

f. Statement of potential physical, aesthetic, and related social effects of the proposed, or potential development on the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any,

Response: Annexation of this property will facilitate implementation of a phase of the adopted Park Place Concept Master Plan. The potential for enhanced physical and social environments are discussed at length in that adopted Plan.

g. Statement indicating the type and nature of any comprehensive plan text or map amendments, or zoning text or map amendments that may be required to complete the proposed development;

Response: No plan map amendment is proposed with this annexation. If this annexation is approved by the voters, R-5 zoning will be requested with a future zone change application in accordance with Oregon City Municipal Code section 17.68.025.

8. The application fee for annexations established by resolution of the city commission and any fees required by metro. In addition to the application fees, the city manager shall require a deposit, which is adequate to cover any and all costs related to the election.

Response: The required application fee and annexation deposit has been submitted to Oregon City.

14.04.060 Annexation Factors

When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:

1. Adequacy of access to the site;

Response: No physical development is proposed with this application. None of the current accesses to the properties would be altered under this proposal. The three streets that access the property connect to Holcomb Road. When this property is developed, secondary street connections will be provided for these three dead end roads. Also, an access can be extended from this property to Livesay Road to provide emergency access for the homeowners that live on Livesay Road. No alterations to these existing roads will be required until the property is ultimately developed for urban uses.

2. Conformity of the proposal with the City's Comprehensive Plan;

Response: The proposed annexation area is within the Park Place Concept Plan, adopted by the City to plan for growth in the area. The Plan incorporated the Goals and Policies of the Comprehensive Plan relevant to the subject site. The Park Place Concept Plan is addressed later in this document.

3. Adequacy and availability of public facilities and services to service potential development;

Response: No physical development is proposed with this application. None of the current public facilities or infrastructure near or stubbing to the subject property would be altered under this proposal.

WATER: Upgrades and extensions of the water system are identified in the Park Place Concept Plan, and will occur in conjunction with eventual development of the area. Water service will be provided by the Clackamas River Water District. Water lines will be extended into the annexation area to provide a looping water system. No off-site water system improvements are anticipated.

TRAFFIC ANALYSIS: When the properties develop, full-street improvements will be required to service the subject property.

SEWER: A sanitary sewer line is available in Cattle Drive at a depth which serves all of the subject property.

STORM WATER MANAGEMENT: Storm water will be treated and detained as necessary to meet current state and local requirements. A storm sewer pipe from the subject property will connect to an existing 18" storm sewer pipe located on Tax lot 100. This 18" pipe extends from the existing detention pond in Trailview to an existing drainage channel further south. This pond is located directly south of Journey Drive at its west terminus.

SCHOOLS: During the process of developing the Park Place Concept Plan, it was determined that existing schools had available capacity to serve future development of the area. One or more local public elementary schools closed due to low enrollment. Continued reductions in federal and state funding threaten the local school district with decreased budget revenue. Annexation of land into the city facilitates development and construction of homes, generating student population, and revenues

with SDC funds and property taxes. All of these factors have a positive effect on the public school system.

FIRE PROTECTION: All of the properties in this area are currently served by the Clackamas County Rural Fire Protection District #1. A change in fire protection services may occur after the property is annexed into the City.

POLICE PROTECTION: The public service most likely affected by this annexation would be police service. The Oregon City police chief has indicated that annexation of the entire Park Place concept Planning Area area would require additional officers and funding. With 30 more homes, additional police officers will not be necessary.

PARKS: The annexation if this property provides the initial step for implementation of the Park Place Master Concept Plan. The plan contains significant evaluation of property for potential parks and open space locations. Subsequent to annexation of the property, the development review process will require site-specific evaluation of the parcel to be developed to determine the proper location of pocket parks, walkways, open spaces and pedestrian connections all facilitating the vision embodied in the Park Place Master Concept Plan.

4. *Compliance with applicable sections of ORS Ch. 222, and Metro Code Section 3.09;*

Response: The applicable criterion in ORS Ch. 222 requires the site to be annexed is contiguous to the current city limits. In this case, the property is contiguous to the existing city limits on the north and east sides. Metro Code Section 3.09 is addressed later in this document.

5. *Natural hazards identified by the city, such as wetlands, floodplains and steep slopes;*

Response: As currently proposed, no physical development of the property is proposed with this annexation. Land included in the Park Place Concept Plan and all known natural resources were preliminarily mapped through the process of developing the Park Place Concept Plan. Additional site specific delineation of resources will occur at the time of a project-specific development proposal.

6. *Any significant adverse effects on specially designated open space, scenic, historic or natural resource areas by urbanization of the subject property at time of annexation;*

Response: The subject site is already designated for urbanization by its inclusion into the Metropolitan Urban Growth Boundary. No physical development of the property is proposed with this application. Any future development of the area, including any specifically designated open space, scenic, historical, or natural resources, would be subject to review and approval under the provisions of the Oregon City Municipal Code. The site is within the Park Place Concept Plan, specifically, within the North Village Neighborhood area of the plan, and has been designated primarily Medium Density Residential with some Constrained Land areas. There is no potential for adverse impacts to any of the above-identified significant natural or cultural resources due to annexation of the property. Annexation of the property will provide additional protection by the City of Oregon City's Community Development Code. The OC-CDC requires a very thorough evaluation of any proposal prior to approval and development.

7. *Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation.*

Response: There is no evidence to suggest that annexation of the area would have an adverse effect on the economic, social, or physical environment. The City will realize a small increase in property tax revenues from adding additional properties to its tax roles. The City will also have jurisdiction over any future development of the properties proposed for annexation. The OC-CDC requires very thorough evaluation of any proposed development prior to approval and physical alteration through construction. As discussed in this narrative, the existing infrastructure is sufficient to serve the existing needs of the annexation area. No physical development of the property is proposed with this annexation application. Clearly, it is the intent of Oregon City and the Metropolitan Regional Service District to urbanize this area over time as evidenced by the 2002 UGB expansion and the adoption of the Park Place Concept Master Plan. Considering that premise, it would be incumbent on the City and its service providers to deliver services to the new area including fire, police, and general administration duties. The amount of services needed would be very minimal.

Compliance with Metro Code Provisions

d. *To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (d) and (e) of Section 3.09.45.*

3.09.045(d) *To approve a boundary change through an expedited process, the city shall:*

1. *Find that the change is consistent with expressly applicable provisions in:*

A. *Any applicable urban service agreement adopted pursuant to ORS 195.065;*

Response: There are no known urban service provider agreements for the area, and the property is within the adopted Park Place Concept Plan. Therefore, it is subject to future inclusion by the City of Oregon City.

B. *Any applicable annexation plan adopted pursuant to ORS 195.205;*

Response: The site is inside the Urban Growth Boundary and is within the Park Place Concept Plan and is subject to annexation by the City of Oregon City.

C. *Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;*

Response: According to City staff, there is an active Intergovernmental Agreement (IGA) with the Clackamas County Rural Fire Protection District No. 1 to provide fire services.

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

Response: The area is within the Park Place Concept Plan, which addresses public facilities and services. The PPCP is addressed later in this document.

E. *Any applicable comprehensive plan; and*

Response: The proposed annexation area is within the Park Place Concept Plan, which incorporates the goals and policies of the Oregon City Comprehensive Plan. The Park Place Concept Plan is addressed later in this document.

2. *Consider whether the boundary change would:*

- A. *Promote the timely, orderly and economic provision of public facilities and services;*
- B. *Affect the quality and quantity of urban services; and*
- C. *Eliminate or avoid unnecessary duplication of facilities or services.*

Response: There is no evidence to suggest that the proposed change will interfere with the orderly and efficient provision of services, as no new development is proposed with this application. Any future development on the property will be required to comply with the applicable requirements for public facilities and services as identified in the Park Place Concept Plan and the Oregon City Municipal Code. The incremental development of the area as planned in the Park Place Concept Plan will ensure that the provision of public facilities and services is both timely and orderly.

e. *A City may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and outside the UGB. Neither a city nor a district may extend water or sewer services from inside the UGB to territory that lies outside the UGB.*

Response: The entire area proposed for annexation is inside the UGB.

3.09.050 *Hearing and Decision Requirements for Decisions Other Than Expedited Decisions*

3.09.050 *Hearing and Decision Requirements for Decisions Other Than Expedited Decisions*

- (a) *The following requirements for hearings on petitions operate in addition to requirements for boundary changes in ORS Chapters 198, 221 and 222 and the reviewing entity's charter, ordinances or resolutions.*
- (b) *Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria in subsection (d) and includes the following information:*
 - (1) *The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;*
 - (2) *Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and*
 - (3) *The proposed effective date of the boundary change.*
- (c) *The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.*

Response: Compliance with this section of the METRO code is ensured by preparation of a staff report by City staff which is available to all interested persons. The criteria identified in (b) (1-3) are addressed in both this document and in the accompanying staff report. The complete application package submitted by the applicant demonstrates that the boundary change meets the applicable criteria.

Park Place Concept Plan

The Park Place Concept Plan embodies three core values that were used to derive evaluation criteria that eventually matriculated through the process to select plan alternatives and the preferred plan. These three core values are: Environment, Community Design, and Transportation/Traffic. A fourth category “other core values” contains values that were considered important, but didn’t fit readily in the three primary categories.

Annexation of 6.56 acres of land contained primarily within the “North Village” area of the Park Place Concept Master Plan provides the foundation for implementation of the core values as the parcels are developed in compliance with the adopted plan. As discussed in prior sections of this document, the annexation will provide opportunity for eventual submittal of project development plans for sections of Park Place. As application for each segment is submitted for development the design and infrastructure proposals will be reviewed for compliance with all elements of the master plan, the Oregon City development code and the need for infrastructure. The three core values, environment, community design and transportation/traffic will be addressed with development review of each phase. Without annexation of the property into the City, no such review or evaluation for compliance can occur. This application allows implementation of core values and residential community design. The Park Place Concept Plan is used to guide land development. Annexation is the critical step.

Implementation

Compliance with Title 11 of METRO Urban Growth Management Functional Plan is required for any Concept Plan. The Concept Plan addresses specific elements.

Annexation

Annexation Goals, Policies, and Implementation Strategies

Goal

Ensure that annexation of land within the planning area is consistent with other goals, policies and strategies in this Plan and meets overall city and regional requirements for annexation.

Response: The area proposed for annexation was brought into the UGB, zoned Future Urbanizable, and included within the boundaries of the Park Place Concept Plan. Annexation is the next step toward implementing the adopted Plan.

Policies

- *Ensure that public facilities and services can be provided to serve proposed development prior to annexation of any portion of the Park Place Concept Plan area, consistent with existing City and regional requirements.*

Response: The Plan states that water and sewer are available to serve the area proposed for annexation, with upgrades and improvements identified in the Plan. The Oregon City Police Department has determined that more officers would be required to serve all of the Park Place concept Planning Area. Schools have been determined to have enough capacity to serve the area.

- *Provide residents within and adjacent to areas proposed for annexation with opportunities to review and comment on annexation proposals.*

Response: This policy is implemented by the Oregon City Municipal Code requirements for public notice, multiple public hearings as well as an election where the voters of the City determine whether to approve the annexation.

Land Use Housing

Housing Goals, Policies, and Implementation Strategies

Goal

The concept planning area should incorporate Comprehensive Plan and Zoning designations that allow for a wide range of housing types and densities that meet the needs of households with a range of incomes.

Response: The adopted Plan identifies Medium-Density Residential zoning for the subject property.

Policies

- *Apply zoning designations that allow for achievement of the goal above.*
- *Create flexibility in development standards to allow for alternative housing...*
- *Ensure connectivity of residential areas to commercial areas...*
- *Ensure that residential neighborhoods area bordered by parks...*
- *Orient residential streets to maximize solar exposure...*
- *Link the density of housing to the hierarchy of the street network.*
- *Work with other public agencies, non-profit organizations and developers...*
- *Provide a transition or buffer between existing and new residential development.*
- *Support architectural integrity and variety in residential and mixed use neighborhoods.*

Response: The policies related to housing are implemented by the Oregon City Municipal Code and by the Development Review process at such time that development is proposed.

Transportation
Transportation Goals, Policies, and Implementation Strategies

Goal

Plan for and implement a safe, interconnected system of roads and other transportation facilities that allow people to move freely within the neighborhood and connects them to other parts of the city and region.

Response: Approval of the annexation will facilitate improvement of local streets as identified in the Park Place Concept Plan. Shartner, Cattle and Journey Drives stub to the site from the adjacent subdivisions. Extension of these streets will occur with development of the property.

Policies

- *Support and encourage Metro and ODOT to construct improvements...*
- *Develop and apply basic road standards based on transportation analysis...*
- *Require that needed improvements to transportation facilities...*

Response: The transportation policies are addressed in the Traffic Analysis included with the annexation application package.

Natural Resources and Hazards
Natural Resources and Hazards Goals, Policies, and Implementation Strategies

Goals

Manage and conserve natural resources and values within the planning area, including riparian areas woodlands, wetlands and wildlife and plant habitat.

Minimize impacts to areas that pose hazards to personal property and the natural environment, including steep slopes, areas potentially susceptible to landslides and other such areas.

Response: Preliminary mapping of resources and hazards was completed in conjunction with the creation of the Park Place Concept Plan. Site specific resource and hazard evaluations, including geotechnical reports, will be required during the development review process for annexed areas at such time that development is proposed.

Policies

- *Distinguish between areas where development will not be allowed...*
- *Apply existing city regulations related to stream buffers, tree preservation...*
- *Reference most recently available geological maps in Oregon City zoning...*
- *Require geotechnical evaluation for new construction...areas with slopes of 25%...*
- *Require geotechnical evaluation for new construction...mapped as landslides...*
- *Require development specific investigation related to slope stability...*
- *Manage and protect archeological and historic resources...*
- *Conserve and improve streamside, wetland, and floodplain habitat...*
- *Conserve large areas of contiguous habitat and avoid habitat fragmentation.*

- *Conserve and improve connections between riparian corridors and upland habitat.*
- *Conserve and improve unique and at-risk habitats.*
- *Promote habitat-friendly development practices.*
- *Apply implementation code particularly relating to geologic hazard...*

Response: The policies will be implemented by the Oregon City Municipal Code and Development Review process at such time that development is proposed.

Public Facilities and Services

Public Facilities and Services Goals, Policies, and Implementation Strategies

Goal

Plan for and provide adequate facilities for water, wastewater and stormwater service.

Response: The Plan has identified proposed water and sewer system improvements, and stormwater management strategies.

Policies

- *Ensure that water, wastewater and storm water facilities have adequate capacity to meet public facility and services needs within the planning area.*

Response: An existing utilities plan included with the application package provides information about the public infrastructure in the vicinity.

- *Plan and pay for needed improvements in an equitable manner with the costs of new growth borne by future developments.*
- *Identify and implement best practices for on-site treatment of stormwater, water conservation and other practices and other practices to reduce service needs and impacts.*

Response: These policies are implemented by the City's Development Review process at such time that development is proposed.

Parks

Parks and Open Spaces Goals, Policies and Implementation Strategies

Goal

Provide parks, open space, and trails consistent with City or national standards, including trail or open space connections between centers.

Response: The area proposed for annexation has no constrained lands, designated parks or open spaces.

Policies

- *Plan for neighborhood parks...*
- *Locate neighborhood parks within comfortable walking distance...*
- *Development and maintain a system of neighborhood trails...*
- *Design the trail system to connect parks and open spaces...*
- *Promote the location of neighborhood parks adjacent to higher density...*
- *Allow for flexibility in the siting of future parks...*
- *Support joint uses of community facilities...*
- *Conserve and protect natural areas...*

Response: Annexation is the next step toward implementing the proposed plan for parks and open space.

Public Schools

Public Schools Goals, Policies, and Implementation

Goal

Ensure that residents of the planning area have access to school facilities, consistent with school enrollment projections, and efficient provision of school facilities and educational services.

Response: No new school sites are identified for the Park Place area. At this time, the available capacity is expected to be adequate to serve new development in the Park Place planning area.

Policies

- *Ensure that children and families can safely access their area schools.*
- *Identify and encourage additional educational opportunities for area residents.*
- *Encourage creation of physical and educational linkages between elementary...*
- *Promote connections between schools and the surrounding community...*

Response: Annexation of the area will facilitate additional safe passages for accessing existing schools. At the time development is proposed, the school district will have the opportunity to ensure that the school needs for residents can be met.

Conclusion: This application demonstrates all applicable Sections of the Oregon City Municipal Code and the Metro Code, as they relate to annexations, are satisfied. Annexation of the subject site will facilitate the implementation of the Park Place Concept Plan. Therefore, the applicant respectfully requests approval of this application.



4b. AN 11-01: Park Place Annexation 6.5 acres



CITY OF OREGON CITY

Incorporated 1844

320 WARNER MILNE ROAD • PO Box 3040 • OREGON CITY, OREGON 97045
TEL. 503-657-0891 FAX 503-657-7892

Re: Tri-City Service District Annexation for Sanitary Sewer Connection for Newly Annexed Properties Within the City Limits of Oregon City

To Whom It May Concern:

Tri-City Service District (TCSD) requires your property be separately annexed into their district before you can connect your property to sanitary sewer for newly annexed properties within the city limits of Oregon City. You should contact the TCSD point of contact for annexations, Don Kemp, at 503-353-4577 for further information/forms.

By my signature and date below, I acknowledge the above TCSD annexation requirement.

Ronald H. Ziegler
Applicant Signature

3-30-11
Date

“Preserving Our Past, Building Our Future”

CITY OF OREGON CITY
Pre-Application Form

File Number PA 10-37

Meeting Date 11/30/10 Time: 10 A.M. Location: 221 Molalla Ave., Ste. 200

Applicants and appropriate representatives are expected to present a detailed explanation of their proposal at the conference.

Applicant:

Name RYAN O'BRIEN
Contact Person " "
Address 1862 NE ESTATE DR.
HILLSBORO, OR 97124
Phone _____

Owner(s):

Name KEN ZIEGLER
Address 25020 SW VALLEY VIEW
WREST LN, OR 97068
Phone 503-722-4363

Property Description:

Tax Assessor Map Number(s):

2-2E-28D
T.L. 180-301-100

Address: NONE
16472 LIVESAY Rd

Proposed Development Action:

ANNEXATION OF 9.31 ACRES TO OREGON
CITY

Applicant Signature

[Signature]

Date 11-17-10

The pre-application conference is to provide the applicant the necessary information to make an informed decision regarding their land use proposal. Pre-Application Conferences expire six (6) months from the meeting date. Please submit 10 copies of the required information.

Pre-Application Checklist:

Failure to submit a complete application may require additional fees and pre-application meetings.

Minimum Pre-Application Requirements

- ☒ Pre-application Fee (Major or Minor)
- ☒ Narrative
 - A detailed narrative description of your proposal and any specific questions you would like the Community Development Department to respond to at the Pre-Application Conference.
- ☒ Site/Plot Plan (8½" x 11" or 11" x 17")
 - ☒ Parcel and building setback dimensions
 - ☒ Existing and proposed structures
 - ☒ Location and dimensions of easements and driveway
 - ☒ Location of utilities – storm, sanitary sewers & water (including size of service and street location)
 - ☒ Width of adjacent right of way
- ☒ Property Zoning Report (Obtained from City Hall) (IN THE COUNTY)
- ☒ Additional Information / Requirements

Additional Subdivision / Minor Partition Requirements

- ☐ Slope map (if area exceeds a 24% slope)
- ☐ Significant Tree Locations (all trees with a caliper over 6 inches)
- ☐ Utility layout
- ☐ Proposed detention system with topographic contours
- ☐ Location of on-site water resources
- ☐ Connectivity analysis that includes shadow plats of all adjacent properties demonstrating how they can be developed meeting existing code.

Additional Site Plan & Design Review Requirements

- ☐ Proposed elevations
- ☐ Parking lot layout
- ☐ Parking space calculations (based on use and square footage of building)

Please review this material and return comments prior to the above meeting date for consideration.

Routing: PW Dir. ☐; Bldg ☐; Eng ☐; Fire ☐; Finance ☐; Parks (DK) ☐; Clack Co (E) ☐; Clack Co (P) ☐; ODOT ☐; Schools ☐; Tri-Met ☐; Metro ☐; Police ☐; Other _____

AN 11-01**PROPOSED FINDINGS, REASONS FOR DECISION, AND RECOMMENDATIONS**

Based on the Findings in this Report, the Commission determines:

1. The Metro Code calls for consistency of the annexation with the Regional Framework Plan or any functional plan. The Commission concludes the annexation is not inconsistent with this criterion because there were no directly applicable criteria for boundary changes found in the Regional Framework Plan, the Urban Growth Management Function Plan, or the Regional Transportation Plan.
2. Metro Code 3.09.050(d)(1) requires the Commission's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted pursuant to ORS 195. The Commission finds that there are no inconsistencies between these plans/agreements and this annexation.
3. The Metro Code, at 3.09.050(d)(3), requires the City's decision to be consistent with any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The County Plan also says annexation which converts *Future Urbanizable* lands to *Immediate Urban* lands should ensure the "orderly, economic provision of public facilities and services." The property owner has demonstrated that the City can provide all necessary urban services. Nothing in the County Plan speaks directly to criteria for annexation. Therefore the Commission finds this proposal is consistent with the applicable plan as required Metro Code 3.09.050 (d)(3).
4. The Commission concludes that the annexation is consistent with the City Comprehensive Plan that calls for a full range of urban services to be available to accommodate new development as noted in the Findings above. The City operates and provides a full range of urban services. Specifically with regard to water, storm and sewer service, the City has both of these services available to serve the subject site from existing improvements in Holcomb Boulevard, Redland Road, Journey Drive, Shartner Drive and Cattle Drive.
5. The Commission notes that the Metro Code also calls for consistency of the annexation with urban planning area agreements. As stated in the Findings, the Oregon City-Clackamas County Urban Growth Management Agreement specifically provides for annexations by the City.
6. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly, and economic provision of public facilities and services." Based on the evidence in the Findings, the Commission concludes that the annexation will not interfere with the timely, orderly, and economic provision of services.
7. The Oregon City Code contains provisions on annexation processing. Section 6 of the ordinance requires that the City Commission consider seven factors if they are relevant. These factors are covered in the Findings and on balance the Commission believes they are adequately addressed to justify approval of this annexation.

8. The City Commission concurs with Tri-City Service District's annexation of the subject property in the enacting City ordinance upon voter approval of the city annexation. Prior to the City approving a final zoning designation for the property, the applicant shall provide documentation that the property has been annexed into the Tri-City Service District.
9. The Commission determines that the property should be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement as allowed by statute since the City will provide police services upon annexation.
10. The City Commission recognizes that the applicant has offered a financial solution to the police funding shortcomings for future new homes and businesses.
11. The City Commission recognizes that the applicant is only requesting an annexation at this time. Any zone change request, which will address compliance with the Oregon Statewide Transportation Planning Rule OAR 660-012-0060, will come at a later date if the annexation is successful.
12. The City Commission recognizes that the applicant will need to apply for a land division of the 6.5 acre territory from the remainder of the legal lot of record prior to approval of any zoning application for the property.
13. The applicant shall prepare and provide all necessary legal descriptions of the property to meet the Oregon Department of Revenue's requirements for final processing of the annexation property.

AFTER RECORDING RETURN TO:

City Recorder
City of Oregon City
P. O. Box 3040
Oregon City, Oregon 97045-0304

Map No.: _____
Tax Lot No.: _____
Planning No.: AN 11-01

Grantor(s): _____

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement") is entered into by and between _____ ("Petitioner") and the CITY OF OREGON CITY ("City"), an Oregon municipal corporation on this ____ day of _____ 2011.

RECITALS

WHEREAS, Petitioner is the record owner of TL _____ (Sec. ____, Twp. __S, Range __E, W.M.), approximately _____ acres in size, with a street address of _____ (the "Property"), located in unincorporated Clackamas County and within the City's Urban Growth Boundary (UGB); and described as follows, to wit:

See attached EXHIBIT "A" Legal description and attached EXHIBIT "B" Sketch for Legal Description; and

WHEREAS, Petitioner has submitted an application to City to annex the Property into the City's corporate limits (City File No. AN 11-01), and the City has accepted and is considering that application; and

WHEREAS, one factor in the City's consideration of Planning File No. AN 11-01 annexation application is whether the City has the capacity or financial resources to provide necessary public services to the Property, most notably law enforcement; and

WHEREAS, City's ability to provide adequate levels of law enforcement to serve the Property is largely dependant upon the availability of funding to pay the cost of these urban services; and

WHEREAS Petitioner recognizes that it is incumbent upon new development to pay the cost of providing urban services and facilities, at sufficient levels, to serve new development, and both parties desire to identify a means by which Petitioner funds the cost of providing law enforcement to the Property if the City consents to annex the Property.

NOW THEREFORE, based on the foregoing Recitals, the mutual covenants provided for in this Agreement, and for valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

1. The City agrees to review, process and consider Planning File No. AN 11-01 annexation application in the normal course and apply the customary criteria in that process. Execution of this Agreement by the City shall not be construed in any way to be a promise or guarantee that

the annexation, or any other land use approval, will be granted by the City.

2. Petitioner agrees that, in the event that the City gives final approval to annex the Property, Petitioner will pay to City a one-time amount of \$3,500.00 for each new dwelling permitted by City to be constructed on the Property to be used for the provision of law enforcement services. The amount provided for in this paragraph shall be due and payable by Petitioner to the City at the time City issues a building permit for each new dwelling on the Property.

3. The City agrees to use any amount paid to it by Petitioner for law enforcement services as provided in Paragraph 2. The funds provided pursuant to this Agreement are intended as a supplement to the City's current funding of its law enforcement and are not intended to serve as replacement for those funds.

4. The parties agree that this Agreement is not, is not intended to be and shall not be construed as, a "development agreement" under ORS 94.504 to 94.528. In the event any form of legal challenge is brought by any entity not a party to this Agreement challenging the Agreement, the City is under no obligation whatsoever to defend the Agreement.

5. Term, extension and modification: If the Property is not annexed to the City by December 31, 2011, this Agreement shall expire on January 1, 2012 and be of no further force or effect. If the Property is annexed to the City by December 31, 2011, the Agreement shall be valid, binding and enforceable until January 1, 2022, after which it shall expire and be of no further force or effect. This Agreement may be extended or modified at any time prior to expiration upon the mutual written consent of the parties.

6. Agreement runs with the land. The rights and obligations set forth in this Agreement shall be recorded with the title to the Property, and, except as provided in Paragraph 5, shall run with the land and be binding upon the parties to this Agreement, their heirs, successors and assigns.

7. No third party beneficiaries. This Agreement is strictly and solely between the parties signed below, and it shall not create any obligation on the part of either party to perform or pay anything to or on behalf of anyone not a party to this Agreement. This Agreement does not create any rights in favor of or for any person or entity that is not a party to this Agreement.

IT IS SO AGREED:

The City of Oregon City:

_____:

Print Name: _____

print name

Date: _____

Date: _____

Print Name: _____

Date: _____

////

////

STATE OF OREGON)
) ss.
County of Clackamas)

 This instrument was personally acknowledged before me on the ____ day of
____ 200__ by _____, the _____ of Oregon City,
who swore or affirmed that he/she was authorized to execute the foregoing Annexation
Agreement on behalf of the City of Oregon City.

Notary Public for Oregon,
My Commission Expires

STATE OF OREGON)
) ss.
County of Clackamas)

 This instrument was personally acknowledged before me on the ____ day of
____ 200__ by _____.

Notary Public for Oregon,
My Commission Expires

Schedule A
Police Funding Fees
AN 11-01

| <u>LAND USE</u> | <u>SERVICE RATING</u> | <u>FEE</u> |
|---|-----------------------|------------------|
| Industrial / Employment | Low | \$0.10 / sq. ft. |
| Commercial / Office | Low | \$0.10 / sq. ft. |
| Urgent Care Clinics, Senior Living Facilities, Apartment Buildings, Hotels | High | \$0.20 / sq. ft. |
| Residential | High | \$3,500 / unit |

Clackamas County, DLCD to develop the concept plan Core Values (See pages 7-9 of the Concept Plan) on which the plan is based. The Core Values were refined through 4 drafts to become the basis for the public vision for the plan.

The consulting team provided sections of the draft plan (including the Core Values Statements, Existing Conditions Reports, Transportation Analysis, Preferred Alternatives, Opportunities and Constraints, and Geologic Hazards Report) for PAC review on an ongoing basis prior to preparation of an initial draft plan in March 2007. Two complete drafts of the plan were provided for PAC review and comment on:

- March 2, 2007
- June 8, 2007

Notice of the public hearing for the proposal was published in the newspaper and mailed to all Oregon City property owners on June 22, 2007, in accordance with the requirements of Measure 56.

D. Summary of Revisions

The City of Oregon City proposes to adopt a revised comprehensive plan, zoning ordinance amendments to implement the Park Place Concept Plan and Metro regional requirements, new amendments to the sewer and water master plans, and new amendments to the Park and Trails Plans. New comprehensive plan map designations and development code changes are proposed. As mentioned earlier, when properties within the concept plan area are annexed into the City, new zoning designations on specific parcels will apply.

Rezoning of Property after adoption of the Park Place Concept Plan is subject to Oregon's Transportation Planning Rule (OAR 660-012-0060). In order to meet the requirements of this regulation, needed improvements and funding mechanisms have been identified for properties within the Concept Plan area. The proposed transportation infrastructure improvements, financing and funding estimates, along with future amendments to the Transportation System Plan and Capital Improvement Plan provide adequate basis to show compliance with this rule. Formal compliance with OAR 660-012-0060 will be addressed at the time of annexation and zoning of parcels within the Concept Plan area.

Oregon City must comply with the relevant portions of Metro's Urban Growth Management Functional Plan (Functional Plan). The Functional Plan is a regional land use plan that implements the 2040 Growth Concept. The Concept Plan is required to comply with Metro's title 11 requirements regarding residential density. Findings regarding Metro Title 11 are detailed below.

The proposed changes and additions to the Municipal Code and Comprehensive Plan are organized into three sections in Exhibit C:

1. Code amendments critical to Concept Plan implementation.
2. Updates to Existing Ancillary Comprehensive Plan Documents (Transportation System, Water, Sewer, and Parks and Trails Master Plans)
3. Amendments to further refine and implement Concept Plan policies

Please refer to Exhibit C, Proposed Code Changes As Part Of The Park Place Concept Plan Adoption Process

III. DECISION-MAKING CRITERIA:

A. Comprehensive Plan Criteria

The following considerations, goals and policies apply to amendment of the Comprehensive Plan and Concept Plans.

Analysis: The Concept Plan forecasts future travel and provides a horizon year study of 2027. The transportation analysis indicates that the region will grow to more than two million residents over a planning horizon of 20 years, traffic volumes will increase 55+%, the existing road system is inadequate, and regional solutions are required. The Concept Plan is responsible for resolving problems caused by its growth. The plan describes solutions and provides methods of funding to accomplish this task. Elements of the transportation system plan include recognition of regional improvements such as improvements to the I-205 corridor, rebuilding of the I-205/Highway 213 interchange, and improvements to the Highway 213 corridor. Due to the variety of impacts of regional traffic, local improvements are necessary within the concept plan area regardless of whether development occurs. These include the need to Widen Abernethy Road at the Redland Road Intersection, widen and signalize the Redland Road & Anchor Way Intersection, widen and signalize the intersection of Redland Road & Holly Lane, and widen and signalize Holly Lane at its intersection with Mapelane Road.

Improvements that will be needed as a result of new development in Park Place include widening the Redland Rd Corridor to 5 Lanes (213 to Swan) and signalizing Anchor Way, Swan Avenue, & Holly Lane, constructing the Swan Ave. and Holly Lane Extensions, provide Holly Lane Corridor Safety Improvements, and Signalizing the Swan Ave/Holcomb Blvd Intersection.

Alternative modes of transportation have also been discussed and addressed as part of the transportation element of the concept plan. Implementation strategies and financing tools for these improvements have been identified at a preliminary level and will be further defined as part of the TSP and Capital Improvement Plan updates.

Rezoning of Property after adoption of the Park Place Concept Plan is subject to Oregon's Transportation Planning Rule (OAR 660-012-0060). In order to meet the requirements of this regulation, needed improvements and funding mechanisms have been identified for properties within the Concept Plan area. The proposed transportation infrastructure improvements, financing and funding estimates, along with future amendments to the Transportation System Plan and Capital Improvement Plan provide adequate basis to show compliance with this rule. Formal compliance with OAR 660-012-0060 will be addressed at the time of annexation and zoning of parcels within the Concept Plan area.

Finding: Complies. Implementation strategies and financing tools for the needed transportation improvements have been identified at a preliminary level and will be further defined as part of the TSP and Capital Improvement Plan updates.

Goal 13 Energy Conservation

To conserve energy.

Analysis: Goals and policies in the concept plan aim to conserve energy through efficient use of land, green streets, encouragement of construction practices and materials that result in energy conservation, implementing energy conservation measures in City activities and facilities, and supporting the concepts of sustainability.

Finding: Complies.

Goal 14 Urbanization

To provide for an orderly and efficient transition from rural to urban land use.

Analysis: This goal essentially defines the purpose of the Concept Plan. Oregon City's Urban Growth Boundary was expanded in December 2002 through Metro's regional review process to include more residential land. This was the result of a demonstrated need for additional land to accommodate projected

Pete Walter

From: Bob George [bgeorge@crwater.com]
Sent: Wednesday, June 29, 2011 4:09 PM
To: Pete Walter
Cc: Adam Bjornstedt; Kurt Sauvola
Subject: Annexation Oregon city - AN 11-01

Peter,

The 6.5 acres for the proposed annexation is outside the Clackamas River Water service boundary. I also looked at the HOPP agreement between OC and CRW. The agreement has CRW serving to the east on properties above the 460 foot elevation and a portion of the property just east of the lot being proposed for annexation. The property is outside these areas.

Based on the Notice of Annexation Application, May 18, 2001 CRW has no comments concerning this annexation. Please contact me if you have any questions or need additional information.

Respectfully
Bob G.

Robert C. George, District Engineer
Clackamas River Water
16770 SE 82nd Drive
Clackamas, OR 97015
Ph: 503-722-9228
bgeorge@crwater.com

Pete Walter

From: kntzig001@aol.com
Sent: Tuesday, June 21, 2011 12:26 PM
To: Pete Walter; ryanobrien1@frontier.com
Subject: Re: Oregon City Annexation Police Services

Hi Pete,

As was the case before, we will continue to agree to pay the police fee of \$3,500.00 per lot as you outlined. We would simply ask that we pay the fee out of escrow as the lots close with a third party. It's easier to pay an extra expense when we have the funds coming in from a sale to pay it. Also, can you tell me what the permitted road standard is in Oregon City for the allowed length of a dead end road before a secondary access is required. I am checking with the county also.

Thanks,

Kent

-----Original Message-----

From: Pete Walter <pwalter@ci.oregon-city.or.us>
To: kntzig001 <kntzig001@aol.com>
Cc: 'Ryan O'Brien' <ryanobrien1@frontier.com>
Sent: Tue, Jun 21, 2011 10:33 am
Subject: Oregon City Annexation Police Services

Hi Kent,

I am almost finished with the draft staff report for the annexation and wanted to confirm the situation regarding the police service fee that was discussed at the pre-application.

Upon annexation the Oregon City Police Department will serve the property. Oregon City fields approximately 1.33 officers per 1000 population. The Police Department has a goal of four-minute emergency response, 7 to 9 minute actual, and twenty-minute non-emergency response times. Due to a lack of resources, emergency response averages nine minutes. There will be some impact to police services upon annexation, and any future development would negatively impact already strained police services.

The previous annexation proposals included an agreement to provide \$3,500 per new dwelling unit in order to address the police services shortcoming based on the attached service schedule.

Please can you confirm whether this is still the case, and let me know if you have any questions.

Thanks,

Pete Walter



Pete Walter, AICP, Associate Planner
pwalter@orc.org
Community Development Department
Planning Division
221 Molalla Avenue, Ste. 200
Oregon City, Oregon 97045
503-496-1568 Direct
503-722-3789 Front Desk
503-722-3880 Fax
Website: www.orc.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. You can request inspections online, and if you are a contractor, you can even apply for permits online.

Zoning and other Tax Lot Information - Quickly and easily view, print, and save maps and reports of your property.

[Property Zoning Report](#)

Online Mapping is available at [OCWebMaps](#)



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.

Pete Walter

From: McIntire, Rick [rickmci@co.clackamas.or.us]
Sent: Wednesday, June 08, 2011 2:58 PM
To: Pete Walter
Subject: FW: AN 11-01 - Annexation Petition - Formal Land Use Transmittal for Agency Staff and CIC Comment
Attachments: 20110608145609973.pdf

Pete

One more item. After my first message, I noted that all of the tax lots are in the UGB (100 and 190 came in with the last expansion), however, the Comp Plan designations have not changed, so the partition or subdivision scenarios would still work.

Rick McIntire
Sr. Planner
Land Use and Zoning Division
150 Beavercreek Rd.
Oregon City, OR 97045
503-742-4516 (direct)
503-742-4550 (fax)
rickm@co.clackamas.or.us

*Our office hours are Mon. - Thurs., 7:00 am to 6:00 pm; however beginning on June 1st, 2010, our public service lobby hours will be reduced to 9:00 am to 4:00 pm. Plans, applications, fees, etc. can only be submitted during the open lobby hours. **For directions** to our office, follow this link: [Map Directions](#)*

From: McIntire, Rick
Sent: Wednesday, June 08, 2011 2:56 PM
To: 'Pete Walter'
Subject: RE: AN 11-01 - Annexation Petition - Formal Land Use Transmittal for Agency Staff and CIC Comment

Pete

I did the best I could. Our Comp Plan maps are about 3' by 4' in size so I copied a section with the property and the legend.

Rick McIntire
Sr. Planner
Land Use and Zoning Division
150 Beavercreek Rd.
Oregon City, OR 97045
503-742-4516 (direct)
503-742-4550 (fax)
rickm@co.clackamas.or.us

*Our office hours are Mon. - Thurs., 7:00 am to 6:00 pm; however beginning on June 1st, 2010, our public service lobby hours will be reduced to 9:00 am to 4:00 pm. Plans, applications, fees, etc. can only be submitted during the open lobby hours. **For directions** to our office, follow this link: [Map Directions](#)*

From: Pete Walter [mailto:pwalter@ci.oregon-city.or.us]
Sent: Wednesday, June 08, 2011 1:02 PM
To: McIntire, Rick
Subject: RE: AN 11-01 - Annexation Petition - Formal Land Use Transmittal for Agency Staff and CIC Comment

Rick,

Thanks, please could you attach the applicable comp plan / county zoning maps for the boundary in question?

Thanks,

Pete

From: McIntire, Rick [mailto:rickmci@co.clackamas.or.us]
Sent: Wednesday, June 08, 2011 12:57 PM
To: Pete Walter
Subject: RE: AN 11-01 - Annexation Petition - Formal Land Use Transmittal for Agency Staff and CIC Comment

Pete

Tax lots 100, 180 (both parts) and 190 combined comprise one legal Lot of Record per Sec. 202 of the County Zoning and Development Ordinance (ZDO). Both of the non-contiguous parts of tax lot 180 are currently zoned Future Urbanizable (FU-10) with an Urban Comprehensive Plan designation. Tax lots 100 and 190 are zoned RRFF-5 with a Rural Plan designation.

Pursuant to Sec. 902 of the ZDO, it is possible to partition the northerly 6.5 ac. of tax lot 180 from the remainder of the property along the zoning/Comprehensive Plan boundary (the boundary separating that portion of tax lot 180 from tax lot 100 to the south. This could be done either pre- or post-annexation, but the latter would require dual applications similar to the recent partition on Leland Rd.

Alternatively, if the applicant has a specific development plan in mind for the parcel to be annexed, we could agree to let the City take the lead on a post-annexation subdivision application review, with the remainder that is not annexed platted as a tract reserved for future development. This would only require county approval block on the final plat. I believe we handled a similar project this way on the east side of Hwy 213 at the south end of town in the last few years.

If you have additional questions, please let me know.

Rick McIntire
Sr. Planner
Land Use and Zoning Division
150 Beaver Creek Rd.
Oregon City, OR 97045
503-742-4516 (direct)
503-742-4550 (fax)
rickm@co.clackamas.or.us

*Our office hours are Mon. - Thurs., 7:00 am to 6:00 pm; however beginning on June 1st, 2010, our public service lobby hours will be reduced to 9:00 am to 4:00 pm. Plans, applications, fees, etc. can only be submitted during the open lobby hours. **For directions** to our office, follow this link: [Map Directions](#)*

From: Pete Walter [mailto:pwalter@ci.oregon-city.or.us]

Sent: Friday, May 27, 2011 10:50 AM

To: Planning; Bob Cullison; John M. Lewis; Fran Shafer; Mike Boumann; Mike Conrad; 'John Replinger'; Carrie Richter; 'Gail Curtis'; 'Bob George'; Baldwin, Ben; 'Ray Valone'; 'roger.rada@orecity.k12.or.us'; McIntire, Rick; Marek, Joe; Kyle, Amy; Barclay Hills; Barclay Hills; Canemah; Canemah; Caufield; Caufield; Chamber of Commerce; Chris Taylor; Hazel Grove - Westling Farm; Hazel Grove - Westling Farm; Hillendale; Hillendale; Main Street; McLoughlin - Alice Watts; McLoughlin - Bill Daniels; Melody Ashford - WFMCSudios; Nancy Kraushaar; Park Place; Park Place; Rivercrest; Rivercrest; South End

Cc: Building

Subject: AN 11-01 - Annexation Petition - Formal Land Use Transmittal for Agency Staff and CIC Comment

This is an electronic land use transmittal from Oregon City Planning Division.

FILE # & TYPE: AN 11-01, TYPE IV

HEARING DATE(S): PC: JULY 7, 2011 / CC: AUGUST 3, 2011

HEARING BODY: PLANNING COMMISSION / CITY COMMISSION

PLANNER: PETE WALTER, AICP, ASSOCIATE PLANNER, (503) 496-1568

APPLICANT: RONALD ZIEGLER

REPRESENTATIVE: RYAN O'BRIEN

OWNER: RONALD ZIEGLER

REQUEST: ANNEXATION OF 6.5 ACRES

ZONING: County FU-10 Future Urban

LOCATION: 16472 LIVESAY RD, CLACKAMAS MAP, S. OF HOLCOMB BLVD (SEE MAP)

Tax Lot(s): Clackamas County Map 2-2E-28D-00180

The attached application material is referred to you for your information, study and official comments. **If you wish hard copies be mailed to you, please contact the Planning Division.**

Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and insure prompt consideration of your recommendations.

Please comment by checking the appropriate spaces on the attached Land Use Transmittal Sheet, and returning it to the Planning Division. You may attach written comments as well.

Thank you for your consideration.

Pete Walter



Pete Walter, AICP, Associate Planner
pwalter@orc.org
Community Development Department
Planning Division
221 Molalla Avenue, Ste. 200
Oregon City, Oregon 97045
503-496-1568 Direct
503-722-3789 Front Desk
503-722-3880 Fax
Website: www.orc.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. You can request inspections online, and if you are a contractor, you can even apply for permits online.

Zoning and other Tax Lot Information - Quickly and easily view, print, and save maps and reports of your property.

[Property Zoning Report](#)

Online Mapping is available at [OCWebMaps](#)



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.

[Spam](#)

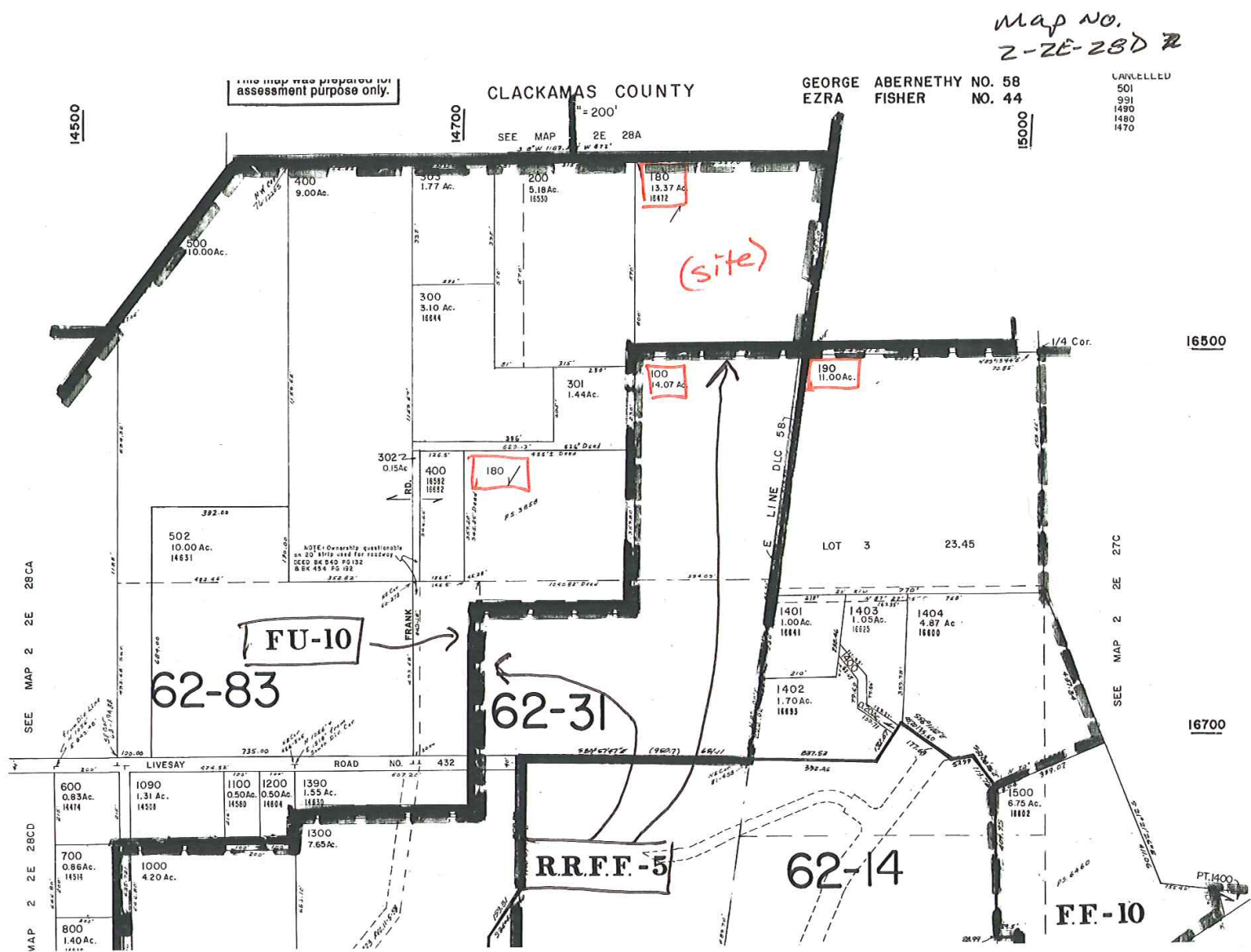
[Not spam](#)

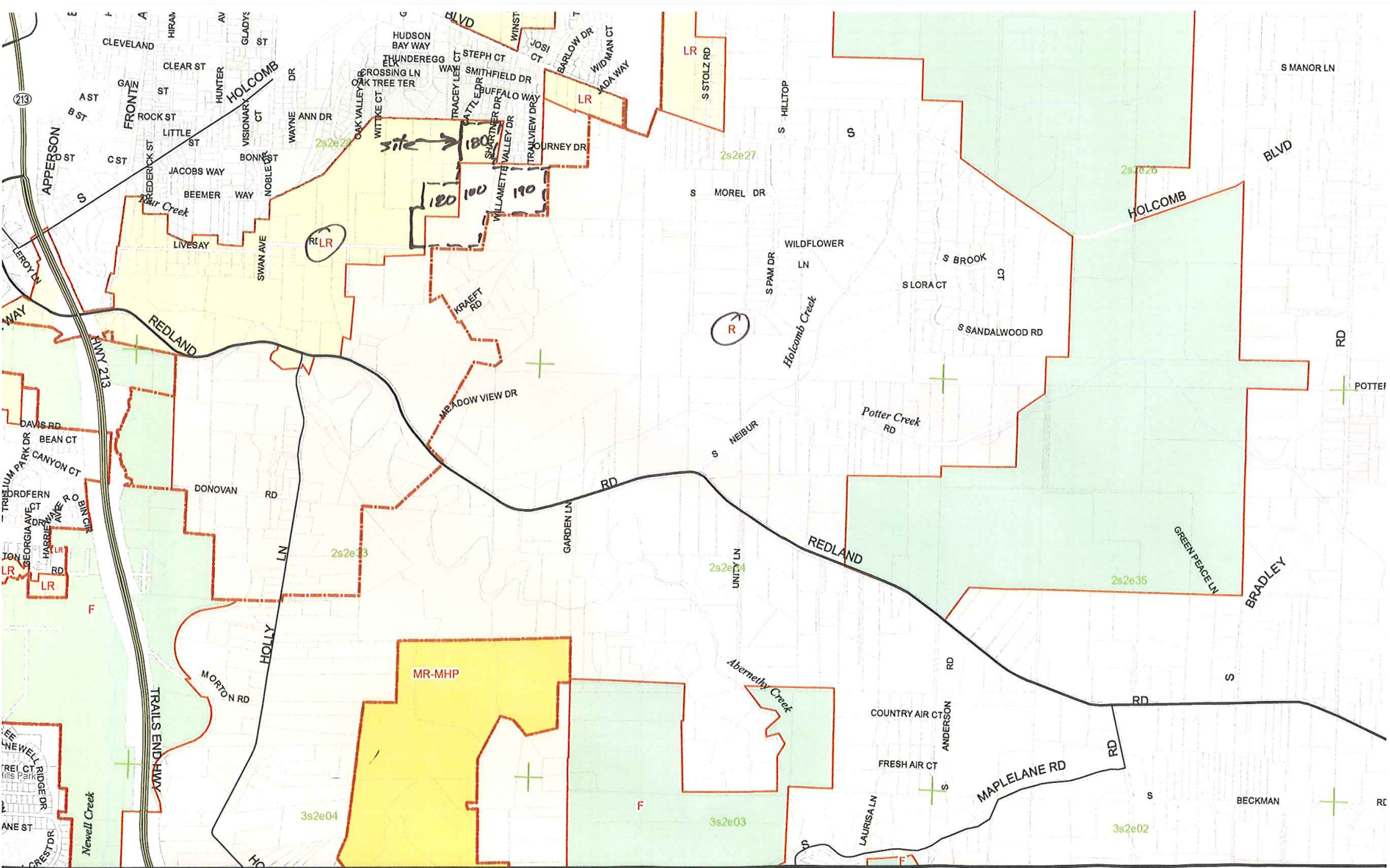
[Forget previous vote](#)

[Spam](#)

[Not spam](#)

[Forget previous vote](#)





Comprehensive Zoning Map































V-6: Village Office

For more information contact the Clackamas County Planning Division at
or send an email to: ZoningInfo@clackamas.us. The Planning Division's
webpage is located at: www.clackamas.us/transportation/planning

Map Legend

- Clackamas County Boundary
- Urban Growth Boundary
- City of Damascus

Designations

- | | | | |
|---|---|---|---------------------------------|
|  | Forest (F) |  | Office Apartment (OA) |
|  | Agriculture (AG) |  | Office Commercial (OC) |
|  | Rural (R) |  | Regional Center Office (R) |
|  | Unincorporated Community Residential (UCR) |  | Village Commercial (VC) |
|  | Low Density Residential (LDR) <i>(LR on map)</i> |  | Village Office (VO) |
|  | Medium Density Residential (MDR) |  | Planned Mixed Use (PMU) |
|  | High Density Residential (HDR) |  | General Industrial (GI) |
|  | Medium-High Density Res. (MHDR) |  | Business Park (BP) |
|  | Special High Density Res. (SHDR) |  | Campus Industrial (CI) |
|  | Regional Center High Density Res. (RCHDR) |  | Light Industrial (LI) |
|  | Community Commercial (CC) |  | Rural Industrial (RI) |
|  | Corridor Commercial (COR) |  | Public and Community Use (P) |
|  | General Commercial (GC) |  | Village Community Service (VCS) |
|  | Low Traffic Impact Commercial (LTIC) <i>SCMU</i> | | |
|  | Regional Center Commercial (RCC) | | |
|  | Retail Commercial (RTL) | | |
|  | Rural Commercial (RC) | | |

1:15,840



2,000 1,000

Refer to Ordinance No. 75-1020

CLACKAMAS COUNTY - CITY OF OREGON CITY
URBAN GROWTH MANAGEMENT AGREEMENT

This Agreement, made and entered into this 25 day of October, 1990, by and between the CITY OF OREGON CITY (CITY), a municipal corporation of the State of Oregon, and CLACKAMAS COUNTY (COUNTY), a political subdivision of the State of Oregon.

WHEREAS, ORS 190.003 to 190.030 allows units of local government to enter into agreements for performance of any or all functions and activities which such units have authority to perform; and

WHEREAS, Statewide Planning Goal 2, Land Use Planning, requires that City, County, State and Federal agency and special district plans and actions shall be consistent with the comprehensive plans of the cities and counties and regional plans adopted under ORS Chapter 197; and

WHEREAS, the Oregon Land Conservation and Development Commission (LCDC) requires each jurisdiction requesting acknowledgment of compliance to submit an agreement setting forth the means by which comprehensive planning coordination within the Regional Urban Growth Boundary will be implemented; and

WHEREAS, OAR 660-11-015 requires the responsibility for the preparation, adoption and amendment of the public facility plan to be specified within an urban growth management agreement; and

WHEREAS, CITY and COUNTY have a mutual interest in coordinated comprehensive plans, compatible land uses and coordinated planning of urban services and facilities; and

WHEREAS, CITY and COUNTY, to ensure coordination and consistent comprehensive plans, consider it mutually advantageous to establish:

1. A site-specific Urban Growth Management Boundary (UGMB) within the Regional Urban Growth Boundary (UGB) within which both CITY and COUNTY maintain an interest in comprehensive planning and development; and
2. A process for coordinating land use planning and development within the UGMB; and
3. Policies regarding comprehensive planning and development proposals within the UGMB; and
4. A process for amending the Urban Growth Management Agreement; and

WHEREAS, it is anticipated that presently unincorporated areas within the UGMB will, in the future, be annexed to CITY, and CITY and COUNTY both desire that such annexations not result in any nonconforming uses or structures.

NOW, THEREFORE, CITY AND COUNTY AGREE AS FOLLOWS:

1. Boundary

A. The Urban Growth Management Boundary (UGMB) shall include unincorporated land within the Urban Growth Boundary (UGB) and adjacent to the CITY as shown on map Attachment "A" to this Agreement. Any amendments to the Metro UGB in the area south of the Clackamas River and east of the Willamette River will automatically be reflected in the UGMB. Any such changes shall be coordinated with existing service providers.

2. Comprehensive Planning, Plan Amendments and Public Facilities Planning

A. The development of a comprehensive plan and comprehensive plan changes for the area within the UGMB shall be a coordinated CITY-COUNTY planning effort. CITY shall be responsible for preparing all legislative comprehensive plan amendments in the UGMB. COUNTY shall adopt CITY land use plan designations for all unincorporated lands within the UGMB. All quasi-judicial comprehensive plan amendments for lands zoned FU-10 within the unincorporated UGMB shall be approved by CITY prior to COUNTY adoption.

B. CITY shall be responsible for the preparation, adoption, and amendment of the public facility plan within the UGMB required by OAR Chapter 660, Division 11, Public Facilities Planning. Preparation and amendment of such public facility plan shall provide for coordination with and participation by COUNTY, County service and other special districts within the UGMB.

3. Development Proposals in Unincorporated Area

A. COUNTY's zoning shall apply to all unincorporated lands within the UGMB. COUNTY shall zone all unincorporated lands within the UGMB as Future Urbanizable (FU-10), except as otherwise provided in the Country Village Addendum attached to and made part of this Agreement. Subject to the terms of this Agreement, COUNTY shall retain responsibility and authority for all implementing regulations and land use actions on all unincorporated lands within the UGMB.

PAGE 2: URBAN GROWTH MANAGEMENT AGREEMENT

B. The provision of public facilities and services shall be consistent with the adopted public facility plan for the unincorporated UGMB. For areas zoned FU-10 within the UGMB, COUNTY shall issue no permits or otherwise authorize extension or connection of public facilities and services in violation of the FU-10 zone. Any proposed amendment to the FU-10 zone within the UGMB shall be approved by CITY prior to COUNTY adoption.

C. COUNTY shall not form any new County service districts or support the annexation of land within the unincorporated UGMB to such districts or to other service districts without CITY approval.

4. City and County Notice and Coordination

A. The COUNTY shall provide notification to the CITY, and an opportunity to participate, review and comment, within 35 days prior to the first scheduled public hearing on all land use actions, quasi-judicial actions, proposed legislative changes to the COUNTY comprehensive plan or its implementing ordinances affecting land within the UGMB.

B. The COUNTY shall provide notification to the CITY, and an opportunity to participate, review and comment, at least 15 days prior to staff decision on applications for administrative actions as provided in the COUNTY's Zoning and Development Ordinance for applications within the UGMB.

C. The COUNTY shall notify and invite CITY staff to participate and comment in pre-application meetings on conditional use proposals or Design Review Committee meetings on development proposals within the unincorporated areas of the UGMB. These meetings shall be scheduled by the COUNTY after consultation with CITY staff. If CITY chooses to attend a pre-application meeting, the meeting shall occur at a mutually agreeable time within 10 working days following notification to CITY. In the event that a mutually agreement time cannot be achieved, or in the event CITY informs COUNTY that it does not wish to attend a pre-application meeting, such meeting shall occur at COUNTY's convenience.

D. The CITY shall provide notification to the COUNTY, and an opportunity to participate, review and comment, at least 20 days prior to the first public hearing on all proposed annexations, capital improvement plans or extraterritorial service extensions into unincorporated areas.

E. The CITY shall provide notification to the COUNTY, and an opportunity to participate, review and comment, at least

20 days prior to the first public hearing on all land use actions, proposed legislative changes to the CITY comprehensive plan or quasi-judicial actions adjacent to or in close proximity to unincorporated areas.

F. Any amendments proposed by the COUNTY or CITY to the UGMB as shown on Attachment "A" shall be reviewed by CITY and COUNTY prior to submission to METRO. If and when CITY and COUNTY find it necessary to undertake a change of the UGB, the parties shall follow the procedures and requirements set forth in state statutes and Oregon administrative rules.

G. The COUNTY shall enter all written comments of the CITY into the public record and shall consider the same in the exercise of its planning and plan implementation responsibilities. The CITY shall enter all written comments of the COUNTY into the public record and shall consider the same in its exercise of its planning and plan implementation responsibilities.

5. City Annexations

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

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

C. Public sewer and water shall be provided to lands within the UGMB in the manner provided in the public facility plan. In the event the appropriate authority determines a health hazard exists within the unincorporated UGMB, needed services shall be provided to health hazard areas by service districts if determined by the Health Division that annexation to and service by CITY is not feasible.

6. Amendments to the Urban Growth Management Agreement

A. The terms of this Agreement may be amended or supplemented by mutual agreement of the parties. Any amendments or supplements shall be in writing, shall refer specifically to this Agreement, and shall be executed by the parties. The parties shall review this Agreement at each periodic review and make any necessary amendments.

7. Concurrent Adoption

A. The adoption of this Agreement shall occur concurrently with the adoption of the public facility plan referred to in Paragraph 2(B) of this Agreement and the amendments to the FU-10 zone agreed to by the parties.

IN WITNESS WHEREOF, the parties have executed this Urban Growth Management Agreement, including the Country Village Addendum attached hereto, on the date set opposite their signatures.

CITY OF OREGON CITY

By David D. Spear Date 11-7-90
Mayor
Attest: Stan K. Elliott Date 11-7-90

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

By Darlene Hooley Date 10-25-90
Chair
By Ed Riedgeest Date 10-25-90
Commissioner
By Jude Hamerstad Date 10-25-90
Commissioner

APPROVED AS TO FORM:
Scott D. Hooley
County Clerk

APPROVED:

Winston W. Kuntz
Director, Department of
Transportation and Development

PAGE 5: URBAN GROWTH MANAGEMENT AGREEMENT

CLACKAMAS COUNTY - CITY OF OREGON CITY
URBAN GROWTH MANAGEMENT AGREEMENT
COUNTRY VILLAGE ADDENDUM

This Addendum, known as the Country Village Addendum, shall be and is hereby made a part of the Clackamas County - City of Oregon City Urban Growth Management Agreement. All provisions of that Agreement that are not inconsistent with the terms of this Addendum shall apply with equal force to the property which is the subject of this Addendum.

WHEREAS, CITY and COUNTY have previously entered into urban growth management agreements and amendments to coordinate land use planning for the unincorporated area adjacent to the CITY and inside the Metropolitan Service District's urban growth boundary; and

WHEREAS, in 1987, COUNTY approved a 600-unit mobile home development on the Country Village property, portions of which have been developed; and

WHEREAS, in 1988, CITY initiated annexation of Country Village, which was approved by the Portland Metropolitan Area Local Government Boundary Commission but overturned following remonstrations by the resident electors; and

WHEREAS, in response to the vote against annexation to Oregon City, CITY, in keeping with its responsibilities under CITY's Public Facilities Plan, desires to clarify the provision of public facilities and services to the Country Village property; and

WHEREAS, CITY and COUNTY wish to resolve this issue in a cooperative manner.

NOW, THEREFORE, CITY AND COUNTY AGREE AS FOLLOWS:

1. Comprehensive Planning, Zoning, and Plan and Zoning Amendments.

A. The existing COUNTY zoning designations applied to the Country Village property shall continue. Any legislative or quasi-judicial zone change amendments for the Country Village property shall be approved by CITY prior to COUNTY adoption.

2. Development Proposals for the Country Village Property.

A. Subject to the terms of the COUNTY-CITY Urban Growth Management Agreement and this Addendum, COUNTY shall retain

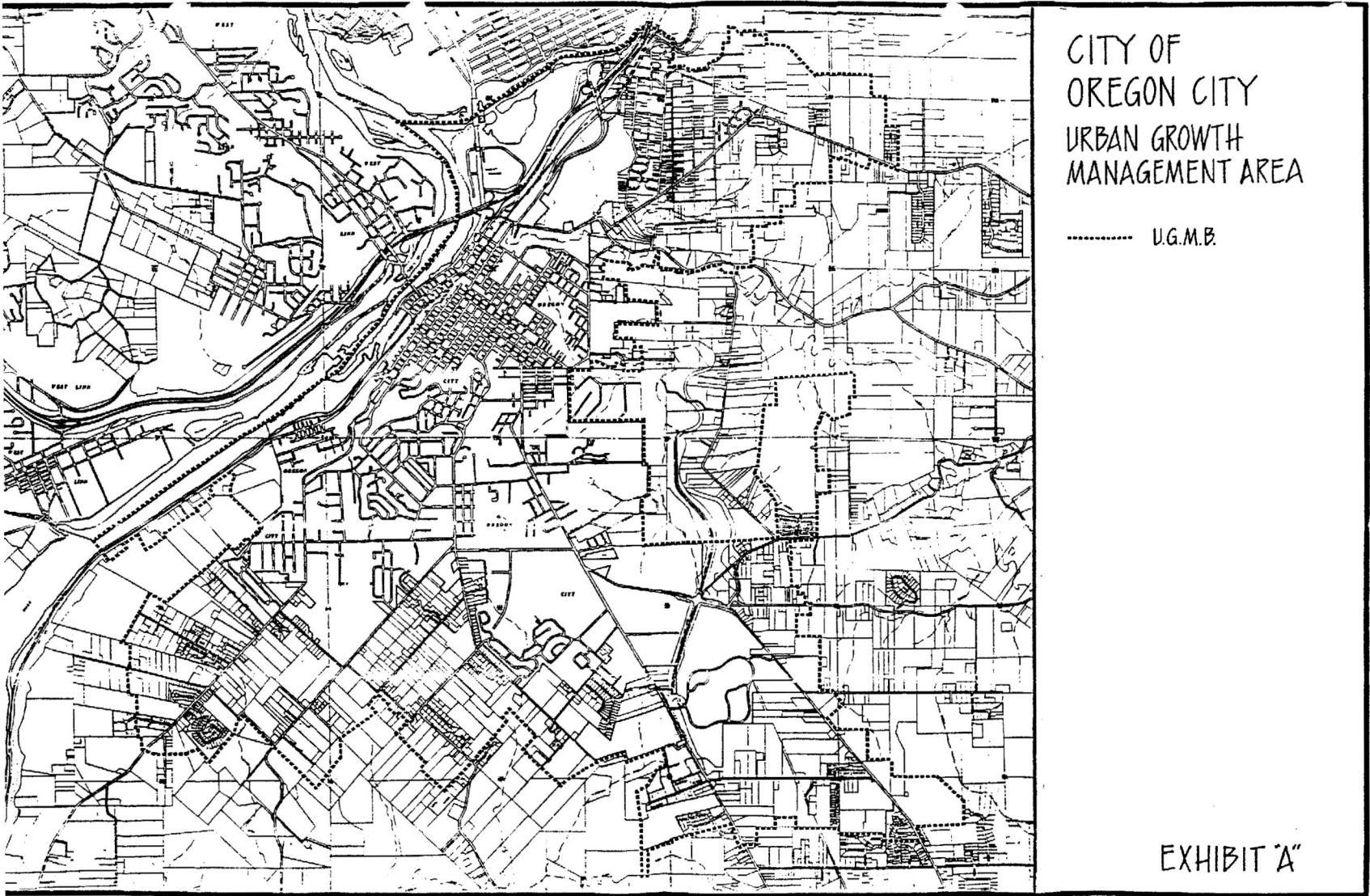
PAGE 1: COUNTRY VILLAGE ADDENDUM TO URBAN GROWTH MANAGEMENT AGREEMENT

responsibility and authority for development permitted within the Country Village property prior to its annexation to CITY.

B. Any major modification (as defined by the Clackamas County Zoning and Development Ordinance) of the development approval granted by COUNTY for provision of up to 600 mobile home units on the Country Village property, shall be approved by CITY prior to COUNTY adoption.

3. Annexation and Extraterritorial Extension of Services.

A. COUNTY and CITY agree that CITY shall be the ultimate provider of public facilities and services to the Country Village property. COUNTY shall not oppose annexation or the extraterritorial extension of services by CITY to the Country Village property.



Pete Walter

From: Mike Conrad
Sent: Monday, June 20, 2011 3:01 PM
To: Pete Walter
Subject: RE:
Attachments: Mike Conrad.vcf

Pete, the figure should be 1.33 officers per thousand. I would also take out the language about patrol districts. We no longer divide the city into districts.

Thanks, Mike



From: Pete Walter
Sent: Thursday, June 16, 2011 2:45 PM
To: Mike Conrad
Subject:

Chief Conrad,

I am writing a staff report for the proposed 6.5 acre annexation AN 11-01 in Park Place and need to make sure my findings / numbers are up to date. Please can you review the following statement and suggest any changes if necessary?

Police Protection. The Clackamas County Sheriff's Department currently serves the territory. Subtracting out the sworn officers dedicated to jail and corrections services, the County Sheriff provides approximately 0.5 officers per thousand population for local law enforcement services.

The area to be annexed lies within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The combination of the county-wide service and the service provided through the Enhanced Law Enforcement CSD results in a total level of service of approximately 1 officer per 1000 population. According to ORS 222.120 (5) the City may provide in its approval ordinance for the automatic withdrawal of the territory from the District upon annexation to the City. If the territory were withdrawn from the District, the District's levy would no longer apply to the property.

Upon annexation the Oregon City Police Department will serve the territory. Oregon City fields approximately 1.27 officers per 1000 population. The City is divided into three patrol districts with a goal of four-minute emergency response, 7 to 9 minute actual, and twenty-minute non-emergency response times. Due to a lack of resources the department seldom staffs three patrol districts and emergency response averages nine-minutes. There will be some impact to police services upon annexation, any future development would negatively impact already strained police services.

The applicant has recognized the current shortcomings of police services to the area and has indicated that the owners of the consenting properties are proposing to pay a fee of \$3,500 per dwelling unit into a fund for the Oregon City Police Department for any new home developed within the annexation area (Exhibit 4, pg. 7). Staff has attached the Schedule A – Police Funding Fees annexation agreement (Exhibit 6).

As you know, in the past annexation proposal for this area the applicant voluntarily offered a police fee of \$3,500 per new dwelling unit (based on the attached schedule) to cover the cost of additional officers to serve the annexation area, and I need to know if that figure is still in the ball park as well.

Please let me know if you have any questions.

Thanks,

Pete Walter



Pete Walter, AICP, Associate Planner
pwalter@orc.org
Community Development Department
Planning Division
221 Molalla Avenue, Ste. 200
Oregon City, Oregon 97045
503-496-1568 Direct
503-722-3789 Front Desk
503-722-3880 Fax
Website: www.orcity.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. You can request inspections online, and if you are a contractor, you can even apply for permits online.

Zoning and other Tax Lot Information - Quickly and easily view, print, and save maps and reports of your property.
[Property Zoning Report](#)

Online Mapping is available at [OCWebMaps](#)



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.



COMMUNITY NEWSPAPERS

6805 SE Lake Road, Portland, OR 97222 • PO Box 22109, Portland, OR 97289-2109

Phone: 503-684-0360 Fax: 503-620-3433

E-mail: legals@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Clackamas, SS I, Charlotte Allsop, being the first duly sworn, depose and say that I am Accounting Manager of *Clackamas Review/Oregon City News*, a newspaper of general circulation, published at Clackamas/Oregon City, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

City of Oregon City
Notice of Public Hearing/AN 11-01
CLK12315

a copy of which is hereto annexed, was published in the entire issue of said newspaper for

1

week in the following issue:

June 8, 2011

Charlotte Allsop

Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this
June 8, 2011.

Supantha D. Kumar

NOTARY PUBLIC FOR OREGON

My commission expires

Nov. 28, 2011

Acct #10048638

Attn: Pete Walter

City of Oregon City

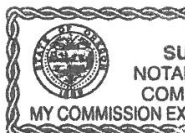
PO Box 3040

Oregon City, OR 97045-0304

Size: 2 x 7

Amount Due: \$165.90*

*Please remit to address above.



NOTICE OF ANNEXATION APPLICATION

COMMENT DEADLINE: On Monday, July 11th, 2011, the City of Oregon City Planning Commission will conduct a public hearing at 7:00 pm in the Commission Chambers at City Hall, 625 Center Street, Oregon City, Oregon 97045, and; on Wednesday, August 3, 2011, the City of Oregon City - City Commission will conduct a public hearing at 7:00 pm in the Commission Chambers at City Hall, 625 Center Street, Oregon City, Oregon 97045 on the following annexation application. Any interested party may testify at either or both of the public hearings or submit written testimony at the Planning Commission or City Commission hearings prior to the close hearing.

FILE NUMBER: AN 11-01: Annexation

APPLICANT/OWNER: Ronald Ziegler, 20000 Mt Rose Highway, Reno, NV 89511

REPRESENTATIVE: Ryan O'Brien, 1862 NE Estate Dr, Hillsboro, OR 97124

REQUEST: The applicant is requesting to annex approximately 6.5 acres into the City of Oregon City. The site is within the Oregon City Urban Growth Boundary and within the boundaries of the Park Place Concept Plan.

LOCATION: 6.5 acres located south of Holcomb Boulevard and northeast of Livesay Road, abutting the Tracey Heights, Trailview and Wasko Acres subdivisions. The property is identified as a portion of Clackamas County Map 2-2E-28D, Tax Lot 180.

STAFF CONTACT: Pete Walter, AICP, Associate Planner, (503)496-1568.

NEIGHBORHOOD ASSOCIATION: Park Place, Citizen Involvement Council

CRITERIA: Metro Code 3.09, OCMC Title 14, the Land Use Chapter of the Clackamas County Comprehensive Plan, the City/County Urban Growth Boundary Management Agreement, Sections 11 and 14 and the Park Place Concept Plan criteria of the Oregon City Comprehensive Plan.

The applicant and all documents submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, 221 Molalla Avenue, Oregon City, Oregon 97045, from 8:00am to 5:00pm Monday thru Friday. The staff report, with all the applicable approval criteria, will also be available for inspection 15 days prior to the hearing. Copies of these materials may be obtained for a reasonable cost in advance.

Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the Planning Commission hearing, in person or by letter, with sufficient specificity to afford the Planning Commission and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. The Planning Commission shall make a recommendation to the City Commission as to whether the application has or has not complied with the factors set forth in section 14.04.060 of the Oregon City Municipal Code. The City Commission shall only set for an election annexations consistent with a positive balance of the annexation factors.
Publish 06/08/2011. CLK12315



Agenda Item No.
Meeting Date: 11 Jul 2011

COMMISSION REPORT: CITY OF OREGON CITY

| | |
|--|---------------------------------------|
| TO: | Planning Commission |
| FROM: | Christina Robertson-Gardiner, Planner |
| PRESENTER: | Christina Robertson-Gardiner, Planner |
| SUBJECT: | Membrane Structures |
| Agenda Heading: General Business | |
| Approved by: Tony Konkol, Community Development Director | |

RECOMMENDED ACTION (Motion):

Staff will provide additional information during the worksession concerning the membrane structure section of the Oregon City Municipal Code for discussion.

BACKGROUND:

BUDGET IMPACT:

FY(s):
Funding Source:

ATTACHMENTS:



MEMORANDUM

To: All Oregon City Residents and Interested Parties
From: Oregon City Code Enforcement
Re: Membrane and Fabric Covered Storage Area Regulations
Date: _____

Effective January 1, 2011, Membrane or Fabric Covered Storage Areas are Prohibited in Oregon City and must be Removed if Visible from the Street.

What is a Membrane or Fabric Covered Storage Area?

The definition of Membrane or Fabric Covered Storage Area is provided in OCMC 17.04.743:

Membrane or Fabric Covered Storage Area - An area covered by a tarp or tensioned metal or fabric membrane that is either attached to a rigid framework, natural feature or some other structure that is used for storage. It is not intended to include the weather proofing of a vehicle, boat or other individual item by a tarp or other type of covering as long the covering is attached directly to and covers only the particular item.

What does the Regulation Say?

Membrane or Fabric Covered Storage Areas are considered accessory structures, which are regulated by OCMC 17.54.010(B).(4). The code states:

Membrane or Fabric Covered Storage Area. All membrane and fabric structures:

- Shall be located behind the front building line of the primary structure.*
- Shall not be visible from the abutting Right-of-Way when viewed at pedestrian level.*
- Exceptions to these standards may be made by the Community Development Director for temporary storage of materials as long as the membrane or fabric covered storage area is removed within 10 days, is not erected for more than 20 days in one calendar year and is not seen as a nuisance to the city.*
- This section shall be effective on January 1, 2011. This section shall apply to all membrane or fabric covered storage areas in place before, on, or after the effective date of this section.*
- This prohibition does not apply to membrane covered areas displayed for garden or other active outdoor uses. (Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010).*



QUESTIONS REGARDING PROPER OUTSIDE STORAGE? PLEASE CALL (503) 496-1559



FREQUENTLY ASKED QUESTIONS

Q. What is the point of this new regulation?



The regulation ensures that new accessory structures will be compatible with residential structures. The regulation does not apply to membrane covered areas displayed for garden or other active outdoor uses.

A. The intent of the regulation is to beautify and clean up the appearance of residences in Oregon City by requiring removal of membrane and fabric structures that are visible from the abutting public right-of-way. The new regulation will also help to reduce the accumulation of outdoor junk, inappropriate storage, and solid waste in residential areas, a common nuisance. The



Q. I have a tarp covering my car/RV/boat: Is that a membrane structure?

A. No, the definition doesn't include the weather proofing of a vehicle, boat or other individual item by a tarp or other type of covering as long the covering is attached directly to and covers only the particular item. Recreational vehicles and items stored outside are considered solid waste if they aren't stored properly (i.e. currently tagged and licensed to the resident of the property, stored on a concrete or gravel pad, being used for their intended purpose, etc).



Q. Does this regulation apply to my summer garden gazebo or my kid's tent?

A. No, the regulation doesn't apply to membrane covered areas displayed for garden or other active outdoor uses (so long as they are not used as permanent storage areas).



Q. Does this regulation apply to my metal carport?

A. Yes. Metal carports less than 200 square feet are considered membrane or fabric covered storage areas under this regulation.



Q. How will the regulation be enforced?

A. The regulation is enforced on a complaint basis by the Oregon City Code Enforcement Division. The complaint hotline is (503) 496-1559 or online at www.oregoncity.org/codeenforcement/code-enforcement. Once a complaint is received, the property owner will be requested to remove the offending structure. Continuing violations will be resolved through a civil court action.



Please note that all items stored outside are subject to all city ordinances, covered or not.

QUESTIONS REGARDING PROPER OUTSIDE STORAGE? PLEASE CALL (503) 496-1559

17.54.010 - Accessory buildings and uses.

Accessory buildings and uses shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following limitations:

- A. Signs. Signs shall be permitted as provided in [Chapter 15.28](#)
- B. Accessory Buildings Dimensional Requirements. The following setbacks and other dimensional requirements shall apply to all accessory buildings and uses:
 - 1. Building Footprint Less than Two Hundred Square Feet. An interior side or rear yard setback behind the front building line may be reduced to three feet for any detached accessory structure with a building footprint which is less than two hundred square feet in area and does not exceed a height of fourteen feet (measured from the average grade on the front of the structure to the midpoint of the roof). No portion of any such structure shall project across a lot line and the accessory structure shall be located behind the front building line of the primary structure. A building permit is required for accessory buildings over ten feet in height (measured from the interior floor to the midpoint of the roof) or over two hundred square feet in size.
 - 2. Building Footprint from Two Hundred to Six Hundred Square Feet. The accessory building must be constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division. The accessory structure shall be located behind the front building line of the primary structure. The interior side and rear yard setbacks may be reduced to three feet for one accessory structure, and its projections, within this category provided the structure and its projections:
 - a. Are detached and separated from other structures by at least three feet;
 - b. Do not exceed a height of fourteen feet;
 - 3. Building Footprint Over Six Hundred Square Feet. One accessory structure with a building footprint in excess of six hundred square feet may be approved by the planning division. An accessory structure footprint in excess of six hundred square feet must meet the setback requirements of the district in which it is located, and must also meet the following provisions:
 - a. The accessory building must be compatible with the primary structure and constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division.
 - b. The lot must be in excess of twenty thousand square feet.
 - c. The building footprint of the accessory structure shall not exceed the building footprint of the primary structure. In no case may the accessory building footprint exceed eight hundred square feet.
 - d. The accessory structure shall not exceed the height of the primary structure and shall be located behind the front building line of the primary structure.
 - 4. Membrane or Fabric Covered Storage Area. All membrane and fabric structures:
 - a. Shall be located behind the front building line of the primary structure.
 - b. Shall not be visible from the abutting right-of-way when viewed at pedestrian level.
 - c. Exceptions to these standards may be made by the community development director for temporary storage of materials as long as the membrane or fabric covered storage area is removed within ten days, is not erected for more than twenty days in one calendar year and is not seen as a nuisance to the city.
 - d. This section shall be effective on January 1, 2011. This section shall apply to all membrane or fabric covered storage areas in place before, on, or after the effective date of this section.
 - e. This prohibition does not apply to membrane covered areas displayed for garden or other active outdoor uses.
- C. Private Stable. A private stable may be permitted on a lot having a minimum area of twenty thousand square feet. The capacity of a stable shall not exceed one horse or other domestic hoofed animal for each twenty thousand square feet of lot area. A stable shall be located not less than twenty-five feet from any street line.
- D. Swimming Pools. In-ground and above-ground swimming pools shall be constructed not less than three feet from the side or rear yard lines. Swimming pools shall comply with the front yard requirement for the principal building. A pool must be surrounded by a fence no less than four feet in height or a suitable alternative such as a locked or electric cover, approved by the building official.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.04.743 - Membrane or fabric covered storage area.

An area covered by a tarp or tensioned metal or fabric membrane that is either attached to a rigid framework, natural feature or some other structure that is used for storage. It is not intended to include the weather proofing of a vehicle, boat or other individual item by a tarp or other type of covering as long [as] the covering is attached directly to and covers only the particular item.

(Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)



OREGON CITY PLANNING COMMISSION

Tally of Votes

Page 1

Planning Commission Hearing Date: July 11, 2011

Board Members Present

Staff Present

| | |
|---------|------------|
| Mabee | Walter |
| Kidwell | Konko, |
| Henkin | Robertson, |
| Espe | Richter, |
| Stein | |
| McGriff | |

Agenda Item: Draft Minutes, 2/28/2011

Decision: Approve with Conditions Approve Deny Continue to _____

| | Motion: | Second: | Aye: | Nay: | Abstain: | Comments: |
|----------------------|---------|---------|------|------|----------|-----------|
| Commissioner Groener | | | | | | |
| Commissioner Kidwell | | | X | | | |
| Commissioner Espe | | | X | | | |
| Commissioner McGriff | | X | X | | | |
| Commissioner Mabee | X | | X | | | |
| Commissioner Henkin | | | X | | | |
| Chair Stein | | | X | | | |

Agenda Item: An 11-01

Decision: Approve with Conditions Approve Deny Continue to _____

| | Motion: | Second: | Aye: | Nay: | Abstain: | Comments: |
|----------------------|---------|---------|------|------|----------|-----------|
| Commissioner Groener | | | | | | |
| Commissioner Kidwell | | X | X | | | |
| Commissioner Espe | | | X | | | |
| Commissioner McGriff | | | | | X | |
| Commissioner Mabee | | | X | | | |
| Commissioner Henkin | X | | X | | | |
| Chair Stein | | | X | | | |



OREGON CITY PLANNING COMMISSION

Tally of Votes

Page 2

Planning Commission Hearing Date: July 11, 2011

Board Members Present

Staff Present

see Previous

Agenda Item:

SP 11-05

Courthouse Addition

Decision: Approve with Conditions Approve Deny Continue to _____

| | Motion: | Second: | Aye: | Nay: | Abstain: | Comments: |
|----------------------|----------|---------|------|------|----------|------------------|
| Commissioner Groener | <u>—</u> | | | | | <u>Absent...</u> |
| Commissioner Kidwell | <u>✓</u> | | | | | |
| Commissioner Espe | <u>✓</u> | | | | | |
| Commissioner McGriff | <u>✓</u> | | | | | |
| Commissioner Mabee | <u>✓</u> | | | | | |
| Commissioner Henkin | <u>✓</u> | | | | | |
| Chair Stein | <u>✓</u> | | | | | |

Agenda Item: _____

Decision: Approve with Conditions Approve Deny Continue to _____

| | Motion: | Second: | Aye: | Nay: | Abstain: | Comments: |
|----------------------|----------|---------|------|------|----------|-----------|
| Commissioner Groener | | | | | | |
| Commissioner Kidwell | <u>✓</u> | | | | | |
| Commissioner Espe | <u>✓</u> | | | | | |
| Commissioner McGriff | <u>✓</u> | | | | | |
| Commissioner Mabee | <u>✓</u> | | | | | |
| Commissioner Henkin | <u>✓</u> | | | | | |
| Chair Stein | <u>✓</u> | | | | | |